Biological Study Report
Evergreen Nursery Major Use Permit
Record ID: PDS2012-3300-12-009
Environmental Log No.: PDS2012-3910-1214002

9708 Flinn Springs Road
El Cajon, CA

APNs 396-070-07, 396-100-38

Prepared for:

The County of San Diego

Prepared by:

Brian F. Smith and Associates, Inc.
14010 Poway Road, Suite A
Poway, California 92064
(858) 484-0915

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REPORT SUMMARY

Author(s):	Laurence N. Dean, Senior Biologist
Consulting Firm:	Brian F. Smith and Associates, Inc. 14010 Poway Road, Suite A Poway, California 92064 (858) 484-0915
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Prepared for:	The County of San Diego
Lead Agency:	County of San Diego
Submitted by:	Brian F. Smith and Associates, Inc. 14010 Poway Road, Suite A Poway, California 92064
USGS Quadrangle:	*Alpine, California* (7.5 minute)
Study Area:	Approximately 48.08 acres

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SUMMARY

The Evergreen Nursery project is located on Assessor's Parcel Numbers 396-070-07 and 396-100-38 in eastern San Diego County, approximately one mile east of Lake Jennings and immediately south of the intersection of Blossom Valley Road and Flinn Springs Road.). The proposed action is a Major Use Permit for wholesale and retail sales of nursery stock and related products including soil amendments, topsoils, potting soil, and garden wares from the existing wholesale nursery. A green waste facility is included in the proposed action. The Major Use Permit boundaries include only a portion of the 48.08 acre project site. The project site is within the South County Subarea Plan of the San Diego County Multiple Species Conservation Program (MSCP) and is located outside of the Pre-Approved Mitigation Area (PAMA).

Plant communities on the project site include Intensive Agriculture, Diegan coastal sage scrub, non-native grassland, southern coast live oak riparian forest, and disturbed habitat. The proposed project would adversely affect Diegan coastal sage scrub (Tier II), intensive agricultural land, and disturbed habitat. Southern coastal live oak riparian forest (Tier I) and non-native grasslands (Tier III) on the proposed project site will not be affected by the proposed action.

Upon completion of the proposed action, approximately 2.05 acres of Diegan coastal sage scrub will be adversely impacted by the project. Approximately 1.67 acres of Diegan coastal sage scrub were lost as a result of clearing between 2010 and 2012. An additional 0.38 acre will be lost as a result of the proposed action. Diegan coastal sage scrub is a Tier II plant community. Mitigation will be required at a ratio of 1:1. The loss of 2.05 acres of Diegan coastal sage scrub would require the purchase of 2.05 acres in mitigation for habitat.

The project has the potential to adversely affect nesting birds protected under the Migratory Bird Treaty Act and the California Fish and Game Code. If removal of vegetation is scheduled to take place during the general bird nesting season, 15 February through 15 September, a nesting bird survey will be conducted and all nests or suspected nests shall be protected by an appropriate buffer until the project biologist has determined the young birds have fledged or the nest is no longer active.

Suitable coastal California gnatcatcher habitat shall not be disturbed during the gnatcatcher-breeding season, 1 March through 15 September. If clearing is scheduled to occur during the breeding season, a focused gnatcatcher survey shall be conducted. If the coastal California gnatcatcher is determined to be present, clearing shall not occur until after the end of the breeding season.

The western bluebird and Southern California rufous-crowned sparrow may be present on the proposed project site. These two species are adequately conserved by the provisions of the South County Subarea Plan of the San Diego County MSCP. However, if clearing of vegetation in suitable habitat for these species is scheduled to occur during the general bird nesting season, 1 February through 15 September, a survey shall be made to determine of these species are nesting in the area scheduled to be cleared. If nests are found or suspected, an appropriate avoidance buffer shall be established around each nest. No disturbance shall be permitted inside the buffer during the general nesting season or until the project biologist determines that the young have fledged or the nest is no longer active.

Suitable nesting habitat for raptors, which are protected by the Migratory Bird Treaty Act and the California Fish and Game Code, is present on the proposed project site. If disturbance of raptor nesting habitat is scheduled to occur during the general nesting season, from 1 February though 15 September, a survey for nesting raptors shall be conducted. If nests are found or suspected, a 300-foot avoidance buffer shall be established around each nest. No disturbance shall be permitted inside the buffer during the general nesting season or until the project biologist determines that the young have fledged or the nest is no longer active. Nest locations, suspected nest locations, and adjacent buffer areas shall be noted on project plans.

If mitigated as recommended, the project would not have a substantial adverse effect, either directly, indirectly, or through habitat modification, on any species identified as a candidate, as having a sensitive or special status, as a species listed in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service.

Approximately 4.70 acres of southern coast live oak riparian forest is present adjacent to the northwest side of the project site. The proposed project has been designed to avoid the riparian area by offsetting project activities 50-feet from the edge of riparian habitat. In addition, a 100-foot Limited Building Zone will be dedicated adjacent to the avoided riparian area (and 50-feet) to ensure that no structures are constructed in this area which would result in fire clearing impacts to the riparian habitat.

Approximately 0.80 acre of Waters of the United States, 4.70 acres of wetlands under the jurisdiction of the California Department of Fish and Wildlife, and 9.55 acres (Including a 4.85-acre Resource Protection Ordinance (RPO) buffer and 4.70 acres of wetlands under the jurisdiction of the County of San Diego occur along the stream on the northwest boundary of the project site. These areas are outside of the project area and will not be affected by the proposed action.

The riparian corridor along the stream on the northwest boundary of the property provides a local wildlife movement corridor extending downstream to Los Coches Creek, and downstream

almost to the San Diego River. This movement corridor connects several habitat patches and allows for the unobstructed movement of wildlife along the waterways. The project would not adversely affect the wildlife movement corridor. The project would not interfere substantially with the movement of any native resident or migratory fish, wildlife species, or established native resident or migratory wildlife corridors. It would not impede the use of native wildlife nursery sites.

The proposed project will not significantly affect biological resources.

1.0 INTRODUCTION

1.1 Purpose of the Report

The purpose of this report is to document the biological resources present, or potentially present, on APNs 396-070-07 and 396-100-38. In addition, this report is intended to identify potential effects of the proposed Evergreen Nursery project on biological resources, as well as to recommend measures to avoid, minimize or mitigate significant impacts consistent with the California Environmental Quality Act (CEQA), the County of San Diego Multiple Species Conservation Program (MSCP) Subarea Plan, the Resource Protection Ordinance (RPO) and the Biological Mitigation Ordinance (BMO).

1.2 Project Location and Description

Project Location

The Evergreen Nursery project site is located in eastern San Diego County, approximately one mile east of Lake Jennings and immediately south of the intersection of Blossom Valley Road and Flinn Springs Road. The property involved consists of Assessor's Parcel Numbers (APN) 396-070-07 (45.01 acres) and 396-100-38 (3.07 acres). The property is depicted in the northeast quarter of Section 22 on the *Alpine* USGS 7.5 minute topographic sheet, San Bernardino Meridian. The eastern tip of the parcel extends into the El Cajon Land Grant (Figure 1). The center of the proposed property is at 32° 51' 22.07" N and 116° 51' 37.63" W, NAD 83, UTM Zone 11 North.

Project Description

The Evergreen Nursery is currently operating as a wholesale nursery and is proposed to be operated as a retail nursery upon approval of a Major Use Permit that includes wholesale and retail sales of nursery stock and related products (soil amendments, top soils, potting soil, and garden wares from the existing wholesale nursery). The nursery will operate seven days a week. Access is from Flinn Springs Road.

The proposed project would include restrooms, greenhouses, a maintenance area, shade areas, a cashier's hut, a 12-foot by 50-foot manufactured office facility, and production and green waste recycling areas. Electricity is available from San Diego Gas and Electric at three locations on the property. Water will be provided by existing wells on the property. Restrooms will be served by a septic system (Figure 2).

1.3 Survey Methodologies

Prior to the site visit, the MSCP Subarea Plan, the California Natural Diversity Data Base (CNDDB) ArcGIS 9.x (CDFG 2012a), and Rarefind 4 (CDFG 2011b) were reviewed to determine if sensitive species might be present on or near the proposed site. National Wetland Inventory (USFWS 2008) maps for the site were consulted to determine if mapped wetlands

might be present. Appropriate United States Geological Survey maps (7.5 minute) were reviewed to determine if drainage features, including "blue-line streams," might be present. The Web Soil Survey (WSS 2012) was consulted to identify soils associated with the proposed site, and the National List of Hydric Soils (NRCS 2007) was reviewed to determine if any of these soils might be hydric in nature.

Site visits were made on 6 and 9 February 2012. The site was surveyed on foot by one biologist slowly walking over the site in a series of random transects intended to provide visual coverage of the entire site. Vegetation and wildlife species observed were recorded as field observations were made. Wildlife signs (scat, bones, feathers, tracks, dens, and burrows) were also recorded as encountered. Frequent pauses were made during the survey to watch and listen for wildlife.

On 6 February 2012, ambient temperature was 66° Fahrenheit with relative humidity of 36.9 percent. Winds were 0.0 to 1.4 miles per hour out of the southwest. Visibility was unlimited. Cloud cover was high and less than 30 percent. By 1430 hours, cloud cover had increased to 100 percent and lowered somewhat, but visibility remained unlimited. On 9 February 2012, ambient temperature was 78° Fahrenheit with relative humidity of 36 percent. Winds were 0.0 to 3.0 miles per hour, increasing to 5.0 to 10.0 in the afternoon. There was no cloud cover and visibility was unlimited. Approximately six hours were spent on site assessing and mapping plant communities

The site visit on 9 February 2012 focused on wetland identification, delineation, and a preliminary jurisdictional determination. Approximately eight hours were spent sampling and mapping wetlands. The wetland identification and delineation was conducted by establishing sampling stations at 16 locations. At a minimum, samples were taken at the top of both banks and at the bottom of the streambed. Where appropriate, sampling continued until the wetland/upland boundary could be determined. Soils were sampled to a depth of 20 inches. Predominant vegetation was recorded at each sample point, and evidence of wetland hydrology, if present, was recorded. All data collected was entered on Wetland Delineation Forms-Arid West Region. Sample points at each sample station were recorded with a Trimble GeoXT Data Logger. Based on the data collected, a determination was made regarding the presence or absence of wetlands and their extent, if present.

During the wetland identification and delineation process, information was collected regarding a preliminary jurisdictional determination. Where present, the Ordinary High Water Mark (OHWM), an indication of U.S. Army Corps of Engineers (USCOE) jurisdiction, was mapped with a Trimble GeoXT data logger. The top of the stream bank, centerline of the streambed, and extent of riparian vegetation were also recorded with the data logger. Upon return to the office, data collected in the field was exported as ArcGIS Desktop shapefiles.

At the time of the site visits, many flowering plants had not yet set blossoms. Plant identification was often based on features other than flowers, and on plant materials still present from the preceding year. The list of plants observed during the site visit does not reflect all of the plant species that may actually be present throughout the year.

The site visits were conducted during daylight hours. Crepuscular, nocturnal, and burrowing animals were not observed. Crepuscular, nocturnal, and burrowing animals that are noted in the list of wildlife species observed were identified by tracks, scat, and the presence of other signs, such as burrows and skeletal remains. Temperatures during the first site visit were low enough to somewhat restrict movement of reptiles and amphibians, and few were observed. During the second site visit, temperatures were higher and reptiles were observed particularly during the afternoon when it was the warmest.

1.4 Environmental Setting

The proposed project site generally slopes to the southwest with the highest point on the property being a knoll with an elevation of approximately 926 feet above mean sea level (AMSL) in the southeast corner of the property. The lowest point on the property is at the southwest corner, with an elevation of 804 feet AMSL. The property has a slope ranging from three to five percent from east to west. Drainage tends to be to the north and northwest feeding into a small, unnamed stream along the north side of the property.

1.4.1 Regional Context

The project site is within the South County Subarea Plan of the San Diego County MSCP and is located outside of the Pre-Approved Mitigation Area (PAMA). The area around the project site is rural residential. At one time, much of the surrounding area was used for agriculture. Parts of the project site have been under continuous cultivation since about 1900. The properties adjacent to the project site are privately owned rural residential properties. The State of California owns several large tracts of land about 0.6 mile south of the project site, south of Interstate 8. The state-owned lands are not contiguous with the project site. There is a transportation and utility corridor (Interstate 8) along the south boundary of the property.

1.4.2 Soils

Soils associated with the project site include: Fallbrook sandy loam, 0 to 15 percent slopes, eroded; Fallbrook Sandy loam, 15 to 30 percent, eroded; Greenfield sandy loam, 2.0 to 5.0 percent slopes; Ramona sandy loam, 5.0 to 9.0 percent slopes, eroded; and Tujunga sand, 0 to 5.0 percent slopes (Figure 3).

Tujunga sand, 0 to 5.0 percent slopes, is listed as a hydric soil by the Natural Resources Conservation Service (NRCS) (NRCS 2012) and the County of San Diego. The State of California and San Diego County require that only one of the three wetland criteria (hydrophytic vegetation, wetland hydrology, or hydric soils) need to be met for an area to be considered a

potential wetland. Hydric soils are one of the three criteria; therefore, areas of Tujunga sand on the project site may be considered wetlands.

1.4.3 Plant Communities

Plant communities on the property include intensive agriculture, Diegan coastal sage scrub (coastal form), non-native grassland, and southern coast live oak riparian forest and disturbed habitat (Figure 4).

Intensive Agriculture

Any lands that support active agriculture may be classified as agricultural. Intensive agriculture (18200[1]) includes nurseries. Approximately 31.02 acres of the project site are operating as a wholesale nursery and it is proposed that they be operated as a retail nursery upon approval of the Major Use Permit (Figure 4). This area is being used for, or will be used for, holding container plants of various sizes and for supporting facilities and activities as described in the project description. Agricultural lands are considered Tier IV, or "Other Uplands," in the MSCP. Mitigation is not required for impacts to Tier IV.

