

MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
For Ortega Site Plan
PDS2018-STP-98-031W1
APN(s) 396-111-10-00, 396-111-17-00

November 16, 2023

I. Introduction

The Ortega Construction Yard Project consists of a grading permit to allow for the construct a 20,000 square foot warehouse with 10,000 square feet of office space and associated improvements on a portion of the approximately 5.1-acre site. The project site is located at 15529 Olde Highway 80 in the Alpine Community Plan Area, within unincorporated San Diego County. The area is within the Metro-Lakeside-Jamul segment of the County’s Multiple Species Conservation Program (MSCP). The site is surrounded by commercial development to the west and east, interstate 8 to the south, and Olde Highway 80 to the north. The project site does not qualify as a Biological Resources Core Area (BRCA).

Biological resources onsite were evaluated in a Biological Resource Letter Report (Vincent Scheidt, May 2023). The project site contains 0.53 acres of disturbed southern coast live oak riparian forest, 4.36 acres of disturbed/developed habitat, and 0.21 acres of coast live oak woodland. No sensitive plant or wildlife species were observed on the site. The project proposes to impact 1.53 acres of disturbed habitat. No impacts to southern coast live oak riparian forest and coast live oak woodland are proposed.

Impacts to disturbed/developed habitat does not require mitigation. Permanent fencing will be installed and retained to prevent any potential indirect impacts to riparian and coast live oak woodland habitat and six-foot-long concrete wheel stops will be placed no closer to the drip line of the oak trees to prevent vehicle traffic and storage under the trees. The previously approved Site Plan for the eastern parcel includes conditions for wheel stops in order to prevent impacts to oak trees and resources in the rear of the property. Breeding season avoidance will also be implemented to ensure project consistency with the Migratory Bird Treaty Act (MBTA).

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Disturbed Southern Coast Live Oak Riparian Forest	I	0.53	--	1:1	--
Disturbed/Developed	IV	4.36	1.53	--	--
Coast Live Oak Woodland	I	0.21	--	1:1	--
Total:	--	5.1	1.53	--	--

The findings contained within this document are based on County records and the Biological Resource Letter Report prepared by Vincent Scheidt, dated May 2023. The information contained within these Findings is correct to the best of staff’s knowledge at

the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO), and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Wildlife and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The project site is not within a Pre-Approved Mitigation Area (PAMA). Therefore, it does not meet this criterion.

ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The project site does not support sensitive species and is not adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area (PAMA). Therefore, it does not meet this criterion.

iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:

- a. **Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
- b. **Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The project site is not part of a regional linkage/corridor as identified on MSCP maps nor is it an area considered regionally important for wildlife dispersal. Therefore, it does not meet this criterion.

- iv. **The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The project site is shown as developed with a small portion of very high value habitat. However, the habitat onsite is isolated and located within a developed area. Therefore, it does not meet this criterion.

- v. **The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The project site is surrounded by development and not contiguous to any large blocks of habitat. Therefore, it does not meet this criterion.

- vi. **The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**
 - a. **Gabbroic rock;**
 - b. **Metavolcanic rock;**
 - c. **Clay;**
 - d. **Coastal sandstone**

The project site does not contain a high number of sensitive species or is adjacent to undisturbed habitat. Available data indicated that the project site contains Visalia sandy loam. These soils are not known to contain a high number of sensitive species. Therefore, it does not meet this criterion.

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

The project proposes impacts to disturbed (Tier IV) and developed habitat. Per the County's Biological Mitigation Ordinance, Tier IV and developed habitats do not require mitigation. Therefore, the project is not required to provide habitat mitigation and this criterion does not apply.

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project would not impact Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List), or within a Biological Resource Core Area. Therefore, the project design criteria does 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 site is not designated as a Pre-Approved Mitigation Area (PAMA) or Preserve area. 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 surrounded by development and does not occur within any know corridors or linkages. Therefore, the preserve design criteria 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.

Los Coches Creek does occur within the project area. However, no impacts will occur to the wetland and fencing and wheel stops will be implemented to avoid any indirect impacts. Therefore, the project will not conflict with the no-net-loss-of-wetlands standards.

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

The project will not impact any unique habitats or habitat features. Riparian and coast live oak woodland habitat will be avoided and fencing and wheel stops will be implemented to avoid any indirect impacts.

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. Habitats ranked as having high/very high biological values will be avoided and fencing and wheels stops will be implemented to prevent any indirect impacts.

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 site is surrounded by industrial and commercial development as well as an RV park to the west and east, interstate 8 to the south, and Olde Highway 80 to the north. Therefore, the project will not increase edge effects associated with existing or future conserved habitats.

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

The project will develop within disturbed habitat. Riparian and oak woodland habitat will be avoided and fencing and wheel stops will be installed to prevent any indirect impacts. Therefore, the project provides for the development of the least sensitive habitat areas.

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.

Threatened, endangered, and narrow endemic species were not detected on the project site. The project will not impact highly sensitive habitat or key populations of covered species.

7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.

The project site is surrounded by development in all directions and, therefore, has eliminated connection to larger, undisturbed areas. The project site is too small for larger mammals and raptors to reside permanently.

8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.

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

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

The project site is not within an area of regional significance with regard to conservation of sensitive species and habitats. The site is not part of or adjacent to large interconnecting blocks of habitat, lands identified as PAMA or Preserve, or other sensitive resources. Due to the disturbance of the site and surrounding area, the site is not likely to contribute to the preservation of wildlife species.

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

The project does not propose to count onsite preservation toward their mitigation. 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. The project proposes impacts to disturbed habitat and will avoid impacts to riparian and oak woodland habitat.

Indirect impacts will be prevented with the installation of fencing and wheel stops. There are no threatened, endangered, or narrow endemic species present onsite. No significant sensitive species are expected to reside on the property due to the disturbed condition and surrounding development. Therefore, impacts to BRCAs, sensitive resources, and sensitive species have been avoided.

Kendalyn White, Project Biologist, Planning & Development Services
November 16, 2021

MSCP Designation

