



February 9, 2023

Joseph Balbas
Balbas Construction, Inc.
3189 Airway Avenue, Unit D
Costa Mesa, CA 92626

RE: Master Plan Project "EX_B4-El Valle Opulento Capacity Improvements

Biological Assessment Survey Letter Report

Mr. Balbas

BLUE Consulting Group is pleased to submit this biological resources habitat assessment for a portion of the El Valle Opulento Capacity Improvements sewer-line project (Project). The portion of the existing sewer line to be increased in size from existing 10" line to a 12" line (see attached). These two Offsite Sewer Exhibits shows the path of the replacement of the sewer lines in the street and between houses and terminating into the existing Manhole.

SUMMARY

In order to determine if the portion of the developed residential back yard where the sewer line replacement is required supports biological constraints, a biological survey and digital local/state/federal data base file review was conducted.

The vegetation communities within the assessment area include: urban disturbed/developed area. No special status resident plant species were detected or are expected to occur within the survey area. Due to the maintained nature of the backyard, no sensitive habitat and/or special status plant and wildlife species was observed. To the east/south of the location of the sewer manhole and sewer infrastructure to be replaced, is a storm water channel supporting wetland habitat.

SURVEY METHODS

The biological resources survey and preliminary wetland assessment was conducted on January 27, 2023 by qualified BLUE senior biologist, Michael Jefferson.

Vegetation communities were assessed and mapped on a color aerial with topography flown in 2020. Animal species observed directly or detected from calls, tracks, scat, nests, or other sign were noted. All plant species observed on-site were also noted, and plants that could not be identified in the field were identified later using taxonomic keys.

Limitations to the compilation of a comprehensive faunal and floral checklist were few. The general quality of existing urbanized habitat is of low quality and it is believed that a comprehensive checklist was able to be prepared.

Since surveys were performed during the day, nocturnal animals were detected only by sign.
Vegetation

community classifications follow City of San Diego Biology Guidelines (2012), plant names follow Rebman and Simpson (2014), and animal names follow CDFW (2014). The on-site survey was conducted in late summer during morning in moderate weather (68-71 F.). Zoological nomenclature for birds is in accordance with the American Ornithologists' Union Checklist (1998); for mammals, Jones et al. (1982); and for amphibians and reptiles, Collins (1997). Assessments of the sensitivity of species and habitats are based primarily on Skinner and Pavlik (1994), State of California (2012), and Holland (1986).

As part of the habitat survey, a wetland assessment was completed. Delineated boundaries of all features identified within the study area were recorded using a 1"=100' aerial photograph.

BLUE's methods for assessing local, state, and federal wetlands follow the guidelines set forth by the USACE in the *Arid West Manual* (USACE 2008b). The routine onsite determination method can be used to gather field data at potential wetland areas for most projects. Visual observations of vegetation types and hydrology are used to locate areas for evaluation. Then, at each evaluation area, several parameters are considered to determine whether the sample point is within a wetland.

REGULATORY BACKGROUND

The following sections summarize the regulations imposed on each type of jurisdictional feature potentially present onsite.

U.S. Army Corps of Engineers Regulated Activities

USACE-regulated activities under Section 404 of the Clean Water Act (CWA) involve a discharge of dredged or fill material into WoUS. A discharge of fill material includes, but is not limited to, grading, placing riprap for erosion control, pouring concrete, laying sod, and stockpiling excavated material into WoUS. Activities that generally do not involve a regulated discharge (if performed specifically in a manner to avoid discharges) include driving pilings, performing some drainage channel maintenance activities, constructing temporary mining and farm/forest roads, and excavating without stockpiling.

State Water Resources Control Board Regulated Activities/Regional Water Quality Control Board

In California, the SWRCB and nine Regional Water Quality Control Boards (RWQCB) regulate activities within state and federal waters under Section 401 of the CWA and the state Porter-Cologne Act. The SWRCB is responsible for setting statewide policy, coordinating and supporting the RWQCB efforts, and reviewing petitions that contest RWQCB actions. Each semi-autonomous RWQCB sets water quality standards, issues 401 certifications and waste discharge requirements, and take enforcement action for projects occurring within their boundary. However, when a project crosses multiple RWQCB jurisdictional boundaries, the SWRCB becomes the regulating agency for both of these acts and issues project permits.

Section 401 of the Clean Water Act

Section 401 of the CWA requires that any applicant for a federal permit for activities that involve a discharge to waters of the United States shall provide the federal permitting agency a certification from the state in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the federal Clean Water Act.

Therefore, in California, before USACE will issue a Section 404 permit, applicants must apply for and receive a Section 401 water quality certification or waiver from the RWQCB or SWRCB, as applicable. Under Section 401 of the CWA, the SWRCB/RWQCB regulates at the state level all activities that are regulated at the federal level by USACE. Therefore, SWRCB/RWQCB jurisdiction usually matches the jurisdictional boundaries for WoUS (mapped at the OHWM).

However, if waters are determined not to be WoUS, they may still be subject to SWRCB/RWQCB jurisdiction based on the Porter-Cologne Act.

Porter-Cologne Act

The RWQCB regulates activities that would involve “discharging waste, or proposing to discharge waste, within any region that could affect waters of the state” (California Water Code 13260[a]), pursuant to provisions of the state Porter-Cologne Act. Waters of the State (WoS) are defined as “any surface water or groundwater, including saline waters, within the boundaries of the state” (California Water Code 13050 [e]). Such waters may include waters not subject to regulation under Section 404 (i.e., isolated features).

California Department of Fish and Game Regulated Activities

Under recently revised California Fish and Game Code, Sections 1600–1616, CDFW has the authority to regulate work that will substantially divert or obstruct the natural flow—or substantially change or use any material from the bed, channel, or bank—of any river, stream, or lake. CDFW also has the authority to regulate work that will deposit or dispose of debris, wastewater, or other material containing crumbled, flaked, or ground pavement that may pass into any river, stream, or lake. This regulation takes the form of a requirement for a Lake or Streambed Alteration Agreement and is applicable to all work involving state or local government discretionary approvals.

Section 1602 of the California Fish and Game Code

The California Fish and Game Code mandates that it is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds, without first notifying the department of such activity.

CDFW jurisdiction includes ephemeral, intermittent, and perennial watercourses (including dry washes) and lakes characterized by the presence of (1) definable bed and banks and/or (2) existing fish or wildlife resources. Furthermore, CDFW jurisdiction is often extended to habitats adjacent to watercourses, such as oak woodlands in canyon bottoms or willow woodlands that function hydrologically as part of the riparian system. Historical court cases have further extended CDFW jurisdiction to include watercourses that seemingly disappear but re-emerge elsewhere. Under the CDFW definition, a watercourse need not exhibit evidence of an OHWM to be claimed as jurisdictional.

SURVEY RESULTS

A. Surrounding Land Use

The sewer line runs through a developed residential parcel that is located at the southern terminus of an existing residential neighborhood and is bordered by an incised channel and wetland to the east.

B. Topography

The developed home site and the adjacent undeveloped area is generally flat.

C. Botany

A single vegetation community was observed in the survey area, within the planned sewer replacement footprint extending from the existing manhole to the west (towards the street); Urban/Developed Land (Holland Code 12000). The observed vegetated wetland is located outside the project footprint, to the east of the sewer manhole (avoided).

