MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
For the Otay Hills Construction Aggregate and Inert Debris Engineered Fill Operation Project
PDS2004-3300-04-004 (MUP); PDS2004-3310-04-001 (RP); PDS2010-3813-10-002 (SPA); PDS2018-BC-18-0017; Log No. 04-190-04
APN (s) 648-050-12, 648-050-17, 648-050-14, 648-040-39, 648-050-13, 648-040-40, 648-080-13, 648-080-14, 648-080-25

June 25, 2020

I. Introduction

The proposed Otay Hills Aggregate Extraction and Inert Debris Engineered Fill Operation project (Proposed Project) is located in southwestern San Diego County (County) at the edge of Otay Mesa approximately one mile north of the border with Baja California, Mexico, one mile east of the Otay Mesa border crossing and east of the intersection of Otay Mesa and Alta roads.

The applicant proposes to establish a mineral resource recovery and processing operation and associated activities on approximately 102.7 acres (development footprint) of the 414.4-acre site. Acreage along the southern boundary of the site contains an easement and will not be impacted by the Proposed Project, but will be included in the Major Use Permit (MUP) area. The easement area is considered "impact neutral" and will result in a total MUP project area of 105.1 acres. An approximate acreage of 105 acres is used in other technical reports to describe the project area. The 414.4-acre total includes 4.7 acres of existing open space on the Otay Crossings Commerce Park project located off site to the west that will be isolated by the Proposed Project, and is therefore considered impacted and proposed for future development.

The Proposed Project is to fulfill rising demand for construction aggregates in the south San Diego County market area for approximately 90 years. During and after mineral resource recovery operations, the open pit would serve as a receiver site for inert debris such as concrete, asphalt, rock, and soil. Approximately 85.4 million tons of mineral resources would be extracted from the development footprint area and over 31 million cubic yards of inert debris would be received over an approximately 120+-year period. Prior to commencing operations, the Proposed Project would require the approval of a Specific Plan Amendment, Major Use Permit, Reclamation Plan, and financial assurance.

The aggregate extraction operation would occur within the 105.1-acre MUP area while the majority of processing activities would take place within this area on an approximately 16.1-acre pad at the northern portion of the development footprint area. Hours of operation primarily would be from 5:00 AM to 10:00 PM. Maintenance and exporting of aggregate by truck, however, could occur 24 hours per day. Following completion of resource recovery operations, the development footprint area would be reclaimed to a beneficial land use consistent with the underlying land use regulations. Slopes abutting

the proposed open space would be revegetated with native upland habitat. The Proposed Project is described in more detail in the Draft Environmental Impact Report (EIR) and Biological Technical Report (BTR).

In the eastern portion of the Proposed Project site, the applicant proposes to dedicate 304.6 acres to open space (including 137.8 acres as mitigation for direct and indirect impacts to sensitive vegetation communities associated with the Proposed Project as well as an additional 166.8 acres in excess of this mitigation to meet mitigation obligations for removal of Quino checkerspot butterfly (*Euphydryas editha quino*; QCB) habitat). An additional 61-acre Additional Management Area (AMA) has an existing conservation easement in favor of the California Department of Fish and Wildlife but lacks management funding and the Proposed Project is providing funding for management of this area. The Proposed Project will require a Major Amendment to the Multiple Species Conservation Program (MSCP) Subarea Plan.

The site is undeveloped and has five County MSCP Subarea Plan designations: Major Amendment Area, Minor Amendment Area, Minor Amendment Area Subject to Special Consideration, Take Authorized Area, and Hardline Preserve. The County's Habitat Evaluation Model indicates that approximately 355.6 acres of the site are designated as Very High quality habitat, 9.1 acres have been designated as High quality habitat, 34.3 acres have been designated as Medium quality habitat, and 13.9 acres have been designated as Low quality habitat. The remaining acreage is designated as developed or agriculture. Given that 88 percent of the site has been designated as High or Very High value habitat by the County, the site meets the criteria of a Biological Resource Core Area (BRCA). The site is not part of a regional corridor but is part of a large contiguous block of open space that can support wide-ranging species and may act as a core wildlife area.

In addition to developed land, 12 vegetation communities/habitats occur on the Proposed Project site: mule fat scrub, cismontane alkali marsh, southern interior cypress forest, disturbed wetland, tamarisk scrub, native grassland, Diegan coastal sage scrub (including disturbed), coastal sage-chaparral scrub, chamise chaparral, southern mixed chaparral, non-native grassland, and disturbed habitat. Diegan coastal sage scrub, non-native grassland, and disturbed habitat are present on the off-site parcel. The Proposed Project would result in direct removal of approximately 98.7 acres of sensitive (Tier I through III) vegetation.

