

**BIOLOGICAL LETTER REPORT  
FOR  
LANDSTEDT MINOR SUBDIVISION  
TPM 21026  
ER 06-14-034**

**PREPARED FOR:**

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## Summary

The proposed project is a Tentative Parcel Map to subdivide 6.45 gross acres, APN 404-400-20, into four parcels. The project is located at the eastern terminus Boulder Pass Road, east of Tavern Road, north of South Grade Road and west of Wright's Field in the Community of Alpine. The four parcels have gross sizes of 1.07, 1.26, 2.01 and 2.11 gross acres. Access will be provided by private driveways from Boulder Pass Road to individual proposed parcels. Parcels 1 and 2 contain existing residences to remain. Water will be provided by the Alpine Municipal Water District. All parcels will have septic systems. Fuel modification will be contained within the project site for parcels 3 and 4. Fuel modification extends offsite to the north and east as a result of the existing residences on parcels 1 and 2.

This report provides information regarding existing conditions, and performs an impact analysis based on the current site design. This report also identifies mitigation measures to reduce any impacts to below a level of significance.

General biological surveys, sensitive plant surveys and a presence/absence survey for the Quino checkerspot butterfly were performed onsite. The biological resources onsite include four habitat types as defined by the County: open Engelmann oak woodland, inland coastal sage scrub, disturbed and developed. Biological resources that are afforded some level of protection under the Biological Mitigation Ordinance would include the open Engelmann oak woodland and the inland coastal sage scrub. The eastern portion of the project site is adjacent to a Pre-Approved Mitigation Area (PAMA). The project site does not qualify as a Biological Core Resource Area (BRCA) as defined by the Biological Mitigation Ordinance (BMO).

No sensitive state or federally listed plant or wildlife species were observed onsite. One County List D sensitive plant was observed onsite, Engelmann oak (*Quercus engelmannii*). All other sensitive plants with the potential to occur have a low potential since they would have been observable during the surveys. One County Group 1 sensitive wildlife species, turkey vulture (*Cathartes aura*), was observed flying overhead. Seven wildlife species have a high potential to occur onsite, and three have a moderate potential to occur.

The project was previously issued a Certificate of Inclusion (COI) in 2003, which allowed for the removal of 5 acres of habitat for the existing residence, guest house and fire clearing. Impacts to approximately 1.45 acres of inland coastal sage scrub outside of the limits of the COI will occur as a result of the proposed project. All impacts will be fully mitigated in accordance with the Biological Mitigation Ordinance. The habitat within the eastern portion of the property has been removed and does not require mitigation because it was authorized by the COI. Mitigation for impacts to 1.45 acres of inland coastal sage scrub, not authorized by the COI will occur through the offsite acquisition of 1.45 acres of Tier II or higher habitat. Potential impacts to sensitive wildlife species observed and with a high and moderate potential to occur onsite will be mitigated by the habitat based mitigation in accordance with the BMO. Implementation of these mitigation measures will reduce impacts to below a level of significance.

## **Introduction, Project Description, Location, and Setting**

The proposed project is a Tentative Parcel Map to subdivide 6.45 gross acres, APN 404-400-20, into four parcels. The project is located at the eastern terminus Boulder Pass Road, east of Tavern Road, north of South Grade Road and west of Wright's Field in the Community of Alpine. The four parcels have gross sizes of 1.07, 1.26, 2.01 and 2.11 gross acres. Access will be provided by private driveways from Boulder Pass Road to individual proposed parcels. Parcels 1 and 2 contain existing residences to remain. Water will be provided by the Alpine Municipal Water District. All parcels will have septic systems. Fuel modification will be contained within the project site for parcels 3 and 4. Fuel modification extends offsite to the north and east as a result of the existing residences on parcels 1 and 2.

The project area is located in the eastern portion of San Diego County within the foothills and interior valleys of the region (Figure 1). The site is surrounded by development on the west, northwest, south and southeast sides (Figure 2). The majority of the site is disturbed as a result of repeated clearing allowed by the COI issued in 2003. Additional disturbed area occurs on proposed parcel 3 where the 100 foot fuel modification for offsite residence to the south has been maintained. Parcels 1 and 2 are developed with existing residences to remain.

### **Topography and Soils**

The project area is shown on the Alpine USGS 7.5' Quadrangle (Figure 3). It is in the northeast quarter of Section 33 in Township 15 South, Range 2 East. Elevations onsite range from 1993 feet above mean sea level (AMSL) in the southeastern portion of the property, to approximately 1885 AMSL in the northwestern of the property. The site is a gentle west facing slope. Additionally, a drainage swale occurs in the north-central portion of the property.

The soils on the property include Fallbrook rocky-sandy loams, 9 to 30 percent slopes, eroded. The Fallbrook series consist of well-drained, moderately deep to deep sandy loams that formed in material weathered in place from granodiorite. These soils are on uplands and have slopes of 2 to 30 percent. In a representative profile the surface layer is brown, slightly acid sandy loam about 6 inches thick. The subsoil is reddish-brown and light reddish-brown, slightly acid and neutral sandy clay loam and loam about 41 inches thick. Below this is decomposed granodiorite (Bowman 1973).

### **Site Survey**

The site was surveyed on foot and habitat mapped (Figure 4). Mapping was performed following the Guidelines For Determining Significance and Survey, Report Format, Content and Mapping Requirements (County 2006). Wildlife species were identified directly by sight or by vocalizations, and indirectly by scat, tracks, or burrows. Field notes were maintained throughout the surveys and species of interest were mapped. The primary focus of the survey was to document and map the size, location, and general

