

# MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT

For El Nopal  
PDS2017-TM-5619  
APN(s) 379-023-39-00

November 20, 2018

## I. Introduction

The project is a Tentative Map (TM) to subdivide an approximately 3.86-acre parcel into 17 residential lots, a private road lot, and a lot for an infiltration basin. The project site is located at 11320 El Nopal in the Lakeside Community Planning area, within unincorporated San Diego County. Zoning for the site is single-family residential (RS) and the site is developed with an existing house and garage that would be removed. Access would be provided by a private road connecting to El Nopal, a public road.

The project is located within the central valley ecoregion within the South County Multiple Species Conservation Program (MSCP) Subarea Plan area within designated unincorporated land in the Metro-Lakeside-Jamul segment. The parcel is surrounded by residential lots with existing residences except for existing mixed residential/agricultural uses to the south. El Nopal Road borders the parcel along the southern boundary. Historic, aerial, and ground-imagery shows that the site is and has been disturbed as a result of various activities (e.g. mowing, vehicle use across the site, and potentially agriculture) since at least 1953. The site slopes 10%-15% from north to south.

The parcel is outside of Pre-Approved Mitigation Area (PAMA), and outside of identified wildlife linkage areas. The northern portion of the project site occurs within and along the edge of the Mission Trails/Kearny Mesa/East Elliot/Santee Core Area. The project site is disturbed and buffered by another single-family residential parcel that is similarly developed with an existing single-family dwelling. The project site, including the portion of the site at the edge of the core area, would be expected to have limited biological function and value due to the degree of existing disturbance and lack of connectivity to conserved, undeveloped lands. Non-adjacent conserved lands exist the north of the project site, but the project site itself is surrounded by single-family residential parcels with existing dwellings and agriculture to the south.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Disturbed/Developed	Tier IV	3.86	3.86	None	None
<b>Total:</b>	--	3.86	3.86	--	None

The findings contained within this document are based on County records, GIS data, and available historic, current, and ground-level photos and aerial imagery. No Biological Resources Report was completed due to the decades-long history of residential use and existing disturbance on the site. The existing disturbance as a single-family residential lot is exempt from the Clearing Regulations under Section 86.503(7), which allows brushing and clearing on existing parcels 10 acres and under in size containing a dwelling unit as of October 22, 1997. 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, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Wildlife 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. Biological Resource Core Area Determination**

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

### **A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.**

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

#### **i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The project site is not within a preapproved mitigation area (PAMA). Therefore it does not meet this criterion.

#### **ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

The project site contains disturbed/developed habitat and is surrounded by disturbed parcels containing existing single-family residences and agricultural lands. The project site does not support the long-term survival of sensitive species, nor is it adjacent or contiguous to preserved habitat. Therefore it does not meet this criterion.

#### **iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:**

- a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
- b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The project site has not been identified as a regional linkage/corridor. The project site is located within a residential neighborhood, is predominantly surrounded by disturbed habitats and residences, and the site and surrounding lots lack vegetation cover that would encourage the use of the corridor by wildlife. Further, existing fencing would limit the ability of some wildlife species to pass through the site. As a result, the site would not be expected to function as a regional linkage or corridor. Therefore it does not meet this criterion.

- iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The project site is shown as developed on the Habitat Evaluation Map. The site does not link significant blocks of habitat. Therefore it does not meet this criterion.

- v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The project site is surrounded by single-family residential parcels with existing residences. El Nopal Road borders the southern boundary of the property. Therefore it does not meet this criterion.

- vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**
- a. Gabbroic rock;**
  - b. Metavolcanic rock;**
  - c. Clay;**
  - d. Coastal sandstone**

Available data indicates that the project site contains Visalia and Greenfield sandy loams. These soils are not known to contain a high number of sensitive species, nor is the site contiguous to surrounding undisturbed habitats. Therefore it does not meet this criterion.

**B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.**

The project site contains disturbed (Tier IV) and developed (no Tier designation) habitat types. Per the County's Biological Mitigation Ordinance, Tier IV and developed habitat does not require habitat mitigation. Therefore, the project is not required to provide habitat mitigation and this criteria does not apply.

**C. Project Design Criteria (Section 86.505(a))**

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow

Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project site contains disturbed (Tier IV) and developed habitat (no Tier designation) and does not contain sensitive habitats, including coastal sage scrub. The project site is not known to contain Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) and would not be expected to contain such species due to the site's history of disturbance. The site is not located in an areas known to contain critical habitats for listed species and is not within the Quino checkerspot butterfly survey area. The project does not propose impacts within a Biological Resource Core Area as defined in the Biological Mitigation Ordinance. Therefore, the project will have a less than significant impact on such resources. The Project site is not within PAMA, is not within a designated Preserve area, nor is it adjacent to PAMA or a designated Preserve area. Therefore the project conforms to Attachment G. The Project site is not within a known regional linkage or corridor and does not contain linear, topographic, and/or vegetative features that would encourage wildlife movement along a specific local path. Further, existing fencing would limit the ability of some wildlife species to pass through the site. The project is entirely surrounded by existing residential and agricultural uses and zoning. Therefore the project conforms to Attachment H.