U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) jurisdictional areas as well as County Resource Protection Ordinance (RPO) wetlands occur on site (not on the off-site parcel). Direct impacts to USACE jurisdictional areas resulting from Proposed Project implementation include 0.28 acre of wetlands and 0.07 acre of non-wetland Waters of the U.S. Direct removal of RWQCB jurisdictional areas resulting from Proposed Project implementation include 0.28 acre of wetlands and 0.13 acre of streambed. Direct removal of CDFW jurisdictional areas resulting from Proposed Project implementation include 0.34 acre of wetlands and 0.16 acre of streambed.

Implementation of the Proposed Project would directly impact 0.34 acre of County RPO wetlands; however, the Proposed Project is exempt from RPO requirements.

Eighteen sensitive plant species are known to occur on the Proposed Project site. One of these, Otay tarplant (*Deinandra conjugens*), is federal listed threatened and State listed endangered, and one, Dunn's mariposa lily (*Calochortus dunnii*) is California rare. Four plant species that occur on site are included in the MSCP narrow endemic plant list: Otay tarplant, Dunn's mariposa lily, variegated dudleya (*Dudleya variegata*), and Gander's pitcher sage (*Lepechinia ganderi*).

In addition to the four sensitive species discussed above, 14 species considered sensitive by the California Native Plant Society were observed on site: Tecate cypress (*Hesperocyparis* [*Cupressus*] *forbesii*), San Diego goldenstar (*Bloomeria* [*Muilla*] *clevelandii*), summer holly (*Comarostaphylis diversifolia* ssp. *diversifolia*), Orcutt's bird's beak (*Cordylanthus orcuttianus*), San Diego barrel cactus (*Ferocactus viridescens*), San Diego marsh-elder (Iva hayesiana), Munz's sage (*Salvia munzii*), San Diego needlegrass (*Achnatherum diegoensis*), western dichondra (*Dichondra occidentalis*), Palmer's grapplinghook (*Harpagonella palmeri*), southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*), Coulter's matilija poppy (*Romneya coulteri*), San Diego sunflower (*Viguiera laciniata*), and ashy spike-moss (*Selaginella cinerascens*). San Diego barrel cactus, San Diego sunflower, and ashy spike-moss also occur on the off-site parcel.

The following sensitive plant species would be directly impacted by the Proposed Project: Otay tarplant, variegated dudleya, San Diego goldenstar, San Diego barrel cactus, San Diego marsh-elder, San Diego needlegrass, western dichondra, southwestern spiny rush, San Diego sunflower, and ashy spike-moss.

Nineteen sensitive animal species were observed/detected or assumed to occur on the Proposed Project site including the federal listed endangered QCB and the federal listed threatened coastal California gnatcatcher (*Polioptila californica californica*; CAGN). Four of the sensitive animal species are listed as Birds of Conservation Concern by the U.S. Fish and Wildlife Service (USFWS): Bell's sage sparrow (*Amphispiza belli belli*), golden eagle (*Aquila chrysaetos*), burrowing owl (*Athene cunicularia*), and loggerhead shrike (*Lanius ludovicianus*). Five animal species observed/detected are listed as a State Species of Special Concern (SSC): red-diamond rattlesnake (*Crotalus ruber ruber*), coast horned lizard (*Phrynosoma blainvillii*), grasshopper sparrow (*Ammodramus savannarum*), northern harrier (*Circus cyaneus*), and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*). (Note that although not observed on site, Belding's orange-throated whiptail [*Aspidoscelis hyperythra beldingi*; an SSC] is assumed to be present throughout the entire Proposed Project site.) Two species are designated as Watch List species by the American Bird Conservancy: southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*) and California horned lark (*Eremophila alpestris actia*). Five County sensitive species (coastal whiptail [*Aspidoscelis tigris stejnegeri*], Cooper's hawk [*Accipiter cooperii*], turkey vulture [*Cathartes aura*], common barn owl [*Tyto alba*], and southern mule deer [*Odocoileus hemionus fuliginata*]) also occur on site.

In addition to its federal status, QCB is also a County listed rare, narrow endemic animal species. Other rare, narrow endemic animal species observed on site include burrowing owl and golden eagle.

The following sensitive animal species would be directly impacted by the Proposed Project most particularly by loss of habitat: QCB, coast horned lizard, coastal whiptail, red-diamond rattlesnake, CAGN, burrowing owl, loggerhead shrike, grasshopper sparrow, southern California rufous-crowned sparrow, California horned lark, Bell's sage sparrow, turkey vulture, northern harrier, barn owl, southern mule deer and San Diego black-tailed jackrabbit.

In addition to direct removal of sensitive vegetation and species from the Proposed Project, indirect impacts from noise, non-native plant species, animal entrapment or pit falls, and public access to the proposed open space are indirect impacts that may occur to these sensitive resources.

Mitigation for direct significant impacts to sensitive vegetation communities would occur primarily through on-site preservation of habitat in 137.8 acres of dedicated open space, although some on or off-site restoration and/or off-site acquisition would also be necessary. Mitigation ratios for wetland community impacts would occur at a 1:1 to 3:1 ratio, and upland community impacts would be mitigated at ratios of 1:1 to 2:1, as detailed in Table 1 below. In addition to this mitigation, the applicant proposes to preserve an additional 166.8 acres of the Proposed Project site in dedicated open space. Removal of 104.9 acre of QCB occupied habitat will be mitigated at a 2.89:1 ratio through preservation of 303.5 acres of QCB occupied habitat on site, and provision of management funds for the 61-acre AMA.

Table 1
IMPACTS TO HABITAT AND REQUIRED MITIGATION (acre[s])[1]

Vegetation Community/Habitat[2]	Tier[3]	Acreage		Mitigation					
		Existing On Site (and off site)	Impacts	Ratio[4]	Required	Preserved On Site in Open Space as Mitigation	Preserved in Excess of Required Mitigation	Required Restoration (on or off site) or Off-site Acquisition	Impact Neutral Areas
Mule fat scrub (63310)	I	0.03	0.00	3:1[5]	0.00	0.00	0.03	0.00	0.00
Cismontane alkali marsh (52310)	I	0.34	0.27	3:1[5]	0.81	0.00	0.07	0.81	0.00
Southern interior cypress forest (83330)	I	0.5	0.00	3:1[5]	0.0	0.0	0.5	0.0	0.0
Disturbed wetland (11200)	I	0.01	0.01	1:1	0.01	0.0	0.0	0.01	0.0
Tamarisk scrub (63810)	I	0.10	0.06	1:1	0.06	0.00	0.04	0.06	0.00
Native grassland (42100)	I	1.2	0.5	2:1	1.0	0.7[6]	0.0	0.3[6]	0.0
Diegan coastal sage scrub (including disturbed; 32500) – direct impact	II	284.1 (plus 2.5 off site)	64.2 (plus 2.5 off site)	1.5:1	100.1	120.7	98.2[9]	0.0	1.0
Diegan coastal sage scrub (including disturbed; 32500) – indirect impact			20.6[7]	1:1	20.6				
Coastal sage-chaparral scrub (37G00)	II	5.4	0.0	1:1	0.0	0.0	5.4	0.0	0.0
Chamise chaparral (37200)	III	14.8	0.0	1:1	0.0	0.0	14.8	0.0	0.0
Southern mixed chaparral (37120)	III	38.6	0.0	1:1	0.0	0.0	38.6	0.0	0.0
Non-native grassland (42220)	III	45.4 (plus 2.0 off site)	29.1 (plus 2.0 off site)	1:1	31.1	16.1[8]	0.0	15.0[8]	0.2
Disturbed habitat (11300)	IV	18.4 (plus 0.2 off site)	8.5 (plus 0.2 off site)	--	0.0	0.0	8.7	0.0	1.2
Developed land (12000)	IV	0.7	<0.1	--	0.0	0.0	0.7	0.0	0.0
TOTAL		**409.7 (plus 4.7 off site)**	**123.24 (plus 4.7 off site)**	**--**	**153.68**	**137.6**	**166.93**	**16.18**	**2.4**
GRAND TOTAL		**414.4**	**127.94**	**--**	**153.68**	**137.6**	**167.04**	**16.18**	**2.4**

[1]Upland habitats are rounded to the nearest 0.1 acre, while wetland habitats are rounded to the nearest 0.01; thus, totals reflect rounding.
[2]Vegetation categories and numerical codes are from Holland (1986) and Oberbauer (2008).
[3]Tiers refer to County MSCP Subarea Plan habitat classification system.
[4]Mitigation ratios assume that impacts and mitigation occur in BRCAs except for USACE and CDFW jurisdictional areas.

[5]While the MSCP requires a mitigation ratio of less than 3:1 for impacts and mitigation sites assumed to be within BRCAs, wetland permitting through the USACE and CDFW is expected to result in 3:1 mitigation ratios.

[6]Mitigation for removal of native grassland to be met with preservation of 0.7 acre of native grassland and on- or off-site restoration or off-site acquisition of 0.3 acre of native grassland.

[7]Mitigation for indirect noise impacts to habitat to be preserved in open space.

[8]Removal of non-native grassland to be mitigated at a 1:1 mitigation ratio according to the Burrowing Owl Strategy (County 2010b) with preservation of 16.1 acres of non-native grassland on site and 15.0 acres of non-native grassland at an off-site location or through purchase at an approved conservation bank.

[9]The 98.2 acres to be preserved in excess of the required mitigation for direct and indirect impacts to Diegan coastal sage scrub was calculated by adding the excess preserved Diegan coastal sage scrub (286.6 acres of existing habitat on site – 87.3 acres of impacts on site – 120.7 acres of required mitigation on site – 1.0 acre of on-site impact neutral area = 77.6 acres) plus the 20.6-acre area of Diegan coastal sage scrub that would be indirectly impacted.