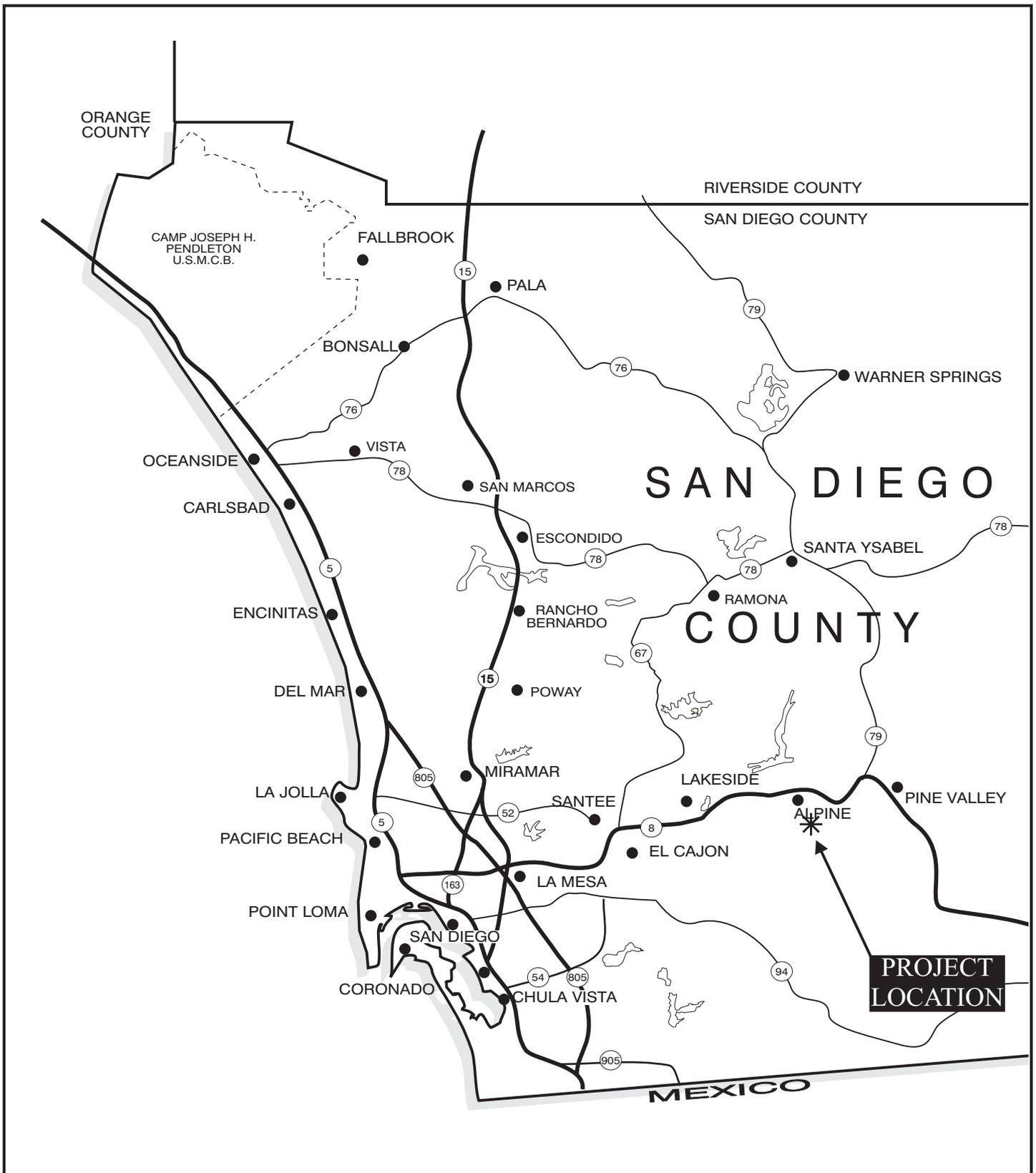
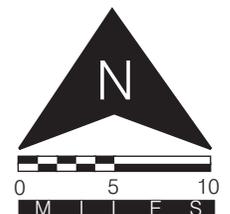
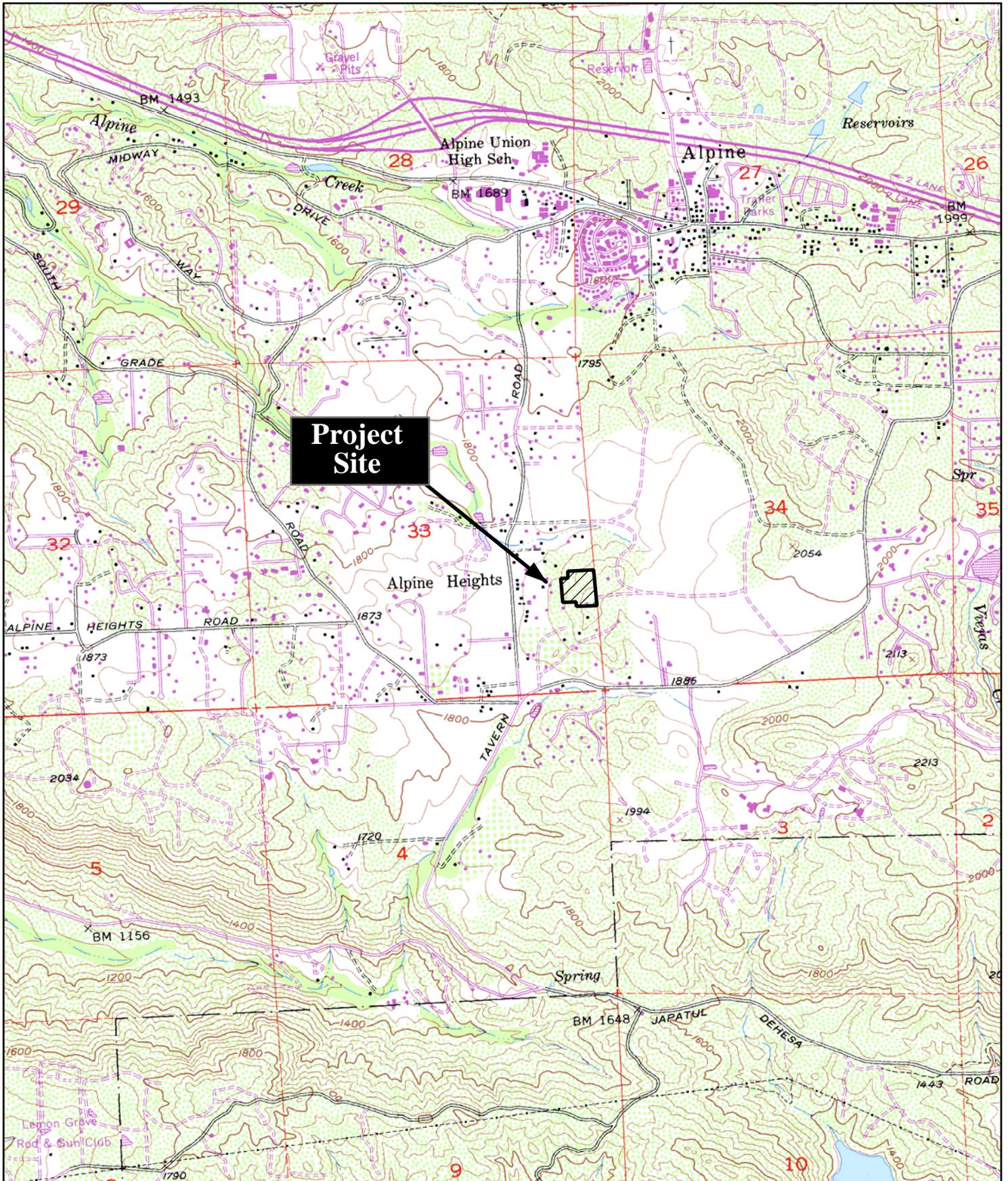


