2.2 Biological Resources

The assessment of the Project's potential to have an adverse effect related to biological resources is based on the technical study prepared for the Project. The results of the analysis presented below are included as an appendix to the DSEIR.

- Appendix E: *Biological Letter Report for Chinese Bible Church of San Diego* (RC Biological Consulting, Inc., and Klutz Biological Consulting, 2016) and *MUP-10-037, Change to Project Description* (RC Biological Consulting, Inc., and Klutz Biological Consulting, 2016) and MUP 10-037 Changes to Project Site Plan – Chinese Bible Church of San Diego (Klutz Biological Consulting, June 27, 2018).

The Santa Fe Valley Specific Plan (SFVSP) EIR (SP95-001) was also reviewed. The SFVSP EIR identified potentially significant impacts related to biological resources, specifically relating to direct and/or indirect impacts to the following biological resources: wetlands, vernal pools, coastal sage scrub, oak woodland, sensitive plant species, golden eagle (*Aquila chrysaetos*), California gnatcatcher (*Polioptila californica*), San Diego fairy shrimp (*Branchinecta sandiegonensis*) and wildlife movement corridors. Mitigation measures were identified and impacts were determined to be mitigated to below a level of significance. More information on the impacts and mitigation measures ~~s~~in the SFVSP EIR are detailed in Section 2.2.1, below.

Comments received in response to the Notice of Preparation included:

- Indirect edge effects of a commercial property adjacent to the County's Multiple Species Conservation Program (MSCP)
- Biological impacts of hydromodification, increased flow, and flooding
- Invasive plant species
- Previous impacts within the open space easement from agricultural activity
- Impacts to vernal pools, oak riparian forest, San Diego thornmint (*Acanthomintha ilicifolia*), San Diego ambrosia (*Ambrosia pumila*), Del Mar manzanita (*Arctostaphylos glandulosa ssp.crassifolia*), dudleya, and San Diego barrel cactus (*Ferocactus viridescens*)
- Impacts to southwestern pond turtles (*Actinemys pallida*), orange throated whiptail (*Aspidoscelis hyperythra*), native ant species, rufous-crowned sparrow (*Aimophila ruficeps*), least Bell's vireo (*Vireo bellii pusillus*), and light-footed (Ridgeway's) clapper rail (*Rallus obsoletus levipes*)
- Nesting and forage sites for hawks
- Tree removal and Migratory Bird Treaty Act (MBTA) species
- Consistency with applicable plans, regulations, and guidelines
- Alternatives to reduce or avoid biological resources impacts

- Inclusion of information about the regional biological setting; rare plants and natural communities; an inventory of resources on the Project site; an inventory of rare, threatened, endangered, and sensitive species on the Project site; direct, indirect, and cumulative impacts and appropriate mitigation; a discussion of lighting, noise, human activity, exotic species, and drainage impacts and appropriate mitigation; and indirect impacts.

These concerns are addressed in the attached report and summarized in this section. Concerns regarding hydromodification and stormwater flow are addressed in Section 3.1.3, Hydrology and Water Quality. Project alternatives are discussed in Section 4.0. Copies of the NOP and comment letters received in response to the NOP are included in Appendix A.

2.2.1 Background

The SFVSP EIR identified potentially significant impacts related to biological resources, specifically relating to direct and/or indirect impacts to the following biological resources: wetlands (direct impact to 16 acres of wetland habitat and 0.9 acres of unvegetated waters of the U.S. and indirect impacts), vernal pools (potential direct impact in two locations), coastal sage scrub and oak woodland (direct impact to 344 acres of sensitive upland habitat including 323 acres of coastal sage scrub), sensitive plant species (potential for indirect impacts to Group 1 plant species and potential for direct impact to Encinitas baccharis and San Diego thorn-mint), golden eagle (loss of foraging habitat and potential indirect impact to a nesting site), California gnatcatcher (direct and indirect impacts), San Diego fairy shrimp (direct and indirect impact) and wildlife movement corridors (direct and indirect impacts).

Mitigation measures were identified and impacts were determined to be mitigated to below a level of significance. These mitigation measures included:

- Future development shall be located away from the southwestern vernal pool complex through the “D2” designator process. Pre-construction surveys shall be conducted for the presence of fairy shrimp; impacts to vernal pools shall be mitigated through preservation of offsite pools.
- Participation in the NCCP and subarea planning process will mitigate for cumulative significant impacts to golden eagle.
- Lands containing coastal scrub or represent critical linkages in areas associated with the “D2” designator shall be considered for public acquisition. The “D2” designator shall be used to avoid fragmentation of habitat. Participation in the NCCP and subarea planning process would mitigate impacts to California gnatcatcher. The open space design for the Santa Fe Valley SPA, in conjunction with surrounding open space plans (i.e., 4S Ranch and Rancho Cielo) is expected to satisfy the requirement for a Section 10(a) permit for the “take” of gnatcatchers.
- Adverse impacts should be reduced by restoration of habitat previously disturbed within areas identified as natural open space. Utilize the “D2” designator to provide a wider, more contiguous wildlife corridor. Allow only passive recreation

within buffer to the San Dieguito River Valley. Lighting the bridge over the San Dieguito River should be minimized.

2.2.2 Existing Conditions

2.2.2.1 *Existing Setting*

Biological Survey

The Project site was surveyed by RC Biological Consulting on January 12, 2012 from 1:10 to 2:45 PM and on March 31, 2014. All portions of the Project site were surveyed for potential resources and evaluated for impacts as described in Chapter 1.0 of this EIR. More information on the extent of these surveys is provided in Appendix E. Klutz Biological conducted surveys on March 24 and May 19, 2016. A review of a site design change was conducted in June, 2018.

Mapping was performed following the *Biological Resource Mapping Guidelines within the Report Format and Content Requirements: Biological Resources (2010b)*. Wildlife was identified directly by sight or by vocalizations, and indirectly by scat, tracks, or burrows. Field notes were maintained throughout the survey. The primary focus of the surveys was to document and map the size, location, and general quality of all habitat types and the presence or potential presence of any sensitive resources (plant or wildlife) onsite.

Regional Context

The Project is located within a Take Authorized Area of the Lake Hodges Segment of the Multiple Species Conservation Program (MSCP). Take Authorizations are granted to the County by U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) that allow the taking of covered species incidental to land development and other lawful land uses authorized by the County. In Take Authorized Areas, no additional biological mitigation is required for development to occur because as part of the 4S Ranch development, a 1,612-acre preserve was already established as mitigation.

