

4.3 BIOLOGICAL RESOURCES

The following biological resources discussion is based on information provided in the following documents: *Biological Technical Report for the Forrester Creek Industrial Park Project* (December 21, 2005) prepared by HELIX Environmental Planning, Inc.; *Updated Vegetation Mapping for the Forrester Creek Industrial Park Project Site* (February 2, 2009) prepared by PBS&J; *Addendum to the Biological Letter Report for the Forrester Creek Industrial Park Project* (August 20, 2008) prepared by HELIX Environmental Planning, Inc; and the *Draft Jurisdictional Delineation for the Proposed Forrester Creek Industrial Park Project* (February 19, 2009) prepared by PBS&J. These documents are provided in Appendix C of this EIR.

4.3.1 EXISTING CONDITIONS

4.3.1.1 BIOLOGICAL SURVEY METHODS

General Biological Survey

Vegetation mapping as well as general botanical and wildlife surveys were conducted by HELIX Environmental Planning on the project site on December 6, 2005. The habitat classification system used to identify on-site vegetation communities is from the Holland (1986). Plant identifications were made during the vegetation mapping and the general botanical survey. Wildlife species were identified through direct observation or vocalizations, presence of scat and/or tracks, or other signs. An update to the vegetation mapping was conducted by PBS&J in May 2008.

Jurisdictional Wetland Delineation

A jurisdictional wetland delineation was conducted in accordance with the 1987 *Corps of Engineers Wetlands Delineation Manual* (Environmental Laboratory 1987), and a report was prepared in accordance with the December 2006 *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Environmental Laboratory 2007). Data on vegetation, soils, and hydrology characteristics were recorded in the field and sampling points were located in areas considered to be potential wetland habitat. All sample locations were examined for the presence of positive hydrologic indicators (e.g., direct evidence of inundation, sediment deposits, saturated soils, oxidized rhizospheres). Soils were examined via soil test pits to determine composition, matrix color, and the presence of reducing conditions. The percent dominance by hydrophytic vegetation was also recorded at each sample location. Global Positioning System (GPS) coordinates of each sample location were recorded in the field. A field visit with PBS&J and Corps staff was conducted on November 4, 2008.

4.3.1.2 SURVEY RESULTS

Biological Resources

Vegetation Communities/Flora

Six vegetation communities were identified on the project site during the biological field survey. These vegetation communities include disturbed Diegan coastal sage scrub, broom baccharis scrub, non-native grassland, eucalyptus woodland, disturbed habitat, and developed land. The approximate acreage of each on-site community is provided in Table 4.3-1. A description of each vegetation community is provided below. In addition, project site vegetation is mapped on Figure 4.3-1. A total of 42 plant species were



SOURCE: City of El Cajon, 2008; LandisCor, 2003

VEGETATION COMMUNITIES WITHIN THE PROJECT SITE **FIGURE 4.3-1**

observed during vegetation mapping and the general botanical survey. A list of plants observed during the site visit is included in the Biological Technical Report (Helix 2005), Appendix C.

Diegan Coastal Sage Scrub – Disturbed. Diegan coastal sage scrub is comprised of low, soft-woody subshrubs to about 3 feet high, many of which are drought-deciduous. The dominant shrubs within the project site include California sagebrush (*Artemisia californica*) and California buckwheat (*Eriogonum fasciculatum* var. *fasciculatum*). Disturbed Diegan coastal sage scrub contains many of the same shrub species as undisturbed Diegan coastal sage scrub but is sparser and has a higher proportion of non-native annual species. On-site disturbed Diegan coastal sage scrub occurs in two patches in the western central portion of the site totaling 0.3 acres (Figure 4.3-1).

Table 4.3-1. Quantitative Summary of the Vegetation Communities Present On Site

Vegetation Community ⁽¹⁾	Acreage ⁽²⁾
<i>Disturbed Diegan coastal sage scrub</i>	0.3
<i>Non-native grassland</i>	15.6
Broom baccharis scrub	1.4
Eucalyptus woodland	< 0.1
Disturbed habitat	9.2
Developed land	5.0
TOTAL	31.5

⁽¹⁾ Vegetation Community names in *italics* are considered sensitive.