Disturbed Habitat

Disturbed habitat (11300) includes areas that have been disturbed by authorized human activity to the extent that they are no longer recognizable as a native or naturalized vegetation association. Approximately 0.90 acre on the southeastern tip of the project site (APN 396-100-38) has been disturbed (Figure 4). Vegetation is comprised of predominantly non-native grasses and forbs such as fountain grass *(Pennisetum setaceum)*, rip-gut brome (*Bromus diandrus*), red brome (*Bromus madritensis rubens*), and filaree (*Erodium botrys*), with scattered California buckwheat (*Eriogonum fasciculatum*) and deerweed (*Lotus scoparius*). Large granitic outcrops occur throughout this area. Disturbed lands are considered Tier IV, or "Other Uplands," in the MSCP. Mitigation is not required for impacts to Tier IV.

Diegan Coastal Sage Scrub

Diegan coastal sage scrub, coastal form (32510), is a drought-deciduous sub-shrub community found below elevations of 1,000 feet. Coastal sage brush (*Artemisia californica*) is often dominant with California buckwheat (*Eriogonum fasiculatum*), laurel sumac (*Malosma laurina*), and lemonade berry (*Rhus integrifolia*) (Holland 2008). The sage scrub community on the project site is predominantly coastal sagebrush with laurel sumac, lemonade berry, and small amounts of California buckwheat, saw-toothed hazardia (*Hazardia squarrosa*), and goldenbush (*Isocoma menziesii*). The Coastal sage scrub community present on the project site in February 2012 was approximately 3.24 acres (Figure 4).

[1] This number is the element code for the element class as assigned by Holland [1996] and modified by Oberbauer [2008].

An agricultural clearing permit (AD-10-014) was issued for a portion of the property in 2010 (Figure 5). Based on aerial photographs and mapping done during site visits in 2012, unauthorized clearing occurred outside of the area identified on the agricultural clearing permit. An aerial photograph taken in 2010 indicates the presence of approximately 4.91 acres of Diegan coastal sage scrub on the project site. At the time of the site visits in 2012, 1.74 acres of Diegan coastal sage scrub was mapped on the southeast corner of the project site. Another 1.50 acres of sage scrub was mapped on the northwest side of the project site along Blossom Valley Road for a total of 3.24 acres (Figure 4). Approximately 1.67 acres of Diegan coastal sage scrub has been lost as the result of unauthorized clearing. Diegan coastal sage scrub is considered Tier II, or "Uncommon Uplands," in the MSCP. Mitigation for disturbance to Diegan coastal sage scrub is required at a ratio of 1:1.

Non-Native Grasslands

Non-native grasslands (42200) are generally dominated by annual grasses in association with annual forbs. Plants associated with this plant community often germinate in the fall, flowering and setting seed through the winter and spring. The presence of grasses in the genera *Avena* and *Bromus*, and forbs such as filaree (*Erodium* spp) and mustards (*Brassicaceae*) are indicative of non-native grasslands in San Diego County (Holland 2008). The non-native grasslands on the property (approximately 3.70 acres) are predominantly rip-gut brome with wild oat (*Avena fatua*), red brome, annual bluegrass (*Poa annua*), filaree, wild radish (*Raphanus sativus*), London rocket (*Sisymbrium irio*), and black mustard (*Brassica nigra*) (Figure 4). Non-native grasslands are considered "Common Uplands," Tier III. The non-native grasslands on the property will not be affected by the proposed project.

Southern Coast Live Oak Riparian Forest

Southern coast live oak riparian forest (61310) is found in drainages throughout San Diego County. This plant community is associated with fine-grained, rich alluvium of bottomlands and floodplains. There are riparian forests dominated by coast live oak (*Quercus agrifolia*) in association with a wide range of shrubs and forbs. The southern coast live oak riparian forest on the property (approximately 4.0 acres) is found along an unnamed seasonal stream on the north side of the property (Figure 4). The area adjacent to the stream is alluvial bottomland comprised of mostly fine loams. Plant species found in this area include coast live oak, toyon (*Heteromeles arbutifolia*), poison oak (*Toxicodendron diversilobum*), Mexican elderberry (*Sambucus mexicanus*), and California honeysuckle (*Lonicera hispidula).* Non-native invasive species, such as tree tobacco (*Nicotiana glauca*) and periwinkle (*Vinca major),* are also present. Southern coast live oak riparian forests are considered Tier I, "Rare Uplands." The southern coast live oak riparian forest on the property will not be affected by the proposed action. Riparian habitat on the property will be avoided by maintaining a 50-foot wetland buffer extending outward from the edge of the riparian canopy.

Appendix B is a list of plant species observed on the project site.

Table 1 Plant Communities APN 396-070-07 San Diego County, California			
Plant Community	**Holland Element Code**	**Acres**	**Tier**
Intensive agriculture	18200	31.02	IV
Disturbed	11300	3.75	IV
Diegan coastal sage scrub	32510	4.91[2]	II
Non-native grassland	42200	3.70	III
Southern Coast Live Oak Riparian Forest	61310	4.70	I
	Total	48.08	

1.4.4 Fauna

Wildlife species observed on the project site included invertebrates, reptiles, birds, and large and small mammals. Animal species observed during site visits are listed in Appendix C.

Nesting Birds

The proposed project site provides nesting habitat for resident and migratory bird species. Nesting birds were not observed during site visits; however, it may have been too early in the year for breeding or nesting activity. The Migratory Bird Treaty Act and the California Fish and Game Code, Section 3503, protects nesting birds, their eggs nests, and young.

1.4.5 Sensitive Species

For the purposes of this report, sensitive species are those species indentified in Attachment F, Scope for Biological Resources, MPA 11-011, Evergreen Nursery, dated 24 August 2011. After identifying sensitive species potentially present in the vicinity of the

[2] Includes 3.24 acres mapped during site visits and 1.67 acres lost as a result of unauthorized clearing.

proposed project site, the CNDDB was consulted to determine if there are recorded occurrences of these species in the vicinity of the proposed project. Twenty-five sensitive species were identified as potentially present in the vicinity of the project site (Appendix D).

A review of the CNDDB, ArcGIS 9.X, determined that eight plant species, one amphibian species, two species of reptile, 10 bird species, and one mammal species covered under the MSCP have potential to occur on the project site (Appendix D).

During site visits, the property was evaluated to determine if sensitive species or suitable habitat for sensitive species may be present on or adjacent to the proposed project site. The potential for a species to occur on the proposed project site are based on:

- Recorded occurrences of the species in the immediate vicinity (two-mile radius) of the property;
- The presence of suitable habitat for the species; and
- The quality of suitable habitat if present.

A species was determined to have a high potential to occur on the property if there are recorded occurrences within two miles of the project site and suitable habitat of good quality is present on the site. A species was determined to have a moderate potential to be present if there are no records within two miles of the proposed project site but suitable habitat of reasonable quality is present. A species was determined to have a low potential to be present if there is no recorded occurrence within two miles and habitat is fragmented or of low quality. A species is considered to have no potential to occur on the site if there are no records within two miles and suitable habitat is not present.

Sensitive Plant Species

San Diego ambrosia *(Ambrosia pumila)*

The U.S. Fish and Wildlife Service list San Diego ambrosia as endangered. The State of California has not listed this species. The California Native Plant Society considers San Diego ambrosia as seriously endangered in California. This species is considered a narrow endemic plant species in San Diego County.

San Diego ambrosia may be found in chaparral, coastal scrub, valley and foothill grasslands, in association with vernal pools, and in superficially disturbed wet areas. This species often occurs in conjunction with alkaline sandy or river wash soils. Creek beds, seasonally dry drainages, and floodplains tended to be the preferred historical habitat (Reiser 1994).

San Diego ambrosia is often found on floodplains that are periodically inundated or in vernal pools or similar features. It is not shade tolerant and is usually found in more open areas.

The proposed project site is an active well maintained nursery. It is not subjected to flooding and does not contain vernal pools or other seasonally wet areas. Suitable habitat is not present in the development area. Suitable habitat is present along the creek however the proposed action does not include this area. There are no recorded occurrences within 2-miles.

Lakeside ceanothus *(Ceanothus cyaneus)*

The U.S. Fish and Wildlife Service and the State of California have not listed Lakeside ceanothus. The California Native Plant Society considers this species to be fairly endangered in California. This species is considered a narrow endemic plant species in San Diego County.

Lakeside ceanothus is associated with dense inland mixed chaparral that is a mixture of chamise (*Adenostoma fasciculatum*) and manzanita (*Arctostaphylos* spp). Suitable habitat for this species is not present on the proposed project site; however, there are two recorded occurrences of this species within two miles of the property. Lakeside ceanothus has low potential to occur on the site. A search was made for any ceanothus species and none were detected. Lakeside ceanothus is not present on the proposed project site.

Variegated dudleya *(Dudleya variegata)*

The U.S. Fish and Wildlife Service and the State of California have not listed variegated dudleya. The California Native Plant Society considers this species to be fairly endangered in California. Variegated dudleya is considered a narrow endemic plant species in San Diego County.

Variegated dudleya is generally found in openings in sage scrub and chaparral and in rocky areas in open grasslands. This species is often found in close proximity to vernal pools and mima mounds.

There is suitable habitat present in the coastal sage scrub on the property however this area was searched for *Dudleya* during site visits and no species of *Dudleya*, including variegated dudleya, were observed. The sage scrub community is outside of the area disturbed by the proposed action. There are records for this species within 2-miles of the project site however variegated dudleya was not observed on the property. Variegated dudleya will not be affected by the proposed action.

San Diego barrel cactus *(Ferocactus viridescens)*

The U.S. Fish and Wildlife Service and the State of California have not listed San Diego barrel cactus. The California Native Plant Society considers this species to be fairly endangered in California. San Diego barrel cactus is covered by the MSCP.

San Diego barrel cactus occurs on hillsides and ridge tops in Diegan coastal sage scrub, usually in cobbles (Reiser 1994). Suitable habitat may be present in the sage scrub plant community on the project site. There are no recorded occurrences of this species within two miles of the project site. This species has a low potential to occur on the property.

The sage scrub plot remaining on the project site is small enough to be thoroughly searched. San Diego barrel cactus was not observed and is not likely to be present on the project site.

Snake cholla *(Cylindropuntia [Opuntia] parryi* var *serpentina)*

The U.S. Fish and Wildlife Service and the State of California have not listed this species. The California Native Plant Society considers snake cholla as seriously endangered in California. This species is considered a narrow endemic plant species in San Diego County.

Snake cholla occurs in open sage scrub often on loamy soils. Suitable habitat is present in the sage scrub community on the project site. There are no recorded occurrences of this species within two miles of the project site. There is low potential for this species to be present on the property. A search was made of the project site and snake cholla was not found. Snake cholla is not present on the project site.

Small-leaved rose *(Rosa minutifolia)*

The small-leaved rose has not been listed by the U.S. Fish and Wildlife Service. The State of California has listed this species as endangered. The California Native Plant Society considers the small-leaved rose seriously endangered in California.

The only known occurrence of small-leaved rose is in Otay Mesa, in southern San Diego County. This population occurs in open sage scrub on a loam soil (Reiser 1994). A search of the sage scrub community on the project site did not find any members of the genus *Rosa.* Small-leaved rose does not occur on the project site.

San Miguel savory *(Satureja chandleri)*

The U.S. Fish and Wildlife Service and the State of California have not listed this species. The California Native Plant Society considers San Miguel savory as fairly endangered in California. San Miguel savory is covered by the MSCP.

Reiser (1994) considers San Miguel savory to be one of the rarest plants in California. San Miguel savory is a small herbaceous shrub often found in chaparral and oak woodland, usually on loam soils. Suitable habitat for this species may be present in the oak woodland along the north boundary of the property. There are no recorded occurrences of this species within two miles of the project site. There is low potential for this species to occur on the property.

Given the rarity of this species, a careful search should be made of any areas scheduled for development in or near the oak woodland on the property. Searches shall be conducted during the March through July flowering period for this species.

Narrow-leaved nightshade *(Solanum tenuilobatum)*

The U.S. Fish and Wildlife Service, the State of California, and the California Native Plant Society do not list narrow-leaved nightshade. This species is covered by the MSCP.

Narrow-leaved nightshade occurs in open chamise chaparral and Diegan coastal sage scrub, often in the vicinity of rock outcrops. Suitable habitat for this species is present in the sage scrub community on the project site. There are no recorded occurrences of this species within two miles of the project site. Potential for narrow-leaved nightshade to be present on the property is low.

A search was made of the project site and only *Solanum douglasii* was detected. The search was made during the February through June flowering period for narrow-leaved nightshade. Narrow-leaved nightshade is not likely to be present on the project site.

Sensitive Animal Species

Arroyo toad *(Anaxyrus californicus)*

The arroyo toad is listed as endangered by the U.S. Fish and Wildlife Service and is considered a Species of Special Concern by the California Department of Fish and Wildlife.

The arroyo toad is usually found in washes, arroyos and streams (including seasonal streams). They often occur in riparian areas with willows, sycamores, oaks, cottonwoods. The arroyo toad has extremely specialized habitat requirements. For breeding they require quiet pools with silt or sand bottoms free of predatory fishes. Arroyo toads aestivate during the summer months and require fairly loose soils that they can burrow into. Arroyo toads may be present along seasonal streams as long as quiet water is available for breeding and there are suitable areas for aestivation.

Marginally suitable habitat is present along un-named seasonal stream on the northwest side of the property and in the adjacent uplands. Areas suitable for use by the arroyo toad are small and are limited in occurrence. The stream and the grasslands that may provide habitat for arroyo toad would not be affected by the proposed action. There are no recorded occurrences of arroyo toad along the entire length of the un-named creek that flows through the property. The nearest recorded occurrence was in 2001 in Sloan Canyon 6-miles to the south of the project site. There is no water connection between the project site and Sloan Canyon. The area on the property that may provide habitat for the arroyo toad is outside of the limits of disturbance and

will not be affected by the proposed action. The arroyo toad would not be affected by the proposed action.