On-site Open Space Easement

The northwestern corner of the parcel contains an open space easement over a portion of the San Dieguito River as part of the approval process for TM 5123 and TPM 20340. The parcel to the north and west are biological open space, which were also a result of the approval process for TM 5123 and TPM 20340.

Habitats

The following is a summary of the existing habitats and vegetation communities on the Project site and offsite in areas that will be affected by construction of the Project driveway. This section includes information on the habitat types, the dominant species present, and the habitat quality. Species abundance, composition, and diversity are discussed in terms of vegetative structure and wildlife, as well as the habitat sensitivity level and regional and local importance of conserving each habitat type. Figure 2.2-1,

Biological Resources Map, shows the distribution of the habitats and Table 2.2-1, Habitat Impacts and Mitigation, summarizes the habitat types and quantities.

Emergent Wetland

The emergent wetland occurs in two locations within the study area including north of the existing residence and immediately adjacent to the eastern site boundary. The northern emergent wetland habitat is a narrow band located along the northwestern corner of the property and is associated with the San Dieguito River. This habitat is dominated by bulrush (*Schoenoplectus spp.)* and cattails (*Typha latifolia*), with an occasional arroyo willow (*Salix lasiolepsis*). Non-native species such as sago palms occur along the edge. According to the biological letter report, this habitat has high value.

The emergent wetland habitat located offsite and east of the site boundary is comprised primarily of cattails and several small arroyo willow saplings. This habitat is manmade and is fed from a storm drain that direct flows from the adjacent residential development. A review of historical aerial photographs concluded that this emergent wetland habitat was likely non-native grassland habitat prior to the construction of the adjacent residential neighborhood. This habitat is not connected or associated with the San Dieguito River.

A total of 0.2 acre of emergent wetland is located on the Project site.

Non-Native Grassland

The non-native grassland onsite is broad-leaf dominated. It occurs on the northern portion of the Project site within the open space easement between the emergent wetland and the fence that delineates the open space easement boundary. Plants observed include bristly ox-tongue (*Helminthothecaechiodes*), wild radish (*Raphanus sativus*), goosefoot (*Chenopodium multifidum*), and cheeseweed (*Malva parviflora*). According to the biological letter report, this habitat has low value. There are 0.3 acres of non-native grassland on the site.

Row Crops

Land adjacent to the Project site that is proposed to be used for construction of the Project driveway has regularly been used as an organic farm for the production of strawberries. The fields are currently fallow. According to the biological letter report, this habitat has low value. This area was converted to agricultural use without authorization. A total of 4.2 acres of row crops occur within the Project footprint.

Developed Habitat

The developed habitat on and adjacent to the Project site is associated with the residences and landscaped areas on the Project site. The landscaped area has several large trees including pines and eucalyptus. According to the biological letter report, this habitat has low value. A total of 4.7 acres of developed habitat is within the Project footprint. This includes 4.4 acres onsite and 0.3 acre offsite within the area associated with the access driveway for the Project.

Plants Observed Onsite

A total of 20 plant species were observed during the biological site visit. Appendix A of the biological letter report (DSEIR Appendix E) presents the complete list of plants observed on the Project site.

Animals Observed Onsite

A total of nine animals were observed on the Project site, including eight avian species and one mammal. As listed in Appendix B of the biological letter report (DSEIR Appendix E), avian species observed on the site include: ash-throated flycatcher (*Myiarchus cinerascens*), black phoebe (*Sayornis nigricans*), bushtit (*Psaltriparus minimus*), house finch (*Haemorhousmexicanus*), mourning dove (*Zenaida macroura*), song sparrow (*Melospiza melodia*), white-crowned sparrow (*Zonotrichia leycophrys*), and white-tailed kite (*Elanus cearulus*). Additionally, coyote (*Canis latrans*) scat was observed onsite within the non-native grassland.

Special Status Species

Sensitive or special status plant and wildlife species and habitats are those that are considered rare, threatened, or endangered within the state or region by local, state, or federal resource conservation agencies. Sensitive species are so called because of their limited distribution, restricted habitat requirements, particular susceptibility to human disturbance, degradation due to development or invasion by non-native species, or a combination of all of these factors.

The following resources were used to determine the potential for sensitive biological resources to occur on or within the vicinity of the Project site: USFWS (2007, 2010), CDFW (2009, 2010a, 2010b, 2010c), County Sensitive Plant and Animal list, California Native Plant Society (CNPS) online inventory (2011), and the California Natural Diversity Database (CNDDB 2012).

Sensitive Plants

Sensitive plants known to occur in the region encompassing the Project were identified using the CNDDB and CNPS databases for plants associated with meadows, seeps, marshes, and swamps. A listing of these plants is provided in Appendix C of the biological letter report (DSEIR Appendix E). Four sensitive wetland-associated plant species are known to occur within the region: southern tarplant (*Centromadia parryi* ssp. *australis*), smooth tarplant (*Centromadia pungens* ssp. *laevis*), San Diego marsh-elder (*Iva hayesiana*), and southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*). San Diego marsh-elder and southwestern spiny rush would have been observable and were not detected. The remaining two species are associated with alkaline habitats that do not occur onsite and have a low potential to occur. No sensitive upland plant species were determined to have potential-to-occur because of the developed and farmed nature of the uplands. No sensitive plant species were detected onsite. Note that no San Diego thornmint, San Diego ambrosia, Del Mar manzanita, dudleya, or San Diego barrel cactus were observed on-site. Additionally, no oak riparian forest habitat is present at the Project site.

Sensitive Wildlife

Thirteen sensitive wildlife species have the potential to occur onsite. See Appendix B of DSEIR Appendix E for a list of these species. Of these 13 sensitive species, two species, the Cooper's hawk (*Accipiter cooperi*), a CDFW California Species of Special Concern, and Coronado skink (*Eumeces skiltonianus interparietalis*), a CDFW California Species of Special Concern and federal Species of Concern, have a moderate potential to occur; however, the Project site has a history of development and agricultural use and is generally surrounded by development, resulting in a low potential for use by sensitive species. The Cooper's hawk is most likely to occur in areas with dense stands of live oak, riparian, deciduous, or other forest habitats near water. It is also known to nest in urban areas with large trees. No nests were observed during the biological resource survey. The Coronado skink prefers coastal sage scrub, grassland, and/or riparian habitat near vernal pools. The fringe of the emergent wetland on the Project site may contain suitable habitat; however, no Coronado skinks were observed onsite. Note that no southwestern pond turtles, orange throated whiptail, rufous-crowned sparrow, least Bell's vireo, or light footed clapper rail were identified on-site.