⁽²⁾ Totals reflect rounding

Source: HELIX Environmental Planning, Inc., 2005 and PBS&J, 2009

Broom Baccharis Scrub. Areas designated as broom baccharis scrub are dominated by broom baccharis (*Baccharis sarothroides*) with an understory of weedy, ruderal species. This species is common on sandy or silty slopes and flats. On site, 1.4 acres of broom baccharis scrub occurs in the west central portion of the site (Figure 4.3-1).

Non-native Grassland. Non-native grassland is a dense to sparse cover of annual grasses, often associated with numerous species of showy-flowered native annual forbs. This association occurs on gradual slopes with deep, fine-textured, usually clay soils. On-site non-native grassland consists of black mustard (*Brassica nigra*) rippgut grass (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), rabbitfoot (*Polypogon monspeliensis*), Bermuda grass (*Cynodon dactylon*), rattail fescue (*Vulpia myuros* var. *hirsuta*) and red brome (*Bromus madritensis* ssp. *rubens*). On-site non-native grassland occurs throughout the project site and totals 15.6 acres (Figure 4.3-1).

Eucalyptus Woodland. Eucalyptus woodland is dominated by eucalyptus (*Eucalyptus* sp.), an introduced species that produces a large amount of leaf and bark litter. One small patch of eucalyptus woodland, less than 0.1 acres in size, occurs in the western portion of the site (Figure 4.3-1).

Disturbed Habitat. Disturbed habitat on site includes land cleared of vegetation (e.g., dirt roads) or contains a preponderance of non-native plant species such as ornamentals or ruderal exotic species that take advantage of disturbance (e.g., previously cleared or abandoned landscaping). On-site disturbed habitat consists of the driving range and cleared dirt areas and totals 9.2 acres (Figure 4.3-1).

Developed Land. Developed land is where permanent structures and/or pavement have been placed that prevents the growth of vegetation or where landscaping is clearly tended and maintained. On-site developed land consists of the former driving range building and parking lot in the southern portion of the site and the former concrete storage area in the northern portion of the site. Developed land totals 5.0 acres on site (Figure 4.3-1).

Zoological Resources/Fauna

Locally common species of reptile, bird, and mammal species were identified on the project site during the biological surveys. A total of 12 animal species were observed during vegetation mapping and the general wildlife survey. All of the animal species were identified by direct observation or vocalizations, the presence of scat and/or tracks, or other signs.

Invertebrate species observed on site included harvester ants (*Pogonomyrmex rugosus*), Acmon blue butterfly (*Icaricia acmon*), and common white butterfly (*Pontia protodice*).

Vertebrate species observed on site included reptile, bird, and mammal species. The side-blotched lizard (*Uta stansburiana*) was observed on site. Bird species observed on site include: red-tailed hawk (*Buteo jamaicensis*), mourning dove (*Zenaidura macroura*), killdeer (*Charadrius vociferous*), black phoebe (*Sayornis nigricans*), and western meadowlark (*Sturnella neglecta*). Mammal species detected on site include desert cottontail (*Sylvilagus audubonii*), California ground squirrel (*Spermophilus beecheyi nudipes*), and Botta's pocket gopher (*Thomomys bottae*).

Sensitive Biological Resources

Sensitive biological resources may be uniquely defined by local jurisdictions. However, the City of El Cajon does not individually define sensitive resources; therefore, sensitive resources have been defined in accordance with recognized standards and state and federal regulations and the standards of the MSCP. According to the CEQA Guidelines (Section 15206), sensitive wildlife habitats include but are not limited to riparian lands, wetlands, bays, estuaries, and marshes and habitats of rare or endangered species. For the purposes of this EIR, sensitive resources are those defined as (1) habitat areas or vegetation communities that are unique, are of relatively limited distribution, or are of particular value to wildlife; and (2) species that have been given special recognition by federal, state, or local government agencies and organizations due to limited, declining, or threatened populations.

Sensitive Vegetation Communities

Two sensitive vegetation communities exist on site: disturbed Diegan coastal sage scrub and non-native grassland. In addition, one non-wetland waters of the U.S. (OWUS) was identified on site; this feature is under the jurisdiction of the U.S. Army Corps of Engineers (ACOE). Four of the seven drainages within the project site are under the jurisdiction of the California Department of Fish and Game (CDFG). Waters of the U.S are regulated by the ACOE under the Clean Water Act. The CDFG has jurisdiction over rivers, streams, and lakes under the Lake and Streambed Alteration Program.

Sensitive Plants

No sensitive plant species were observed on site during the general biological survey conducted on December 6, 2005. A list of sensitive plant species with potential to occur on site, based on the site's location and presence of vegetation communities and soils, is included in Appendix C of this EIR.

A focused survey for San Diego ambrosia (*Ambrosia pumila*) was conducted in July 2008. A total of three sensitive plant species were observed on site: San Diego ambrosia (*Ambrosia pumila*), smooth

tarplant (*Centromadia pungens* ssp. *laevis*), and graceful tarplant (*Holocarpha virgata* ssp. *elongata*). These species are discussed below.

San Diego ambrosia (*Ambrosia pumila*)

Listing: FE/--; CNPS List 1B.1

Distribution: Coastal San Diego and western Riverside Counties; Baja California, Mexico. Known in California from fewer than 20 occurrences.

Habitat: Found in a variety of habitats, including sage scrub, grasslands, wetlands, disturbed habitat, and sloped areas. Reiser (2001) states that preferred habitats are in creek beds, seasonally dry drainages, and floodplains, and the Federal Registry announcement for this species states that it is found in grasslands and valley bottoms. It is likely a function of soil and moisture rather than a specific habitat that determine the species' territory.

Status on site: Approximately 250 stems (species grows via rhizomes therefore actual number of plants is indeterminate) were observed in the central portion of the site.

Smooth tarplant (*Centromadia pungens* ssp. *laevis*)

Listing: --/--; CNPS List 1B.1; CA Endemic

Distribution: San Diego, Orange, Riverside, Los Angeles, Kern, and San Bernardino counties below approximately 1,500 feet in elevation

Habitat: Valley and foothill grasslands, particularly near alkaline locales

Status on site: Four individuals were observed at the southeast end of the site.

Graceful tarplant (*Holocarpha virgata* ssp. *elongate*)

Listing: --/--; CNPS List 4.2; CA Endemic

Distribution: San Diego, Orange, and Riverside counties

Habitat: Coastal mesas and foothills with grassland habitats

Status on site: Approximately 950 individuals in 2 patches in the central and eastern portions of the site.

Subsequent site visits on October 16 and November 4, 2008 indicated that the area containing the San Diego ambrosia had been cleared by the County Department of Public Works as a part of routine fire fuel management activities on the airport property. No stems of San Diego ambrosia was observed on either of the two subsequent site visits.

Sensitive Wildlife

No sensitive wildlife species were observed on site during the general biological survey. However, some species of raptors, including the red-tailed hawk, were observed. A list of sensitive animal species with potential to occur on site, based on the site's location and presence of vegetation communities, is included in Appendix C of this EIR.

4.3.2 REGULATORY STANDARDS

Biological resources within the project study area are subject to regulatory administration by the federal government and the State of California. The federal government administers non-marine plant and wildlife-related issues through the U.S. Fish and Wildlife Service (USFWS), while waters of the

U.S. issues are administered through the ACOE and the California Regional Water Quality Control Board (RWQCB). California law relating to wildlife issues is administered by the CDFG, while CDFG and the RWQCB both administer laws relating to waters of the State.

4.3.2.1 FEDERAL

Endangered Species Act

The federal Endangered Species Act (ESA), administered by the USFWS, provides the legal framework for the listing and protection of species (and their habitats), which are identified as being endangered or threatened with extinction. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered a ‘take’ under the ESA. Section 9(a) of the ESA defines take as, “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” ‘Harm’ and ‘harass’ are further defined in federal regulations and case law to include actions that adversely impair or disrupt a listed species’ behavioral patterns.