Figure 1  
Regional Location Map

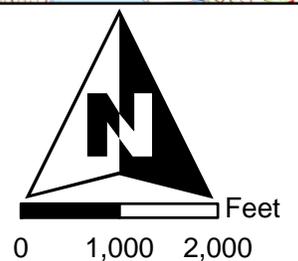






Source: USGS 7.5' Alpine Quadrangle & SanGIS 1997

**Figure 3**  
**Landstedt Property**  
**TPM 21026**



quality of all habitat types and the presence or potential presence of any sensitive resources (plant or wildlife) onsite. A focused presence/absence survey was performed for the Quino checkerspot butterfly (*Euphydryas editha quino*). Six (6) flight survey visits were conducted by Andrew Drummond (Permit No. TE-134332-0) and Sara Thorne (Permit No. TE-053020-1), for the presence of the federally-listed endangered Quino checkerspot butterfly (Quino). In addition, a sensitive plant survey was performed during the Quino surveys. Surveys performed on the Landstedt Property are summarized in Table 1, below.

<b>Date</b>	<b>Time</b>	<b>Survey</b>	<b>Temperature (°F)</b>	<b>Sky</b>	<b>Wind (mph)</b>	<b>Observers</b>
03/24/07	15:15-16:00	Focused Quino & Sensitive Plants	68°-67°	Clear	Start:5 End:7	AD
03/29/07	12:45-13:45	Focused Quino & Sensitive Plants	66°-67°	Clear	Start:2-4 End:2-4	AD
4/08/07	13:30-14:15	Focused Quino & Sensitive Plants	67°- 68°	Cloudy	Start:0-3 End:0-3	AD
4/11/07	11:15-12:15	Focused Quino & Sensitive Plants	68°-71°	Clear/ Sunny	Start:0-1 End:0-4	ST
4/13/07	10:15-11:00	Focused Quino & Sensitive Plants	66°	Clear	Start:0-2 End:0-2	AD, ST
4/19/07	12:20-12:50	Focused Quino & Sensitive Plants	75°	Clear/ Sunny	Start:0-2 End:0-2	AD, ST
4/25/07	8:15-9:00	General Biology	68°	Clear/ Sunny	Start:0-2 End:0-2	AD
6/7/07	10:00-11:00	Hermes Copper	70°-74°	Clear/ Sunny	Start:0-8 End:0-6	NB
6/13/07	9:45-10:30	Hermes Copper	79°-83°	Clear/ Sunny	Start:0-6 End:0-4	NB
6/18/07	9:45-10:45	Hermes Copper	76°-81°	Clear/ Sunny	Start:0-6 End:0-8	NB
8/25/07	13:35-13:50	Mapping Engelmann oaks	95°	Clear/ Sunny	Start:0-2 End:0-2	AD, ST

AD=Andrew Drummond, NB=Natalie Brodie, ST=Sara Thorne

Nomenclature for this report conforms to Hickman (1993), for plants, Holland (1986) and Oberbauer (1996) for plant communities and habitat types, American Ornithological Union (AOU 1998 and 2000) for birds, Jennings (1983) and Stebbins (2003) for reptiles and amphibians, Jones (1992) for mammals, and Powell (1979) for insects.

## **Biological Resources Present**

The biological resources onsite include four habitat types; open Engelmann oak woodland, inland coastal sage scrub, disturbed and developed. A total of thirty-eight wildlife species were identified onsite. These included twenty-one insect species, three reptiles, twelve bird species and two mammals.

## **Habitats and Vegetation Communities**

Following is a summary of the existing habitats and vegetation communities on the site. This section includes information the habitat types, the vegetation that was identified in each habitat in acres, the dominant species present and the habitat quality. Species abundance, composition and diversity are discussed in terms of vegetative structure and wildlife, as well as the habitat sensitivity level and regional and local importance of conserving each habitat type.

Habitat descriptions are based on the County of San Diego's Biological Mapping Requirements (included within the Report Format and Content Requirements) (County 2006) and Terrestrial Vegetation Communities in San Diego County based in Holland's Descriptions (Oberbauer 1996), however, it has been shown that habitats on the project sites in San Diego County are often not pristine and rarely fit into one description. Therefore the best-fit definition based on the County's current descriptions and dominant plant species has been applied.

### **Habitats**

The site currently supports four habitat types; open Engelmann oak woodland, inland coastal sage scrub, disturbed and developed (Figure 4). A complete list of plant species observed onsite is included in Appendix A.

#### **Open Engelmann Oak Woodland (Habitat Code 71181)**

Approximately 0.36 acre of open Engelmann oak woodland habitat occur onsite. Oak woodlands in all forms are considered sensitive by the County of San Diego because of their limited distribution, their high wildlife value and their aesthetic value. Open Englemann oak woodland is located in the southeastern portion of the property on a gentle northeast facing slope. The dominant canopy species include Engelmann oak (*Quercus engelmannii*), mission manzanita (*Xylococcus bicolor*) and a few citrus trees. The understory component contains remnants of native chaparral species such as chamise (*Adenostoma fasciculatum*) and California buckwheat. Open Engelmann oak woodland is a Tier I habitat as defined in the BMO. The regional value of the open Engelmann oak woodland habitat onsite is low due to the fact that it does support sensitive species and is located within areas of previously approved impacts such as fire clearing, grading and septic systems for the two existing residences.

