

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM**

Rancho Cielo TM 5456

I. Introduction

The proposed project is the subdivision of 270.3 acres into 18 residential lots and one condominium lot with 19 units known as the Rancho Cielo Madura Project, 3100 5456 (TM)(REF: 3100 4909 (TM)). Primary access to the property is from within the Rancho Cielo Estates which has a private entry off of Del Dios Highway. The western side of the property takes access from Via Dora (for 3 lots), the northern portion of the property (multifamily development) takes access from Cerro Del Sol, and the eastern portion of the property takes access from Connemara Drive (for 15 lots) (Figures 1 and 2).

The project is located 3.6 miles west of Interstate 15 and 2,000 feet west of Lake Hodges Dam in the San Dieguito Planning Area, an unincorporated area of San Diego County. This property is located in the central portion of the Lake Hodges Segment of the San Diego County Subarea Plan, within the Rancho Cielo SPA, north of the Del Dios Highway, east of Rancho Santa Fe, and south of San Marcos in the unincorporated area of San Diego. As part of the Rancho Cielo Specific Plan, the project area was given hardline designations within the Lake Hodges Segment of the County's Multiple Species Conservation Program (MSCP) Subarea Plan in part as the Madura Subdivision and in part as a portion of the Rancho Cielo SPA. The two types of designations found on site are "Take Authorized" and "Preserved Lands". The project proposes to adjust the boundaries of these designations pursuant to the "like or equivalent exchange" guidelines for Preserve Boundary Adjustments within the MSCP Subregional Plan (August 1998).

Biological resources on the project site were evaluated and reported by Blue Consulting Group in 2008 and 2011, with earlier separate surveys for the Madura and Rancho Cielo portions of the project prior to 2005. The updated impact analysis for this project (October 2012) explains that the project was redesigned to comply with the updated fire prevention requirements of maintaining a 200 foot wide Fuel Management Zone (FMZ), which was increased from requiring a depth of 100 feet, as well as secondary access to the Cielo projects while maintaining and exceeding the MSCP Preserve's biological functions and values and, maintaining or improving upon the original MSCP impact footprint. The number of dwellings was reduced from 57 to 47 and the preserve design was enhanced while achieving 192.6 acres of Preserved Lands compared to the effective 192.2 acres Preserved Lands in the original projects (0.9 acres of the original Preserve was approved grading for Connemara Road).

The original Preserve area as stated for the previous approvals was 193.2 acres, with 142 acres established on the Madura site and 51.2 acres established on the Cielo Ridge/Luisardi site. However, the approved TM for Cielo Ridge included an impact of 0.9 acres of grading in the Preserve necessary to build Connemara Road and therefore, the effective Preserved Lands

total would have been 192.2 acres after construction of the previously approved TM. The proposed Boundary Amendment would include 192.6 acres within the Preserve and all grading would now be outside of the Preserve, resulting in an effective gain of approximately 0.4 acres of habitat within the Preserve.

The findings contained within this document are based on County records, staff field site visits and the Biological Resources Report prepared by Blue Consulting Group, dated August 2012. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Section 5.4.2 of the MSCP Subregional Plan - Subarea Plan Amendments and Preserve Boundary Adjustment Process

Amendments to subarea plans may occur according to the amendment process specified in subarea plans and/or their implementing agreements. Amendments to subarea plans will be included in annual reports to the wildlife agencies and in MSCP status reports, prepared every 3 years.

Adjustments to Boundaries of the MHPA or Subarea Plan Preserve – "Like or Equivalent" Exchange Concept

Adjustments to the MSCP boundaries and/or approved Subarea Plan Preserve Boundaries may be desirable under some circumstances. For example:

- New biological information is obtained through site-specific studies;
- Unforeseen engineering design opportunities or constraints may be identified during the siting or design of projects that require modification of the Preserve Boundary; and/or
- A landowner may request that a portion or all of his property be included within the Preserve Boundary.

Due to site topographical constraints and the application of County regulations, such as the Fire Code, the Subdivision Ordinance and the Resource Protection Ordinance pertaining to steep slopes, the project design cannot feasibly remain consistent with the existing hardline

boundaries. Therefore, the project meets the second example above, and some minor changes to the existing MSCP boundary lines are required.

Adjustments to the MSCP and/or Preserve Boundaries can be made without the need to amend the MSCP Plan or subarea plan if the adjustment will result in the same or higher biological value of the Preserve. The determination of biological value of the proposed change is made by the local jurisdiction and must have the concurrence of the wildlife agencies. No amendment of the subarea plan is needed for an approved equivalent exchange. Tables 1 and 2 provide a quantitative summary of the proposed changes to the Preserve.

