

MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
For Hurrell Subdivision
PDS2020-TPM-21279
APN(s) 392-070-07-00, 392-070-10-00

January 21, 2022

I. Introduction

The proposed project is for the subdivision of 15.17-acre property into five separate parcels, with one of the parcels being a remainder parcel to be used for future development and open space. Access to the subdivision will be via the existing access road off of Lakeside Avenue. The proposed project site is located north of the San Diego River and west of State Route 67 off Lakeside Avenue in the unincorporated community of Lakeside in the County of San Diego. The project is also located within the Metro-Lakeside-Jamul Segment of the County’s Multiple Species Conservation Program (MSCP), with a small portion within the Pre-Approved Mitigation Area (PAMA).

Biological resources on the site were evaluated in a Biological Resources Letter Report (Cummings Environmental, January 2022). The site contains 12.88 acres of Diegan coastal sage scrub, 1.96 acres of urban/developed, and 0.33 acres of disturbed habitat. The Diegan coastal sage scrub onsite also includes 0.2 acres of potential Hermes copper butterfly habitat. Sensitive wildlife species identified onsite include orange-throated whiptail (*Aspidoscelis hyperythra*), cooper’s hawk (*Accipiter cooperi*), rufous-crowned sparrow (*Aimophila ruficeps ssp. canescens*), turkey vulture (*Cathartes aura*), Nuttall’s woodpecker (*Picoides nuttallii*), and coastal California gnatcatcher (*Polioptila californica californica*). One sensitive plant species, San Diego County Viguiera (*Viguiera laciniata*), was identified onsite. The project proposes impacts to 5.125 acres of Diegan coastal sage scrub, which includes 0.1 acres of potential Hermes Copper habitat.

Mitigation for impacts to biological resources will be required. Mitigation measures will include the onsite preservation of 7.689 acres of coastal sage scrub, which includes 0.1 acres of potential Hermes copper butterfly habitat, installation of temporary fencing to prevent inadvertent disturbance to the open space during construction, implementation of a limited building zone easement and open space signage, and breeding season avoidance.

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	12.88	5.125	1.5:1	7.689
Urban/Developed	IV	1.96	1.895	--	--
Disturbed	IV	0.33	0.45	--	--
Total:	--	15.17	7.47	--	7.689

The findings contained within this document are based on County records and the Biological Resource Letter Report (Cummings Environmental, January 2022). 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 project site is considered a Biological Resources Core Area (BRCA) since a portion of the property is shown as Pre-Approved Mitigation Area (PAMA) on the wildlife agencies' Pre-Approved Mitigation Area map and a portion of the land is mapped as high habitat value on the Habitat Evaluation Map.

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

As a Biological Resource Core Area, the open space resulting from this 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.

The project development would result in impacts to 5.125 acres of coastal sage scrub habitat, which includes 0.1 acres of potential Hermes copper butterfly habitat. The remainder of the coastal sage scrub onsite, including 7.689 acres, will be placed within an onsite open space easement. This area also includes 0.1 acres of potential Hermes copper butterfly habitat. This area is appropriate for open space as a portion is within PAMA and is considered a BRCA. Therefore, project development has been sited in areas to minimize impact to habitat.

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

The project proposes to cluster development within the northwest portion of the site. This will allow avoidance of coastal sage scrub, including some potential Hermes copper butterfly habitat, and the steep slopes, which are considered a unique feature.

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 west, south, and east facing slopes on the property contain steep slopes which are considered to be a unique feature. The majority of these slopes will be placed into open space for use as mitigation to Diegan coastal sage scrub. Therefore, encroachment into steep slopes was not necessary as a means to avoid impacts to habitat.

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 complies with applicable design criteria in the County MSCP Subarea Plan (Attachment G and H) as 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 site contains an ephemeral drainage that is considered waters of the state, and waters of the U.S., but not as a Resource Protection Ordinance (RPO) wetland. To eliminate the need for permits through the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers (ACOE), the drainage has been avoided through project design. Since impacts to the drainage have been completely avoided through project design, the project will not conflict with the no-net-loss-of-wetlands standards.

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

The project proposes to conserve 7.689 acres of Diegan coastal sage scrub, which includes 0.1 acres of potential Hermes copper butterfly habitat. A majority of this area is within steep slopes, which are considered a unique habitat feature on the property. Therefore, the project includes measures to maximize the habitat structural diversity of conserved habitat areas.

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 project site contains 12.88 acres of Diegan coastal sage scrub, which includes 0.2 acres of potential Hermes copper butterfly habitat. The project proposes to mitigate for impacts to 5.125 acres of coastal sage scrub, including 0.1 acres of potential Hermes copper butterfly habitat, through onsite preservation. This will provide for the conservation of spatially representative examples of coastal sage scrub habitat.

- 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 conserve 7.689 acres of coastal sage scrub, including 0.1 acre of potential Hermes copper habitat. The project design includes the implementation of open space signage and a limited building zone easement in order to reduce edge effects. Therefore, 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.

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

The project development would result in impacts to 5.125 acres of coastal sage scrub, which includes 0.1 acres of potential Hermes copper butterfly habitat. This area is located adjacent to existing development. The remainder of the coastal sage scrub onsite, including 7.689 acres, will be placed within an onsite open space easement. This area also includes 0.1 acres of potential Hermes copper butterfly habitat and is within steep slopes that are considered to be a unique feature. This area is appropriate for open space as a portion is within PAMA and is considered a BRCA. Therefore, the project provides for the development of the least sensitive habitat areas.

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

No narrow endemic species were detected on the project site.

- 7. Preserve the biological integrity of linkages between BRCAs.**

The project site is not located within a habitat linkage. Although the San Diego River is located just across Lakeside Avenue from the property, the steep slopes of the site and the surrounding humanity in the forms of roads and residences, do not facilitate wildlife movement to and/or from the river. Rather, the San Diego River channel itself is the wildlife corridor.

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

The proposed project site does not contain any MSCP covered plant species. MSCP covered wildlife species observed on the site include orange-throated whiptail, rufous crowned sparrow, Cooper's hawk, and coastal California

gnatcatcher. The proposed project achieves the conservation goals for these covered species through implementation of mitigation measures to reduce edge effects and minimize disturbance. These mitigation measures include breeding season avoidance and dedication of an open space easement, with open space signage.

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 proposed project site contains an ephemeral drainage that is considered waters of the state, and waters of the U.S., but not as a Resource Protection Ordinance (RPO) wetland. To eliminate the need for permits through the California Department of Fish and Wildlife (CDFW), the Regional Water Quality Control Board (RWQCB), and the U.S. Army Corps of Engineers (ACOE), the drainage has been avoided through project design. Since impacts to the drainage have been completely avoided through project design, 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 proposes to conserve 7.689 acres of Diegan coastal sage scrub, which includes 0.1 acres of potential Hermes copper butterfly habitat. A majority of this area is within steep slopes, which are considered a unique habitat feature on the property. Therefore, the project includes measures to maximize the habitat structural diversity of conserved habitat areas.

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 contains 12.88 acres of Diegan coastal sage scrub, which includes 0.2 acres of potential Hermes copper butterfly habitat. The project proposes to mitigate for impacts to 5.125 acres of coastal sage scrub, including 0.1 acres of potential Hermes copper butterfly habitat, through onsite preservation. This will provide for the conservation of spatially representative examples of coastal sage scrub habitat.

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 conserve 7.689 acres of coastal sage scrub, including 0.1 acre of potential Hermes copper habitat. The project design includes the implementation of open space signage and a limited building zone easement in order to reduce edge effects. Therefore, 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.

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

The project development would result in impacts to 5.125 acres of coastal sage scrub, which includes 0.1 acres of potential Hermes copper butterfly habitat. This area is located adjacent to existing development. The remainder of the coastal sage scrub onsite, including 7.689 acres, will be placed within an onsite open space easement. This area also includes 0.1 acres of Hermes copper butterfly habitat and is within steep slopes that are considered to be a unique feature. This area is appropriate for open space as a portion is within PAMA and is considered a BRCA. 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.

The proposed project site does not contain any MSCP covered plant species. MSCP covered wildlife species observed on the site include orange-throated whiptail, rufous crowned sparrow, Cooper's hawk, and coastal California gnatcatcher. The proposed project achieves the conservation goals for these covered species through implementation of mitigation measures to reduce edge effects and minimize disturbance. These mitigation measures include breeding season avoidance and dedication of an open space easement, with open space signage.

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 proposes to conserve 7.689 acres of Diegan coastal sage scrub, which includes areas identified as PAMA and are adjacent to other undeveloped areas. This will contribute to the preservation of wide-ranging species such as mule deer.

- 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.

- 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 the preserve system assembly within the Subarea Plan. The proposed project will contribute to the preserve assembly by adding 7.689 acres to the preserve, which includes areas designated as PAMA.

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

Implementation of open space signage and a limited building zone easement have been incorporated into the project design in order to reduce edge effects.

- 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. Since the proposed project site is located within a BRCA and supports sensitive resources, the impact footprint was concentrated within areas adjacent to development. The proposed project does not contain covered plant species. However, the proposed project provides for the conservation of habitat for covered wildlife species including orange-throated whiptail, rufous crowned sparrow, Cooper's hawk, and coastal California gnatcatcher. The project proposes to preserve 7.689 acres of coastal sage scrub, including 0.1 acres of potential Hermes copper butterfly habitat, within an onsite open space easement. Therefore, the proposed project is consistent with the goals of the MSCP.

Kendalyn White, Planning & Development Services

January 21, 2022

MSCP Designation