### Inland Coastal Sage Scrub (Habitat Code 32520)

Approximately 0.77 acre of inland coastal sage scrub occurs onsite in the northwest portion of the property on a west facing slope. The dominant species include; California sagebrush (*Artemisia californica*), coastal deerweed (*Lotus scoparius*), California buckwheat (*Eriogonum fasciculatum*), black mustard (*Brassica nigra*), golden yarrow (*Eriophyllum confertiflorum*) and white sage (*Salvia apiana*). Inland coastal sage scrub habitat is considered sensitive by the County, CDFG, USFWS, and EPA. This habitat regionally supports a number of state and federally endangered, threatened, and rare plants and wildlives which are currently listed or are being considered as possible candidates for listing. It is estimated that 70 to 90 percent of the original acreage of this habitat in the state has been lost as a result of urban expansion in coastal areas (Atwood 1990). Even if in a disturbed condition, inland coastal sage scrub habitat may be considered sensitive by the resources agencies since it may still serve as habitat for wildlife and may be regenerating to higher quality inland coastal sage scrub habitat. Inland coastal sage scrub is a Tier II habitat as defined in the BMO. The regional value of the inland coastal sage scrub habitat onsite is low due to the fact that it does not support sensitive species and is not continuous with inland coastal sage scrub offsite.

### Disturbed (Habitat Code 11300)

Approximately 2.17 acres of disturbed habitat occur onsite, west of the existing development on a west facing slope. Approximately 1.49 acres of the disturbed habitat onsite resulted from the property being repeatedly cleared as authorized by the COI. The remaining 0.68 acre exceeds the impacts authorized by the COI. The disturbed habitat was dominated by black mustard and tocalote (*Centaurea melitensis*), but contained remnants of inland coastal sage scrub species such as coastal deerweed, California sagebrush, laurel sumac (*Malosma laurina*) and white sage (*Salvia apiana*). Disturbed habitat is listed as a Tier IV habitat in the BMO. Tier IV habitats are lands that do not support natural vegetation; therefore they are not regulated by the BMO. The regional value of disturbed habitat is low. The disturbed habitat onsite does not support sensitive species.

### Developed (Habitat Code 12000)

Approximately 3.15 acres of developed habitat occurs onsite in the eastern portion of the property, in association with two existing residences and their fuel modification zones. The developed habitat was dominated by ornamental plants such as, olive (*Olea europaea*) and Perez's marsh-rosemary (*Limonium perezii*). Developed habitat is listed as a Tier IV habitat in the BMO. Tier IV habitats are lands that do not support natural vegetation; therefore they are not regulated by the BMO. The regional value of developed habitat is low.

## **Wildlife Observed**

A total of thirty-eight wildlife species were identified onsite. These included twenty-one insect species, three reptiles, twelve bird species and two mammals. A complete list of wildlife species observed onsite is included as Appendix B.

Invertebrates observed included bees, and butterflies such as: Acmon blue (*Icaricia Acmon*) and Behr's metalmark (*Apodemia mormo virgulti*). Two of the reptile species observed onsite include the granite spiny lizard (*Sceloporus orcutti*) and southern alligator lizard (*Gerrhonotus multicarinatus*). Some bird species observed included the common raven (*Corvus corax*), red-tailed hawk (*Buteo jamaicensis*), scrub jay (*Aphelocoma californica*) and California towhee (*Pipilo crissalis*). The mammals detected onsite included woodrat (*Neotoma sp.*) and desert cottontail (*Sylvilagus audubonii*).

## **Special Status Species**

Following is a summary of all sensitive species with potential to occur on the site or on land immediately adjacent to the site. Sensitive or special interest plant and wildlife species and habitats are those which are considered rare, threatened, or endangered within the state or region by local, state, or federal resource conservation agencies. Sensitive species are so called because of their limited distribution, restricted habitat requirements, particular susceptibility to human disturbance, degradation due to development or invasion by non-native species, or a combination of all of these factors.

The following were used in the determination of sensitive biological resources: U.S. Fish and Wildlife Service (USFWS) (USFWS 2001); California Department of Fish and Game (CDFG) (CDFG 1999, 2000 and 2001), County Sensitive Plant and Wildlife list, and the California Natural Diversity Database.

## **Sensitive Plants**

Sensitive plant surveys were performed on the Landstedt property. One County List D sensitive plant species was observed onsite, Engelmann oak. This species is discussed below. Twenty-eight sensitive plant species have the potential to occur on the project site. All of the species would have been observable during the surveys performed onsite, however surveys were limited as a result of low rainfall and the disturbed nature of the site. Sensitive plant species with the potential to occur onsite are discussed in Appendix C.

### **Engelmann oak (*Quercus engelmannii*)**

*Quercus engelmannii*, a semi-deciduous oak with a distinctive twisted growth pattern and bluish-green leaves, is a County List D species and CNPS List 4.2 species (limited distribution). This species can occur in chaparral, cismontane woodland, riparian

woodland, and valley and foothill grassland habitats; the center of its distribution is cismontane San Diego County. Engelmann oaks are sensitive to land management practices such as fire, and their small, disjunct woodlands are highly susceptible to extirpation. Individual trees typically live from 50 to 80 years; however, a few trees in every woodland may be over 150 years old. Nine individual Engelmann oaks were observed on the Landstedt property within the open Engelmann oak woodland habitat in the southeastern portion of the property (Figure 4).

## **Sensitive Wildlife**

No threatened or endangered wildlife species were observed onsite. One County Group 1 sensitive species was observed overhead, turkey vulture. This species is discussed below.

### Turkey Vulture (*Cathartes aura*)

The turkey vulture is a County Group 1 sensitive species. According to Unitt (1984), this species is a fairly common to common spring and fall migrant, uncommon to locally common winter visitor and rare to uncommon summer resident of San Diego County. Three turkey vultures were observed flying over the project site during surveys.

An additional forty-four sensitive wildlife species have the potential to occur onsite (Appendix D). Seven wildlife species have a high potential to occur onsite, and three have a moderate potential to occur. The species with a high potential to occur onsite include coastal rosy boa (*Charina trivirgata roseofusca*), coast patch-nosed snake (*Salvadora hexalepis virgulata*), coastal western whiptail (*Cnemidophorus tigris multiscutatus*), northern red diamond rattlesnake (*Crotalus ruber ruber*), orange-throated whiptail (*Cnemidophorus hyperythrus*), San Diego horned lizard (*Phrynosoma coronatum blainvillei*) and Dulzura California pocket mouse (*Chaetodipus californica femoralis*). The species with a moderate potential to occur include Cooper's hawk (*Accipiter cooperi*), golden eagle (*Aquila chrysaetos canadensis*) and sharp-shinned hawk (*Accipiter striatus*).