One sensitive wildlife species, the white-tailed kite, was observed within the emergent wetland onsite roosting in one of the willows. The location of the observation is shown in Figure 2.2-1. The white-tailed kite is a California Species of Special Concern and is fully protected by CDFW. This species is also identified as a County Group 1 species. It is also identified as a sensitive species in the Lake Hodges segment of the MSCP subarea plan. The white-tailed kite is a yearlong resident in coastal and valley lowlands, preferring riparian woodland, oak groves, or sycamore groves adjacent to grasslands. They inhabit herbaceous and open stages of most habitats in cismontane California. The species forages in open grasslands, meadows, farmlands, wetlands, and freeway center divides. They glide and hover less than 100 feet above the ground in search of prey. The white-tailed kite nests in tops of trees including non-native orange trees.

Jurisdictional Wetlands/Waters

Jurisdictional wetlands occur both onsite and immediately adjacent to the Project site. The onsite wetlands occur within an existing open space easement north of the residence and the offsite wetland habitat occurs just east of the site boundary. The limits of jurisdiction would be the same as the emergent wetland boundaries mapped and these areas would qualify as Army Corps of Engineers, CDFW, and Regional Water Quality Control Board jurisdiction. It should be noted that much of the understory of the northern emergent wetland area had been impacted by the original use of the site when the building was constructed.

The application of a Resource Protection Ordinance (RPO) wetland status is triggered by a discretionary action (RPO, Section 86.603). Since the northern Emergent Wetland (EW) habitat onsite is already conserved in open space as a result of a previous discretionary action (TPM 20340, approved on 9/4/98) and is not part of the current discretionary action, direct impacts would not occur under the County Resource Protection Ordinance (RPO) because the EW is not being disturbed. However, there is a possibility of indirect impacts if appropriate buffers are not provided. Therefore the EW boundary has been defined and a 50-foot buffer has been included from the boundary

extending south toward the Project. No uses of any kind will be located or allowed within that area. Some buildings, parking, hardscape landscaping, masonry retaining wall and vinyl coated chain link fence are located within the 100 foot buffer. This wall and fence and the related drainage plan will divert hardscape runoff from the wetland, and prevent encroachment by humans and domestic animals into the riparian open space.

The emergent wetland habitat located along the eastern site boundary (offsite) is not considered an RPO wetland because it is a manmade feature that meets the conditions specified in Section 86.602 (q)(2)(aa) of the RPO. As detailed previously, this habitat type is fed by storm drain runoff from the adjacent residential development. Prior to the construction of the adjacent neighborhood and the storm drain the habitat in this area was likely comprised of non-native grasslands. Furthermore, this habitat has negligible biological function because the vegetation is routinely maintained, is relatively small in size (width of the habitat area is approximately 5-15 feet and the total feature is approximately 13,000 square feet), and is isolated/not connected to the wetland habitat that occurs within the northern portion of the property. In addition, the offsite emergent wetland is not a vernal pool and does not support any wetland dependent sensitive species.

Other Unique Features/Resources

Wildlife Corridors and Linkages

Dense residential development occurs to the east, north, and south of the Project site. The San Dieguito River ends approximately 400 feet to the northeast resulting in the eastern terminus of this branch of the river. Due to the narrow width of the San Dieguito River within the Project vicinity and adjacent development, the Project site is not anticipated to serve as a wildlife corridor.

Raptor Nesting

Raptors are large predatory or scavenger birds that typically require tall trees for perching and nesting associated with adjacent open grasslands to forage. Due to declining habitat and the associated declining numbers of these species on the whole, many raptor species have been designated as California Species of Special Concern by CDFW. These species are protected, especially during their critical nesting and wintering stages. Raptors are protected under the CDFW California Raptor Protection Act (Title 14, Section 670). Raptor nests are protected under California Fish and Game Code Section 3503.5 and by the federal Migratory Bird Treaty Act. While the site contains mature trees that could support raptor nesting, no nests were observed onsite.

2.2.2.2 *Applicable Plans and Policies*

Federal

Federal Endangered Species Act

Enacted in 1973, the U.S. Endangered Species Act (ESA) provides for the conservation of threatened and endangered species and their ecosystems. The Act prohibits the “take” of threatened and endangered species except under certain circumstances and

only with authorization from the USFWS through a permit under Section 4(d), 7 or 10(a) of the Act. Under the Endangered Species Act, “take” is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

Migratory Bird Treaty Act

The MBTA prohibits the killing or transport of native migratory birds, or any part, nest, or egg of any such bird unless allowed by another regulation adopted in accordance with the MBTA.

Bald and Golden Eagle Protection Act

When first enacted in 1940, the Act prohibited the take, transport, or sale of bald eagles, their eggs, or any part of an eagle except where expressly allowed by the Secretary of Interior. The Act was amended in 1962 to extend the prohibitions to the golden eagle.

State

California Fish and Game Code

The California Fish and Game (CFG) Code regulates the taking or possession of birds, mammals, fish, amphibians, and reptiles, as well as natural resources such as wetlands and waters of the state. It includes the California Endangered Species Act (CESA; Sections 2050-2115) and Streambed Alternation Agreement regulations (Section 1600-1616), as well as provisions for legal hunting and fishing, and tribal agreements for activities involving take of native wildlife.

Local

Resource Protection Ordinance

The Resource Protection Ordinance (RPO) was adopted in 1989 and amended in 1991 and 2007. RPO restricts impacts to various natural resources including wetlands, wetland buffers, floodplains, steep slopes, sensitive habitat lands, and historical sites. Certain permit types are subject to the requirement to prepare Resource Protection Studies under the RPO. RPO restricts uses in wetlands as defined by the ordinance. In addition, the ordinance requires that a wetland buffer be provided to further protect the wetland resources. Improvements necessary to protect the adjacent wetlands and those uses allowed within the actual wetland are the only allowed uses within the buffer.

RPO also limits impacts to sensitive habitat lands, including unique vegetation communities and/or the habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. Habitats considered sensitive or significant under CEQA are not necessarily considered RPO sensitive habitat lands. Impacts to RPO sensitive habitat lands shall only be allowed when: (a) all feasible measures have been applied to reduce impacts; and (b) mitigation provides an equal or greater benefit to the affected species. The ordinance includes the provision that when “the extent of environmentally sensitive lands on a particular legal lot is such that no reasonable economic use of such lot would be permitted by these regulations, then an encroachment into such environmentally sensitive lands to the minimum extent necessary to provide for such reasonable use may be allowed”.