Urban/Developed

Urban and semi-urban areas contain numerous and varied horticultural plantings located within residential yards, active-use parklands, and golf courses. In the older, urbanized portions of the City, tall exotic plantings, such as eucalyptus trees (*Eucalyptus* sp.) with allelopathic toxins that tend to inhibit understory growth, form well developed, and dense woodlands. Occasionally, other planted woodlands such as introduced pines, ash, and elm are present. Disturbed areas are typically located adjacent to urbanization and contain a mix of primarily weedy species, including non-native forbs, annuals, and grasses, usually found pioneering on recently disturbed soils. Characteristic weedy species include prickly sow thistle (*Sonchus asper*), common sow thistle (*Sonchus oleraceus*), bristly ox-tongue (*Picris echioides*), Russian thistle (*Salsola tragus*), giant reed, hottentot-fig (*Carpobrotus edulis*), wild lettuce (*Lactuca serriola*), tree tobacco (*Nicotiana glauca*), castor-bean (*Ricinus communis*), pampas grass, smooth cat's-ear (*Hypochoeris glabra*), red-stem filaree (*Erodium cicutarium*), short-beak filaree (*Erodium brachycarpum*) and white-stem filaree (*Erodium moschatum*). These urban lands do not typically contain native vegetation or provide essential habitat connectivity; and therefore, tend to have reduced biological value.

The observed Urban/Developed area within the existing sewer line to be replaced is in the backyard of the existing residence and comprised of the maintained BMZ area. The vegetation is typical of maintained/mowed areas and is dominated by turf grass. Outside of the sewer easement are mature ornamental irrigated and maintained oaks, sycamore, eucalyptus and pepper trees.

D. Wildlife

Overall, the area in question provides a very low value habitat for wildlife species. The portion of the site in the easement that supports the urban developed areas and BMZ provides little cover, water, and foraging habitat for native wildlife species. Adjacent/outside the sewer easement, the mature trees provide potential nesting habitat.

1. Birds

Over four hundred species of birds have been reported within the environs of the Cities, supporting some of the highest avian diversity in the United States. Coastal California gnatcatcher (*Polioptila californica*) nesting habitat is onsite within the CSS and there are many historical sightings of this gnatcatcher in the general area.

A number of common birds, which nest in riparian woodland or adjacent sage scrub uplands in San Diego County. These include the mourning dove (*Zenaida macroura*), great horned owl (*Bubo virginianus*), burrowing owl (*Athene cunicularia*), black phoebe (*Sayornis saya*), cliff swallow (*Hirundo pyrrhonota*), common raven (*Corvus corax*), bushtit (*Psaltirparus minimus*), house finch (*Carpodacus mexicana*), black-headed grosbeak (*Pheucticus melanocephalus*), spotted towhee (*Pipilo maculatus*), California towhee (*Pipilo crissalis*), red-winged blackbird (*Agelaius phoeniceus*), tricolored blackbird (*Agelaius tricolor*), phainopepla (*Phainopepla nitens*), ash-throated flycatcher (*Myiarchus cinerascens*), orange-crowned warbler (*Vermivora celata*), common yellowthroat (*Geothlypis trichas*), song sparrow (*Melospiza melodia*), hooded oriole (*Icterus cucullatus*), northern oriole (*Icterus galbula*), lesser goldfinch (*Carduelis psaltria*), and American goldfinch (*Carduelis tristis*).

Numerous birds of prey still regularly use open space for hunting. These include white-tailed kite (*Elanus leucurus*), northern harrier (*Circus cyaneus*), red-tailed hawk (*Buteo jamaicensis*), sharp-shinned hawks (*Accipiter striatus*), merlin (*Falco columbarius*), golden eagle (*Aquila chrysaetos*), peregrine falcon (*Falco peregrinus*), Cooper's hawk (*Accipiter cooperii*), American kestrel (*Falco sparverius*), and red-shouldered hawk (*Buteo lineatus*).

Native and non-native vegetation communities provide habitat for numerous species of resident and migratory birds. A number of common avian species breed within sage scrub and chaparral habitats, and forage among the leaf litter in the vegetative understory. Rocky outcrops, particularly on undisturbed slopes or peaks can provide significant perching or roosting sites for raptors; and grasslands and agricultural lands located adjacent to woodland areas provide significant foraging habitat for resident, wintering and migrant raptors. Avian diversity and abundance is substantial within riparian and oak woodland habitats. These habitats are comprised of several horizontal niches including canopy, shrub, herb, and ground, which provide a network of valuable roosting, foraging and breeding areas for birds. Quality avian habitat within the Cities is concentrated where the vegetation is less disturbed and provides habitat connectivity; however, the various creeks and tributaries within the City of San Diego also provide some measure of habitat connectivity, and potential avian breeding and foraging areas.

Bird species observed on-site are typical for the existing habitat types and surrounding development. The vegetation and roosting on-site offer areas for cover, foraging, and potential nesting. No sensitive species were observed on-site. A single bird species was observed, a house finch.

2. Mammals

Without trapping, the presence of mammal species must be discerned through habitat suitability, species range and biological records. Many mammals are nocturnal and secretive, and indirect signs for a number

of species, particularly rodents, can be similar. Small mammal species typically occur in sage scrub, chaparral, grasslands and agricultural/disturbed areas, and several of these species will intermittently use riparian and woodland habitats for foraging and cover. Various species of bats will also forage in grasslands and woodland habitats. Larger mammals often require greater blocks of connected habitat for hunting and travel within their range. Quality habitat for small mammal species is generally located throughout the study area, but as with reptiles, small remaining patch size can undercut the ability of some species populations to survive in open space.

Despite the extensive urban development within the City core, a number of regionally common mammals still reside within City open space and other now often isolated pockets of remaining native vegetation. Included are coyote, desert cottontail, California ground squirrel, Virginia opossum, and striped skunk. No mammals were observed, and no evidence of mammals was evident in the survey area.

3. Reptiles

Relatively uncommon in coastal canyons and other Environmentally Sensitive Lands (ESL) is the western whiptail lizard (*Cnemidophorus tigris*); a species more typically seen in the inland arid foothill region. In contrast, the sensitive orangethroat whiptail (*Cnemidophorus hyperythrus*), which has a sporadic but widespread range in coastal San Diego County, is locally common within areas of native vegetation, including peripheral wetlands habitat. Western fence lizards (*Sceloporus occidentalis*) and side-blotched lizards (*Uta stansburiana*) are common to abundant in open areas throughout the City's canyons. Southern alligator lizards (*Elgaria multicarinata*) are regularly found in ecotonal habitat on the periphery of residential areas. Expected to occur occasionally in open, sandy habitat in areas of sage scrub is the coast horned lizard (*Phrynosoma coronatum blainvillei*). This lizard needs an abundant supply of ants as a food source, and is heavily predated upon by feral cats and pet collecting children. Western pond turtle (*Clemmys marmorata*) are known to occur in many stock ponds and riverine pools within the City's canyon, but are now extirpated from most of their natural habitats. The pond slider (*Chrysemys scripta*) is an introduced species that is also found regionally. This large aquatic turtle is native to the eastern United States and various areas of Mexico. The western rattlesnake (*Crotalus viridis helleri*) is commonly found within the canyons of the City and is most often encountered along the riparian fringe of urban canyons. During the summer months, this species often moves up to irrigated yards along canyon crests where it is often killed. While regionally common, this snake is being depleted in more urbanized areas. The larger ponds and marsh areas along the major rivers are particularly suitable to the requirements of the two-striped aquatic garter snake (*Thamnophis hammondi*). This species has been historically observed in many of these wetlands regionally. Common reptiles such as the gopher snake (*Pituophis melanoleucus*), the coachwhip (*Masticophis flagellum*), the California striped racer (*Masticophis lateralis*), and common kingsnake (*Lampropeltis getulus*) occur within many of the region's canyons. Numerous species of lizards and snakes use rock crevices for cover within sage scrub and open chaparral habitat, and feed on small insects and insect larvae among the leaf litter. Other species are found in grasslands and agricultural/disturbed land, or in riparian areas and hunt small rodents. Quality reptilian habitat, primarily consisting of sage scrub, rocky outcrops, chaparral and oak woodland, is still located at many canyon sites; however, the small patch size available for various species makes local population extirpations increasingly more difficult to deter.

No reptiles were observed in the sewer replacement assessment area.

1. Amphibians

Amphibians typically occur in riparian habitats with peripheral upland vegetation. Riparian ecosystems often provide temporary ponding water used as breeding habitat by various amphibious species, as well as abundant vegetation for cover and foraging. Amphibians will also create burrows in adjacent upland habitats, such as sage scrub and non-native grasslands, where they will aestivate (or spend time in a dormant state, similar to hibernation). Amphibian species known or with a potential to occur in the San Diego region include the garden slender salamander (*Batrachoseps major*), arboreal salamander (*Aneides lugubris*), western toad (*Bufo boreas*), California chorus frog (*Pseudacris cadaverina*), Pacific chorus frog (*Pseudacris regilla*), and the bullfrog (*Rana catesbeiana*), a non-native species. Two sensitive species, the western spadefoot toad (*Scaphiopus hammondi*) and arroyo toad (*Bufo californicus*) also occur within the City at a few locations.

No amphibians were observed; due to a lack of appropriate habitat and hydrological conditions, no sensitive or rare amphibians are expected to occur within the sewer replacement assessment area.

2. Invertebrates

Limited cohesive information is available to provide a thorough description of the many invertebrate fauna found within the City of San Diego region; however, the range of butterfly species and vernal pool branchiopods has been fairly well documented within the City. Butterfly species occur in a wide range of habitats; including sage scrub and chaparral, open areas devoid of substantial shrub cover such as non-native grasslands and agricultural/disturbed land, as well as more densely vegetated areas such as riparian habitat and oak woodlands. These habitats provide various host-specific plants suitable for larval development, adult nectar resources; as well as topographical features, such as hilltops or open ground that aid in courtship and mating. In contrast, vernal pool branchiopods are strongly restricted to vernal pool habitat, and consequently, many of these species are considered to be sensitive.

No vernal pools or invertebrate specific habitat (e.g. QCB) was observed onsite and as a result; no sensitive or rare species are expected to occur in the survey area (developed/disturbed).

E. Sensitive Biological Resources

1. Sensitivity Criteria

The subject property is located within the City of Vista Multiple Species Conservation Program (MSCP) area and outside of the Coastal Overlay Zone. Sensitive resources on-site are required to be protected, preserved, and where damaged, restored according to the CEQA and MSCP Regulations. The proposed project must be designed to meet or exceed those regulations.

State and federal agencies regulate sensitive species and require an assessment of their presence or potential presence to be conducted on-site prior to the approval of any proposed development on a property. For purposes of this report, observed species will be considered sensitive if they are: (1) listed or proposed for listing by state or federal agencies as threatened or endangered; (2) on List 1B (considered

endangered throughout its range) or List 2 (considered endangered in California but more common elsewhere) of the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* (Skinner and Pavlik 1994); (3) within the Multiple Species Conservation Program (MSCP) list of species evaluated for coverage or list of narrow endemic plant species; or (4) considered fully protected, sensitive, rare, endangered, or threatened by the State of California and Natural Diversity Data Base (NDDDB), or other local conservation organizations or specialists. California fully protected is a designation adopted by the State of California prior to the creation of the State Endangered Species Act and is intended as protection from harm or harassment.

Noteworthy plant species are considered to be those which are on List 3 (more information about the plant's distribution and rarity needed) and List 4 (plants of limited distribution) of the CNPS Inventory. Sensitive habitat types are those identified by the NDDDB, Holland (1986) and/or those considered sensitive by other resource agencies.

Determination of the potential occurrence for listed, sensitive, or noteworthy species are based upon known ranges and habitat preferences for the species (Zeiner et al.; Skinner and Pavlik; Reiser); species occurrence records from the NDDDB (State of California); and species occurrence records from other sites in the vicinity of the project site.

2. Sensitive Plant Communities and Habitats

No sensitive habitat (wetlands) is located within the sewer replacement project footprint (location B08022 on the sewer map).

3. Special Status Plant and Animal Species

Sensitive plants, animals, and habitats are defined here as rare and/or endangered, or depleted or declining according to the USFWS, California Department of Fish and Wildlife (CDFW), California Native Plant Society (CNPS) and/or the City of San Diego. General surveys were conducted for plant and animal species and habitats that are considered sensitive according to the USFWS, CNPS and the CDFW's CNDDDB record for the local 7.5' minute quadrangle.

No threatened, endangered, or MSCP covered or narrow endemic animal species were observed on-site during general biological surveys. Animal observance on-site was low due to the adjacency to developed lands.

No threatened, endangered, or MSCP covered or narrow endemic plant species were observed in the BMZ area within the sewer replacement line during general biological surveys.

a. Observed

No plant listed as sensitive by the Cities MSCP (rare, sensitive, narrow endemic, etc.) were observed within the Survey Area.

b. Not Observed

Several other sensitive species are known to occur in the vicinity of the project site. However, due to the nature of the developed Property, these species are not considered as potentially occurring within the Survey Area based on the historical and ongoing impacts, uses, and maintenance.

4. Sensitive Wildlife

a. Observed

No sensitive wildlife was observed within the Survey Area.

b. Not Observed

Several other sensitive animals are either known to occur in the vicinity or have a potential to be present. Overall, there is a low potential for sensitive species within the Survey Area due to the developed nature of the parcel and area as well as the BMZ maintenance.

5. Wildlife Movement Corridors

Wildlife movement corridors are defined as areas that connect suitable wildlife habitat areas in a region otherwise fragmented by rugged terrain, changes in vegetation, or human disturbance. Natural features such as canyon drainages, ridgelines, or areas with vegetation cover provide corridors for wildlife travel. Wildlife movement corridors are important because they provide access to mates, food, and water; allow the dispersal of individuals away from high population density areas; and facilitate the exchange of genetic traits between populations (Beier and Loe 1992). Wildlife movement corridors are considered sensitive by resource and conservation agencies.

The property is south of S. Santa Fe Ave., and is surrounded by development. A vegetated storm drainage system is located to the east of the Project footprint. The property is not adjacent to, and is not part of a formally recognized wildlife movement corridor.

F. Potentially Significant Direct Impacts

No potentially significant impacts are proposed to sensitive habitat(s) with the westward replacement of the existing sewer line. As shown in the attached Figure (Figure 1, El Valle Opulento Capacity Issues), in the yellow box indicates the location of the sewer line to be replaced, west from the existing manhole. No mature trees are proposed to be removed.

Nesting Birds Under the Federal Migratory Bird Treaty Act and the California Fish and Game Code (§3503) states that it is unlawful for the project to have any direct impacts to raptors and/or any active/migratory birds. Removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15).

If removal of habitat in the proposed area of disturbance must occur during the breeding season, a Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of nesting birds on the proposed area of disturbance. The preconstruction (precon) survey shall be

conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation).

POTENTIAL MITIGATION REQUIREMENTS

Lands designated as Tier IV, such as the ornamental and disturbed lands observed within this portion of the sewer easement, are not considered to have significant habitat value and impacts would not be considered significant. Subsequently, the impacts to Tier IV lands would not require mitigation.

If construction is proposed during the nesting season (February 1 to September 15), MBTA pre-construction survey would be required no more than 10-days prior to impacts.

CONCLUSIONS

Impacts within the sewer easement do not present any potential significant biological impacts. Because the area is considered disturbed, the sewer line replacement would not impact any potentially sensitive habitats and/or species. Additional biological permitting and/or mitigation for grading within this area would not be required.

Thank you for the opportunity to provide this biological assessment. If you have any questions, please contact us at 858-391-8145.

Sincerely,



Michael Jefferson
BLUE Consulting Group
Senior Biologist

List of Attachments

Attachment A – Figure 1

CERTIFICATION/QUALIFICATION

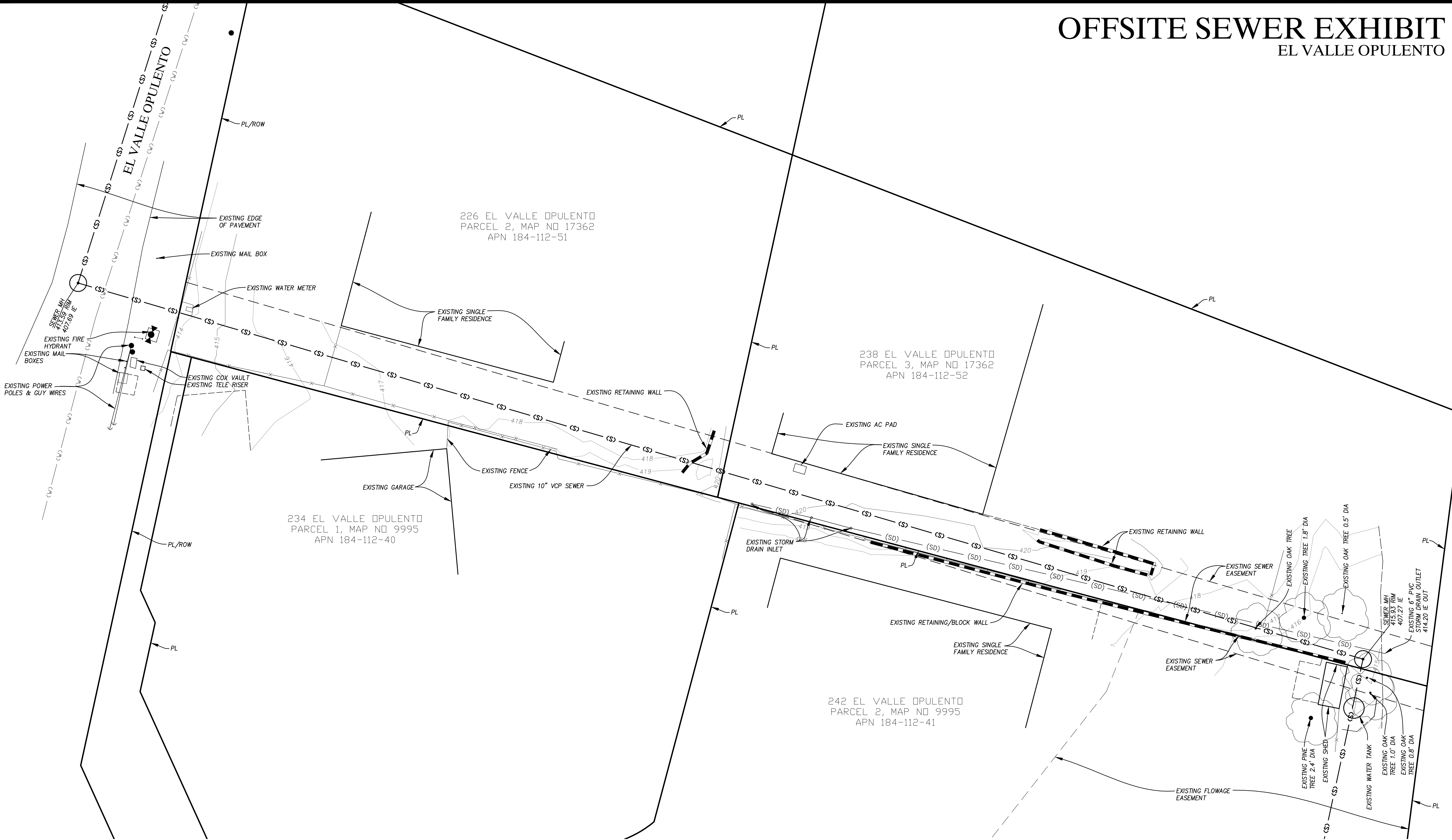
The following individual completed the field surveys and preparation of this report:

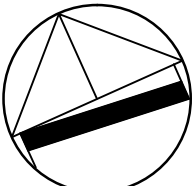
Michael Jefferson; University of California at San Diego, B.A., Biological Anthropology and
Sociobiology, 1996
USACE Protocol Wetland Assessment Specialist
CHRIS Registered Archaeologist
Qualified County of San Diego Biologist
Qualified County of Riverside Biologist and CEQA Specialist

Attachment A

OFFSITE SEWER EXHIBIT

EL VALLE OPULENTO





10' 5' 0' 10' 20' 30'

SCALE: 1" = 10'

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