Orange-throated whiptail *(Cnemidophorus hyperythrus beldingi)*

The orange-throated whiptail has not been listed by the U.S. Fish and Wildlife Service. The California Department of Fish and Wildlife considers the orange-throated whiptail to be a Species of Special Concern. This species is covered by provisions of the MSCP.

The orange-throated whiptail is found in brushy areas with loose soils and rocks, particularly in washes, along streamsides, and on rocky hillsides. Suitable habitat for this species is present throughout the project site. There are two recorded occurrences of this species within two miles of the project site. There is high potential for this species to be present on the project site. The orange-throated whiptail, however, is considered adequately conserved by the provisions of the MSCP. Development of habitat on the project site would not adversely affect conservation of this species.

San Diego horned lizard *(Phrynosoma coronatum)*

The San Diego horned lizard has not been listed by the U.S. Fish and Wildlife Service. The California Department of Fish and Wildlife considers the San Diego horned lizard to be a Species of Special Concern. This species is covered by provisions of the MSCP.

The San Diego horned lizard is associated with coastal sage scrub, chaparral, grassland, coniferous forest, oak woodland, and some riparian areas. This species seems to prefer areas with loose, fine soils. A good population of native ants is required for this species to thrive. Suitable habitat for this species is found throughout the project site. There are two recorded occurrences of San Diego horned lizards within two miles of the property. There is high potential for this species to be present on the project site. The San Diego horned lizard, however, is considered adequately conserved by the provisions of the MSCP. Development of habitat on the project site would not adversely affect conservation of this species.

Cooper's hawk *(Accipiter cooperii)*

Cooper's hawk has not been listed by the U.S. Fish and Wildlife Service. The California Department of Fish and Wildlife considers the Cooper's hawk to be a Species of Special Concern. This species is covered by provisions of the MSCP. Cooper's hawk is protected by the Migratory Bird Treaty Act and Section 3505.5 of the California Fish and Game Code. Nests, eggs, and young of this species may not be disturbed or destroyed.

Cooper's hawk is a winter visitor in San Diego County. This species is found around woodlands, parks, and residential areas. According to Unitt (1984), nesting is restricted to oak woodlands. Suitable nesting and foraging habitat is present on the project site. The proposed

project has been designed to avoid oak woodlands on the property. The Cooper's hawk will not be adversely affected by the proposed action.

California rufous-crowned sparrow *(Aimophila ruficeps canescens)*

The California rufous-crowned sparrow has not been listed by the U.S. Fish and Wildlife Service. The California Department of Fish and Wildlife considers the California rufous-crowned sparrow to be a Species of Special Concern. This species is covered by provisions of the MSCP.

The California rufous-crowned sparrow is a year-round resident throughout their range. This species occurs in open stands of chaparral and coastal sage scrub, and appears to prefer distinct open shrubby habitat on rocky, dry slopes. Suitable habitat for this species is present in the sage scrub community on the project site. There are three recorded occurrences of this species within two miles of the project site. There is a high potential for this species to be present on the property. The California rufous-crowned sparrow is considered adequately conserved by the provisions of the MSCP. Development of habitat on the project site would not adversely affect conservation of this species. However, suitable habitat on the project site should be surveyed for nesting rufous-crowned sparrows prior to any disturbance. If nests are found, a 300-foot avoidance buffer shall be established around each nest and no disturbance shall be permitted inside the buffer during the general nesting season, or until the project biologist determines that the young have fledged or the nest is no longer active.

Golden eagle *(Aquila chrysaetos)*

The golden eagle has not been listed by the U.S. Fish and Wildlife Service. The California Department of Fish and Wildlife considers the golden eagle to be a Species of Special Concern. This species is covered by provisions of the MSCP.

The golden eagle is an uncommon resident of eastern San Diego County. This species may be seen soaring over all habitat types but seems to prefer large expanses of grasslands, open chaparral, or sage scrub for foraging. Nesting occurs on steep ledges or in solitary trees on steep slopes. Marginal foraging habitat for this species is present on the project site. Suitable nesting sites are not available on the project site. There are no recorded occurrences of this species within two miles of the project site. The golden eagle may be an occasional visitor in the vicinity of the project site and is not likely to be affected by the proposed project.

Western burrowing owl *(Athene cunicularia hypugaea)*

The western burrowing owl is a state Species of Special Concern, a federal Special Concern Species, a Partners in Flight Priority Bird Species, and a U.S. Fish and Wildlife Service Species of Management Concern. The western burrowing owl is covered by the MSCP. The western burrowing owl is protected by the Migratory Bird Treaty Act and Section 3503.5 of the

California Fish and Game Code. Disturbance or destruction of nests, eggs, and young is prohibited.

Burrowing owls tend to prefer areas with good horizontal visibility, low ground cover density, and elevated perches, factors providing for easy detection of prey and predators. Burrowing owls are generally found in dry, open, treeless areas, such as agricultural lands, annual and perennial grasslands, deserts, and arid scrublands with low-growing vegetation. Burrowing owls may also be found on golf courses, cemeteries, airports, in vacant lots, and along road shoulders. This species uses burrows of fossorial mammals, culverts, debris piles, and similar structures for nest sites.

The project site is an active well maintained nursery. Burrows and other features suitable for use by burrowing owls are not present in the development area. Suitable burrows and foraging habitat occur in sage scrub and non-native grasslands on the project site however these areas are outside the limits of disturbance and will not be affected by the proposed project. There are no recorded occurrences within 2-miles.

Ferruginous hawk *(Buteo regalis)*

The ferruginous hawk has not been listed by the U.S. Fish and Wildlife Service. The California Department of Fish and Wildlife considers the ferruginous hawk to be a Species of Special Concern. This species is covered by provisions of the MSCP.

The ferruginous hawk is an uncommon winter visitor in San Diego County. Suitable foraging habitat is present on the project site. There are no recorded occurrences of this species within two miles of the project site. This species may be an accidental visitor to the project site and is not likely to be affected by the proposed project.

Swainson's hawk *(Buteo swainsoni)*

Swainson's hawk has not been listed by the U.S. Fish and Wildlife Service. The California Department of Fish and Wildlife considers the Swainson's hawk to be a Species of Special Concern. This species is covered by provisions of the MSCP.

Swainson's hawk is an uncommon spring migrant and may be a summer resident in San Diego County. Unitt (1984) indicates that this species is most common in coastal areas of the county. Suitable foraging habitat is present on the project site. There are no recorded occurrences of this species within two miles of the project site. This species may be an accidental visitor to the project site and is not likely to be affected by the proposed project.

Southwestern willow flycatcher *(Empidonax traillii extimus)*

The southwestern willow flycatcher has been listed as endangered by the U.S. Fish and Wildlife Service and the State of California. This species is covered by provisions of the MSCP.

The southwestern willow flycatcher is generally found along streams with dense, mature stands of willows *(Salix* spp), cottonwoods (*Populus* spp), and in wet areas with stands of alder (*Alnus* spp). Some scattered willows are present on the property, particularly along the seasonal stream in the southwest corner of the property. Habitat is marginally suitable. There are no recorded occurrences of this species within two miles of the property. There is little or no potential for this species to be present on the property. The project has been designed to avoid southwestern willow flycatcher habitat. This species will not be adversely affected by the proposed project.

Coastal California gnatcatcher *(Polioptila californica californica)*

The coastal California gnatcatcher is listed as endangered by the U.S. Fish and Wildlife Service and is a State of California Species of Special Concern. The coastal California gnatcatcher is covered by provisions of the MSCP.

The coastal California gnatcatcher is a small, non-migratory songbird that is found in or near coastal sage scrub habitat in southwestern California and northwestern Baja California, Mexico. The coastal California gnatcatcher is found almost exclusively in coastal sage scrub, but has also been seen in chaparral and riparian habitats.

Suitable habitat for this species is found in the coastal sage scrub community on the property. There are three recorded occurrences of this species within two miles of the property. There is a high potential for this species to be present on the property. Coastal sage scrub on the project site should not be disturbed during the breeding season for this species, 15 February through 31 August, unless a focused protocol survey for the species is conducted by a qualified biologist holding an Endangered Species Act Section 10(A)1(a) recovery permit. If the coastal California gnatcatcher is present, no disturbance of suitable habitat shall occur during the breeding season for this species.

Western bluebird *(Sialia Mexicana)*

The western bluebird has not been listed by the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife. This species is covered by provisions of the MSCP.

The western bluebird generally prefers ecotones or the edges of habitat—particularly the edge between woodlands and meadows or grasslands. There are no records of this species within two miles of the project site. There is low to moderate potential for this species to be present on the property. The project has been designed to avoid the riparian habitat on the property. The western bluebird will not be adversely affected by the proposed project.

Least Bell's vireo *(Vireo bellii pusillus)*

Least Bell's vireo is listed as endangered by the U.S. Fish and Wildlife Service and the State of California. Least Bell's vireo is covered under the MSCP. If suitable habitat is present, focused surveys are required. Critical habitat was designated for least Bell's vireo in 1994.

Least Bell's vireos are usually found in riverine/riparian habitats that typically have dense understory within one to two meters of the ground, and a dense, stratified canopy along water or dry parts of intermittent streams. Typically, least Bell's vireo is associated with southern willow scrub, cottonwood forest, mule fat scrub, sycamore alluvial woodland, coast live oak riparian forest, arroyo willow riparian forest, wild blackberry, or mesquite in desert localities and in the immediate vicinity of water.

Suitable habitat for this species is found along the stream on the northwest side of the property. There are no recorded occurrences of this species within two miles of the project site. The project site is not within or adjacent to designated critical habitat for this species. There is low potential for this species to be present on the project site. The project has been designed to avoid suitable habitat for the least Bell's vireo. This species will not be adversely affected by the proposed action.

Southern mule deer *(Odocoileus hemionus fulginata)*

The southern mule deer is not listed by the U.S. Fish and Wildlife Service or the State of California. This species is covered under provisions of the MSCP.

The southern mule deer is limited to Southern California and Baja California, Mexico. The southern mule deer species are browsers, feeding primarily on woody vegetation as opposed to grasses. Mule deer occur in a wide range of habitats. Suitable habitat for this species is present on the project site and tracks were found along the unnamed seasonal stream on the property, but no deer were observed. It could not be determined how heavily mule deer may utilize the site. This species is adequately conserved by the MSCP and should not be adversely affected by the project.

1.4.6 Wetlands/Jurisdictional Waters

An unnamed seasonal stream is present along the northwest side of the property. This stream is depicted as a "blue-line" stream on the USGS *Alpine* 7.5 minute topographic map sheet. "Blue-line" streams often depict waters of the United States. This unnamed seasonal stream is depicted on the National Wetlands Inventory *Alpine* 7.5 minute topographic quad sheet as "Riverine Wetland." This section provides a discussion of jurisdictional waters of the United States and the State of California, their locations, and extent on the property. This section is intended to:

1. Identify, characterize, and delineate areas on the property that satisfy criteria for wetlands, and

2. Provide a preliminary determination regarding the presence and extent of jurisdictional waters of the U.S. and State of California on the property.

Federal Jurisdiction

Section 33.3 (a)(3), Title 33 of the Code of Federal Regulations (Navigation and Navigable Waters) defines waters of the United States as, *"All other waters such as interstate lakes, rivers, streams (including intermittent streams)..."*

The discharge of dredge or fill material into waters of the United States that could result in the temporary or permanent loss of waters of the United States is regulated by the U.S. Army Corps of Engineers (USACOE) under the provisions of Section 403 of the Clean Water Act. Projects in navigable waters are regulated under Section 10 of the Rivers and Harbors Act.

Based on the 2001 Supreme Court ruling in *Solid Waste Agency of Northern Crook County (SWANCC) v Corps*, the USACOE determined that isolated, non-navigable waters could not be regulated by the Clean Water Act if there was no link to interstate or foreign commerce. In 2006, following the Supreme Court rulings in *Rapanos v U.S.* and *Carabell v U.S.*, the USACOE developed two standards for determining whether waters that are not traditional navigable waters and wetlands adjacent to those waters are subject to the Clean Water Act:

1. If the water is relatively permanent (has a continuous flow at least seasonally) or is a wetland adjacent to a reasonably permanent water, it is under the jurisdiction of the Clean Water Act; or

2. If the water is not reasonably permanent but the water and all adjacent wetlands have a significant nexus with a traditional navigable water, then it is under the jurisdiction of the Clean Water Act.

The USACOE and the Environmental Protection Agency define wetlands as *"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. Wetlands generally include swamps, marshes, bogs, and similar areas."* Three parameters are used to identify wetlands: the presence of predominantly hydrophytic vegetation, the presence of wetland hydrology, and the presence of predominantly hydric soils. All three parameters must be met for an area to be considered a wetland.

In non-tidal waters, the extent of USACOE jurisdiction is determined by the OHWM. Title 33 Section 328[e] of the Code of Federal Regulations defines the OHWM as, *"...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 soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas."*

State Jurisdiction

The California Fish and Game Code (Section 1602) requires an entity to notify the Department of Fish and Wildlife of any proposed activity that may substantially modify a river, stream, or lake. Notification is required by any person, business, state or local government agency, or public utility that proposes an activity that will:

1. Substantially divert or obstruct the natural flow of any river, stream or lake;

2. Substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or

3. Deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

Streams are defined by the presence of a definite bed, banks, and at least an intermittent flow of water. The California Department Fish and Wildlife assumes jurisdiction at a stream from the top of one bank to the top of the opposite bank, or to the extent of the riparian canopy if one is present.

The California Department of Fish and Wildlife has defined wetlands as *"areas which are periodically or permanently covered by shallow water or dominated by hydrophytic vegetation, or in which the soils are predominantly hydric in nature."* In order for an area to be considered a wetland, only one of these parameters must be met.

County of San Diego Jurisdiction

The County uses the same one-parameter test used by the state. County jurisdiction includes the wetland and a 50- to 100-foot wide buffer adjacent to the wetland.

The County of San Diego defines wetlands as having one or more of the following attributes:

- At least periodically, the land supports a predominance of hydrophytes (plants whose habitat is water or very wet places)(bb);

- The substratum is predominantly undrained hydric soil; or

- 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.