Mitigation for direct significant removal of sensitive plant species would occur at ratios of 1:1 to 7.3:1 in accordance with Section 86.507 of the County's Biological Mitigation Ordinance, which requires that "in-kind preservation shall be required at a 1:1 to 3:1 ratio [of listed or County List A or B plant species]." Mitigation for direct significant impacts to sensitive animal species would include preservation of habitat and avoidance of impacts to nesting bird species.

Mitigation for significant indirect noise impacts to CAGN habitat would include preservation of an additional 20.6 acres of Diegan coastal sage scrub on site at a 1:1 ratio for the area impacted by noise, as well as additional measures to minimize potential adverse noise effects on the habitat and the CAGN.

Mitigation for potential significant impacts from invasive, non-native plant species would include revegetation of impacted, but undeveloped, areas (e.g., cut and fill slopes) with native species.

Mitigation for potential animal entrapment or pitfalls would include measures to: (1) deter animals from entering the development footprint; (2) measures to exclude animals from potentially dangerous areas within the development footprint; and (3) measures to help animals escape if entrapment were to occur.

Mitigation to protect the proposed open space from public access includes implementation of a Resource Management Plan (RMP; by a conservation entity approved by the County, USFWS, and CDFW) to be funded by an endowment from the applicant for in-perpetuity management. The RMP would include stewardship measures including, but not limited to, posting and upkeep of fencing and trespassing signs along the western and southern boundaries of the open space and on alternating sides along the portion of Otay Truck Trail that traverses the open space, as well as at locations of any unauthorized trails entering the open space to preclude unauthorized access.

Implementation of the above-prescribed mitigation measures, which are listed in BTR Table 12 and as mitigation measures M-BI-1 through M-BI-25 in EIR Section 9.1.2, would reduce the significant impacts to sensitive biological resources to less than significant levels.

The findings contained within this document are based on County records, staff field site visits and the BTR prepared by HELIX Environmental Planning, Inc., June 2020. 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 circumstances shall need to have new findings completed based on the environmental conditions at that time.

The Proposed Project has been found to conform to the County's MSCP Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CDFW and the USFWS. 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 the Major Amendment has been approved by the wildlife agencies, the Proposed Project has been approved by the County, these MSCP Findings are adopted by the hearing body, and all MSCP-related conditions placed on the Proposed 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.

Given that 88 percent of the site has been designated as High or Very High value habitat, the site 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 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 Impact Area qualifies as a BRCA.

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

Given that 88 percent of the site has been designated as High or Very High value habitat, the proposed open space 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 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 mitigation site qualifies as a BRCA. As a BRCA, the open space resulting from this Proposed Project is considered part of the regional MSCP preserve system. As such, all of the requirements relating to the "Preserve" outlined in the County's Subarea Plan, the Implementation Agreement and the Final MSCP Plan apply to this open space.

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.

1. **Project development shall be sited in areas to minimize impact to habitat.**

   Project development has been sited to minimize impact to habitat by locating development in the more disturbed western portion of the site, avoiding impacts to about three quarters of the site. The Proposed Project removal of habitat has been reduced and minimized through many iterations of project design over many years of discussions between the Project applicant, County and Wildlife Agencies. The Proposed Project habitat removal has been reduced from 210 acres in the original proposal to 102.7 acres with the Proposed Project, and the most significant populations of QCB, variegated dudleya, San Diego goldenstar and Otay tarplant have been avoided.

2. **Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance.**

   The Proposed Project is not a residential project and cannot use clustering provisions; however, the depth of excavation has been increased as much as possible to reduce the acreage of impact per ton of mineral resource yield.

3. **Notwithstanding the requirements of the slope encroachment regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design that may encroach into steep slopes to avoid impacts to habitat.**

   The RPO does not apply to the Proposed Project; therefore, exceptions to the RPO slope encroachment regulations were not needed to avoid impacts to habitat.

4. **The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations.**

   The Proposed Project will be accessed from an existing paved road, and reduction in road standards is not applicable to this project.

5. **Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H (Design Criteria for Linkages and Corridors).**

   Project consistency with Attachments G and H is discussed below.

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.

1. **Acknowledge the "no net loss" of wetlands standard that individual projects must meet to satisfy State and Federal wetland goals, policies, and standards, and implement applicable County ordinances with regard to wetland mitigation.**

   The Proposed Project will provide mitigation at a 3:1 ratio for cismontane alkali marsh and a 1:1 ratio for tamarisk scrub and disturbed wetland, with 1:1 being establishment/re-establishment; therefore, there will be no net loss of riparian/wetland habitat.

2. **Include measures to maximize the habitat structural diversity of conserved habitat areas, including conservation of unique habitats and habitat features.**

   The Proposed Project includes measures to maximize the habitat structural diversity of conserved habitat areas by preserving 11 of the 12 vegetation communities/habitats existing on site: mule fat scrub, cismontane alkali marsh, southern interior cypress forest, tamarisk scrub, native grassland, Diegan coastal sage scrub (including disturbed), coastal sage-chaparral scrub, chamise chaparral, southern mixed chaparral, non-native grassland, and disturbed habitat. The only on-site vegetation community not included for conservation is disturbed wetland, which only occurs in one location on the western edge of the site. The proposed open space includes topographic diversity ranging from streambeds to ridgelines, as well as habitat supporting multiple sensitive species.

