

**MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT**  
**For Dyke Major Grading**  
**PDS2016-LDGRMJ-30079**  
**APN(s) 403-380-64-00**

**April 7, 2023**

**I. Introduction**

The project proposes to rectify a grading violation that occurred on the 3.86 project site. The project site is located at the west end of Tavern Road, north of Interstate 8. The project is also located within the Metro-Lakeside-Jamul segment of the County’s Multiple Species Conservation Program (MSCP). The site does not qualify as Biological Resource Core Area (BRCA) and is not located in proximity to any Pre-Approved Mitigation Areas (PAMA).

Biological resources on the site were evaluated in a Biological Resources Letter Report (Pacific Southwest Biological Services, Inc; January 11, 2023). The forensic analysis determined that the entire site contained granitic southern mixed chaparral habitat prior to the illegal grading. No special status wildlife or plant species were observed on the site. The project impacted 3.86 acres of granitic southern mixed chaparral.

Impacts to biological resources will require mitigation. Mitigation will include the offsite purchase of 1.68 acres of tier III (or higher tier) habitat at a County approved mitigation bank, within a BRCA in the MSCP.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Granitic Southern Mixed Chaparral	III	3.86	3.86	0.5:1	1.68
<b>Total:</b>	--	3.86	3.86	--	1.68

The findings contained within this document are based on County records and the Biological Resource Letter Report (Pacific Southwest Biological Services, Inc; January 11, 2023). 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 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 PAMA. Therefore, it does not meet this requirement.

#### **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.**

While the site is adjacent to undeveloped land to the west that may contain biological resources that support or contribute to the long-term survival of sensitive species, it is not adjacent or contiguous to preserved habitat that is within the PAMA. Therefore, it does not meet this requirement.

#### **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 adjacent to existing development to the north, east, and south. Interstate 8 is also located to the south of the project site. Therefore, it does to meet this requirement.

- 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 to have moderate and developed habitat value on the Habitat Evaluation Map. Therefore, it does not meet this requirement.

- 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 not within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat. The project site is adjacent to existing development to the north, east, and south. Interstate 8 is located to the south of the project site. Therefore, it does not meet this requirement.

- 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**

The project does not contain a high number of sensitive species. The project site contains Cieneba rocky coarse sandy loam, which is not known to contain a high number of sensitive species. Therefore, it does not meet this requirement.

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

The project will mitigate for impacts through an offsite mitigation bank located within a BRCA in the MSCP.

### **III. Biological Mitigation Ordinance Findings**

#### **A. 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 would not impact 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 BRCA. Therefore, the project design criteria do not apply.

#### **B. Preserve Design Criteria (Attachment G)**

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

The project is not located within a PAMA or areas designated as Preserve land. Therefore, the Preserve Design Criteria from Attachment G does not apply.

#### **C. Design Criteria for Linkages and Corridors (Attachment H)**

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

The project site is not located within a regional linkage or corridor. Therefore, the Design Criteria for Linkages and Corridors from Attachment H does not apply.

### **IV. 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 proposed project site contains two drainage features that qualify as Waters of the State. The eastern feature is intact, and the western feature has been restored to the pre-grading condition, without any loss of original function. Therefore, the project will not conflict with the no-net-loss-of-wetlands standards.

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

The site does not support any unique habitats or habitat features. The loss of 3.86 acres of granitic southern mixed chaparral will be mitigated by the preservation of tier III (or higher tier) habitat within a BRCA in the MSCP. This measure will contribute towards maximizing diversity by preserving habitat in areas known to have unique habitats and habitat features.

**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 include extensive patches of coastal sage scrub or habitats that were ranked as having high or very high biological values by the MSCP habitat evaluation model.

**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.**

Due to the existing development to the north, east, and south of the project site, it is not desirable to create a significant block of habitat through onsite preservation. Impacts to onsite habitat will be mitigated through offsite purchase, which will contribute toward creating large blocks of high-quality habitats where edge effects are minimal and the land is protected in perpetuity.

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

The project site was determined to not be appropriate for onsite preservation due to the lack of adjacent open space and the existing development surrounding the site. Mitigation for impacts to biological resources will include offsite preservation.

**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.**

No threatened, endangered, narrow endemic species were detected on the project site. Developing the site will not eliminate highly sensitive habitat or impact key populations of covered species.