All of the species with a high and moderate potential to occur onsite are federal and/or state species of concern. In addition, two federally listed species, Quino checkerspot butterfly (*Euphydryas editha quino*) and California gnatcatcher (*Polioptila californica californica*) have a low potential to occur onsite. The golden eagle and the federally listed species are discussed below.

### Golden Eagle (*Aquila chrysaetos canadensis*)

Status: State Species of Concern

The nearest confirmed nesting site of the golden eagle is located approximately 3.5 miles east of the project site, on the east side of Palo Verde Lake (Unitt 2004). The golden eagle has been observed during breeding season east of the project site in the Wright's Field area, but it is not a confirmed breeding location. The golden eagle is not expected to nest on the Landstedt Property because the property is devoid of cliff edges and tall

trees on steep slopes, the typical nesting sites of the species. It is possible that the golden eagle would forage on the Landstedt property because of the openness of property is preferred foraging habitat; however the property is surrounded by development. Therefore, the golden eagle has a moderate potential to forage onsite because the Landstedt property is in the vicinity of the possible grassland foraging area of Wright's Field to the east.

#### California Gnatcatcher (*Polioptila californica*)

Status: Federally listed as Threatened, State Species of Concern

The California gnatcatcher (CAGN), a Federally Threatened species and California Species of Concern, is a small gray songbird that is a resident of scrub-dominated communities in southwestern California from the Los Angeles Basin through Baja California, Mexico. California gnatcatcher populations have declined due to extensive loss of inland coastal sage scrub habitat to urban and agricultural uses. The habitat on the Landstedt Property is very open, contains few mature shrubs and highly disturbed. This species has a low potential to occur onsite due to the lack of suitable habitat onsite, the extent of the surrounding development would limit the possibility of colonization and the site is located above the elevation range of which this species normally inhabits (Figure 2).

#### Quino Checkerspot Butterfly (*Euphydryas editha quino*)

Status: Federally listed as Endangered.

The United States Fish and Wildlife Service (USFWS) officially listed the Quino checkerspot butterfly (*Euphydryas editha quino*) as endangered on January 16, 1997 (USFWS 1997). For this reason the Quino checkerspot is protected under the provisions of the Endangered Species Act of 1973, as amended. As such, "take" of this species, either directly or indirectly, is prohibited by law. In order to help land owners in preventing an unknowing "take" of this species, the USFWS has required that land owners have a protocol survey conducted on their land prior to project implementation in order to determine the presence or absence of this species.

The quino checkerspot butterfly is one of several subspecies of *Euphydryas editha*. It is a member of the brush-footed butterfly family (Nymphalidae). The quino checkerspot is associated with a variety of habitats which include clay soil meadows, grassland, inland coastal sage scrub, chamise chaparral, red shank chaparral, juniper woodland and semi-desert (Ballmer, *et al.*, 2000). Despite association with a wide range of habitat, distribution of this species is restricted to areas which support the larval host plants. The Quino's primary host plant is *Plantago erecta*. Other possible larval host plant species include *Plantago patagonica*, *Antirrhinum coulterianum*, *Castilleja exserta* and/or *Cordylanthus rigidus* (USFWS 2002) as well as *Collinsia* sp. and possibly other Scrophulariaceae (Ballmer *et al.* 2000). Generally the flight season for the quino checkerspot occurs from late February through April, peaking in March or April.

A protocol survey was conducted for the Quino checkerspot by Andrew Drummond and Sara Thorne, USFWS service permitted biologists. A complete copy of the Quino report is attached as Appendix F and summarized here. The Quino checkerspot butterfly's primary host plant species include: dwarf plantain (*Plantago erecta*), woolly plantain (*Plantago patagonica*), white snapdragon (*Antirrhinum coulterianum*) and/or dark-tip bird's beak (*Cordylanthus rigidus*) (USFWS 2002) as well as Chinese houses (*Collinsia* sp.) and possibly other Scrophulariaceae (Ballmer 2000). The Quino checkerspot butterfly's secondary host plant species includes: purple owl's clover (*Castilleja exserta*). Dwarf plantain, the primary host plant for Quino, was not found onsite. None of the additional Quino host plants listed above were identified onsite. No adult Quino were detected during the surveys. Areas of open ground that would potentially serve as Quino habitat were searched repeatedly during the each weekly survey, with negative results. The results of the focused survey indicate that the Quino does not occur in the project area.

### **Jurisdictional Wetlands and Waterways**

The limits of jurisdiction for each agency are also discussed below.

#### **Army Corps of Engineers (ACOE) – Clean Water Act**

Pursuant to Section 404 of the Clean Water Act, any onsite wetlands and waters of the U.S. would be subject to permit provisions regulating activities within their boundaries. These provisions are enforced by the ACOE, as well as the EPA, with technical input from the USFWS. Three factors are considered in the designation of wetlands: the presence of hydrophytic vegetation, hydric soils, and site hydrology. According to the latest ACOE methodology, all three wetland indicators must be present to make a jurisdictional ruling (Environmental Laboratory 1987). Areas indicated as wetlands by all three factors during the rainy season may lack the indicators of hydrology and/or vegetation during the dry season, or the vegetation may have been altered or removed through human disturbance. Such areas may still be regarded as wetlands by resource agencies.

In addition, the ACOE has jurisdiction over "waters of the United States". Waters of the United States are defined in 33 CFR part 328 (referred to as "waters"). The lateral limits of the jurisdiction of waters maybe divided into three categories, territorial seas, tidal waters and non-tidal waters. 33 CFR part 328.3 provides the definition of waters of the United States as follows:

- (a) The term *waters of the United States* means
  - (1) all waters which are currently used, or were used in the past, or maybe susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
  - (2) All interstate waters including interstate wetlands;

- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce, including any such waters:
  - (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
  - (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
  - (iii) Which are or could be used for industrial purpose by industries in interstate commerce;
- (4) All impoundments of waters otherwise defined as waters of the United States under the definition;
- (5) Tributaries of waters identified in (a) (1) through (4) of this section;
- (6) The territorial seas
- (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) (1) through (6) of this section.