3. **Provide for the 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 value by the MSCP habitat evaluation model.**

   The proposed open space conserves approximately 218.9 acres of Diegan coastal sage scrub in permanent open space on site, in addition to other habitat types that were ranked as high or very high value. The coastal sage scrub and other high quality habitat types to be preserved occur in extensive patches and are representative of the variety of habitat types across the Proposed Project site.

4. **Create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats. Subsequently, using criteria set out in Chapter 6, Section 6.2.3 of the MSCP Plan, potential impacts from new development on biological resources within the preserve that should be considered in the design of any project include access, non-native predators, non-native species, illumination, drain water (point source), urban runoff (non-point source) and noise.**

The Proposed Project will create a 304.6-acre block of conserved habitat and provide management funding for the contiguous 61-acre additional management area, which together are adjacent to conserved habitat to the northwest, north, and east. The development footprint is limited to 105 acres on the western edge of the site, where it is adjacent to existing industrial development. The Proposed Project design minimizes the area and perimeter of development while maximizing the ratio of surface area to perimeter of conserved habitats.

Currently the Proposed Project site has relatively unrestricted access via a series of dirt roads that cross the property. Development of the site as a quarry would limit access to the proposed on-site open space from the west, and no increases in human activity in the proposed open space are anticipated due to the Proposed Project. Additionally, an increase in non-native predators is not anticipated given that the Proposed Project consists of mineral extraction activities and not a residential subdivision, and materials accepted for disposal would be inert debris rather than household waste. Nevertheless, a fence will be placed along the outside edge of extraction areas that would help keep people out of the adjacent open space. The fencing will be six feet tall chain link. Also, access restriction/trespass signs will be placed along the western and southern boundaries of the open space, and proposed RMP implementation would include upkeep of the fencing and signs.

The Proposed Project description includes restoration of slopes in the development footprint adjacent to the proposed open space with a native plant biological buffer to minimize the potential for non-native plants to enter the open space. Lighting within the development footprint adjacent to preserved habitat would be of the lowest illumination allowed for human safety, selectively placed, shielded, and directed away from preserved habitat to ensure that no light would spill beyond the boundary of the Proposed Project impact footprint. The impact area is located downstream from the open space, such that runoff from the Proposed Project will not enter the proposed open space. Finally, the impact analysis and proposed mitigation for the Proposed Project accounts for noise impacts.

5. **Provide incentives for development in the least sensitive habitat areas.**

   The Proposed Project develops the least sensitive habitat areas on-site, including areas closest to existing development and the majority of the non-native grassland, while preserving the majority of the more sensitive habitats, including mule fat scrub, southern interior cypress forest, native grassland, Diegan coastal sage scrub, coastal sage-chaparral scrub, chamise chaparral, and southern mixed chaparral.

6. **Minimize impacts to narrow endemic species and avoid impacts to core populations of narrow endemic species.**

Three narrow endemic plant species (Otay tarplant, Dunn's mariposa lily, and variegated dudleya) and three narrow endemic animal species (QCB, burrowing owl, and golden eagle) occur on site. The Proposed Project has been significantly redesigned to minimize impacts to QCB, resulting in impacts to only five out of 57 locations on site (8.8 percent), while 91.2 percent of observed locations, 73.5 percent of occupied habitat, and 99 percent of host plants will be preserved, including the most prominent hilltop and southerly ridge on site. Only 30 of 540 individuals of Otay tarplant (5.6 percent) will be removed by the Proposed Project, while 94.4 percent of the population on site will be preserved. In addition, seeds will be collected from the Otay tarplant in the impact area and spread within suitable habitat in the proposed on-site open space. For variegated dudleya, the Proposed Project would remove approximately 120 individuals of the 4,987 individuals (2.4 percent) on site, and preserve 97.6 percent of the population on site, including 48.65 acres of potential variegated dudleya habitat. Additionally, the variegated dudleya in the impact area will be salvaged by collecting the soil crust in the area where the 120 dudleya were observed and translocating to the open space. One area where burrowing owl was sighted one time in 2001 would be removed by Proposed Project, and mitigation would be provided in accordance with the Burrowing Owl Strategy. Dunn's mariposa lily and golden eagle would not be impacted.

7. Preserve the biological integrity of linkages between BRCAs.

The Proposed Project site itself occurs within a BRCA and is not located along a linkage between BRCAs. The project design concentrates development along the western boundary of the site, adjacent to existing industrial development, while the proposed 304.6-acre open space connects to existing preserved open space to the northwest, north, and east and vacant land to the south. The Proposed Project would not restrict regional wildlife movement likely occurring to the north and east of the development footprint in the proposed open space and connecting to the adjacent public lands and private open space farther to the north and east.