**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.**

No wide-ranging species are expected to occur onsite due to adjacent development and surrounding land uses. Offsite purchase and preservation of high-quality habitat to mitigate for impacts to granitic southern mixed chaparral will occur in an

approved mitigation bank within a BRCA in the MSCP. This will contribute to the development of large interconnecting blocks of habitat that support wide ranging species.

- 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.**

No critical or narrow endemic species were detected on the site. Most sensitive species have a low potential to be present due to the existence of surrounding development.

- 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 is not within an area of regional significance with regard to conservation of sensitive species and habitats. The site is not part of or adjacent to large interconnecting blocks of habitat, lands identified as PAMA or Preserve, or other sensitive resources. The surrounding development does not aid in conservation or wildlife dispersal. Therefore, developing the site will not hinder possible preserve systems.

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

The project does not propose onsite preservation.

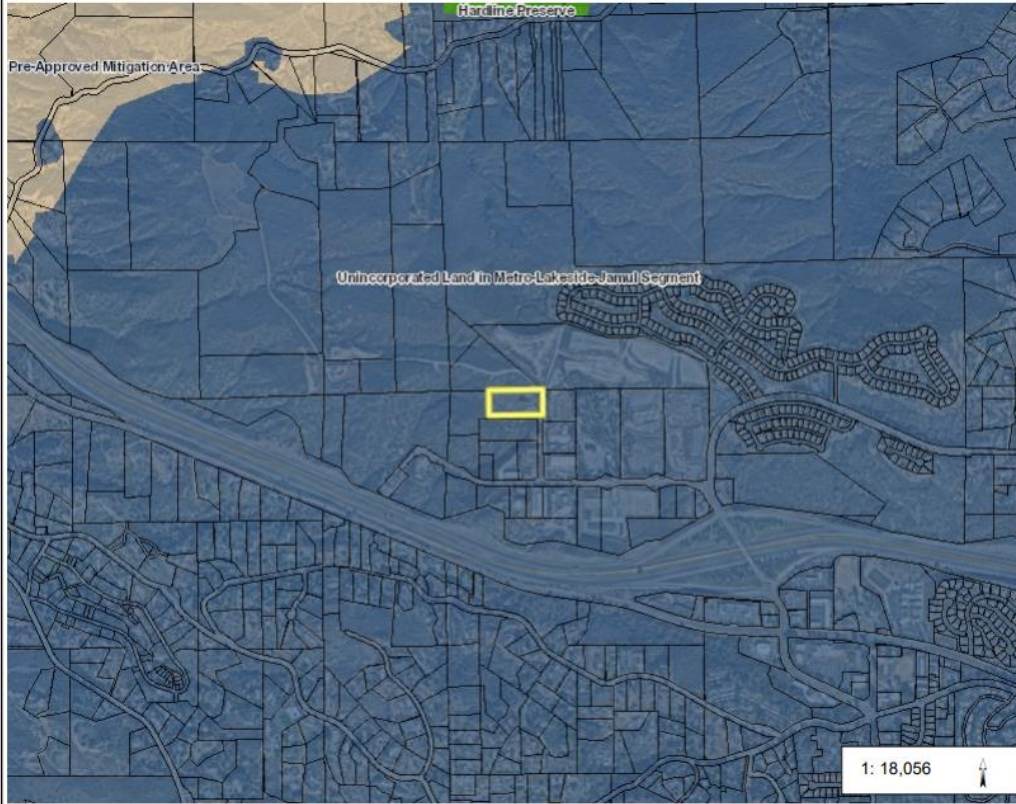
- 11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

The project site does not qualify as a BRCA. No threatened, endangered, or narrow endemic species were detected on the project site. Due to the surrounding development, the project site is suitable for development with the incorporation of mitigation measures. Mitigation measures will include the offsite preservation of tier III or higher tier habitat within a BRCA in the MSCP. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined by the BMO.

Kendalyn White, Planning & Development Services

April 7, 2023

### MSCP Designation



**Legend**

- Parcels
- Multiple Species Conservation County)
  - State and Federal Pre-Approved M
  - Hardline Preserve
  - Take Authorized Area
  - Conserved Subject to Agreement w
  - Otay Ranch Areas Where no Take
  - Major Amendment Area
  - Minor Amendment Area
  - Minor Amendment Area Subject to
  - Santa Fe Valley Sensitive Biological Areas
  - Golf Course Related Development / Open Space II Areas
  - Unincorporated Land in Metro-Lake

**Notes**

0.6 0 0.28 0.6 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
 Planning and Development Services

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION