

MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
For the Lemon Crest Tentative Map
PDS2014-TM-5582
APN 394-290-28-00

July 29, 2020

I. Introduction

The proposed project is a Tentative Map to subdivide approximately 16.9 acres into 24 residential lots and 1 remainder lot. The project site is located in between Winter Gardens Boulevard and Los Coches Road, south of State Route 67 at 12361 Lemon Crest Drive, in the Lakeside Community Planning Area of unincorporated San Diego County. The project is located within the Metro-Lakeside-Jamul segment of the County's Multiple Species Conservation Program (MSCP). The project site does not qualify as a Biological Resources Core Area and is not located within a Pre-Approved Mitigation Area (PAMA).

Biological resources onsite were evaluated in a Biological Resource Letter Report (Cummings and Associates; December 3, 2014) and a 2020 Biological Survey Update (Cummings and Associates; May 13, 2020). The project site contains 0.94 acres of Diegan coastal sage scrub, 12.9 acres of disturbed habitat, and 3.17 acres of urban/developed habitat. One sensitive wildlife species, the Turkey vulture (*Cathartes aura*), which is a County Group 1 species, was identified on the site. No sensitive plant species were identified on the site.

Impacts to Diegan coastal sage scrub requires mitigation. The project proposes to mitigate for impacts to 0.94 acres of Diegan coastal sage scrub through the offsite purchase of 1.0 acre of coastal sage scrub (Tier II) habitat, within a BRCA in the MSCP. 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
Diegan Coastal Sage Scrub	II	0.94	0.94	1:1	1.0 (0.94-acre rounded up)
Disturbed Habitat	IV	12.79	12.79	--	--
Urban/Developed Land	IV	3.17	3.17	--	--
Total:	--	16.90	16.90	--	1.0

The findings contained within this document are based on County records, staff field site visits, the Biological Resource Letter Report prepared by Cummings and Associates dated December 3, 2014, and a 2020 Biological Survey Update prepared by Cummings and Associates dated May 13, 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 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 located in a Pre-Approved Mitigation Area (PAMA). The closest Pre-Approved Mitigation Area is located approximately 400 feet southeast of the project site.

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

The project site is not located in a Pre-Approved Mitigation Area (PAMA). No sensitive plant species were identified onsite and one sensitive wildlife species, a turkey vulture, was identified flying over the site. The site does not support or contribute to the long-term survival of sensitive species due to its small size and existing surrounding development.

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 is surrounded by existing residential development and Lemon Crest Elementary. The project site is located north of the Lakeside Archipelago PAMA, which is a series of habitat patches that form a north to south linkage within the MSCP. The land is not part of this regional linkage or corridor, nor does it contribute to it.

- 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 Habitat Evaluation Map shows the site as low quality and developed. The land does not link significant blocks of habitat, due to existing residential development and Lemon Crest Elementary which surround the site.

- 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 not within a block of habitat greater than 500 acres of diverse and undisturbed habitat. The 16.9-acre site is surrounded by residential development and Lemon Crest Elementary.

- 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**

No sensitive plant species were identified onsite and one sensitive wildlife species, a turkey vulture, was identified flying over the site. Soils on-site are Vista coarse sandy loam, which are not known to support sensitive species.

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

The mitigation site is considered a BRCA because the offsite mitigation purchase will occur within a County-approved mitigation bank or at a site meeting one or more of the BRCA criteria.

III. Biological Mitigation Ordinance Findings

The project will not impact Critical Populations of Sensitive Plant Species, Significant Populations of Narrow Endemic Animal Species, Narrow Endemic Plant Species or Sensitive Plants, or proposes impacts within a Biological Resource Core Area. Therefore, the Project Design Criteria, including Attachments G and H, are not required.

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 any wetlands. Therefore, the project would not conflict with the no-net-loss-of-wetlands standard.

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 impact small patches of Diegan coastal sage scrub totaling less than one acre. The Diegan coastal sage scrub habitat is not diverse, and the relatively small size of the site and adjacent residential development make this site more suitable for development than on-site conservation. Off-site mitigation purchase will contribute toward 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 onsite habitat was ranked as developed and low. Although the site contains Diegan coastal sage scrub, it is patchy and totals less than one acre. The project will mitigate for loss of coastal sage scrub by contributing to the creation of large blocks of habitat in areas with high biological values through the purchase of offsite mitigation.

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 existing residential development and Lemon Crest Elementary school surrounding the site, it is not possible or desirable to create a significant block of habitat through on-site preservation. Impacts to onsite habitat will be mitigated through offsite purchase. Offsite mitigation, as proposed for the project, will contribute toward creating large blocks of high-quality habitat where edge effects are minimal and land is protected in perpetuity.

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

The project site is primarily disturbed and developed land and does not contain any particularly sensitive habitat areas. The site does contain small patches of Diegan coastal sage scrub totaling less than one acre. Due to existing development surrounding the site, it has minimal value for long-term conservation of sensitive plants or wildlife. Development of the project site is not considered a significant impact to sensitive habitat.

6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

No sensitive plant species were identified onsite and one sensitive wildlife species, a turkey vulture, was identified flying over the site. The site has a moderate potential to support three sensitive wildlife species: San Diego horned lizard (*Phrynosoma coronatum*), orange-throated whiptail (*Aspidoscelis hyperthra*), and coastal western whiptail (*Aspidoscelis tigris stejnegeri*). However, due to the site's size and residential development on and adjacent to the site, no key regional populations of these species are expected.

Off-site mitigation as proposed for the project will contribute in the preservation of large blocks of high quality habitats in a formal mitigation bank or BRCA containing these habitats as well as other sensitive habitats in a biologically functioning unit.

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 site is not located adjacent to any known golden eagle nest sites or within known eagle foraging areas. Adjacent lands are developed with residential uses such as those proposed with the project. No wide-ranging species are expected to occur on site, 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 will occur in an approved mitigation bank or BRCA, which 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 or are expected to occur on the site.

- 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 considered a Biological Resources Core Area for the reasons stated in section II.A. The site has low biological diversity and relatively small size, limiting its potential to support significant habitat blocks or populations of any species. In addition, existing development on site and adjacent to it preclude it from being a biologically-viable preserve. Therefore, development of the site will not hinder possible preserve systems within the Subarea Plan. In addition, the offsite mitigation purchases required to mitigate onsite impacts will contribute to the development 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 project does not require nor include any onsite preservation.

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

The project site is not considered a Biological Resources Core Area for the reasons stated in section II.A. The project site contains Tier II habitat which is considered sensitive under the BMO. There were no threatened, endangered or narrow endemic species detected on the site. Due to the size of the site and existing development, no regionally significant populations of sensitive species are anticipated. Avoidance of impacts is not necessary and project related impacts are not considered significant once mitigation pursuant to BMO requirements is incorporated.

MSCP Designation