Table 1. Like or Equivalent Quantitative Analysis for Habitats

Habitat Type	Tier Level	Acres Added to the Preserve*	Acres Removed from the Preserve*	Net Change in Preserve*
Wetlands	I	0	0	0
Coastal Sage Scrub	II	6.37	0	+6.37
Southern Mixed Chaparral	III	0	4.15	-4.15
Non-native Grassland	III	0	0.23	-0.23
Eucalyptus Woodland	IV	NA	NA	NA
Developed/Disturbed Land	IV	NA	NA	NA
Total:	--	6.37	4.380	1.99

Table 2. Like or Equivalent Quantitative Analysis for Additional Resources

Resource	Added to the Preserve*	Removed from the Preserve*	Net Change in Preserve*
California gnatcatcher	Similar	Similar	Similar
Rufous-crowned sparrow	Similar	Similar	Similar
Non-wetland waters	0.02 Acres	0	+0.02
Nuttall's scrub oak	Similar	Similar	Similar
California adolphia	Similar	Similar	Similar
Wart-stemmed ceanothus	Similar	Similar	Similar
Total:	Similar	Similar	Similar

III. Like or Equivalent Exchange Analysis

The comparison of biological value will be based on the following biological factors:

1. **Effects on significantly and sufficiently conserved habitats (i.e., the exchange maintains or improves the conservation, configuration, or status of significantly or sufficiently conserved habitats, as defined in Section 4.2.4);**

The overall project site includes many open space lots which contain coastal sage scrub, chaparral, and drainages. The overall configuration of these areas will remain the same. However, the project's proposed development footprint deviates from the previously approved Multiple Species Conservation Plan (MSCP) hardline boundary. The Wildlife Agencies (U.S. Fish & Wildlife Service and California Department of Fish and Game) are requested to proceed with a Boundary Adjustment to modify the MSCP. The original Preserve as established under the previous approvals was 193.2 acres, with 142 acres established on the Madura site and 51.2 acres established on the Cielo Ridge/Luisardi site. However, the approved TM for Cielo Ridge/ Luisardi included an impact of 0.9 acres of grading in the Preserved Lands to build Connemara Road and therefore, the effective Preserved Lands total would have been 192.2 acres after construction of the previously approved TM. The proposed Boundary Amendment would include 192.6 acres within the Preserve and no grading would occur in the Preserve, resulting in an effective gain of approximately 0.4 acres of habitat within the Preserved Lands. Furthermore, the proposed project would accomplish the following:

- Better preserve design, less edge, perimeter effects.
 - Footprint to include adequate fuel management (200 feet)
 - Preserve acreage to be managed with RMP
 - Wider wildlife corridors in conformance with MSCP
- Fewer, more consolidated dwelling units (57 previously approved, 47 now proposed)

2. Effects to covered species (i.e., the exchange maintains or increases the conservation of covered species);

The boundary adjustment will potentially affect California gnatcatcher, rufous-crowned sparrow, California Adolphia, Nuttall's scrub oak and wart-stemmed ceanothus. The proposed boundary adjustment increases the conservation of these species by adding 0.4 acres of native habitat to the preserve including habitat for all of these species. In addition, the locations of the revised preserve support more of these species, while the areas removed from preserve would otherwise be fragmented or isolated.

3. Effects on habitat linkages and function of preserve areas (i.e., the exchange maintains or improves a habitat linkage or wildlife corridor);

The existing preserve area supports potential local corridors for wildlife movement. The project redesign improves the east-west wildlife corridor link along the south facing slopes within Del Dios Canyon by removing utility crossings. This preserved corridor is 395 feet wide located between the proposed 3 Single Family Residences (SFR) and the 19 condominium units at the northern property line. Other wildlife movement corridor pinch points range from 781 feet wide to 1587 feet wide. Furthermore, the western portion (Madura) has a significant reduction in development area/'Project Bulk' through a 57% reduction of lots, reduced grading impacts, reduced FMZ impacts, reduced public use/exposure and the subsequent increase in proposed MSCP Open Space and a 25% reduction in edge perimeter distance and associated negative edge effects; the overall function of preserved habitat will be higher quality than the existing MSCP Preserve. The

proposed taking of Preserved Lands will not impact potential movement paths or habitat linkages. Rather, most of the small areas to be removed from Preserve consist of slivers or interior spaces that would not be valuable for wildlife movement. These areas are not topographically suitable for wildlife movement and would have otherwise been subject to potential edge effects.

4. Effects on preserve configuration and management (i.e., the exchange results in similar or improved management efficiency and/or protection for biological resources);

The overall preserve configuration proposed with this boundary adjustment is biologically superior to the current design. Small areas that were not integral to the Preserve system will be removed, while the surface area-to-perimeter ratio of the overall Preserve system will be increased. In addition, the resource management requirements will be extended to cover the Madura portion of the preserved area.

5. Effects on ecotones or other conditions affecting species diversity (i.e., the exchange maintains topographic and structural diversity and habitat interfaces of the preserve);

Species diversity will be equal or increased since the areas supporting MSCP sensitive species will be preserved but with fewer edge effects. The topographic and structural diversity will remain the same with the proposed boundary adjustment. However, the interfaces will be improved since fewer edge effects will result with this proposed change.

6. Effects to species of concern not on the covered species list (i.e., the exchange does not significantly increase the likelihood that an uncovered species will meet the criteria for listing under either federal or state Endangered Species Acts).

The project site does not support sensitive species that are not covered under the MSCP. Therefore, there would be no new adverse impacts to uncovered species and no potential conflicts with federal or state species regulations.

Based on the above findings, the project is consistent with the MSCP Subregional and Subarea Plans; and the proposed boundary adjustment will have an overall net benefit to the MSCP Preserve System.

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