This definition does not include lands which have attribute(s) specified in preceding paragraph solely due to man-made structures (e.g., culverts, ditches, road crossings, or agricultural ponds), provided that the Director of Planning and Land Use determines that they have negligible biological function or value as wetlands, are small and geographically isolated from other wetland systems, are not vernal pools, and do not have substantial or locally important populations of wetland-dependent sensitive species.

The County of San Diego defines a wetland buffer as *" Lands that 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. Buffer widths shall be 50 to 200 feet from the edge of the wetland as appropriate based on the above factors. Where oak woodland occurs adjacent to the wetland, the wetland buffer shall include the entirety of the oak habitat (not to exceed 200 feet in width)."*

Wetland Delineation

The USACOE uses a three-parameter approach to wetland delineation. Three wetland criteria have been established: hydrophytic vegetation, hydric soils, and wetland hydrology. All three criteria must be met for an area to be considered a wetland. The State of California and the County of San Diego use the same three criteria; however, only one of the criteria need be met for an area to be identified as a wetland (single parameter approach).

Hydrophytic Vegetation

In general, hydrophytic vegetation includes plants that thrive in wet conditions and exhibit obvious physical adaptations for the capturing and transporting of oxygen. The USACOE *Wetland Delineation Manual* defines hydrophytic vegetation as *"the sum total of macrophytic plant life that occurs in areas where the frequency and duration of inundation or soil saturation produce permanently or periodically saturated soils of sufficient duration to exert a controlling influence on the plant species present"* (USACOE 1987).

The hydrophytic vegetation criterion is met when 51 percent or more of the vegetation is adapted to growing in wet conditions. Plants are assigned a wetland indicator status based on regional plant lists (USFWS 1997). Status is based on the probability of a plant occurring in a wetland and ranges from "Obligate Wetland" (more than 99 percent probability of occurring in a wetland) to "Obligate Upland" (less than one percent probability of occurring in a wetland).

Hydric Soils

Hydric soils are defined by the National Technical Committee for Hydric Soils as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil (NRCS 2008). The presence of hydric soils may be determined by a variety of field indicators and by consulting a list of hydric soils for the project area.

Wetland Hydrology

Wetland hydrology is present when, under normal circumstances, the land surface is either inundated or the upper portion of the soil is saturated at a sufficient frequency and duration to create anaerobic conditions. Field indicators used for hydric soils may also be used to support the presence or absence of wetland hydrology.

Methodology

Prior to visiting the project site, National Wetland Inventory Maps (USFWS 2011), the State List of Hydric Soils (NRCS 2012), the soil survey for the San Diego area (USDA 1973), topographic maps, and aerial photos dated from 1953 to 2011 were reviewed. During site visits, the information obtained from the literature review was confirmed and supplemented.

The project site was assessed for the presence of wetlands and non-wetland waters using routine wetland delineation methodology described in the USACOE wetland delineation manual (USACOE 1987) and the Interim Regional Supplement for the Arid Rest Region (USACOE 2008).

The project site was walked to determine where wetlands and other waters might be on the property. The centerline of the stream reach on the property was walked and signs of potential jurisdictional criteria were searched for. These included the presence of bed and bank configuration and the presence of an OHWM. Observations were made at 18 points along the stream (Figure 6). Observations made included the presence of USACOE wetland criteria: hydrophytic vegetation, the presence of wetland hydrology, and the presence of hydric soils. The OHWM and potential wetlands were identified with pin flags and mapped with a Trimble GeoXT data logger.

Wetland Determination Data Forms were completed and are found in Appendix F.

Results

Jurisdictional Waters

The only potential wetlands and non-wetland waters on the property occur along the unnamed stream on the northwest boundary of the property. The stream is tributary to Los Coches Creek, a traditional navigable water, which is tributary to the San Diego River, a

traditional navigable water. Based on USACOE standards developed following *Rapanos v U.S.* and *Carabell v U.S.,* this nexus is sufficient to place the stream under the jurisdiction of the Clean Water Act.

The stream has a well-formed channel with distinct bed and bank configuration. The OHWM is generally well defined throughout this reach of the stream. The OHWM was mapped with a Trimble GeoXT Data Logger and is depicted in Figure 6. This represents a preliminary determination of USACOE jurisdiction. Waters of the United States are approximately 0.89 acre.

The presence of at least intermittent flows and a well-defined channel, bed, and banks place this stream under the jurisdiction of the California Department of Fish and Wildlife and makes it subject to Section 1602 of the California Fish and Game Code. California Department of Fish and Wildlife jurisdiction is usually considered to be from the top of one bank to the top of the other bank, or the extent of the riparian canopy if one is present. The plant community along the stream is southern coast live oak riparian forest. The extent of California Department of Fish and Wildlife jurisdiction was determined by mapping the extent of the riparian forest canopy. Where there were significant breaks in the canopy, the top of bank was used to establish limits of jurisdiction. A preliminary determination of California Department of Fish and Wildlife jurisdiction is depicted in Figure 6. Waters on the property under the jurisdiction of the California Department of Fish and Wildlife total approximately 4.70 acres.

Jurisdictional Wetlands

The National Wetlands Inventory has mapped the stream on the project site as an Intermittent Riverine Streambed. The riverine system is bounded by uplands and the channel banks and has at least intermittent flows. The bottom in this case is unconsolidated material.

Vegetation was sampled at 16 points along the stream. In addition, a walking survey was made of the length of the stream reach on the property. Hydrophytic vegetation comprised less than five percent of the plant community along the stream. The majority of the vegetation consisted of a canopy of coast live oaks with an understory primarily consisting of shrubs and subshrubs, such as poison oak and non-native grasses, such as rip-gut brome and wild oat. The vegetation along the stream does not exceed 50 percent and does not meet the parameter for hydrophytic vegetation.

A review of the list of hydric soils for San Diego County determined that soils along the stream are Tujunga sand, a hydric soil. Soil test pits were dug at each of the 16 sample points. Pits were dug to a depth of 20 inches where possible. In some instances, bedrock was encountered at depths less than 20 inches, and at sample points along the center of the stream, the pits filled with water or caved in before 20 inches could be attained. Observations made in the soil test pits were consistent throughout the reach. Soils at the top of the bank were a dark-reddish brown (Munsell Color 5YR/5/3) loamy fine sand to a depth of 20 inches. This is

consistent with the soil description for this series in the Soils Survey for the San Diego Area, California (USDA 1973).

At the centerline of the stream, soils were dark brown sands (Munsell 7.5/3/3), saturated to a depth of three inches. Below three inches, water began to fill the test pits, and below six inches the pits collapsed. The stream channel provided a clear cross-section of the stream banks. A thick layer (10 to 15 feet) of dark reddish-brown to dark brown sandy loam is present. A layer of dark soil (Munsell Gley 1/5G) occurs below this layer of brown soil. Gley is indicative of hydric soils. The soils found along the creek satisfy the criterion for hydric soils.

Wetland hydrology is present along the bottom of the active channel. There was no evidence of saturated soil along the stream banks. The active channel meets wetland criteria for wetland hydrology. The area outside of the active channel does not meet the wetland hydrology criterion.

The stream and its environs do not satisfy the three-parameter test used by the USACOE. Wetlands falling under federal jurisdiction are not present on the project site. The site, however, satisfies the hydric soil criterion and meets the one-parameter test used by the California Department of Fish and Wildlife and the County of San Diego.

Conclusion

Approximately 0.80 acre of Waters of the United States is present in the stream along the northwest boundary of the project (Figure 6). These waters are covered by the Clean Water Act and are regulated by the USACOE. The project has been designed to avoid waters protected by the Clean Water Act.

Approximately 4.70 acres of wetlands under the jurisdiction of the California Department of Fish and Wildlife are present along the stream (Figure 6). The extent of California Department of Fish and Wildlife jurisdiction is based on the extent of the riparian canopy along the stream or the top of the bank where there is no canopy. These wetlands are regulated under Section 1602 of the California Fish and Wildlife Code, and the project has been designed to avoid wetlands.

Approximately 9.55 acres of wetlands under the jurisdiction of the County of San Diego occur along the stream. This estimate includes 4.70 acres of RPO wetlands and 4.85 acres of RPO wetland buffer (Figure 6). The extent of County jurisdiction is determined by the extent of the riparian oak canopy plus a 50-foot buffer. These wetlands are regulated by the County of San Diego RPO. (SDCC 2007). The proposed project has been designed to avoid RPO wetlands and wetland buffers.

1.4.7 Habitat Connectivity and Wildlife Corridors

The riparian corridor along the stream on the northwest side of the property provides habitat connectivity to similar habitat upstream and downstream of the project site. The riparian corridor joins Los Coches Creek and extends downstream nearly to the San Diego River, and provides a local wildlife movement corridor approximately four miles long composed of approximately six acres of wooded riparian habitat. This corridor connects scattered small patches of habitat in a rural residential community. This corridor is likely to be used by a variety of wildlife, including mule deer, coyote, raccoon, bobcat, possum, Cooper's hawk and other birds of prey, and a large number of songbird species. This corridor does not appear to be part of a regional linkage. The project has been designed to avoid the riparian corridor along the stream.

1.5 Applicable Regulations

Clean Water Act

The Clean Water Act has jurisdiction over Waters of the United States and use of these waters is regulated by the USACOE or the U.S. Environmental Protection Agency. In this instance, the USACOE has jurisdiction. A Clean Water Act Section 401 water quality certification issued by the local regional water quality control board will be required, and a Section 404 permit issued by the USACOE will be required if Waters of the United States are affected. .

California Fish and Game Code

Section 1602 of the California Fish and Game Code deals with stream or lakebed alteration. The project will affect an area under the jurisdiction of the California Department of Fish and Wildlife. The project proponent is required to file a Notification of Lake or Streambed Alteration with the California Department of Fish and Wildlife. If the Department determines that the project may substantially affect natural resources, a Lake or Streambed Agreement will be prepared describing actions necessary to protect those resources and comply with the CEQA.

Section 3503 of the California Fish and Game Code protects the nests, eggs, and young of any bird species. A nesting bird survey must be conducted if activity will take place during the nesting/breeding season.

Migratory Bird Treaty Act of 1918

The Migratory Bird Treaty Act makes it unlawful to pursue, hunt, take, capture, kill, or sell migratory birds. The statute does not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs, and nests. It will be necessary to conduct nesting bird surveys if an activity is to occur in nesting/breeding habitat during the general bird nesting season, 1 February through 15 September. If nesting birds are encountered it will be necessary to implement means to avoid destroying or disturbing the birds and their nests.

San Diego County Resource Protection Ordinance (RPO)

The San Diego County RPO provides controls on development of the County's wetlands, floodplains, steep slopes, sensitive biological habitats, and prehistoric sites by requiring a resource protection study for some discretionary permits.

San Diego County Biological Mitigation Ordinance

The Biological Mitigation Ordinance protects the County's biological resources from degradation and loss by guiding development outside of biological resource core areas and by establishing mitigation standards to be applied to discretionary projects.

U.S. Endangered Species Act

The purpose of the Endangered Species Act is to protect and recover imperiled species and the ecosystems on which they depend, and is administered by the U.S. Fish and Wildlife Service and the Commerce Department's National Marine Fisheries Service. Under the Endangered Species Act, species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened. For the purposes of the Endangered Species Act, Congress defined species to include subspecies, varieties, and, for vertebrates, distinct population segments.

California Endangered Species Act

The California Endangered Species Act protects and preserves all native species of fish, amphibians, reptiles, birds, mammals, invertebrates, and plants and their habitats threatened with extinction or suffering a significant decline that could lead to threatened or endangered status. The California Endangered Species Act encourages early consultation to avoid adversely affecting species covered by the Act and by recommending appropriate measures to avoid, minimize, or mitigate for adverse impacts.

2.0 POTENTIAL EFFECTS OF THE PROPOSED ACTION

2.1 Plant Communities

The project will affect approximately 34.52acres of land comprised of intensive agriculture, disturbed areas, and Diegan coastal sage scrub, (Table 2). Non-native grasslands and southern coast live oak riparian forest will not be affected by the proposed action.

The proposed project will adversely affect approximately 0.38 acres of existing Diegan coastal sage scrub in the southeastern corner of the property (Figure 9). Coastal sage scrub on the northwest side of the property will not be affected. Diegan coastal sage scrub is a Tier II plant community. The loss of Diegan coastal sage scrub shall be mitigated in accordance with the County's Biological Mitigation Ordinance.

An agricultural clearing permit (AD-10-014) was issued for a portion of the property in 2010 (Figure 5). Based on aerial photographs and mapping done during site visits in 2012, unauthorized clearing occurred outside of the area identified on the agricultural clearing permit. An aerial photograph taken in 2010 indicates the presence of approximately 4.91 acres of Diegan coastal sage scrub on the project site. Between 2010 and 2012, approximately 1.67 acres of sage scrub was lost as a result of unauthorized clearing outside of the area identified in AD-10-014. Mitigation for impacts to Diegan coastal sage scrub shall include the 0.38 acre to be lost as a result of the proposed action (Figure 5) and the 1.67 acres lost as a result of unauthorized clearing.

The loss of a total of 2.05 acres of Diegan coastal sage scrub shall be mitigated as proposed in Section 3.0 of this report.

Table 2
Plant Communities
Potentially Affected
Evergreen Nursery Site
APN 396-070-07
San Diego County, California

Plant Community	Holland Element Code	Acres	Acres Affected	Remaining
Intensive agriculture	18200	31.02	31.02	0.00
Disturbed	11300	3.75	1.45	2.30
Diegan coastal sage scrub	32510	4.91*	2.05**	2.86
Non-native grassland	42200	3.70	0.0	3.70
Southern coast live oak riparian forest	61310	4.70	0.0	4.70
	Total	48.08	34.52	13.56

* Includes 1.67 acres lost as a result of unauthorized clearing between 2010 and 2012
** Includes 1.67 acres lost as a result of unauthorized clearing and 0.38 acre to be lost as a result of the proposed action

Unless mitigated, the loss of Tier I, II, and III plant communities would be considered significant under the CEQA.