Multiple Species Conservation Program and Biological Mitigation Ordinance

The MSCP is a long-term regional conservation plan designed to establish a connected preserve system that protects the County's sensitive species and habitats across 12 jurisdictions. Each jurisdiction has its own subarea plan to be implemented independently. The subarea plan for the County's jurisdiction covers 252,132 acres in the southwestern portion of the unincorporated lands. The County Subarea Plan is regulated by the Biological Mitigation Ordinance (BMO), which outlines the specific criteria and requirements for projects within the MSCP boundaries. The County Subarea Plan (adopted October 1997), the BMO (adopted March 1998), the Final MSCP Plan (dated August 1998) and the Implementing Agreement (signed March 1998) between the County and Wildlife Agencies are the documents used to implement the MSCP. The MSCP and BMO provide specific criteria for project design, impact allowances and mitigation requirements.

San Diego County General Plan – Conservation and Open Space Element

The Conservation and Open Space Element of the General Plan provides guiding principles for the conservation, management, and utilization of natural resources and the protection and preservation of open space. The Conservation and Open Space Element addresses policies relating to water, vegetation, and wildlife habitat.

The following policies identified in the County of San Diego General Plan (August 2011) Conservation and Open Space Element are applicable to the Project:

1. **Goal COS-2: Sustainability of the Natural Environment**. Sustainable ecosystems with long-term viability to maintain natural processes, sensitive lands, and sensitive as well as common species, coupled with sustainable growth and development.
    a. **Policy COS-2.1: Protection, Restoration and Enhancement**. Protect and enhance natural wildlife habitat outside of preserves as development occurs according to the underlying land use designation. Limit the degradation of regionally important natural habitats within the Semi-Rural and Rural Lands regional categories, as well as within Village lands where appropriate.
    b. **Policy COS-2.2: Habitat Protection through Site Design**. Require development to be sited in the least biologically sensitive areas and minimize the loss of natural habitat through site design.
2. **Goal COS-3: Protection and Enhancement of Wetlands**. Wetlands that are restored and enhanced and protected from adverse impacts.
    a. **Policy COS-3.1: Wetland Protection**. Require development to preserve existing natural wetland areas and associated transitional riparian and upland buffers and retain opportunities for enhancement.
    b. **Policy COS-3.2: Minimize Impacts of Development**. Require development projects to: mitigate any unavoidable losses of wetlands, including its habitat functions and values; and protect wetlands, including

vernal pools, from a variety of discharges and activities, such as dredging or adding fill material, exposure to pollutants such as nutrients, hydromodification, land and vegetation clearing, and the introduction of invasive species.

3. **Goal COS-14: Sustainable Land Development**. Land use development techniques and patterns that reduce emissions of criteria pollutants and GHGs through minimized transportation and energy demands, while protecting public health and contributing to a more sustainable environment.
    a. **Policy COS-14.11: Native Vegetation**. Require development to minimize the vegetation management of native vegetation while ensuring sufficient clearing is provided for fire control.

2.2.3 Analysis of Project Effects and Determination as to Significance

2.2.3.1 *Special Status Species*

Guidelines for Determining Significance

According to the *County of San Diego Guidelines for Determining Significance – Biological Resources* (September 15, 2010), a significant impact to special status species would occur if the Project would:

- Impact one or more individuals of a species listed as federally or state endangered or threatened.
- Impact an on-site population of a County List A or B plant species, a County Group 1 animal species, or a species listed as a state Species of Concern.
- Impact the regional long-term survival of a County List C or D plant species or a County Group 2 animal species.
- Impact arroyo toad aestivation, breeding, or foraging habitat.
- Impact golden eagle habitat.
- Result in a loss of functional foraging habitat for raptors.
- Increase noise and/or nighttime lighting to a level above ambient proven to adversely affect sensitive species.
- Impact the viability of a core wildlife area, defined as a large block of habitat (typically 500 acres or more not limited to Project boundaries, though smaller areas with particularly valuable resources may also be considered a core wildlife area) that supports a viable population of a sensitive wildlife species or an area that supports multiple wildlife species.
- Increase human access or predation or competition from domestic animals, pests or exotic species to levels that would adversely affect sensitive species.
- Cause indirect impacts, particularly at the edge of proposed development adjacent to proposed or existing open space or other natural habitat areas, to levels that would likely harm sensitive species over the long term, including:

increasing human access; increasing predation or competition from domestic animals, pests, or exotic species; altering natural drainage; and increasing noise and/or nighttime lighting to a level above ambient that has been shown to adversely affect sensitive species.

- Impact occupied burrowing owl habitat (*Athene cunicularia*).
- Impact occupied cactus wren (*Campylorhynchus brunneicapillus*) habitat, or formerly occupied cactus wren habitat that has been burned by wildfire.
- Impact occupied Hermes copper (*Lycaena hermes*) habitat.
- Impact nesting success of sensitive animals through grading, clearing, modification, and/or noise generating activities such as construction.

Analysis

Federally and State Endangered and Threatened Species

No federally or state endangered or threatened species were identified on the Project site. Additionally, none of the 85 species covered by the MSCP were identified. Thus the Project will have **no impact** any federally or state endangered or threatened species.

State Species of Concern, County Group A and B Plant Species, and County Group 1 Animal Species

Four sensitive wetland-associated plant species are known to occur in the region that have potential to occur in the emergent wetland on to the north of the Project; however, the Project site does not contain habitats that support these species. Note that no San Diego thornmint, San Diego ambrosia, Del Mar manzanita, dudleya, or San Diego barrel cactus were observed on the Project site. Two state Species of Special Concern, Coronado skink and Cooper's hawk, have a moderate potential to occur onsite. No Coronado skink or Cooper's hawk were observed onsite. One white-tailed kite, which is a County Group I animal, was observed within the emergent wetland within the open space onsite. This biological open space area would be retained and no impacts to the emergent wetland within which the species was observed would occur. Due to the developed and agricultural uses onsite, on-site habitat to support this species is limited and highly disturbed. In response to the NOP, concerns regarding impacts to southwestern pond turtles, rufous-crowned sparrow, least Bell's vireo, and light footed clapper rail were raised; however, these species were determined to have a low to less-than-reasonable potential to occur on the Project site because of lack of suitable habitat. Therefore, impacts to sensitive wildlife species with the potential to occur onsite are considered **less than significant**.