Waste treatment systems, including treatments of ponds or lagoons designed to meet the requirements if CWA (other than cooling ponds as defined in 40 CFR 123.11(m) which also meet the criteria of this definition) are not waters of the United States.

- (8) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding the CWA remains with the Environmental Protection Agency (EPA).

- (b) The term *wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
- (c) The term *adjacent* means bordering, contiguous or neighboring. Wetlands separated from other waters of the United States by man made dikes or barriers, natural river berms, beach dunes and the like are "adjacent wetlands."
- (d) The term *high tide line* means the line of intersection of the land with the water's surface to the maximum height reached by a rising tide.....
- (e) The term *ordinary high water mark* means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

- (f) The term *tidal waters* mean those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun....

The limits of jurisdiction in non-tidal waters are defined in 30 CFR part 328.4 (c). When non-tidal waters occur in the absence of adjacent wetlands, the jurisdiction extends to ordinary high water mark. Based on the above definition of waters of the United States and limits of jurisdiction, the swale onsite does not qualify as a wetland.

### **California Department of Fish and Game – Streambed Alteration Program**

The CDFG regulates wetlands under Sections 1600 - 1616 of the California Fish and Game Code through their Streambed Alteration Agreement Program. Any alteration of any stream course within the State of California requires a Streambed Alteration Agreement from the CDFG. Section 1602 specifically states: “It is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream or lake designated by the department, or use any material from the streambeds, without first notifying the department of such activity...”

A stream is defined by the California Code of Regulations (14 CCR 1.72) as a body of water that flows at least periodically or intermittently through a bed or channel having banks and supporting fish or other aquatic wildlife. This includes watercourses having a surface or subsurface flow that supports or has supported riparian habitat.

The limits of CDFG jurisdiction are defined in the code as the bed, channel, or bank of any river, stream or lake designated by the department in which there is at any time existing fish or wildlife resource or from which these resources derive benefit ....

The swale onsite does not have a bed or bank and does not qualify as a wetland based on the above description.

### **County of San Diego Resource Protection Ordinance**

The purpose of the RPO is to protect sensitive resources and prevent their degradation and loss. The sensitive resources protected by the RPO include wetlands, wetland buffer areas, and sensitive habitat lands, which are defined as follows:

"Wetland" areas include lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or where the land is covered by water. Lands having one or more of the following attributes are “wetlands:”

- (a). At least periodically, the land supports a predominance of hydrophytes (plants whose habitat is water or very wet places);
- (b). The substratum is predominantly undrained hydric soil; or

- (c). An ephemeral or perennial stream is present, whose substratum is predominately non-soil and such lands contribute substantially to the biological functions or values of wetlands in the drainage system.

"Wetland buffer" areas include lands which provide a buffer area of an appropriate size to protect the environmental and functional habitat values of the wetland, or which are integrally important in supporting the full range of the wetland and adjacent upland biological community.

"Sensitive habitat lands" include those which support unique vegetation communities, or the habitats of rare or endangered species or sub-species of wildlifes or plants, including the area which is necessary to support a viable population of any of these species in perpetuity, or which is critical to the proper functioning of a balanced natural ecosystem or which serves as a functioning corridor.

The swale onsite does not support hydrophytic vegetation, has a soil substratum and does not contribute to the biological functions or values of wetlands. The swale on the Landstedt Property does not qualify as an RPO wetland.

### **Other Unique Features/Resources**

#### **Wildlife Corridors and Linkages**

Due to the project being surrounded by development on the west, northwest, south and southeast sides and due to the level of habitat disturbance, the site does not support connectivity to any wildlife corridors and/or linkages and does not serve as a wildlife nursery (Figure 2). Although the Landstedt property abuts a PAMA along the eastern property boundary, it contains existing residences in the eastern portion of the property. Wright's Field to the east of the Landstedt property is mapped as a PAMA within the MSCP, but it is not discussed in the MSCP as a wildlife corridor or linkage. The only portion of the Landstedt property that is undeveloped is the western portion of the property which is an island between development to the east, south and west, and disturbed habitat no taller than three inches off of the ground to the northwest. Eleven site visits were conducted on the Landstedt property that resulted in no detection of large mammal use. Out of thirty-eight wildlife species observed, thirty-three species were insects and birds that flew to the property and did not travel to the property by terrestrial linkages. The remaining five wildlife species observed or detected during surveys were common reptiles and small mammals that are known to occupy developed areas resulting in no distinct linkages because they could have traveled terrestrially from any direction to the Landstedt property. Therefore the Landstedt property does not support connectivity to any wildlife corridors and/or linkages due to the extent of the surrounding development and habitat disturbance.

The property does not contain habitat to support species that require special nursery sites such as bats, frogs or toads. No impacts will occur to wildlife nursery sites.

### **Raptor Nesting**

Raptors are large predatory or scavenger birds that typically require tall trees for perching and nesting associated with adjacent open grasslands to forage. Due to declining habitat and the associated declining numbers of these species on the whole, many raptor species have been designated as California Species of Special Concern by the CDFG. These species are protected, especially during their critical nesting and wintering stages. Raptors are protected under the CDFG California Raptor Protection Act (Title 14, Section 670). One raptor, red-tailed hawk (*Buteo jamaicensis*) was observed flying over the project site. The site does not contain any tall trees for perching or nesting, however the sparse vegetation would qualify as suitable foraging habitat.