### **III. Subarea Plan Findings**

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

**1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

The site does not contain features that would qualify as wetlands. Therefore the project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies. The project conforms to this criterion.

**2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

The project site contains disturbed habitat (Tier IV) and developed lands (no Tier designation). Per the County's Biological Mitigation Ordinance, developed and Tier IV habitat does not require habitat mitigation. Therefore, the project is not required to provide habitat mitigation. The site does not contain unique habitats or habitat features. The project conforms to this criterion.

**3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.**

The project site does not contain coastal sage scrub or other habitat types that provide high biological value, rather the project site is shown as developed on the Habitat Evaluation

Map. The site is entirely surrounded by disturbed lands and does not link significant blocks of habitat. The project conforms to this criterion.

**4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

The project site contains disturbed habitat (Tier IV) and developed lands (no Tier designation). The site is surrounded by single-family residential parcels with existing residences and agriculture to the south. El Nopal Road borders the southern boundary of the property. The project will not increase edge effects associated with existing or future conserved habitats. The project conforms to this criterion.

**5. The project provides for the development of the least sensitive habitat areas.**

The project site contains disturbed habitat (Tier IV) and developed lands (no Tier designation). The site is surrounded by single-family residential parcels with existing residences and agriculture to the south. El Nopal Road borders the southern boundary of the property. The project does not contain sensitive habitat areas. The project conforms to this criterion.

**6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

The project site contains disturbed habitat (Tier IV) and developed lands (no Tier designation). The site is surrounded by single-family residential parcels with existing residences and agriculture to the south. El Nopal Road borders the southern boundary of the property. The site does not contain sensitive habitats. Due to existing disturbed conditions on-site and immediately surrounding the project, the project would not be expected to support regional populations of covered species. The project conforms to this criterion.

**7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

The project site contains disturbed habitat (Tier IV) and developed lands (no Tier designation). The site is surrounded by single-family residential parcels with existing residences and agriculture to the south. El Nopal Road borders the southern boundary of the property. The site does not contain sensitive habitats. Although conserved lands exist approximately 130 feet to the north, the project site is not part of, nor is it immediately adjacent to large interconnecting blocks of habitat. Due to the level of disturbance onsite and on the surrounding properties, the site would not be expected to contribute to the preservation of wildlife species, including mule deer, golden eagle, and predator species. The project conforms to this criterion.

**8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan.**

**These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

The project site contains disturbed habitat (Tier IV) and developed lands (no Tier designation). Due to the existing disturbance and history of use, the project site would not be expected to contain critical populations or narrow endemic species. The project conforms to this criterion.

**9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

The project site contains disturbed (Tier IV) and developed (no Tier designation) habitat types. The site is surrounded by single-family residential parcels with existing residences and agriculture to the south. El Nopal Road borders the southern boundary of the property. The site does not contain sensitive habitats. Although conserved lands exist approximately 130 feet to the north, the project site is not part of, nor is it immediately adjacent to large interconnecting blocks of habitat, lands identified as PAMA or Preserve, or other sensitive resources. Due to the history of disturbance and the surrounding properties, the site is not likely to contribute to the preservation of wildlife species, including mule deer and golden eagle. The project conforms to this criterion.

**10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The project site contains disturbed (Tier IV) and developed (no Tier designation) habitat types. Per the County's Biological Mitigation Ordinance, Tier IV and developed habitat does not require habitat mitigation. Therefore, the project is not required to provide habitat mitigation and this criteria does not apply.

**11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

The project site contains disturbed habitat (Tier IV) and developed lands (no Tier designation). The site is surrounded by single-family residential lots with existing residences and agriculture to the south. El Nopal Road borders the southern boundary of the property. The site does not contain sensitive habitats. Although conserved lands exist approximately 130 feet to the north, the project site is not part of, nor is it immediately adjacent to large interconnecting blocks of habitat. The project does not propose impacts within a Biological Resource Core Area as defined in the Biological Mitigation Ordinance. Therefore, the project would be expected to have a less than significant impact on such resources. The Project site is not within PAMA, is not within a designated Preserve area, nor is it adjacent to PAMA or a designated Preserve area. The Project site is not within a known regional linkage or corridor and does not contain linear, topographic, and/or vegetative features that would encourage wildlife movement along a specific local path. Further, existing fencing would limit the ability of some wildlife species to pass through the site. The project is entirely surrounded by existing residential and agricultural uses and zoning. Due to existing disturbance and lack of connectivity, the site would not be expected to support sensitive plant or wildlife species. Due to existing disturbance onsite and on the surrounding properties, the site is not likely to contribute to the preservation of wildlife species, including

mule deer and golden eagle. The project conforms to this criterion and is consistent with the goals of the MSCP.

November 20, 2018

MSCP Designation For