8. Achieve the conservation goals for covered species and habitats (refer to Table 3-5 of the MSCP Plan).

The Proposed Project achieves the conservation goals for covered species and habitats, as explained in detail in the BTR and Major Amendment Report.

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 Proposed Project site is not located within a regional linkage. The Proposed Project site is located on the western edge of a large block of habitat, on the interface between industrial development to the west and open space to the east. The

proposed development footprint is concentrated on the western edge of the Proposed Project site, where it adjoins existing industrial development that already discourages east-west wildlife movement. Therefore, the design criteria for linkages and corridors do not apply to the Proposed Project.

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 will provide mitigation at a 3:1 ratio for cismontane alkali marsh and a 1:1 ratio for tamarisk scrub and disturbed wetland, with 1:1 being establishment/re-establishment; therefore, there will be no net loss of riparian/wetland habitat.

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

   The Proposed Project includes measures to maximize the habitat structural diversity of conserved habitat areas by preserving 11 of the 12 vegetation communities/habitats existing on site: mule fat scrub, cismontane alkali marsh, southern interior cypress forest, tamarisk scrub, native grassland, Diegan coastal sage scrub (including disturbed), coastal sage-chaparral scrub, chamise chaparral, southern mixed chaparral, non-native grassland, and disturbed habitat. The only on-site vegetation community not included for conservation is disturbed wetland, which only occurs in one location on the western edge of the site. The proposed open space includes topographic diversity ranging from streambeds to ridgelines, as well as habitat supporting multiple sensitive species.

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 proposed open space conserves approximately 218.9 acres of Diegan coastal sage scrub in permanent open space on site, in addition to other habitat types that were ranked as high or very high value. The coastal sage scrub and other high quality habitat types to be preserved occur in extensive patches and are representative of the variety of habitat types across the Proposed Project site.

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 Proposed Project will create a 304.6-acre block of conserved habitat and provide management funding for the contiguous 61-acre additional management area, which together are adjacent to conserved habitat to the northwest, north, and east. The development footprint is limited to 105 acres on the western edge of the site, where it is adjacent to existing industrial development. The Proposed Project design minimizes the area and perimeter of development while maximizing the ratio of surface area to perimeter of conserved habitats.

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

   The Proposed Project develops the least sensitive habitat areas on-site, including areas closest to existing development and the majority of the non-native grassland, while preserving the majority of the more sensitive habitats, including mule fat scrub, southern interior cypress forest, native grassland, Diegan coastal sage scrub, coastal sage-chaparral scrub, chamise chaparral, and southern mixed chaparral.

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 Proposed Project provides for the conservation of large populations of covered plant species, including approximately 510 individuals of Otay tarplant, 4,867 individuals of variegated dudleya, 11,174 individuals of San Diego goldenstar, 92 individuals of Gander's pitcher sage, 166 individuals of San Diego barrel cactus, 148 individuals of San Diego marsh-elder, 78 individuals of Tecate cypress, and smaller numbers of Dunn's mariposa lily and summer holly. The Proposed Project also provides for the conservation of habitat for covered wildlife species including Belding's orange-throated whiptail, coast horned lizard, Cooper's hawk, Southern California rufous-crowned sparrow, burrowing owl, northern harrier, coastal California gnatcatcher, mountain lion, southern mule deer, and golden eagle. The proposed open space includes a wide range of sensitive habitats ranging from riparian to grassland to coastal sage scrub and chaparral, naturally distributed throughout the proposed open space in biologically functioning units.

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 proposed open space will conserve and manage 304.6 acres of open space and provide management funding for an additional 61 acres of open space in a large block that connects with other preserved lands to the northwest, north, and east and with vacant land to the south. This will contribute to the preservation of wide-ranging species such as mule deer, mountain lion, and golden eagle. There is a golden eagle nest site located in O'Neal Canyon approximately 1.2 miles from the Proposed Project's development footprint. The existing nest is not within line of sight of the quarry footprint due to existing topography. Existing information indicates that the

eagles forage mostly to the east, such that the Proposed Project will not impact them. To the extent that golden eagles do forage within the Proposed Project site, they use the eastern portion which will be preserved in open space; therefore, the Proposed Project contributes to conserving foraging habitat near golden eagle nest sites.

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 Proposed Project conserves narrow endemics and rare and endangered plants consistent with the Subarea Plan, as detailed in BTR Section 2.1. The Proposed Project conserves 94.4 percent of observed Otay tarplant individuals, 100 percent of Dunn's mariposa lily, 97.6 percent of variegated dudleya, 90.2 percent of San Diego goldenstar, 100 percent of summer holly, 100 percent of Gander's pitcher sage, 100 percent of Tecate cypress, 100 percent of Munz's sage, and 100 percent of Orcutt's bird's beak.