### **Rock Outcrops**

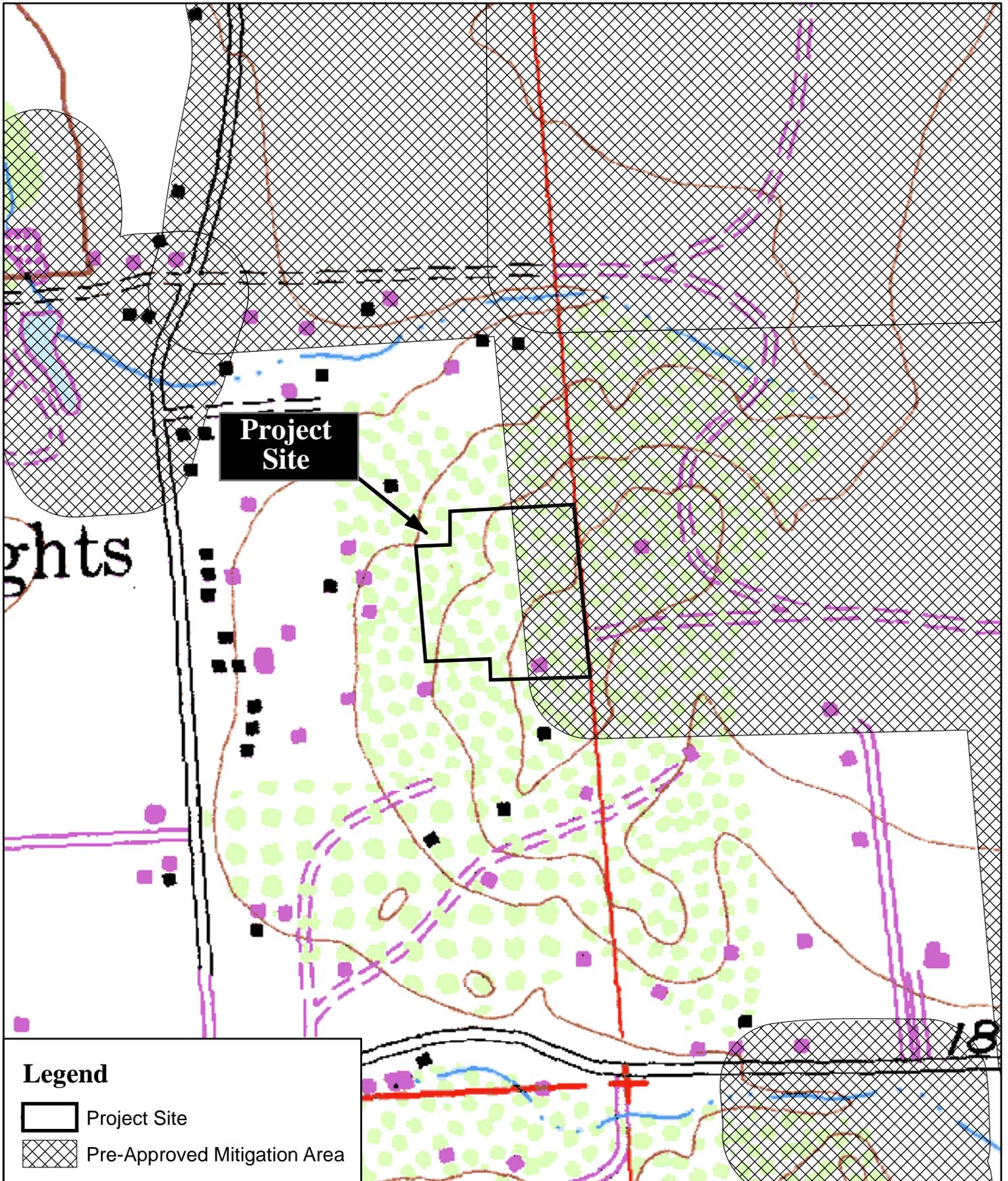
A small rock outcrop occurs onsite in the southwestern portion of the property. Rock outcrops are considered a unique microhabitat by the County. Rock outcrops add diversity to the vegetation communities by providing a discrete ecological niche for species not found elsewhere in the surrounding habitat. This niche includes shallow-soil spike-moss (*Selaginella* sp.) and lichen microhabitats. Rock outcrops also provide cover and potential nesting cavities for several wildlife species. Some reptile species are attracted to the sun-warmed surfaces of the rocks, and birds use boulders as perches and vantage points.

### **Significance of Project Impacts and Proposed Mitigation**

Following is a summary of impacts to biological resources. Applicable and feasible mitigation measures, as required, are proposed that will reduce impacts to less than significant in conformance with the County of San Diego Guidelines for Determining Significance for Biological Resources (September 2006).

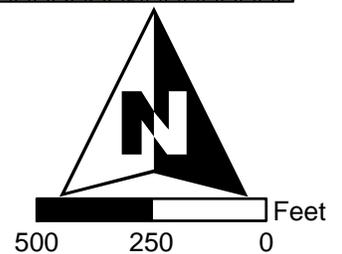
The proposed project is a Tentative Parcel Map to subdivide 6.45 gross acres, APN 404-400-20, into four parcels. The four parcels have gross sizes of 1.07, 1.26, 2.01 and 2.11 gross acres. As part of the project, residential development including building pads, driveways, and utilities would be graded.

The project is located within the Metro-Lakeside-Jamul portion of the MSCP. The eastern portion of the site is adjacent to a PAMA and a BRCA offsite as defined by the Biological Mitigation Ordinance; however the habitat has been removed for the existing residences as a part of the COI issued in 2003 and modified in 2005. Table 2 identifies the potential impacts as a result of the proposed project. The mitigation ratios are based on the premise that the project site does not qualify as a PAMA or a BRCA and that the offsite mitigation will be in a BRCA (Figure 5). The project was previously issued a COI



Source: USGS 7.5' Alpine Quadrangle & SanGIS 1997

**Figure 5**  
**PAMA Map**  
**Landstedt TPM 21026**



in 2003, which allowed for the removal of 5 acres of habitat. The excluded area was revised as part of grading permit # 1026-2005/2007, Appendix G, as provided by the applicant. Also included in Appendix G is a letter from the applicant explaining that the purpose of obtaining the COI and continuing to clear the vegetation is to provide increased fuel management to provide safety in the event of a wildfire. Impacts to approximately 1.45 acres of inland coastal sage scrub habitat will occur as a result of the proposed project. The COI only allowed for removal of five acres. Only 0.77 acre of inland coastal sage scrub remain onsite. In order to achieve the required mitigation for impacts to inland coastal sage scrub, 0.68 acre of disturbed habitat will be mitigated for as though it is inland coastal sage scrub habitat. The open Engelmann oak woodland will be treated as impact neutral for the purpose of this report due to it being located within previously authorized impact areas in association with the two existing residences and COI.