County Group C and D Plant Species and County Group 2 Animal Species

No County Group C or D plant species or County Group 2 animal species were detected onsite. In response to the NOP, concerns regarding impacts to orange

throated whiptail were raised; however, this species was not observed on the Project site. Therefore, the Project is not anticipated to result in impacts to any of these special status plant or animal species. **No impact** would occur.

Arroyo Toad

The arroyo toad prefers sandy or cobbly washes with swift currents and associated upland and riparian habitat. The Project site does not support this type of habitat. Therefore, the site does not support appropriate aestivation, breeding, or foraging habitat for the arroyo toad. **No impact** would occur as a result of development of the Project.

Golden Eagle

No golden eagles are known to nest onsite or within 4,000 feet of the site. The 4,000 foot limit is contained in the Final MSCP Plan (August 1998), Table 3-5, page 3-76. Golden eagles are not expected to utilize this area as foraging habitat because of the extant and surrounding dense residential land uses. Accordingly **no impacts** to golden eagles would occur as a result of development of the Project.

Raptor Foraging Habitat

Non-native grasslands can serve as raptor foraging areas. The Project site supports 0.3 acre of non-native grassland within the open space easement between the emergent wetland and the fence that delineates the open space easement boundary. According to the biological letter report, this habitat has low value. Construction of the Project access road will also impact 0.3 acre of non-native grassland off-site. Although currently in agriculture, this area was converted to agriculture without authorization. As a result, this analysis considers that the impacts are to non-native grasslands, which appear to be the habitat that was present prior to agricultural conversion based on review of historical aerial photographs, since this area is located within a dedicated biological open space easement that is proposed to be vacated. Impacts to 0.3 acre of non-native grassland are potentially significant and require mitigation (**Impact BI-1**).

Indirect Impacts/Edge Effects

Construction and operation of the Project could lead to edge effects resulting from encroachment of humans or domestic animals. Implementation of the Project would increase human access in the area and create conditions suitable for exotic plant species intrusion. Construction activities could promote the spread of exotics by creating disturbed areas that could result in the spread of these exotics into adjacent undisturbed areas, and ongoing potential erosion, runoff, and sedimentation into riparian areas. These indirect impacts could degrade existing riparian areas within the vicinity of the Project site. However, siltation and erosion control Best Management Practices (BMPs) would be implemented during construction, including use of boundary silt fencing, bags of gravel, fiber rolls, weed-free straw wattles and mulch, and slope stabilization

Additionally, the limits of Project impacts (including construction staging areas and access routes) will be clearly delineated with temporary construction fencing, stakes, flags, or markers that will be installed in a manner that does not impact sensitive habitats such that they are clearly visible to personnel on foot and operating heavy

equipment. This delineation will be conducted under the supervision of the County-approved biologist prior to commencement of construction activities and will remain in place during all construction activities. All temporary fencing will be shown on grading plans and/or associated construction documents. No work would occur beyond the fenced or demarcated limits of impact. Temporary construction fencing and markers will be maintained in good repair until the completion of Project construction and removed upon Project completion.

Operationally, Project design measures include installation of a retaining wall and fence separating the developed area from existing onsite open space easement area, which would serve as a barrier to increased human access and exotic plant species intrusion within the open space areas. The landscape plan would also stipulate that Project landscaping would not include exotic plant species listed on the California Invasive Plant Council's (Cal-IPC) “Invasive Plant Inventory” list. Predation from domestic animals is not expected since residential uses that could result in the introduction of domestic pets are not proposed. Good housekeeping practices incorporated into Project design such as the proposed secure garbage area would minimize nuisance animals such as crows that could affect raptor usage of the open space. Therefore, no adverse impact to sensitive species would occur.

In summary, indirect impacts and/or edge effects would be **less than significant**.

Core Wildlife Area

The Project site is designated within the MSCP as a Take-Authorized area and is a small site surrounded by dense residential development to the east, north, and south. The San Dieguito River ends approximately 400 feet to the northeast resulting in the eastern terminus of this branch of the river. No sensitive plant species were identified onsite and no ESA-listed animal species were observed. The County Group 1 white-tailed kite utilizes the site for foraging but was not observed nesting on or adjacent to the site. The site does not meet the requirements of a core wildlife area; therefore no adverse impacts to a core wildlife area would occur. **No impact** is identified.

Nesting Success

Although no nests were observed, large trees located on the Project site could provide habitat for nesting raptors such as Cooper’s hawk and white-tailed kite. The Project proposes removal of the trees as part of the Project development. If sensitive species (e.g., raptors) establish a nest during a time when trees were proposed to be removed, there is a potential for nest disturbance. This represents a significant impact (**Impact BI-2**) and requires mitigation.

Altering Drainage

The Project would not alter the drainage patterns either onsite or offsite. All existing waterways and drainage patterns would continue to function in the same manner as the pre-Project condition. The onsite and offsite emergent wetland habitat will not be directly impacted by the Project. **No impact** is identified.

Noise/Nighttime Lighting Increases

The Project will introduce additional nighttime lighting and noise to the site due to the proposed uses on the site. The Project has been designed with the parking area adjacent to the open space, which will serve as a buffer between the on-site buildings and the open space. Additionally, a vine-colored fence will be installed to shield headlights from vehicles accessing the parking area. The lighting plan for the Project illustrates selective placement of lighting adjacent to the open space areas that will also be shielded and directed onsite, away from the open space area. As a result, impacts from lighting are not significant. Additionally the infrequent nature of the noise generated by use of the parking lot is not a significant impact. Impacts are **less than significant**.

Burrowing Owl Habitat

The Project will not impact burrowing owl or burrowing owl habitat. Burrowing owls were not observed onsite and are not anticipated to occupy the property in the future. **No impacts** were identified.

Cactus Wren Habitat

The Project will not impact cactus wren or cactus wren habitat. Cactus wren do not occur on site and they are not anticipated to occupy the property in the future. The study area does not contain any suitable cactus wren nesting vegetation, including prickly pear or cholla cacti. **No impacts** were identified.

Hermes Copper Habitat

The Project will not impact Hermes copper butterfly or Hermes copper butterfly habitat. Hermes copper was not observed on site and it is not anticipated to occupy the property in the future. The study area does not contain spiny redberry (*Rhamnus crocea*) the larval host plant for the Hermes copper butterfly. **No impacts** were identified.