2.2 Fauna

Wildlife observed on the project site was concentrated along the relatively undisturbed riparian corridor along the northwest boundary of the property. The project is not likely to affect these animals. Pocket gophers and other small rodents are present in disturbed areas and on the intensive agricultural lands on the project site. These small mammals are likely to be displaced by initial disturbance associated with the project but will return to the nursery when grading and construction are completed. There will not be a significant impact on local wildlife.

2.3 Sensitive Species

Eight sensitive species were identified that may occur on the project site or in the vicinity.

2.3.1 Sensitive Plant Species

Two sensitive plant species, San Diego ambrosia and variegated dudleya, found on List A (Plants Rare, Threatened, or Endangered in California or Elsewhere) of the County of San Diego Sensitive Plant List have low potential to be present on the project site.

San Diego ambrosia

The proposed project site is an active well maintained nursery. It is not subjected to flooding and does not contain vernal pools or other seasonally wet areas. Suitable habitat is not present in the development area. Suitable habitat is present along the creek however the proposed action does not include this area. There are no recorded occurrences within 2-miles.

Variegated dudleya

There is suitable habitat present in the coastal sage scrub on the property however this area was searched for *Dudleya* during site visits and no species of *Dudleya*, including variegated dudleya, were observed. The sage scrub community is outside of the area disturbed by the proposed action. There are records for this species within 2-miles of the project site however variegated dudleya was not observed on the property. Variegated dudleya will not be affected by the proposed action.

2.3.2 Sensitive Animal Species

One sensitive amphibian species and five sensitive avian species have been determined to have potential to occur on the proposed project site.

Arroyo toad

Marginally suitable habitat is present along un-named seasonal stream on the northwest side of the property and in the adjacent uplands. Areas suitable for use by the arroyo toad are small and are limited in occurrence. The stream and the grasslands that may provide habitat for arroyo toad would not be affected by the proposed action. There are no recorded occurrences of arroyo toad along the entire length of the un-named creek that flows through the property. The nearest recorded occurrence was in 2001 in Sloan Canyon 6-miles to the south of the project site. There is no water connection between the project site and Sloan Canyon. The area on the property that may provide habitat for the arroyo toad is outside of the limits of disturbance and will not be affected by the proposed action. The arroyo toad would not be affected by the proposed action.

Coastal California gnatcatcher

The project has the potential to adversely affect the coastal California gnatcatcher, a species listed as threatened under the Endangered Species Act of 1973. Gnatcatchers were not observed during site visits; however, suitable habitat for this species is present in the sage scrub in the southeast corner of the property.

Prior to any disturbance of the coastal sage scrub community during the nesting season for this species, a focused presence/absence survey shall be conducted by a biologist holding a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit. A report of findings shall be submitted to the County. If, during the survey, coastal California gnatcatchers are determined to be present, destruction of their habitat during the breeding/nesting season (15 February through 31 August) would be considered a significant adverse effect. No work shall take place in suitable coastal California gnatcatcher habitat between 15 February and 31 August unless it has been determined that gnatcatchers are not present.

Least Bell's vireo

Least Bell's vireo is listed as endangered by the U.S. Fish and Wildlife Service and the State of California. Suitable habitat for least Bell's vireo is present in the riparian corridor along the northwest side of the project site. This area would not be impacted by the proposed project.

Southwestern willow flycatcher

The southwestern willow flycatcher is listed as endangered by the U.S. Fish and Wildlife Service and the State of California. Marginally suitable habitat for the southwestern willow flycatcher is present at the southwest end of the riparian corridor along the northwest side of the project site. This area would not be impacted by the proposed project.

Western bluebird

The western bluebird is covered under the provisions of the MSCP. Suitable habitat for this species is found along the edge of the riparian corridor along the northwest boundary of the project site. This area would not be impacted by the proposed project.

Rufous-crowned sparrow

The rufous-crowned sparrow is a state of California Species of Special Concern and is covered under the provisions of the MSCP. Suitable habitat for this species is present in the sage scrub community on the project site. There are three recorded occurrences of this species within two miles of the project site. There is high potential for this species to be present on the property.

Suitable habitat on the project site (coastal sage scrub) should be surveyed for nesting rufous-crowned sparrows prior to any disturbance during the general bird-nesting season. If the nesting season cannot be avoided, a nesting bird survey shall be conducted to determine if nests are present. If nests are present, or suspected to be present, a 300-foot buffer shall be established

around each nest or suspected nest location. No disturbance of the buffer shall occur until the project biologist has determined that the young have fledged or the nest is no longer active.

2.4 Riparian/Riverine Areas

The project has been designed to avoid disturbance of the riparian area along the northwestern side of the property.

2.5 Jurisdictional Wetlands and Waterways

The project has been designed to avoid jurisdictional waters, including wetlands, on the property.

2.6 Wildlife Movement Corridors

The riparian corridor on the property provides a local wildlife movement corridor extending downstream to Los Coches Creek and downstream almost to the San Diego River. This movement corridor connects several habitat patches and allows for the unobstructed movement of wildlife along the waterways. The project would not adversely affect the wildlife movement corridor.

3.0 PROPOSED AVOIDANCE, MINIMIZATION, AND / OR MITIGATION MEASURES

3.1 Plant Communities

One sensitive plant community, Diegan coastal sage scrub, would be affected by the proposed action.

Diegan coastal sage scrub

Approximately 2.05 acres of Diegan coastal sage scrub on the project site have been or will be adversely impacted by the project. Diegan coastal sage scrub is a Tier II plant community. Losses of Tier II plant communities must be mitigated in accordance with the San Diego County Biological Mitigation Ordinance. Mitigation will be required at a ratio of 1:1. The loss of 2.05 acres of Diegan coastal sage scrub would require the purchase of 2.05 acres in mitigation for habitat lost.

3.2 Fauna

Suitable habitat for nesting birds (including raptors) protected by the Migratory Bird Treaty Act and the California Fish and Game Code is present throughout the project site. If disturbance of the site is to occur during the general nesting bird season (1 February through 15 September) the site shall be surveyed to determine if nesting birds are present. If nesting birds are encountered or if there is reason to believe nesting birds may be present, the nest or suspected nesting area will be appropriately buffered and flagged. Nest locations and buffers will be indicated on project plans. No activity may take place within the buffered area until the project biologist has determined that the young have fledged or the nest is inactive.

Table 3 Proposed Mitigation Evergreen Nursery Site APNs 396-070-07 San Diego County, California			
Plant Community	**Acres Affected**	**Mitigation Ratio**	**Mitigation Recommended (ac)**
Intensive agriculture	29.95	0:0	0.00
Disturbed	3.75	0:0	0.00
Diegan coastal sage scrub	2.05*	1:1	2.05
Non-native grassland	0.0	1:1	0.0
Southern coast live oak riparian forest	0.0	2:1	0.0

* Includes 1.67 acres lost as a result of unauthorized clearing and 0.38 acre to be lost as a result of the proposed action

3.3 Sensitive Animal Species

Coastal California gnatcatcher

The project has the potential to adversely affect the coastal California gnatcatcher, a species listed as threatened under the Endangered Species Act of 1973. Gnatcatchers were not observed during site visits; however, suitable habitat for this species is present in the sage scrub in the southeast corner of the property. The habitat patch is small but contiguous with sage scrub along the Interstate 8 right-of-way, and there are other patches of sage scrub nearby. There are several recorded occurrences of this species in the vicinity of the project site and there is high potential for this species to be present on the property. The project site is not within or adjacent to designated critical habitat for this species.

Prior to any disturbance of the coastal sage scrub community on the project site during the nesting season for this species, a focused presence/absence survey shall be conducted by a biologist holding a valid Endangered Species Act Section 10(a)(1)(A) Recovery Permit. If coastal California gnatcatchers are present, destruction of their habitat during the breeding/nesting season would be considered a significant adverse effect.

Rufous-crowned sparrow

The rufous-crowned sparrow is a state of California Species of Special Concern and is covered under the provisions of the MSCP. Suitable habitat for this species is present in the sage scrub community on the project site.

Suitable habitat on the project site should be surveyed for nesting rufous-crowned sparrows prior to any disturbance during the general bird-nesting season (1 February through 15 September). If the nesting season cannot be avoided, a nesting bird survey shall be conducted to determine if nests are present. If nests are present, or suspected to be present, a 300-foot buffer shall be established around each nest or suspected nest location. No disturbance of the buffer shall occur until the project biologist has determined that the young have fledged or the nest is no longer active.

3.4 Riparian/Riverine Areas

3.4.1 Riparian/Riverine Buffer

Approximately 4.70 acres of southern coast live oak riparian forest is present along the northwest side of the project boundary. A buffer extending 50 feet outward from the edge of the oak woodland canopy shall be avoided by the proposed project to protect the riparian oak woodland, wetlands, and associated values (Figure 6).

3.5 Jurisdictional Wetlands and Waterways

Approximately 0.89 acre of Waters of the United States, 4.70 acres of wetlands under the jurisdiction of the California Department of Fish and Wildlife, and 9.55 acres of RPO wetlands under the jurisdiction of the County of San Diego occur along the stream on the northwest boundary of the project site.

The riparian/riverine buffer and the biological open space easement described in Section 3.5 of this report will adequately protect and conserve wetlands, non-wetland waters, and riparian/riverine areas on the project site. Additional avoidance, minimization, and/or mitigation are not proposed.

3.6 Wildlife Movement Corridors

The wildlife movement corridor along the northwest boundary of the project site would be adequately protected by the riparian/riverine buffer and open space biological easement proposed in Section 3.6 of this report. Additional avoidance, minimization, and/or mitigation are not proposed.

4.0 REFERENCES

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5.0 LIST OF PREPARERS

Laurence N. Dean, Senior Biologist
Elena Buckley, Editor
Tracy Stropes, Graphics

6.0 APPENDICES

A. Figures
B. Observed Species List – Flora
C. Observed Species List – Fauna
D. Project Specific Annotated List of Sensitive Species
E. Photos of the Project Site

7.0 CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Fieldwork conducted for this assessment was performed by me or under my direct supervision. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the project applicant or applicant's representative and that I have no financial interest in the project.

SIGNED:_____DATE:_____

Laurence N. Dean

Senior Biologist

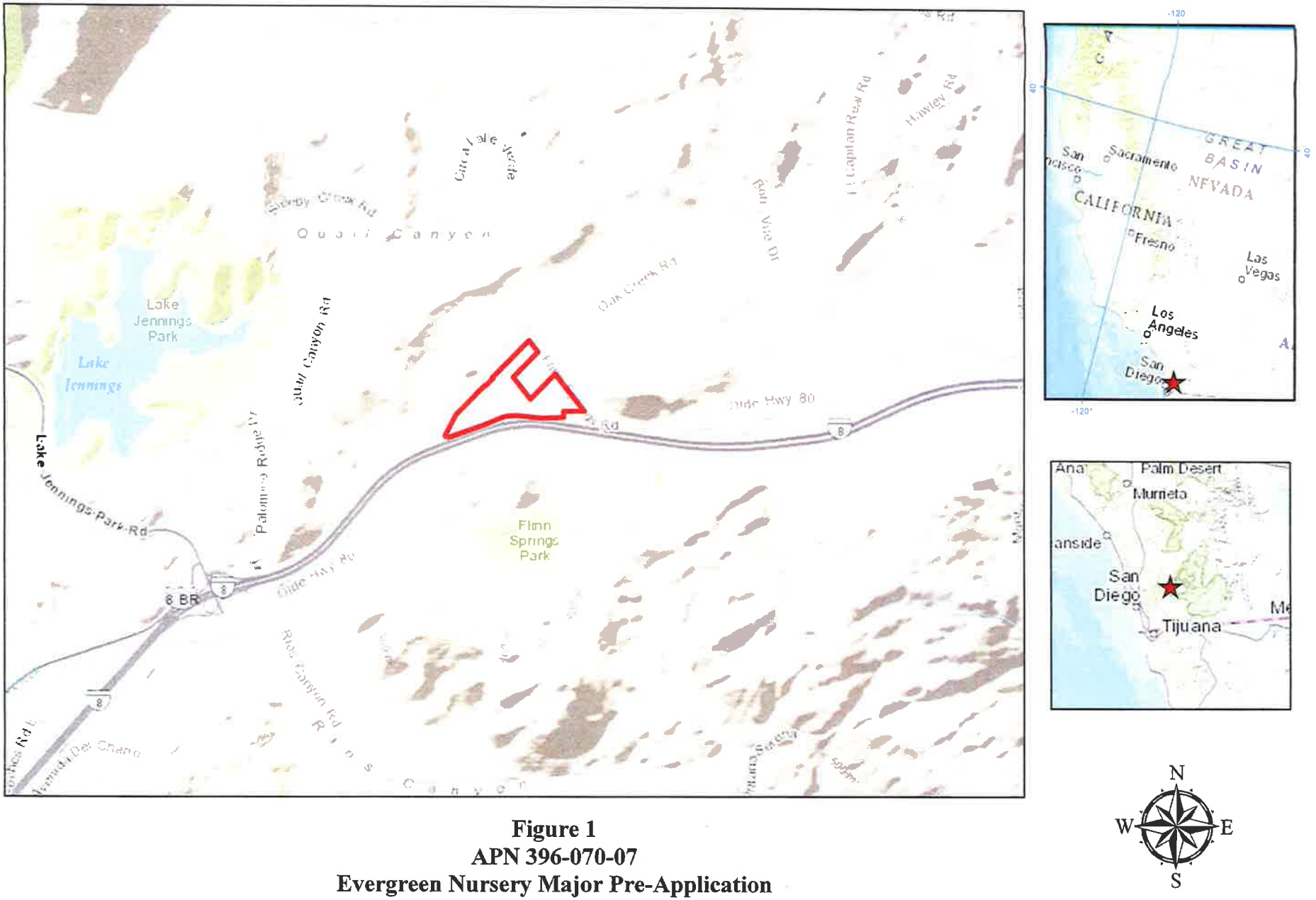

Figure 1
APN 396-070-07
Evergreen Nursery Major Pre-Application
Case Number 3992-11-011 (MPA)
San Diego, California