   There are only two species for which the Proposed Project could not achieve at least 80 percent avoidance: San Diego barrel cactus, of which 49.3 percent will be conserved, and San Diego marsh-elder, of which 51 percent will be conserved. Since the encroachment exceeds 20 percent for these two species, the Proposed Project needs an exception to the BMO for these species under section 86.509(b).

   The Proposed Project qualifies for an exception because the applicant has spent several years working with County staff and the Wildlife Agencies on an adequate biological mitigation strategy to address sensitive biological habitat on the Proposed Project site. Numerous meetings have been held with County staff, the Wildlife Agencies, and the applicant between 2005 and 2018 to address these concerns. Initially, the Proposed Project site comprised approximately 688 acres, and the development footprint was approximately 210 acres. Concerns were expressed by County staff and the Wildlife Agencies regarding the potential biological impacts from that footprint. The applicant worked with staff to reduce the Proposed Project site to 414.4 acres and development footprint to 102.7 acres (with an additional 4.7 acres off-site considered directly impacted because the development footprint would isolate the off-site open space area from other open space). The resulting development footprint, which allows for adequate preservation of many other species in the proposed open space, still unavoidably removes more than 20 percent of the total number of San Diego barrel cactus and San Diego marsh-elder.

   Where such impacts are allowed, the BMO requires mitigation at a 1:1 to 3:1 ratio. Because the Proposed Project encroaches on about half of each population, a mitigation ratio of 2:1 is considered appropriate (2:1 is midway between 1:1 and 3:1, and both species are County List B species). Translocation of San Diego barrel cactus and planting of both species is proposed, for a total mitigation ratio of 2:1. The applicant will fund implementation of an RMP that includes measures to protect and

enhance the preserved and relocated populations of San Diego barrel cactus and San Diego marsh-elder. Therefore, the Proposed Project's mitigation would be considered consistent with the goals of the BMO and MSCP for these species.

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

   The Proposed Project will not jeopardize preserve system assembly within the Subarea Plan. The Proposed Project will contribute to preserve assembly by adding 304.6 acres to the preserve and providing management funding for another 61 acres. The area to be impacted is designated primarily as Major Amendment Area, Minor Amendment Area Subject to Special Considerations, and Minor Amendment Area, and meets all of the conditions for those amendments as explained in these findings, the BTR, and the Major Amendment report.

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

    The 304.6-acre size of the proposed on-site open space will reduce edge effects, as will the provision of management funding for the 61-acre additional management area, which is adjacent to the proposed open space to the northwest. The proposed open space is also adjacent to existing conserved lands to the north and east, and to vacant land to the south. Currently the Proposed Project site has relatively unrestricted access via a series of dirt roads that cross the property. Development of the western edge of the site as a quarry would limit access to the proposed on-site open space from the west, and no increases in human activity in the proposed open space are anticipated due to the Proposed Project. Additionally, an increase in non-native predators is not anticipated given that the Proposed Project consists of mineral extraction activities and not a residential subdivision, and materials accepted for disposal would be inert debris rather than household waste. Nevertheless, a fence will be placed along the outside edge of extraction areas that would help keep people out of the adjacent open space. The fencing will be six feet tall chain link. Also, access restriction/trespass signs will be placed along the western and southern boundaries of the open space, and proposed RMP implementation would include upkeep of the fencing and signs.