2.2.3.2 *Riparian Habitat and Sensitive Natural Communities*

Guidelines for Determining Significance

According to the *County of San Diego Guidelines for Determining Significance – Biological Resources* (2010), a significant impact to riparian habitat or other sensitive natural communities would occur if:

- Project-related construction, grading, clearing, or other activities will temporarily or permanently remove sensitive native or naturalized habitat on or off the Project site.
- Any of the following will occur to or within jurisdictional wetlands and/or riparian habitats as defined by Army Corps of Engineers, CDFW and the County of San Diego: removal of vegetation; grading; obstruction or diversion of water flow; adverse change in velocity, siltation, volume of flow, or runoff rate; placement of fill; placement of structures; construction of a road crossing; placement of culverts or other underground piping; any disturbance of the substratum; and/or any activity that may cause an adverse change in native species composition, diversity and abundance.

- The Project would draw down the groundwater table to the detriment of groundwater-dependent habitat, typically a drop of 3 feet or more from historical low groundwater levels.
- The Project would cause indirect impacts, particularly at the edge of proposed development adjacent to proposed or existing open space or other natural habitat areas, to levels that would likely harm sensitive species over the long term, including: increasing human access; increasing predation or competition from domestic animals, pests, or exotic species; altering natural drainage; and increasing noise and/or nighttime lighting to a level above ambient that has been shown to adversely affect sensitive species.
- The Project does not include a wetland buffer adequate to protect the functions and values of existing wetlands.

Analysis

Vegetation Communities/Habitats

As shown in Table 2.2-1, on-site impacts will occur to row crop and developed habitats, which are not considered sensitive habitat and do not require mitigation. As identified above, off-site impacts will occur to 0.3 acre of non-native grassland and 0.3 acres of developed habitat as a result of construction of the proposed access road. Although currently in agriculture, significant Project impacts are assumed to non-native grasslands, the habitat present prior to agricultural conversion **(Impact BI-1)**. Mitigation is required.

Jurisdictional Wetlands/Waters

Emergent wetlands occur on the Project site within the existing open space easement. The open space easement will be retained as part of the Project. The Project has been designed to include a 50 foot buffer from the resource boundary in which construction and ongoing activities will be prohibited. This area will not require fuel modification nor vegetation management. An additional 100 foot buffer is proposed to ensure a fire-safe setting is maintained. The Project site would not impact any jurisdictional wetlands or riparian habitats with the incorporation of these Project design features. In summary, there will be **no impact** to jurisdictional wetlands/waters.

Groundwater Table

Historical use of the on-site well has included watering the whole property including landscape and agriculture (>285,000 SF). The well was tested to determine if any draw down of existing nearby wells would occur during use. The well had a tested capacity 65 to 70 gallons per minute without drawing down a nearby offsite well although the regular use of the onsite well was far below capacity levels. The well is controlled through a piped system and does not flow into or support the wetland in the open space. The Project would irrigate only 72,000 SF of landscaping using the onsite well. Using current water conservation methods such as limited spay emitters and a timed watering system, it is anticipated that there would be a 75 percent reduction in well water use for the Project as compared to existing uses. Since the Project would use substantially less

water than has been historically used without impact to the groundwater table, a **less than significant impact** would occur related to groundwater draw down.

Indirect Impacts

Refer to the discussion of indirect effects under "Impacts to Special Status Species" for further information. Indirect impacts to riparian habitats and sensitive natural communities resulting from noise, lighting, and human access are anticipated to be reduced upon implementation of Project design measures. Indirect impacts would be **less than significant**.

Wetland Buffer

A wetland buffer is an area or feature(s) surrounding an identified wetland that helps to protect the functions and values of the wetland. A wetland occurs in the open space north of the site. The Project has been designed to include a 50 foot buffer from this wetland boundary in which no uses or activities will be allowed. Fuel modification and vegetation management will not be allowed in this area. An additional 100 foot buffer is proposed to ensure a fire-safe setting is maintained. A masonry retaining wall and vinyl coated chain link fence are design features of the Project that would serve to separate the proposed development from open space easement areas, divert hardscape runoff from the wetland, and prevent encroachment by humans and domestic animals into the riparian open space. Easements will be placed over these areas to ensure these limitations are enforceable. **No impacts** would occur.

2.2.3.3 *Wildlife Movement and Nursery Sites*

Guidelines for Determining Significance

According to the *County of San Diego Guidelines for Determining Significance – Biological Resources* (2010), a significant impact to wildlife movement or nursery sites would occur if the Project would:

- Prevent wildlife access to foraging habitat, breeding habitat, breeding habitat, water sources, or other areas necessary for their reproduction;
- Substantially interfere with connectivity between blocks of habitat, or potentially block or substantially interfere with local or regional wildlife corridor or linkage;
- Create artificial wildlife corridors that do not follow natural movements patterns;
- Increase noise and/or nighttime lighting in a wildlife corridor or linkage to levels proven to affect the behavior of the animal identified in a site specific analysis of wildlife movement;
- Not maintain adequate width for an existing wildlife corridor or linkage and/or further constrain an already narrow corridor through activities such as (but not limited to) reduction of corridor width, removal of available vegetative cover, placement of incompatible uses adjacent to it, and placement of barriers in the movement path; or
- Not maintain adequate visual continuity (i.e., long lines-of-sight) within wildlife corridors or linkages.

Analysis

Dense residential development occurs to the east upstream and to the north of the open space lot. The San Dieguito River ends approximately 400 feet to the northeast resulting in the eastern terminus of this branch of the river. Dense residential development also occurs to the south. Due to the narrow width of the San Dieguito River and the surrounding adjacent development this site does not serve as a wildlife corridor. Therefore, **no impact** to wildlife corridors and wildlife movement would occur.

