

**MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT**  
**For Liberty First Charter School**  
**PDS2015-MUP-15-027**  
**APN 498-330-39**

**July 22, 2019**

**I. Introduction**

The proposed project is a Major Use Permit for a Charter School on a 7.66 acre site. The project site is located at 1530 Jamacha Road in the Valle De Oro Community Plan area (APN 498-330-39), within unincorporated San Diego County. This area is within the Metro-Lakeside-Jamul segment of the County’s Multiple Species Conservation Program (MSCP). The site is currently vacant and single-family residential and commercial uses surround this site.

Biological resources on site were evaluated in a Biological Resources Letter Report (REC Consultants, Inc., February 25, 2016). The project site contains four habitat types: 5.81 acres of non-native grassland, 0.81 acre of developed land, 0.93 acre of disturbed land and 0.11 acre of non-native vegetation. No sensitive plant species and one sensitive wildlife species, a red-tailed hawk was observed on the project site. The project will impact the entire project site. The impact site does not qualify as Biological Resource Core Area (BRCA) and is not located in proximity to any Pre-Approved Mitigation Areas or undeveloped land.

Impacts to non-native grassland will require mitigation in accordance with the Biological Mitigation Ordinance (BMO), as listed in the Mitigated Negative Declaration. The purchase of habitat credits within a County-approved mitigation bank in the MSCP will be required prior to the approval of any permit.

Table 1. Impacts to Habitat and Required Mitigation

<b>Habitat Type</b>	<b>Tier Level</b>	<b>Existing On-site (ac.)</b>	<b>Impact Neutral (ac.)</b>	<b>Proposed Impacts (ac.)</b>	<b>Mitigation Ratio</b>	<b>Required Mitigation</b>
Non-Native Grassland (42200)	III	5.81	0.58	5.23	0.5:1	2.62
Developed Land (12000)	IV	0.81	0.23	0.58	--	--
Disturbed Land (11300)	IV	0.93	0.22	0.71	--	--
Non-Native Vegetation (11000)	IV	0.11	0.00	0.11	--	--
<b>Total:</b>	--	7.66	1.03	6.63	--	2.62

The findings contained within this document are based on County records, staff field site visits and the Biological Resources Letter Report (REC Consultants, Inc., February 25, 2016). 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 shown as being a Pre-Approved Mitigation Area (PAMA) on the MSCP County Subarea Plan maps. The nearest PAMA area is located 0.63 mile south of the project site.

#### **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 is surrounded by existing residential and commercial development. Non-native grassland occurs on site but is not contiguous with any areas of biological open space nor any areas of PAMA or MSCP preserve lands.

**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 site is not part of a regional linkage/corridor as identified on MSCP maps nor is it in an area considered regionally important for wildlife dispersal. Surrounding properties are developed with existing residential and commercial uses.

**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 MSCP Habitat Evaluation Map identifies the site as agriculture and developed. The habitat on site is isolated and located within a developed residential and commercial area. The site does not function as a connection between large areas of undisturbed habitat.

**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 site is 7.66 acres and is surrounded by existing residential and commercial development. It is not contiguous to any large blocks of habitat.

**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 site is not contiguous with undisturbed habitats. No sensitive plant species and one sensitive plant species, red-tailed hawk was observed on the project

site. The property has been mapped as Vista coarse sandy loam and Placentia sandy loam, which are not known to support sensitive species.

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

The Mitigation Site is considered a BRCA because the off-site mitigation purchase will occur within a County-approved mitigation bank or at a site meeting the BRCA criteria.

**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 does not propose impacts to any of the above resources or resource areas. BMO findings, including design criteria and Attachments G and H, are not applicable and have been excluded from this document.

**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.**

No wetlands or wetland habitats are located on the project site. The project will not conflict with state and federal wetland goals or policies.

**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 5.23 acres of onsite non-native grassland will be mitigated by the preservation of 2.62 acres of Tier III or higher tier habitat within a County-approved mitigation bank.

**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 does not propose to impact or conserve areas of high value habitat. The proposed project will result in the loss of 5.23 acres of non-native grassland which was mapped as agriculture and developed by the habitat evaluation model. The purchase of habitat credits within a County-approved mitigation bank will contribute to the conservation of higher value habitats within the MSCP area.

**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 non-native grassland on-site will continue to be heavily impacted by edge effects from surrounding residential and commercial development. On-site conservation of habitat as part of the proposed project would only create a small block of habitat lacking connectivity to other blocks of habitat. Off-site mitigation as proposed by the project will facilitate preservation of large blocks of high quality habitat where edge effects are minimal and land is protected in perpetuity.

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

The project will impact the entire site, including 5.23 acres of non-native grassland. Non-native grassland is considered sensitive within the MSCP. The habitat is fragmented and has minimal value for long-term conservation of sensitive plants or wildlife. Therefore, the development of this site is not considered an impact to sensitive habitat.

**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.**

The non-native grassland on the project site is isolated from any other habitat. The surrounding residential and commercial development has eliminated connection to larger, undisturbed areas in all directions. The site itself is too small for larger mammals and raptors to reside permanently. Wildlife that would be expected to travel across the property may include smaller species such as coyotes and ground squirrels that are adapted to residential neighborhoods.

- 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 surrounding residential and commercial setting does not aid in conservation or wildlife dispersal. 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 site does not propose on-site preservation of habitat. Proposed off-site mitigation will facilitate preservation of large blocks of high quality habitat where edge effects are minimal and land is protected in perpetuity.

- 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 is not within a Biological Resource Core Area. The site supports 5.81 acres of non-native grassland, 0.81 acre of developed land, 0.93 acre of disturbed land and 0.11 acre of non-native vegetation. Non-native grassland is a Tier III habitat and is considered sensitive within the MSCP. However, developing the entire site is not considered a significant impact to sensitive habitat because the small amount of habitat on site is surrounded by residential and commercial development in all directions. There were no threatened, endangered or narrow endemic species detected on-site. No significant populations of sensitive species are expected to reside on the property due to its disturbed condition and the surrounding land uses. The project site as a whole is not considered sensitive, nor are there any particularly sensitive resources present. Avoidance is therefore not necessary and project-related impacts are not considered significant once mitigation pursuant to BMO requirements is incorporated.

# MSCP Designation For Liberty First Charter School, PDS2015-MUP-15-027