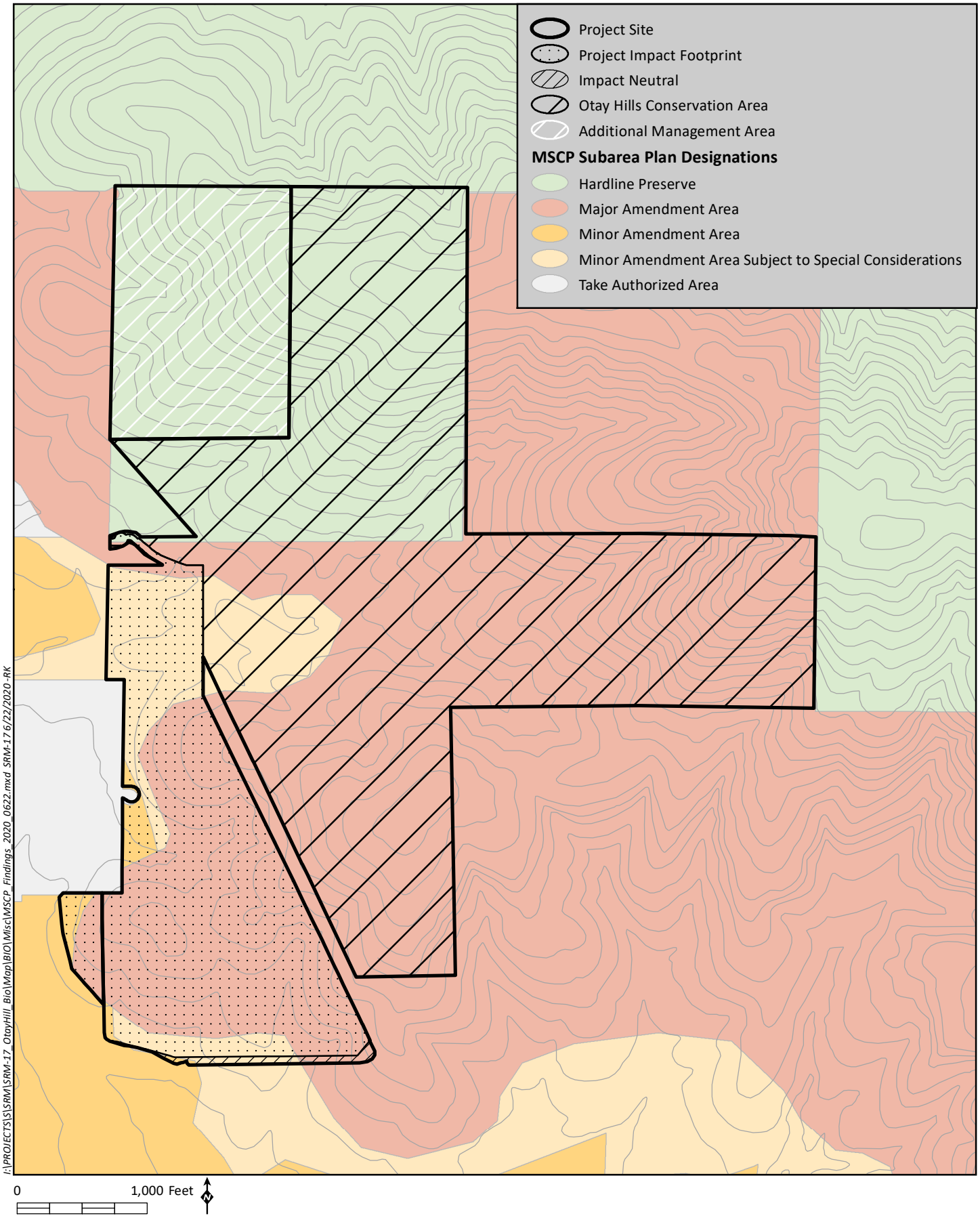
    The Proposed Project description includes restoration of slopes in the development footprint adjacent to the proposed open space with a native plant biological buffer to minimize the potential for non-native plants to enter the open space. Lighting within the development footprint adjacent to preserved habitat would be of the lowest illumination allowed for human safety, selectively placed, shielded, and directed away from preserved habitat to ensure that no light would spill beyond the boundary of the Proposed Project impact footprint. A conservation easement will be recorded to legally protect the open space, and management and monitoring to reduce edge effects will be provided in perpetuity, funded by a permanent endowment.

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 Proposed Project has made every effort to avoid impacts to BRCAs, sensitive resources, and sensitive species as defined in the BMO. Because the Proposed Project site is located within a BRCA and supports many sensitive resources, the impact footprint was concentrated against the western edge of the site adjacent to existing industrial development, avoiding impacts to approximately three quarters of the site. The impact footprint was cut approximately in half from the original proposal, following guidance from the County and Wildlife Agencies.

The Proposed Project provides for the conservation of large populations of covered plant species, including approximately 510 individuals (94.4 percent) of Otay tarplant, 4,867 individuals (97.6 percent) of variegated dudleya, 11,174 individuals (90.2 percent) of San Diego goldenstar, 92 individuals (100 percent) of Gander's pitcher sage, 166 individuals (49.3 percent) of San Diego barrel cactus, 148 individuals (51 percent) of San Diego marsh-elder, 78 individuals (100 percent) of Tecate cypress, 2 individuals (100 percent) of Dunn's mariposa lily, and 8 individuals (100 percent) of summer holly. The Proposed Project also provides for the conservation of habitat for covered wildlife species including Belding's orange-throated whiptail, coast horned lizard, Cooper's hawk, Southern California rufous-crowned sparrow, burrowing owl, northern harrier, coastal California gnatcatcher, mountain lion, southern mule deer, and golden eagle.

The avoided area includes Diegan coastal sage scrub and many other sensitive habitats ranked very high and high value by the County's habitat evaluation model and totals 304.6 acres, plus additional management of another 61 acres. The proposed open space provides conservation meeting or exceeding the required ratio for most sensitive habitat types, and off-site mitigation will also be provided in order to fulfill the BMO mitigation requirements for all habitat impacts. Mitigation for wetland and riparian impacts will include at least 1:1 establishment/re-establishment to meet the no net loss standard for wetland impacts. The proposed open space will be protected by a recorded conservation easement, fencing and signage, and will be managed and monitored in perpetuity by an approved conservancy following an approved RMP, funded by a non-wasting endowment. The Proposed Project is consistent with the goals of the MSCP.



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MSCP Subarea Plan