2.2.3.4 *Local Policies, Ordinances and Adopted Plans*

Guidelines for the Determination of Significance

According to the *County of San Diego Guidelines for Determining Significance – Biological Resources* (2010), a significant impact would occur if the Project would:

- Impact coastal sage scrub vegetation within lands outside of the MSCP in excess of the County's five-percent habitat loss threshold, or preclude connectivity between areas of high values, as defined by the Southern California Coastal Sage Scrub NCCP Guidelines.
- Preclude or prevent the preparation of the subregional NCCP.
- Impact any amount of wetlands or sensitive habitat lands as outlined in the RPO
- Not minimize and/or mitigate coastal sage scrub habitat loss in accordance with Section 4.3 of the NCCP Guidelines.
- Not conform with the goals and requirements, as outlined in any applicable Habitat Conservation Plan, Habitat Management Plan, Special Area Management Plan, Watershed Plan, or similar regional planning effort.
- Not minimize impacts to Biological Resources Core Areas (BRACs) within lands in the MSCP, as defined by the BMO.
- Not avoid impacts to MSCP narrow endemic species and would impact core populations of narrow endemics.
- Reduce the likelihood of survival and recover of listed species in the wild.
- Result in the killing of migratory birds or destruction of active migratory bird nests and/or eggs (MBTA).
- Result in the take of eagles, eagle eggs or any part of an eagle (Bald Eagle Protection Act

)Analysis

Coastal Sage Scrub

The Project site does not contain any coastal sage scrub habitat. Therefore, implementation of the Project would not impact coastal sage scrub vegetation or preclude connectivity between habitats of high value. Accordingly, no mitigation of any coastal sage scrub habitat loss would be required. **No impact** is identified.

Habitat Conservation Plans and NCCP Goals and Requirements

As identified above, the Project site is within a Take Authorized Area of the MSCP. The Project site is not located within or adjacent to a BRCA area. No MSCP narrow endemic species have been identified within the site or surrounding area. Furthermore, no federal or state listed species have been identified within the Project site or surrounding area. Accordingly, implementation of the Project would not impact any core populations nor reduce the likelihood of survival and recovery of these species.

No other Habitat Conservation Plans, Habitat Management Plans, Special Area Management Plan, Watershed Plan, or other similar regional planning effort is in place for the Project site. Implementation of the Project would not preclude or prevent the preparation of a subregional NCCP. In summary, **no impact** is identified.

County Resource Protection Ordinance

The County's Resource Protection Ordinance identifies wetlands as a sensitive habitat. Emergent wetlands do occur on the Project site; however, this area would be preserved onsite within an existing open space conservation easement and would not be directly impacted by implementation of the Project. The site does not support any other land identified as sensitive in the County's Resource Protection Ordinance. To preserve the integrity of this area from indirect impacts, the Project has been designed to include a 50 foot buffer from the wetland boundary in which no uses will be allowed. The buffer area will not require fuel modification and vegetation management. An additional 100 foot buffer is proposed to provide a fire safe setting for the project. Protections such as fencing and signage will also be included. **No impact** would occur because there are no direct impacts and indirect impacts are controlled with buffers provided for in the Project design.

Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act

As identified above, although no nests were observed, large trees located on the Project site could provide nesting habitat for avian species covered under the MBTA, including raptors. The Project proposes removal of the trees as part of the development. Therefore, there is a potential to disturb these species. Potential Impact to nesting birds has already been identified as Impact BI-2 and mitigation is required.

No golden eagles have been recorded in the Project area and no nesting sites are known within 4000 feet of the Project site. According to the biological letter report (DSEIR Appendix E), no eagle species have the potential to occur on or adjacent to the Project site. Thus the Project would not impact eagles and **no impact** is identified.

2.2.4 Cumulative Impact Analysis

Guidelines for Determining Significance

According to the *County of San Diego Guidelines for Determining Significance – Biological Resources* (2010), a significant cumulative impact would occur if the Project would:

- Have the potential to degrade the quality of the environment, substantially reduce the habitat of a wildlife species, cause a wildlife population to drop below self-sustaining levels, or threaten to eliminate a plant or animal community.
- Have impact that are individually limited by cumulatively considerable.

Analysis

The cumulative impact analysis for biological resources considers projects within a 3-mile radius of the Project that impact a similar type of habitat or biological resources. A total of 23 cumulative projects were identified within the 3-mile radius. Of the 23 projects, two projects were identified as impacting the same type of biological resources as the Project. TM 5556 will result in impact to 17 acres of nonnative grassland. The project mitigated the impact through purchase of credit in an offsite approved conservation bank. The Black Mountain Ranch Addendum identified a 1.77 acre impact to nonnative grassland and mitigated the impact through up tier preservation of coastal sage scrub and native grassland. Combined, these two projects result in the loss of 18.77 acres of nonnative grassland. When the 0.3 acre impact to non-native grassland from the proposed Project is added to this, it represents a total loss of 19.07 acres. This does not represent a significant cumulative impact, as all the projects mitigate their impacts and there are region-wide habitat conservation planning efforts in place that preserve biological resources. Cumulative impacts would be **less than significant**.

2.2.5 Significance of Impacts Prior to Mitigation

The following significant impacts related to biological resources would occur with implementation of the Project:

- **Impact BI-1** Impact to 0.3 acre of non-native grassland offsite within the proposed access road footprint.
- **Impact BI-2** Potential impact to nesting birds covered under the MBTA due to removal of onsite trees during Project construction.

2.2.6 Mitigation

The SFVSP EIR identified several biological resources mitigation measures, as detailed in Section 2.2.1, above. The biological resources mitigation measures identified in the SFVSP EIR are not applicable to the project due to the project's specific location within the SFVSP or due to the resources that are on the project site. The following mitigation measures will be required as a condition of Project approval and are specific to the project site and the proposed project and represent the recommendations in the biological resources report prepared specifically for the project and included as Appendix E:

- **M-BI-1** Direct impact to 0.3 acre of offsite non-native grassland shall be mitigated at a 1:1 ratio in conformance with the MSCP and BMO through preservation of similar or higher value habitat. Mitigation shall occur at the Crestridge Mitigation Bank in Lakeside, California or any other land determined

