

MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
For Sweetwater Triangle Land
PDS2021-STP-21-019
APN(s) 505-231-03-00

July 20, 2021

I. Introduction

The project proposes to develop an automotive and equipment fleet storage for the parking of approximately 62 delivery vans. No structures will be constructed, and no building signage will be required. The project site is located southeast of the intersection of Sweetwater Springs Boulevard and Jamacha Boulevard. 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).

Biological resources on the site were evaluated in a Biological Resource Letter Report (RECON, July 2021). The site was previously cleared for fuel modification purposes and a forensic analysis was conducted to determine what vegetation communities were previously present on the site. The forensic analysis determined that the site contained 1.41 acres of Diegan coastal sage scrub, 0.52 acres of non-native grassland, 0.07 acres of eucalyptus woodland, and 0.04 acres of developed habitat. One special status plant species, ashy spike-moss (*Selaginella cinerascens*), was observed on the project site. Three other special status plant species, Otay tarplant (*Deinandra conjugens*), San Diego barrel cactus (*Ferocactus viridescens*), and California adolphia (*Adolphia californica*), have a moderate potential to occur on the project site. No special status wildlife species were observed. Nine special status wildlife species—Crotch's bumble bee (*Bombus crotchii*), Quino checkerspot butterfly (*Euphydryas editha quino*), Blainville's horned lizard (*Phrynosoma blainvillii*), Belding's orange-throated whiptail (*Aspidoscelis hyperythra beldingi*), San Diegan tiger whiptail (*Aspidoscelis tigris steijnegeri*), Cooper's hawk (*Accipiter cooperi*), coastal California gnatcatcher (*Poliophtila californica californica*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*)—have a moderate potential to occur on the project site. The project will impact 1.41 acres of Diegan coastal sage scrub, 0.52 acres of non-native grassland, 0.07 acres of eucalyptus woodland, and 0.04 acres of developed habitat.

Mitigation measures for impacts to vegetation communities will include offsite purchase of 1.41 acres of Tier II or higher tier habitat and 0.26 acres of Tier III or higher tier habitat within a BRCA in the MSCP. To avoid impacts to Otay tarplant, San Diego barrel cactus, California adolphia, and ashy spike-moss, a pre-construction survey will be conducted to determine whether any plants have regrown within the project footprint. If the survey is negative, no additional measures will be required. If any of these species are detected, additional consultation with County staff will be required to determine any additional mitigation measures required. In-kind preservation at a mitigation ratio of 1:1 to 3:1 would

be required per the County Biological Mitigation Ordinance (BMO) for Otay tarplant, San Diego barrel cactus, and California adolphia. Habitat-based mitigation proposed for impacts to sensitive vegetation will serve as mitigation for any impacts to ashy spike-moss, a County List D species. Habitat-based mitigation will serve to mitigate for potential direct impacts to non-avian species, including Crotch’s bumble bee, Blainville’s horned lizard, Belding’s orange-throated whiptail, San Diegan tiger whiptail, and San Diego black-tailed jackrabbit. Mitigation for impacts to avian and raptor species and the Quino checkerspot butterfly include preconstruction surveys to determine presence of these species and consultation with the Wildlife Agencies and County to determine appropriate measures if these species are present.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Diegan Coastal Sage Scrub	II	1.41	1.41	1:1	1.41
Non-native Grassland	III	0.52	0.52	0.5:1	0.26
Eucalyptus Woodland	IV	0.07	0.07	--	--
Disturbed	IV	0.00	0.00	--	--
Urban/Developed	N/A	0.04	0.04	--	--
Total:	--	2.05	2.05	--	1.67

The findings contained within this document are based on County records and the Biological Resource Letter Report (RECON, July 2021). 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 land is not shown as Pre-Approved Mitigation Area (PAMA) on the wildlife agencies' Pre-Approved Mitigation Area map. Therefore, the project site 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 land is located adjacent to preserved habitat to the east, the land does not contain habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and the site is surrounded by development to the north, south, and west. Therefore, the project site 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 land has not been identified as part of a regional linkage/corridor and is surrounded by development to the west, north, and south. Therefore, the project site 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 land is shown on the Habitat Evaluation Map as developed and does not link significant blocks of habitat due to development surrounding the site on the north, south, and west. Therefore, the project site 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 land is located adjacent to a block of habitat greater than 500 acres in area of diverse and undisturbed habitat to the east. However, the land is surrounded by development to the north, south, and west and does not provide any connectivity or linkage to the undisturbed habitat to the east. Therefore, the project site 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**