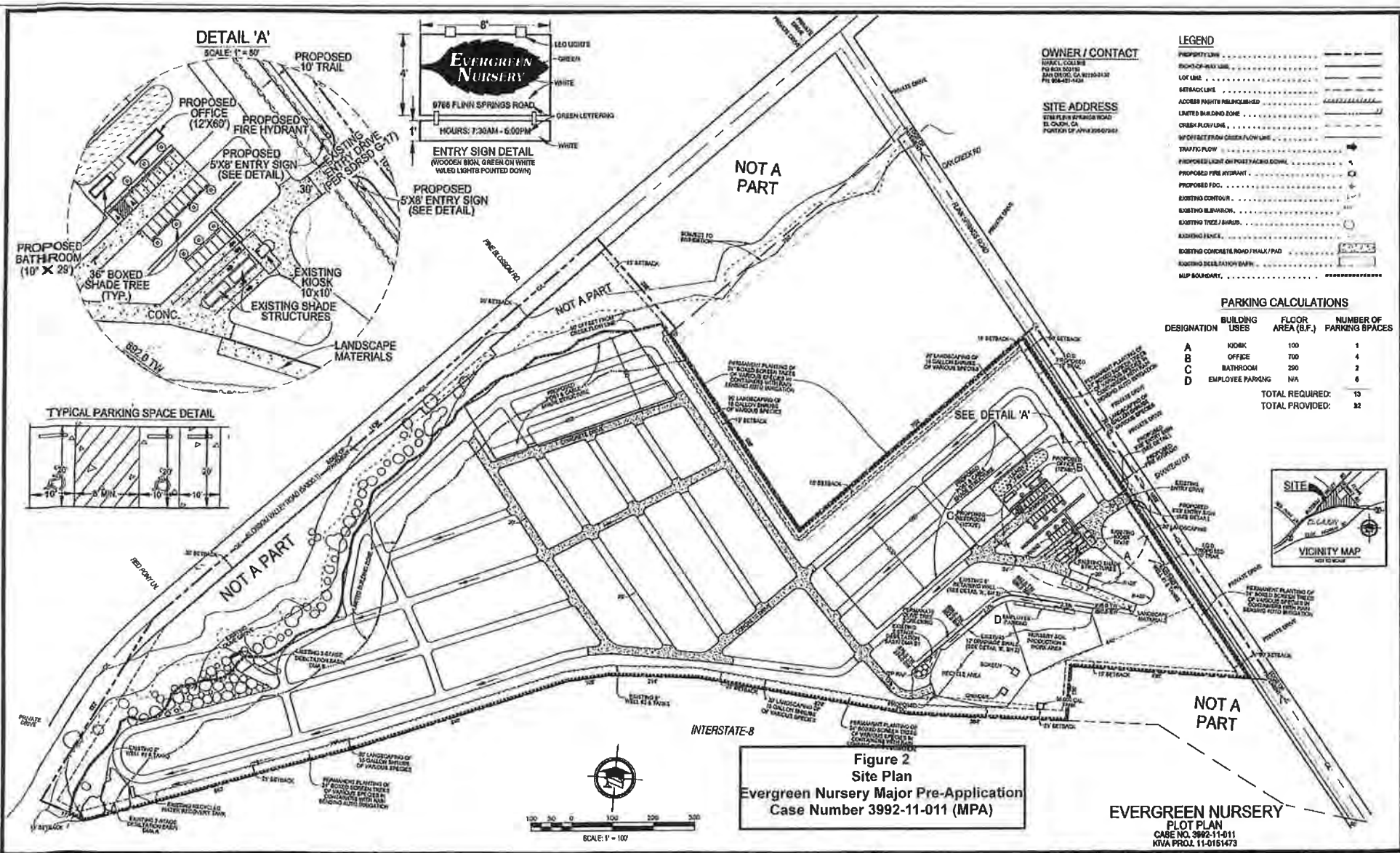

Figure 2
Site Plan
Evergreen Nursery Major Pre-Application
Case Number 3992-11-011 (MPA)

EVERGREEN NURSERY
PLOT PLAN
CASE NO. 3992-11-011
KIVA PROJ. 11-0151473

SITE DESIGN ASSOCIATES, INC.
1016 BROADWAY SUITE 'A'
EL CAJON, CALIFORNIA 92021
(619) 442-8457

PLOT PLAN

EVERGREEN NURSERY
9788 FLINN SPRINGS ROAD, EL CAJON, CA

ENGINEER OF WORK:
KENNETH J. DISCOZA, R.C.E. 29930
11/29/12
DATE

Figure 3
Soils
APN 396-070-07
Evergreen Nursery Major Pre-Application
Case Number 3992-11-011 (MPA)
San Diego, California

Legend

FaD2 - Fallbrook sandy loam, 9 to 15 percent slopes, eroded
FaE2 - Fallbrook sandy loam, 15 to 30 percent slopes, eroded
GrB - Greenfield sandy loam, 2 to 5 percent slopes
RaC2 - Ramona sandy loam, 5 to 9 percent slopes, eroded
TuB - Tujunga sand, 0 to 5 percent slopes

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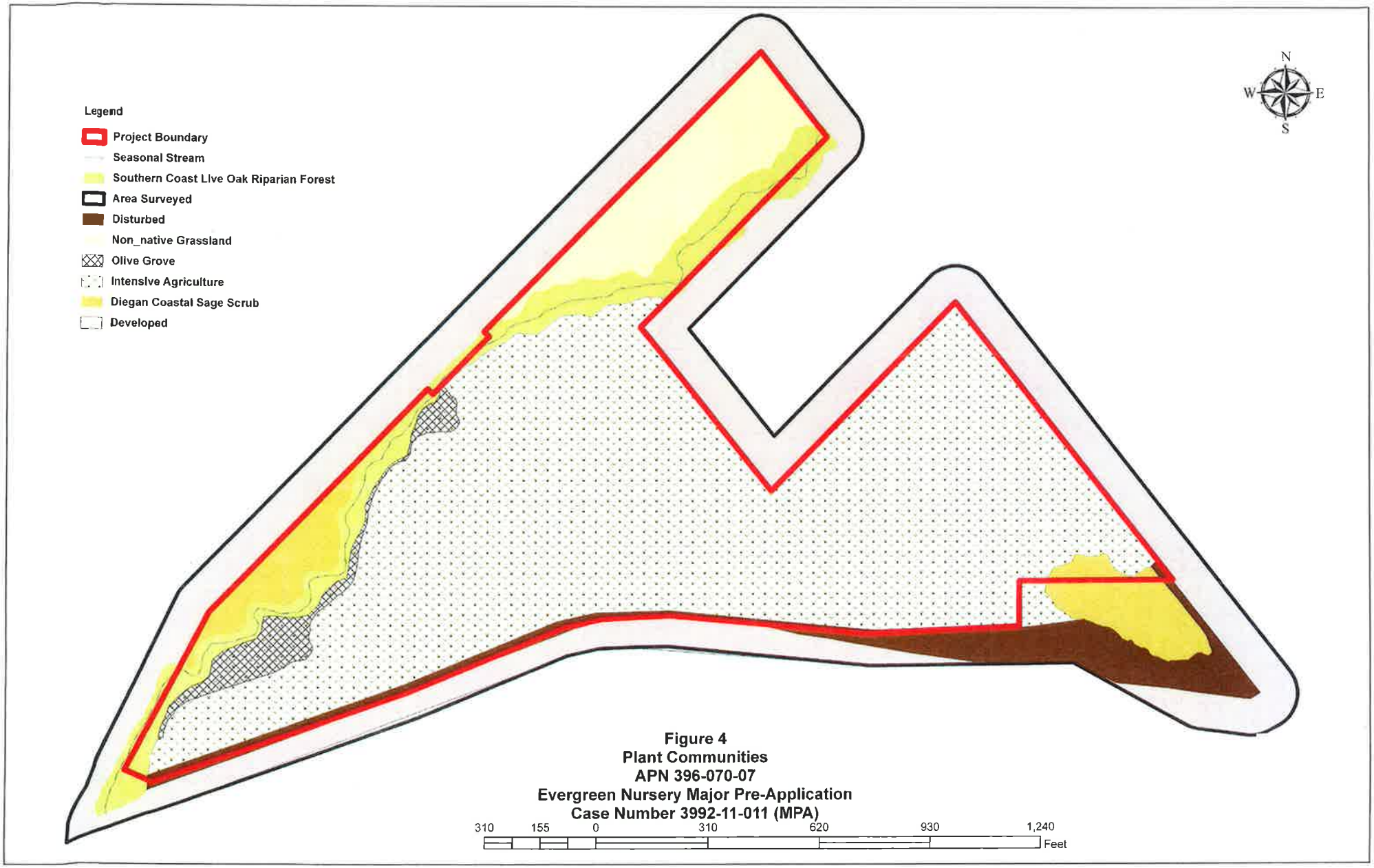

Figure 4
Plant Communities
APN 396-070-07
Evergreen Nursery Major Pre-Application
Case Number 3992-11-011 (MPA)

Legend

- **Diegan Coastal Sage Scrub 2012**
- Diegan Sage Scrub - 2010
- **Project Boundary**

Figure 5
Comparison of the Extent of
Diegan Coastal Sage Scrub
in 2010 and 2012
Evergreen Nursery Major Pre-Application
Case Number 3992-11-011 (MPA)
San Diego, California

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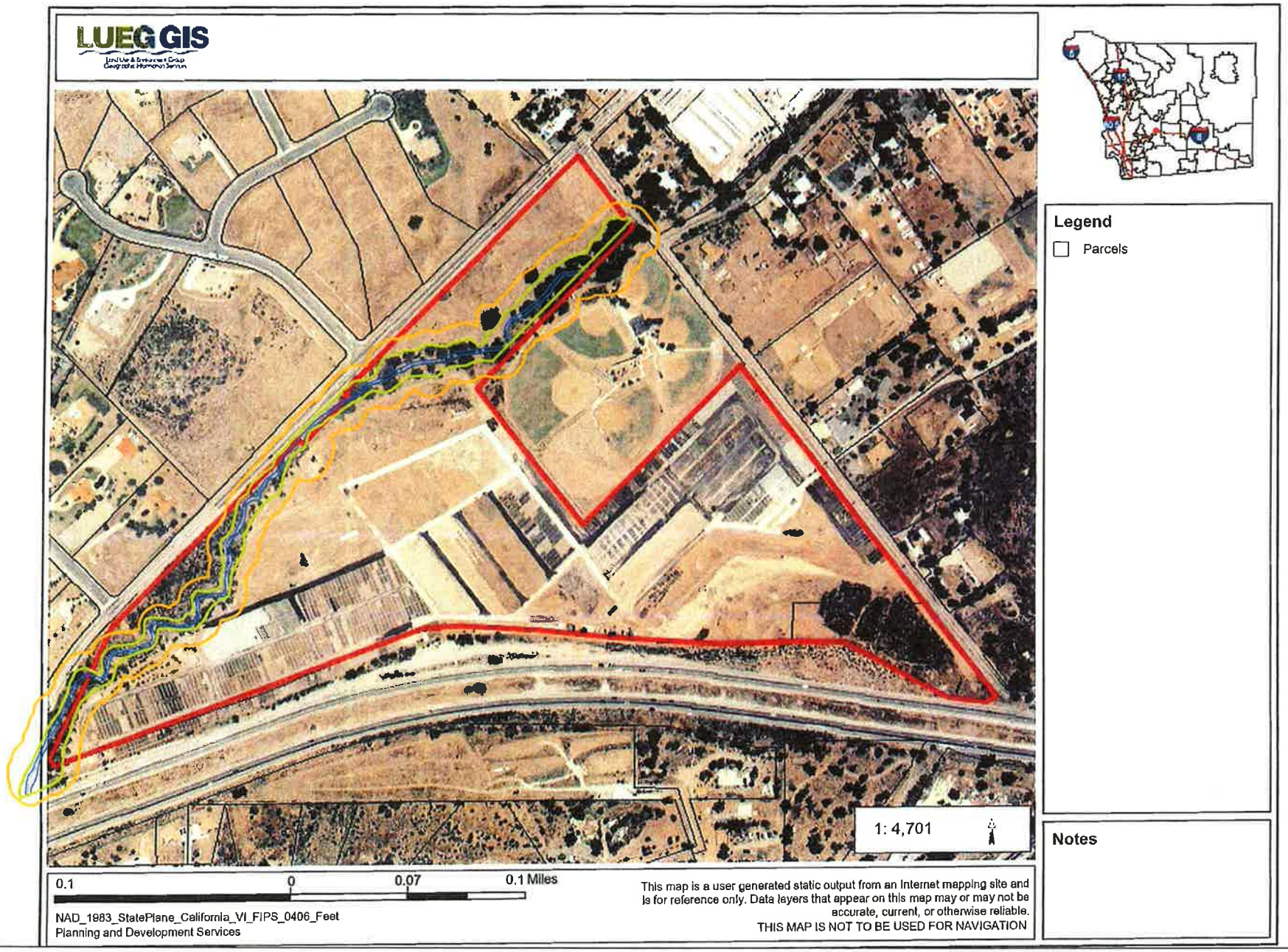

of San Diego RPO Jurisdiction
mate Limits of Juridiction_CDFG
mate Extent USCOE Jurisdiction

Figure 6
APN 396-070-07
Wetlands and Jurisdictional Waters
Evergreen Nursery Major Pre-Application
Case Number 3992-11-011 (MPA)