<b>Habitat/ Vegetation Community</b>	<b>Existing (acres)</b>	<b>Impacts (acres)</b>	<b>Mitigation Ratio</b>	<b>Mitigation Required (acres)</b>	<b>Preserved Onsite (acres)</b>	<b>Offsite Mitigation (acres)</b>
Open Engelmann Oak Woodland (Tier I)	0.36	N/A	1:1	N/A*	0.36	N/A
Inland Coastal Sage Scrub (Tier II)	0.77	0.77	1:1	0.77	N/A	0.77
Disturbed (Tier IV)	2.17	2.17	1:1	0.68**	N/A	0.68
Developed (Tier IV)	3.15	N/A	N/A	N/A	N/A	N/A
<b>Total</b>	<b>6.45</b>	<b>2.94</b>	<b>N/A</b>	<b>1.45</b>	<b>N/A</b>	<b>1.45</b>

\*Open Engelmann oak woodland habitat is considered impact neutral

\*\* Amount being mitigated as inland coastal sage scrub since it exceeds the amount of clearing authorized by the COI

### **Significance of Project Impacts**

This section addresses potential direct, indirect, and cumulative impacts to biological resources that would result from implementation of the proposed project, and provides analyses of significance for each potential impact in conformance with the County Guidelines for Determining Significance (County 2006).

**Direct Impacts** are immediate impacts resulting from the permanent removal of habitat.

**Indirect Impacts** result from changes in land use adjacent to natural habitat and primarily result from adverse “edge effects;” either short-term indirect impacts related to construction or long-term, chronic indirect impacts associated with urban development. During construction of the project, short-term indirect impacts include dust and noise

which could temporarily disrupt habitat and species vitality or construction related soil erosion and run-off. Long-term indirect impacts may include intrusions by humans and domestic pets, noise, lighting, invasion by exotic plant and wildlife species, use of toxic chemicals (fertilizers, pesticides, herbicides, and other hazardous materials), soil erosion, litter, fire, and hydrological changes (e.g., groundwater level and quality).

**Cumulative Impacts** refer to incremental individual environmental effects of two or more projects when considered together. These impacts taken individually may be minor, but collectively significant as they occur over a period of time.

### **Thresholds of Significance**

The evaluation of whether or not an impact to a particular biological resource is significant must consider both the resource itself and the role of that resource in a regional context. Substantial impacts are those that contribute to, or result in, permanent loss of an important resource, such as a population of a rare plant or wildlife. Impacts may be important locally because they result in an adverse alteration of existing site conditions, but considered not significant because they do not contribute substantially to the permanent loss of that resource regionally. The severity of an impact is the primary determinant of whether or not that impact can be mitigated to a level below significant. Generally, there are three levels of adverse impacts associated with biological resources: significant, locally important, and not significant. These levels of impacts were applied to the project site and are used below in the discussion of specific potential impacts.

Direct impacts to the inland coastal sage scrub habitat would be considered significant. These impacts are discussed below. Direct impacts to the developed habitat onsite would not be considered significant. No direct impacts will occur to sensitive plant or wildlife species. These impacts are discussed below. Mitigation is required for the direct impacts to sensitive habitats.

#### Open Engelmann Oak Woodland (Tier I)

No impacts will occur to open Engelmann oak woodland habitat as a result of the proposed project. This habitat is impact neutral.

#### Inland coastal sage scrub (Tier II)

Impacts to approximately 0.77 acre of inland coastal sage scrub would be considered significant. These impacts would require mitigation at a 1:1 ratio in accordance with the BMO.

#### Disturbed Habitat (Tier IV)

Impacts to approximately 0.68 acre of disturbed habitat will be treated as impacts to inland coastal sage scrub would be considered significant. These impacts would require mitigation at a 1:1 ratio in accordance with the BMO.

#### Developed Habitat (Tier IV)

No impacts will occur to the developed habitat as a result of the proposed project and would not be considered significant.

#### Engelmann oaks (County List D Sensitive Plant)

No new impacts will occur to the nine individual Engelmann Oaks that are located within the open Engelmann oak woodland habitat. The oaks have been retained within the fuel modification zone for the existing residences and have pruned to fuel management standards and incorporated into the landscaping for the existing homes.

#### **Cumulative Impacts**

The project would not contribute to significantly cumulative impacts due the fact that it is mitigating in conformance with the Biological Mitigation Ordinance. Other past, present and foreseeable projects within the MSCP will be required to mitigate in conformance with the MSCP also. The County of San Diego is in rough-step conformance with the goals of the Multiple Species Conservation Plan.

#### **Mitigation**

Under CEQA, mitigation is required for all significant biological impacts (i.e. impacts within highly constrained areas). In addition, the CDFG 1600 and the ACOE 404 permit process generally require mitigation for the loss of wetland resources. The following mitigation measures are recommendations to offset significant impacts. Recommendations are also given to offset locally important biological impacts. Although mitigation measures are not often required for locally important impacts, local jurisdictions often implement these measures to minimize cumulative impacts within the region.

According to Appendix G of the State CEQA guidelines, the proposed project would have a potentially significant impact to onsite biological resources if it would:

- Have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal

pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

### **Resource Protection Ordinance**

Under the RPO (discussed above), development of wetlands, wetland buffer areas, and sensitive habitat lands is restricted, as follows:

Within *wetlands*, the RPO restricts uses to aquaculture, scientific research, educational or recreational uses, or wetland restoration, and imposes further limitations which include, in particular, that grading, filling and construction is not permitted.

Within *wetland buffer areas*, the RPO allows uses permitted in wetland areas, plus access paths and other improvements necessary to protect adjacent wetlands.

### **Biological Mitigation Ordinance**

The BMO requires that mitigation be provided, in accordance with ratios which take into account factors such as: (1) What "Tier" the impacted habitat falls into; (2) whether the impacted resources are located within a Biological Resources Core Area (BRCA) and (3) whether the mitigation land would be located onsite or offsite.

Under CEQA, mitigation is required for all significant biological impacts. Mitigation, per resource, is discussed below with corresponding level of significance after mitigation.

### **Direct Impacts**

Direct impacts will occur to inland coastal sage scrub resulting in significant impacts.

#### Inland Coastal Sage Scrub (Tier II)

Approximately 0.77 acre of this habitat will be impacted as a result of the proposed project. Impacts to 0.68 acre of disturbed habitat will be mitigated as inland coastal sage scrub since the clearing exceeded what was authorized by the COI. Mitigation for this impact will be at a 1:1 ratio through offsite acquisition of 1.45 acres of Tier II or higher

habitat within a BRCA. The implementation of this mitigation will reduce the impacts to below a level of significance.

## **Conclusion**

Implementation of the proposed mitigation measures will mitigate impacts to biological resources to below a level of significance.

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