Available data indicates that the project site contains Friant rocky fine sandy loam. While the land is adjacent to undisturbed habitats, these soils are not known to contain a high number of sensitive species. Therefore, the project site 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.

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

The entire project site will be impacted by project development. This will include impacts to ashy spike-moss, a County List D plant species, and sensitive plant species with a moderate potential to occur. The project site is not considered a BRCA and more suitable for development. Therefore, offsite mitigation for impacts to vegetation communities, County List D plant species, and special status wildlife species is more appropriate than onsite preservation. The project will also conduct preconstruction surveys for special status plant species with moderate potential to occur and will implement appropriate mitigation if species are found onsite.

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

Due to the project site's small size and shape, the entire site is considered impacted and no areas are proposed for conservation. Therefore, clustering was not considered as a means of achieving avoidance.

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.

Steep slopes, as defined by the Resource Protection Ordinance, do not occur on the project site. As such, encroachment into steep slopes could not be applied to further reduce impacts.

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

Minimum private road standards have been applied to the onsite proposed private roads. No reduction in road standards are necessary.

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).

The project site is not located within the Pre-Approved Mitigation Area (PAMA) or designated as Preserve land. The project site is also not located within a regional linkage or corridor and is surrounded on three sides by development. Therefore, the Preserve Design Criteria from Attachment G and the Design Criteria for Linkages and Corridors from Attachment H 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 the Pre-Approved Mitigation Area (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 project site does not contain jurisdictional wetlands or waters. Therefore, this criterion does not apply.

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

Due to the project site's small size and shape, the entire site is considered impacted and no areas are proposed for conservation. The loss of 1.41 acres of Diegan coastal sage scrub and 0.52 acres of non-native grassland will be mitigated by the preservation of Tier II and Tier III habitat within a BRCA in the MSCP. These measures 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 other habitat types that were ranked as having high and very high biological values. Impacts to 1.41 acres of coastal sage scrub and 0.52 acres of non-native grassland will be mitigated by the preservation of Tier II and Tier III habitats within a BRCA in the MSCP. This will 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 values.

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 project site's small size and shape, the entire site is considered impacted and no areas are proposed for conservation. In addition, this site is surrounded by development to the north, west, and south. The land to the east supports an extensive open space preserve and the only area that could be subject to edge effects. In order to reduce potential edge effects to this preserve, additional measures will be implemented. These include Best Management Practices (BMPs), fugitive dust management, temporary fencing installation, lighting installation directed away from the preserve, and design of the project to direct run-off away from the preserve.

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

Due to the project site's small size and shape, the entire site is considered impacted and no areas are proposed for conservation. The loss of 1.41 acres of Diegan coastal sage scrub and 0.52 acres of non-native grassland will be mitigated by the preservation of Tier II and Tier III habitat within a BRCA in the MSCP.

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 Diegan coastal sage scrub and non-native grassland will occur within a BRCA. 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 populations or narrow endemic species were detected on the site. The project proposes mitigation measures for potential impacts to sensitive plant and wildlife species with a moderate potential to occur.

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

While the project site is located adjacent to preserved habitat to the east, the small size and shape of the site and the development surrounding the site to the north, west, and south does not aid in conservation or wildlife dispersal. Therefore, the project will not jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

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

The proposed project does not propose to count onsite preservation towards their mitigation responsibility. Therefore, this criterion does not apply.

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

The project site 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 II and Tier III habitats within a BRCA in the MSCP, preconstruction surveys to determine the presence of sensitive plant and wildlife species, and consultation with the Wildlife Agencies and County to determine appropriate measures if species are found to be present. 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
July 20, 2021

MSCP Designation