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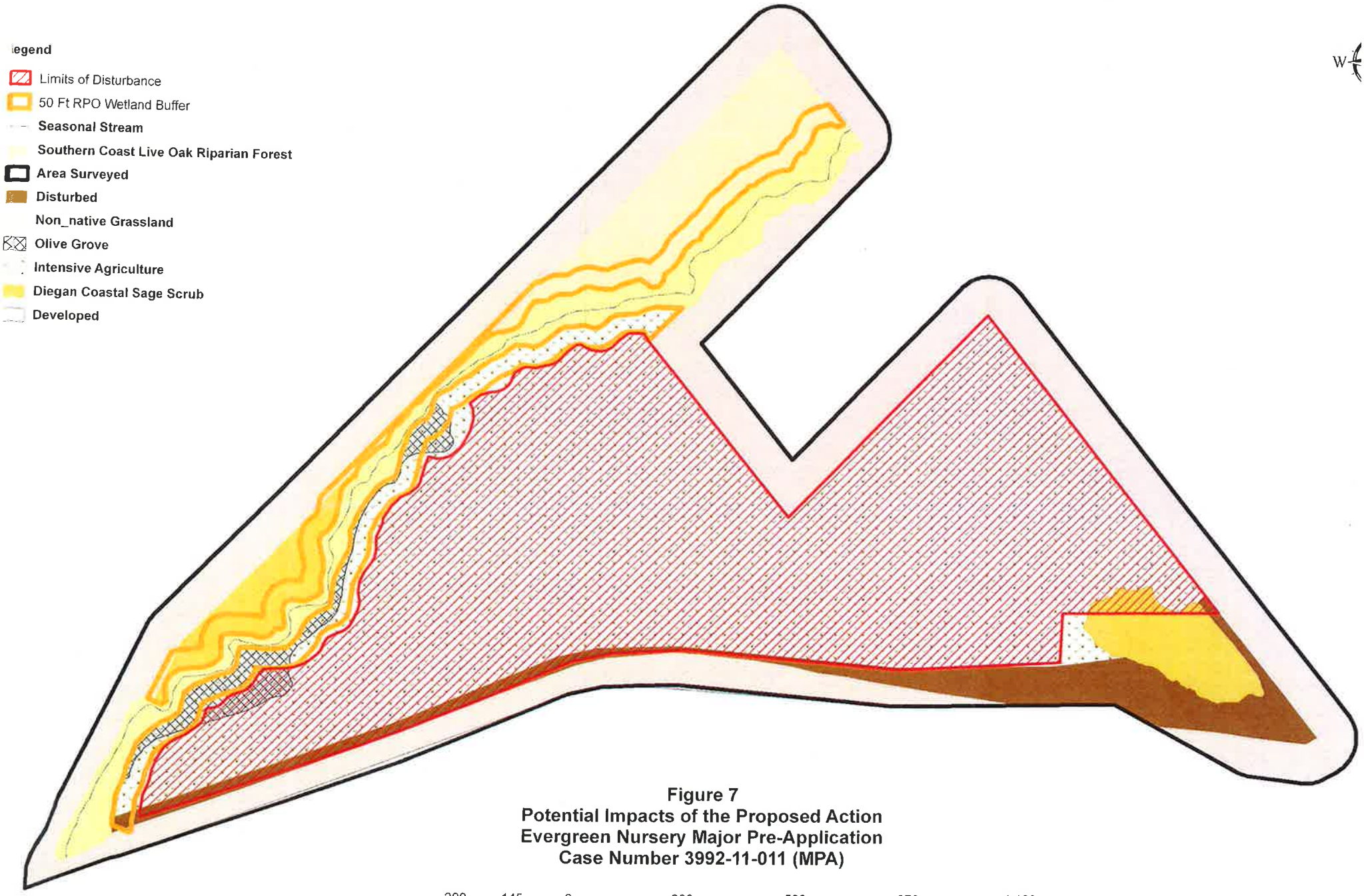

Figure 7
Potential Impacts of the Proposed Action
Evergreen Nursery Major Pre-Application
Case Number 3992-11-011 (MPA)

Appendix B
Plant Species Observed
Evergreen Nursery Major Use Permit
Case Number 3300-12-009 (MUP)
San Diego, California

Common Name	*Scientific Name*	Plant Community
Anacardiaceae		
Laurel sumac	*Malosma laurina*	CSS
Peruvian peppertree	*Schinus molle*	ROF, NNG, Dev
Poison oak	*Toxicodendron diversilobum*	ROF
Acanthaceae		
Blue elderberry	Sambucus nigra caerulea	NNG, CSS, ROF
Apocynaceae		
Periwinkle	*Vinca major*	ROF
Aizoaceae		
Slender-leaf iceplant	*Mesembryanthemum nodiflorum*	Dev
Crystalline iceplant	*Mesembryanthemum crystallinum*	Dev
Asteraceae		
Western ragweed	*Ambrosia psilostachya*	Dev, NNG, ROF
California sagebrush	*Artemisia californica*	CSS
Yellow star thistle	*Centaurea solstitialis*	CSS, ROF, Dev, NNG
Horseweed	*Conzya canadensis*	ROF, Dev, NNG
Chrysanthemum	*Glebionis coronaria*	ROF, Dev, NNG
Sawtooth goldenbush	*Hazardia squarrosa*	CSS
Telegraphweed	*Heterotheca grandiflora*	CSS, Dev, NNG
Broom baccharis	*Baccharis sarothroides*	CSS
Milk thistle	*Silybum marianum*	Dev, ROF, NNG
Cocklebur	*Xanthium strumarium*	ROF, DEV
Cyperaceae		
Sedge	*Carex sp*	ROF
Brassicaceae		
Black mustard	*Brassica nigra*	CSS, ROF, Dev, NNG
Shortpod mustard	*Hirschfeldia incana*	NNG, Dev
Watercress	*Nasturtium officinale*	ROF
Wild radish	*Raphanus sativus*	CSS, NNG
London rocket	*Sisymbrium irio*	ROF, Dev, NNG
Boraginaceae		
Rancher's fiddleneck	*Amsinckia intermedia*	CSS, NNG
Popcorn flower	*Plagiobothrys acanthocarpus*	Dev
Cactaceae		
Indian fig	*Opuntia ficus-indica*	DSS, ROF
Chenopodiaceae		
Lamb's quarters	*Chenopodium alba*	Dev, ROF, NNG
Russian thistle	*Salsola australis*	NNG, Dev
Cleomaceae		
Bladderpod	*Peritoma arborea*	ROF
Crassulaceae		
Pygmyweed	*Crassula connata*	CSS, Dev
Cucurbitaceae		
Wild cucumber	*Marah macrocarpus*	CSS, ROF

Euphorbiaceae		
Dove weed	*Croton setigerus*	CSS, ROF, Dev, NNG
Castorbean	*Ricinus communis*	ROF, Dev, NNG
Fabaceae		
Spanish lotus	*Acmispon americanus*	NNG
Deerweed	*Acmispon glaber*	CSS
Burclover	*Medicago polycarpus*	Dev, ROF
Winter vetch	*Vicia villosa*	Dev
Fagaceae		
Coast live oak	*Quercus agrifolia*	ROF, NNG
	Geraniaceae	
Storks bill	*Erodium botrys*	CSS, ROF, Dev, NNG
Lamiaceae		
Horehound	*Marrubium vulgare*	CSS, ROF, Dev, NNG
Malvaceae		
Cheeseweed	*Malva parviflora*	Dev, ROF, NNG
Myrtaceae		
Eucalyptus	*Eucalyptus sp*	Dev
Oxalidaceae		
Yellow woodsorrel	*Oxalis corniculata*	ROF, Dev
	Plantaginaceae	
Common plantain	*Plantago major*	ROF, NNG
Poaceae		
Giant reed	*Arundo donax*	ROF
Wild oat	*Avena fatua*	NNG, DEV, ROF
Ripgut brome	*Bromus diandrus*	CSS, ROF, Dev, NNG
Red brome	*Bromus madritensis rubens*	CSS, ROF, Dev, NNG
Blue wild rye	*Elymus glaucus*	ROF
Smooth barley	*Hordeum murinum*	ROF
Fountaingrass	*Pennisetum setaceum*	ROF, Dev, NNG
Annual bluegrass	*Poa annua*	Dev, NNG, ROF
Mediterranean schismus	*Schismus barbatus*	Dev
Smilo grass	*Stipa miliacea*	ROG, NNG
Polygonaceae		
Curly dock	*Rumex crispus*	NNG, ROF, Dev
Polemoniaceae		
Skunkweed	*Navarretia hamata*	CSS
Rosaceae		
Toyon	*Heteromeles arbutifolia*	CSS, ROF, NNG
Solanaceae		
Tree tobacco	*Nicotiana glauca*	NNG, ROF
Tamaricaceae		
Saltcedar	*Tamarisk ramosissima*	ROF
Themidaceae		
Wild hyacinth	*Dichelostemma capitatum*	NNG
Urticaceae		
Stinging nettle	*Urtica dioica*	ROF, Dev

CSS – Coastal Sage Scrub ROF – Southern Coast Live Oak Riparian Forest
NNG – Non-Native Grassland Dev - Developed

Appendix C
Wildlife Species Observed
Evergreen Nursery Major Use Permit
Case Number 3300-12-009 (MUP)
San Diego County, California

Common Name	Scientific Name
Water strider	*Gerris sp*
California sister	*Adelpha californica*
Coastal whiptail lizard	*Aspidoscelis tigris stejnegeri*
Western side-blotched lizard	*Uta stansburiana*
Western scrub jay	*Aphelocoma californica*
Red-tailed hawk	*Buteo jamaicensis*
White-tailed kite	*Elanus leucurus*
Black phoebe	*Sayornis nigricans*
Brown towhee	*Melozone fusca*
Botta's pocket gopher	*Thomomys bottae*
Raccoon	*Procyon lotor*
Coyote	*Canis latrans*
Mule deer	*Odocoileus hemionus*

Appendix D
Project Specific Annotated List
of Sensitive Species
Evergreen Nursery Major Use Permit
Case Number 3300-12-009 (MUP)
San Diego, California

Common Name	*Scientific Name*	Federal Status	State Status	MSCP	CNPS	Potential to Occur On-Site
San Diego ambrosia	*Ambrosia pumila*	E	--	NE	1B.1	Low Suitable habitat not present in development area No recorded occurrences within two miles
Palmer's sage	*Artemisia palmeri*	--	--	Covered	4A	Chaparral Coastal scrub Riparian forest Riparian scrub Riparian woodland Not present Not observed during site visits
Orcutt's brodiaea	*Brodiaea orcuttii*	--	--	Covered	1B.1	Not present Suitable habitat not present Closed-cone coniferous forest Chaparral Cismontane woodland Meadows and seeps Valley and foothill grassland Vernal pools No recorded occurrences within two miles
Southern tarplant	*Centromedia parryi ssp.*	--	--	Covered	1B.1	Not present Not observed during site visits

	australis					Suitable habitat not present Marshes and swamps Valley and foothill grassland Vernal pools No recorded occurrences within two miles
Lakeside ceanothus	*Ceanothus cyaneus*	--	--	NE	1B.2	Low Suitable habitat Inland mixed chaparral not present Two recorded occurrences within two miles
Variegated dudleya	*Dudleya variegata*	--	--	NE	1B.2	Low Suitable habitat present but species was not observed onsite No recorded occurrences within two miles
San Diego button celery	*Eryngium aristulatum parishii*	E	E	Covered	1B.1	Not present Suitable habitat not present Coastal scrub Valley and foothill grassland Vernal pools No recorded occurrences within two miles Not observed during site visits
San Diego barrel cactus	*Ferocactus viridescens*	--	--	Covered	2.1	Low Marginally suitable habitat in sage scrub No recorded occurrences within two miles
Palmer's grappling hook	*Harpagonella palmeri*	--	--	Covered	4.2	Not present Low potential Suitable habitat is present Chaparral Coastal scrub Valley and foothill grassland No recorded occurrences within two miles Not observed during site visits

Graceful tarplant	*Holocarpha virgata elongata*	--	--	Covered	4.2	Not present Low potential No recorded occurrences within two miles Suitable habitat is present Chaparral Cismontane woodland Coastal scrub Valley and foothill grassland Not observed during site visit
Vernal barley	*Hordeum intercedens*			Covered		Not present Suitable habitat not present Coastal dunes Coastal scrub Valley and foothill grassland Vernal pools No recorded occurrences within two miles
Southwestern spiny rush	*Juncus acutus leopoldii*	--	--	Covered	4.2	Not present Suitable habitat not present Coastal dunes Meadows and seeps marshes and swamps No recorded occurrences within two miles Not observed during site visits
California adderstongue fern	*Ophiloglossum californicum*			Covered		Not present Suitable habitat not present Chaparral Valley and foothill grassland Vernal pools No recorded occurrences within two miles
Snake cholla	*Opuntia parryi var serpentina*	--	--	NE	1.B1	Low Suitable habitat present No recorded occurrences within two miles Searched for, not observed
Engelmann oak	*Quercus engelmannii*	--	--	--	4.2	Not present Not observed during site visits

Small-leaved rose	*Rosa minutifolia*	--	E	Covered	2.1	Low Suitable habitat present in sage scrub No recorded occurrences within two miles
San Miguel savory	*Satureja chandleri*	--	--	Covered	1.B2	Low Suitable habitat present in oak woodland No recorded occurrences within two miles
Narrow-leaved nightshade	*Solanum tenuilobatum*	--	--	Covered	--	Low Suitable habitat present in sage scrub No recorded occurrences within two miles
INVERTEBRATES						
San Diego fairy shrimp	*Branchinecta sandiegonensis*	E		Covered	NA	Site lacks suitable habitat Species not observed Absent
Monarch butterfly	*Danaus plexippus*	--	--	--	NA	Site lacks suitable habitat Species not observed Absent
Dun skipper	*Euphyes vestris harbisoni*	--	--		NA	Riparian oak woodland associated with chaparral Presence of Carex spissa required by larvae Suitable habitat not present No recorded occurrences within two miles Carex spissa not observed during site visits
REPTILES AND AMPHIBIANS						
Silvery legless lizard	*Anniella pallidus*	SS	SSC	--	NA	Vegetated areas with loose soil Moisture is required