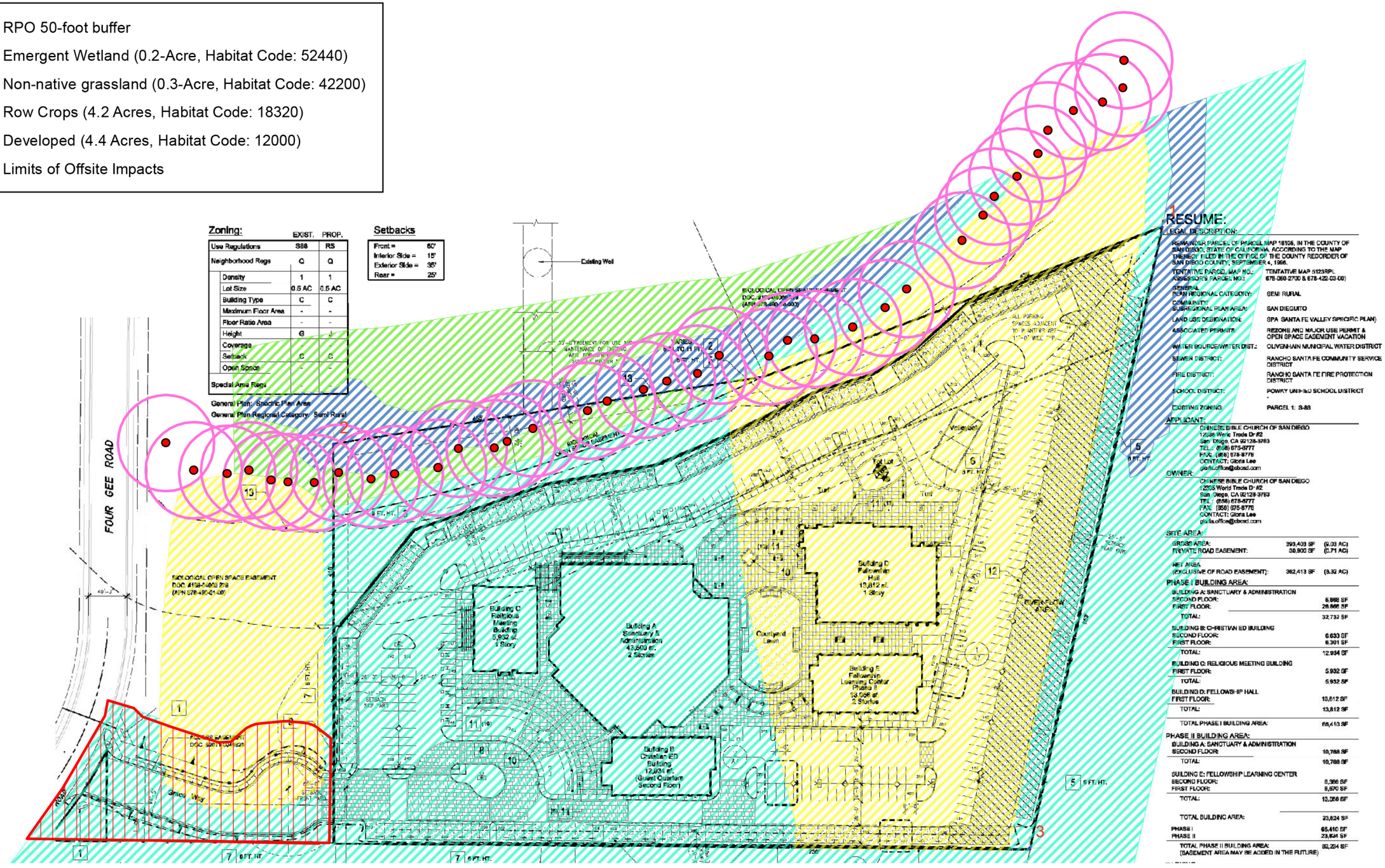
acceptable by the Director of the Department of Planning & Development Services. Note that the mitigation ratio for non-native grassland is typically 0.5:1. A doubled ratio is required here since this area is located within a dedicated open space easement. Pursuant to the County Report Format and Content Requirements – Biological Resources, if existing dedicated biological open space easements are being vacated, the loss of preserved habitat should be mitigated at twice the required ratios because the original mitigation must be replaced and the current loss of habitat must be mitigated.

- **M-BI-2** If any construction work, including onsite tree removal, is proposed during the raptor breeding season (between January 1 and July 15), a qualified biologist shall conduct a nesting raptor survey no more than three days prior to scheduled operations to ensure that no nesting birds in the Project area would be impacted. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer shall be a minimum of 500 feet, be delineated by temporary fencing, and remain in effect as long as construction is occurring or until the nest is no longer active. No Project construction shall be allowed to occur within the fenced zone until the young have fledged and will not be impacted by the Project. A copy of the survey shall be submitted to the Director of Planning & Development Services.

2.2.7 Conclusion

Construction of the Project access driveway would result in a direct impact to 0.3 acre of offsite non-native grassland. This impact would be mitigated to below a level of significance through the purchase of 0.3 acre of non-native grassland or higher value habitat at an approved mitigation bank or any other land determined acceptable by the Director of the Department of Planning & Development Services as required in M-BI-1. Implementation of the Project could impact nesting raptors and other MBTA species if any active nests are present during onsite construction activities. This potential impact would be mitigated to below a level of significance by requiring a nesting bird survey if construction activities are proposed between January 1 and July 15 per M-BI-2. No other impacts were identified. Project design features will preserve a 50 foot no-build buffer from the a wetland boundary, and also provides a 100 foot barrier for fire safety purposes. Fencing and signage will also be installed to limit the access to open space and buffers. With the incorporation of mitigation, impacts to biological resources will be reduced to below a level of significance.

- RPO 50-foot buffer
- Emergent Wetland (0.2-Acre, Habitat Code: 52440)
- Non-native grassland (0.3-Acre, Habitat Code: 42200)
- Row Crops (4.2 Acres, Habitat Code: 18320)
- Developed (4.4 Acres, Habitat Code: 12000)
- Limits of Offsite Impacts



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0 25 50 100 Feet

Biological Resources Map

Figure 2.2-1

Habitat/Vegetation Community	Existing (acres)	Onsite Impacts (acres)	Offsite Impacts	Mitigation Ratio	Mitigation Required (acres)
Emergent Wetland (Habitat Code: 52440)	0.2	**0**	**0**	**3:1**	**0**
Non-native Grassland (Habitat Code: 42200)	0.3	**0**	**0.3**	**1:1***	**0.3**
Row Crops (Habitat Code: 18320)	4.2	**4.2**	**0**	**NA**	**NA**
Developed Habitat (Habitat Code: 12000)	4.7	**4.4**	**0.3**	**NA**	**NA**
Total	9.4	**8.6**	**0.6**		**0.3**

* Normally mitigation for non-native grassland is at a ratio of 0.5:1. A 1:1 mitigation ratio will be applied for impacts to the offsite non-native grassland due to the construction of Grace Way since this area is located within a dedicated open space easement. Pursuant to the County Report Format and Content Requirements - Biological Resources, if existing dedicated biological open space easements are being vacated, the loss of preserved habitat should be mitigated at twice the required ratios because the original mitigation must be replaced and the current loss of habitat must be mitigated (County 2010).

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Habitat Impacts and Mitigation

Table 2.2-1