						Suitable habitat may be present on oak riparian forest on site These forests will not be affected by the project, therefore no impact to this species
Arroyo toad	*Anaxyrus californicus*	E	SSC	Covered	NA	Low Marginally suitable habitat present along unnamed seasonal stream and adjacent uplands which will be avoided by the proposed project No recorded occurrences within two miles
Southwestern pond turtle	*Clemmys marmorata pallida*	--	--		NA	No potential to occur Suitable habitat is not present No records within two miles Considered adequately conserved by MSCP
Orange-throated whiptail	*Cnemidophorus hyperythrus beldingi*	--	SSC	Covered	NA	High Suitable habitat in sage scrub, grasslands, and along riparian Five recorded occurrences within two miles Considered adequately conserved by MSCP
Coastal western whiptail	*Cnemidophorus tigris multiscutatus*	--	--	--	NA	Chaparral Woodland Riparian areas Suitable habitat in riparian areas will not be affected by the project Considered adequately conserved by MSCP
San Diego banded gecko	*Coleonyx variegatus abbotti*	--	--	--	NA	No potential to occur Rocky areas in coastal sage scrub or chaparral Suitable habitat is not present No recorded occurrences within two miles Considered adequately conserved by MSCP
San Diego ringneck snake	*Diadophis punctatus similis*	--	--	--	NA	No recorded occurrences within two miles Prefers moist areas in grasslands, chaparral, and woodlands Suitable habitat may be present in the oak riparian forest on the project site, however riparian areas will be avoided

						This species will not be affected Considered adequately conserved by MSCP
San Diego horned lizard	*Phrynosoma coronatum*	--	SSC	Covered	NA	High Suitable habitat is present across site Two records within two miles of site, one record encompasses site Considered adequately conserved by MSCP
California red-legged frog	*Rana aurora draytonii*	T	SSC	Covered	NA	No recorded occurrences within two miles Prefers dense shrubby, riparian vegetation with slowly running or standing water Suitable habitat is present along the stream on the property The stream and adjacent areas will not be affected by the proposed action This species will not be impacted
Western spadefoot toad	*Scaphiopus hammondii*	--	SSC	--	NA	Strictly terrestrial living in uplands adjacent to seasonal pools/ponds Suitable habitat for this species is not present on the proposed project site
Two-striped garter snake	*Thamnophis hammondii*	SS	SSC	--	NA	Occurs along streams in chaparral, oak woodlands, and grasslands Suitable habitat present in the riparian area on the project site The riparian area will not be affected by the project and this species will not be impacted
South coast garter snake	*Thamnophis sirtalis novum*	--	SSC	--	NA	A variety of habitats usually near streams and marshes Suitable habitat present in the riparian area The riparian area will not be affected by the project and this species will not be impacted
BIRDS						

Cooper's hawk	*Accipiter cooperii*	--	SSC	Covered	NA	Low Suitable habitat along stream No recorded occurrences within two miles Forest habitat along stream will not be affected by the proposed action Considered adequately conserved by MSCP
Sharp-shinned hawk	*Accipiter striatus*	--	SSC	--	NA	Generally occurs in forested areas No recorded occurrences within two miles May occur in oak riparian forest This area will not be affected by the proposed project Considered adequately conserved by MSCP
California rufous-crowned sparrow	*Aimophila ruficeps canescens*	--	SSC	Covered	NA	High Suitable habitat in sage scrub Three recorded occurrences within two miles Considered adequately conserved by MSCP
Grasshopper sparrow	*Ammodramus savannarum*		SSC			Not present Occurs in grasslands with scattered shrubs Suitable habitat not present No recorded occurrences within two miles Not observed during site visits
Golden eagle	*Aquila chrysaetos*	--	SSC	Covered	NA	Low Suitable foraging habitat on project site No recorded occurrences within two miles Considered adequately conserved by MSCP
Northern harrier	*Circus cyaneus hudsonius*	--	SSC	Covered	NA	Not present Generally occurs around grasslands, steppes, farm fields, and parks No recorded occurrences within two miles Suitable habitat is present on the project site but this species was not observed during site visits Considered adequately conserved by MSCP
Yellow warbler	*Dendroica petechia brewsteri*	--	SSC	Covered	NA	Common spring migrant generally associated with riparian woodland Riparian woodlands will not be affected by the proposed action

Great blue heron	*Ardea herodias*	--	--	--	NA	Freshwater and saline emergent wetland, pasture, and shoreline Valley-foothill riparian
Burrowing owl	*Athene cunicularia hypugaea*	--	SSC	Covered	NA	Low Burrows and other features suitable for use by burrowing owls are not present in the development area No recorded occurrences within two miles
Red-shouldered hawk	*Buteo lineatus*	--	SSC	Covered	NA	Generally occur in forested areas Suitable habitat may be present in the riparian oak woodland on the property This area will not be affected by the proposed action and this species will not be impacted
Ferruginous hawk	*Buteo regalis*	--	SSC	Covered	NA	Low Suitable foraging habitat on project site No recorded occurrences within two miles
Swainson's hawk	*Buteo swainsoni*	--	T	Covered	NA	Low Suitable foraging habitat on project site No recorded occurrences within two miles
Turkey vulture	*Cathartes aura*	--	--	Covered	NA	Not present May be found over a wide variety of habitats Requires rock outcrops, cliffs, or dry forests for nesting May occasionally be seen soaring over the site but nesting habitat is not present
Black-shouldered kite	*Elanus caeruleus*	--	--	Covered	NA	
Southwestern willow flycatcher	*Empidonax traillii extimus*	E	E	Covered	NA	Low Suitable habitat along stream No recorded occurrences within two miles
Horned lark	*Eremophila alpestris actia*	--	--	Covered	NA	Winter migrant Utilizes grassy areas with scattered shrubs May be present on grasslands on project site Grasslands not be affected by the proposed action

Prairie falcon	*Falco americanus*	--	--	Covered	NA	Not present Utilizes dry open areas with cliffs and bluffs for nesting Suitable habitat is not present No recorded occurrences within two miles May occasionally soar over site
Yellow-breasted chat	*Icteria virens*	--	SSC	Covered	NA	Low probability of occurrence No recorded occurrences within two miles May be present in riparian area on project site The proposed action will not affect the riparian area
Loggerhead shrike	*Lanius ludovicianus*	SC	SC	Covered	NA	
California gull (non-breeding)	*Larus californicus*	--	SC	--	NA	Occurs over a wide variety of habitats Not observed during site visits May be an occasional visitor to the site Not likely to be affected by the proposed action
Coastal California gnatcatcher	*Polioptila californica californica*	T	SC	Covered	NA	High Suitable habitat present, three recorded occurrences within two miles Considered adequately conserved by MSCP
Western bluebird	*Sialia mexicana*	--	--	Covered	NA	Low Suitable habitat present, no recorded occurrences within two miles Considered adequately conserved by MSCP
Common barn owl	*Tyto alba*	--	--		NA	Barn owls or evidence of their presence was not observed during site visits Associated with large open areas with cliffs and trees for nesting Foraging habitat is present on the proposed project site Nesting habitat is present in the oak riparian forest There will be no disturbance of the woodlands Disturbance to foraging areas will be transient and will occur during the day Since this species is a nocturnal hunter, they will not likely be disturbed by the proposed action

Least Bell's vireo	*Vireo bellii pusillus*	E	E	Covered	NA	Low Suitable habitat along stream No recorded occurrences within two miles Considered adequately conserved by MSCP
MAMMALS						
Pallid bat	*Antrozous pallidus*	SS	SSC	--	NA	Not present Found in nearly all habitats, but requires caves, crevices, and mines for day roosts Suitable habitat is not present
Ring-tail	*Bassariscus astutus*	--	--	--	NA	Not present No recorded occurrences within two miles Suitable habitat not present Utilizes a variety of habitats, preferring habitats with rocky outcroppings, canyons, or talus slopes often found in semi-arid country, deserts, chaparral, oak woodlands, pinyon pine woodlands, juniper woodlands, and montane conifer forests
Dalzura pocket mouse	*Chaetodipus californicus femoralis*	--	SC	--	NA	Not likely present Occurs in annual grassland Chamise-redshank chaparral Coastal scrub Suitable habitat is present in the coastal scrub on the project site, however rodent burrows were not observed in the portion of the site to be disturbed by the proposed action
NW San Diego pocket mouse	*Chaetodipus fallax fallax*	--	SC	--	NA	Not likely present Generally found in coastal sage scrub, grassland, and chaparral with a strong preference for coastal sage scrub, particularly on moderately gravelly and rocky substrates Site lacks suitable soils
Townsend's big-eared bat	*Corynorhinus townsendii*	SC	SC	--	NA	Not likely to be present Found in a wide variety of habitats Requires tunnels, caves, and crevices for roosting Suitable roosting habitat is not present No recorded occurrences within two miles

Stephens' kangaroo rat	*Dipodomys stephensi*	E	T	Covered	NA	Not likely present Annual grassland Chamise-redshank chaparral Coastal scrub Generally prefers open areas with abundant seed Coastal scrub and grasslands on site are dense and not likely to be used by this species No recorded occurrences within two miles
Spotted bat	*Euderma maculatum*	--	SC	--	NA	Not likely present Occurs in a wide variety of habitats but suitable roosting and breeding habitat is not present No recorded occurrences within two miles
Greater western mastiff bat	*Eumops perotis californicus*	--	SC	--	NA	Not likely present Occurs in a wide variety of habitats but suitable roosting and breeding habitat is not present No recorded occurrences within two miles
Western red bat	*Lasiurus blossevi*	SC	--	--	NA	Not likely present Suitable habitat not present Blue oak-foothill pine Jeffrey pine Montane hardwood-conifer Montane riparian Orchard and vineyard No recorded occurrences within two miles
San Diego black-tailed jackrabbit	*Lepus californicus bennettii*	--	SC	--	--	Not likely to be affected Species is mobile and will avoid disturbance Suitable habitat is present on site Chamise-redshank chaparral Coastal scrub Considered adequately conserved by MSCP
California leaf-nosed bat	*Myotis californicus*					No probability of presence Suitable habitat is not present Desert scrub habitats, oak, and pine woodlands Site lacks roosting cover

Small-footed myotis	*Myotis ciliolabrum*	--	--	--	--	Not likely present Occurs in a wide variety of habitats but suitable roosting and breeding habitat is not present No recorded occurrences within two miles
Yuma myotis	*Myotis yumanensis*	--	--	--	--	Not likely present Occurs in a wide variety of habitats almost always near open water Suitable roosting and breeding habitat is not present No recorded occurrences within two miles
San Diego desert woodrat	*Neotoma lepida intermedia*	--	SC	--	NA	No probability of presence Chamise-redshank chaparral Coastal scrub Mixed chaparral Suitable habitat is present however evidence of *Neotoma* was not observed
Big free-tailed bat	*Nyctinomops macrotis*	--		--	NA	No probability of presence Migrant that frequents rocky or canyon country where it roosts in crevices Suitable habitat not present No recorded occurrences within two miles
Pocketed free-tail bat	*Nyctinomops femorosaccus*					
Southern mule deer	*Odocoileus hemionus fulginata*	--	--	Covered	NA	Present Tracks observed along streambed Species is highly mobile and will avoid disturbance
Southern grasshopper mouse	*Onychomys torridus ramona*	--	SC	--	NA	Chamise-redshank chaparral Coastal scrub Mixed chaparral with low to moderate shrub cover Cover in shrub areas on site is dense and unsuitable There are no recorded occurrences within two miles

American badger	*Taxidea taxus*	--	SC	Covered	NA	Not likely present No evidence (tracks or burrows) No recorded occurrences within two miles of the proposed project site
Mountain lion	*Puma concolor*	--	SC	Covered	--	Occurs in a wide variety of habitats May use the riparian area as a movement corridor Not likely to be affected by the proposed action

APPENDIX E

Photos of the Project Site

Photo 1: This photo was taken near the southeast corner of the project site looking in a northerly direction. This photo, as well as Photo 2 and Photo 3, make up a panoramic view of the site looking in a northerly direction and swinging to the west. Diegan coastal sage scrub in the foreground.

Photo 2: View across the center of the site from the southeast corner; recently cleared area in foreground, Diegan coastal sage scrub is in the right foreground. The dark band of vegetation in the mid-distance is the southern coast live oak riparian forest along the northwest side of the project site.

Photo 3: Looking west along the south boundary of the project site; recently cleared area and remnants of Diegan coastal sage scrub in the foreground.

Photo 4: Looking north toward the southeast corner of the project site. There is a remnant of Diegan coastal sage scrub to the left of center and recently cleared area to the right of the sage scrub.

Photo 5: Southern coast live oak riparian forest along the northwest side of the project site. The fence panels and silt fence were installed along the drip line by the project proponent to protect the riparian corridor and the stream. The fence is approximately 50 feet from the centerline of the stream.

Photo 6: Flinn Springs Road bridge over unnamed stream in the riparian corridor along the northwest side of the project site. The U.S. Fish and Wildlife Service has mapped the streambed as Riverine Wetland.

Photo 7: Stream in the riparian corridor along the northwest side of the project site. This photograph was taken immediately downstream of the bridge on Flinn Springs Road, south of Blossom Valley Road. This photograph, and Photos 6 through 9 depict conditions along the length of the stream, including bed and bank configuration and the Ordinary High Water Mark.

Photo 8: Stream in the riparian corridor along the northwest side of the project site.

Photo 9: Stream in the riparian corridor along the northwest side of the project site.

Photo 10: Stream in the riparian corridor along the northwest side of the project site.

Photo 11: Stream in the riparian corridor along the northwest side of the project site.

Photo 12: Stream in the riparian corridor along the northwest side of the project site. This reach of the stream is dominated by willows. This is the southwest corner of the project site where the stream leaves the property.

Photo 13: Diegan coastal sage scrub on the project site south of Blossom Valley Road.

Photo 14: Non-native grassland on the project site immediately south of Blossom Valley Road.

Photo 15: Approximate location of stream crossing. At this point there is no canopy. Vegetation is non-native grasses and forbs, such as milk thistle, rip-gut brome, and mustards.