Section 4(d) of the federal ESA regulates actions that could jeopardize coastal California gnatcatchers. A special rule under Section 4(d) was finalized which authorizes “take” of coastal California gnatcatchers within approved Natural Communities Conservation Planning (NCCP) areas, which is administered by the State.

Sections 10(a) and 7 of the federal ESA regulate actions that could jeopardize endangered or threatened species. Section 10(a) allows issuance of permits for ‘incidental’ take of endangered or threatened species. The term ‘incidental’ applies if the taking of a listed species is incidental to, and not the purpose of, an otherwise lawful activity. A habitat conservation plan, demonstrating how the taking will be minimized and what steps taken would ensure the species’ survival, must be submitted for issuance of Section 10(a) permit.

Section 7 describes a process of federal interagency consultation for use when federal actions may adversely affect listed species. A biological assessment is required for any major construction activity if it may affect listed species. In this case, take can be authorized via a letter of biological opinion, issued by the USFWS for non-marine listed species issues.

Clean Water Act

Under Section 404 of the Clean Water Act, ACOE regulates the disposal of dredged and fill materials into “waters of the U.S.” Waters of the U.S. include intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, and wetlands adjacent to any water of the U.S. (CFR 33 Part 328). In areas subject to tidal influence, Section 404 jurisdiction extends to the high tide line. Certain waters of the U.S. are considered “special aquatic sites” because they are generally recognized as having particular ecological value. Such sites include sanctuaries and refuges, mudflats, wetlands, vegetated shallows, coral reefs, and riffle and pool complexes. Special aquatic sites are defined by the U.S. EPA and may be afforded additional consideration in the permit process for a project. The ACOE also regulates navigable waters under Section 10 of the Rivers and Harbors Act. These are defined as “...those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark and/or are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce” (33 CFR Part 322.2).

A permit from the ACOE must be obtained for any dredge or fill activities within jurisdictional waters of the U.S. During the permit review process the ACOE determines the type of permit appropriate for the proposed project. There are two types of permits issued by the ACOE:

- General Permits issued on a state, regional and nationwide basis, which cover a variety of activities including minimal individual and cumulative adverse affects. These permits fit into specific categories established by the ACOE.
- Individual Permits issued for a case-specific activity.

In addition to the Section 404 permit, Section 401 of the Clean Water Act requires that a 404 permit applicant obtain a certificate from the appropriate state agency stating that the fill is consistent with the state's water quality standards and criteria. In California, the authority to grant certification or waive the requirement for permits under Section 401 is delegated by the State Water Resources Control Board to the RWQCB. Pursuant to the Porter-Cologne Act, each of California's nine regional boards must prepare and periodically update basin plans that set forth water quality standards for surface and groundwater, as well as actions to control point and non-point sources of pollution. Basin plans offer an opportunity to achieve wetlands protection through enforcement of water quality standards.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 United States Code 703-711) is an international treaty for the conservation and management of bird species that may migrate through more than one country. It is enforced in the U.S. by the USFWS, and makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) may be considered a "take" and is potentially punishable by fines and/or imprisonment. The MBTA is generally protective of migratory birds but does not actually stipulate the type of protection required. In 1972, the MBTA was amended to include protection for migratory birds of prey (raptors). The USFWS places restrictions on disturbances allowed near active raptor nests.

4.3.2.2 STATE

California Endangered Species Act

The California Endangered Species Act (CESA) authorizes the California Fish and Game Commission to designate endangered, threatened, and rare species and to regulate the taking of these species (Sections 2050-2098, Fish and Game Code). CESA defines "endangered" species as those whose continued existence in California is jeopardized. State-listed "threatened" species are those not presently threatened with extinction, but which may become endangered in the foreseeable future. Protection of special-status species is detailed in Sections 2050 et seq. of the Fish and Game Code. The California Code of Regulations (Title 14, Section 670.5) lists animal species considered endangered and threatened by the state. Formal consultation must be initiated with the CDFG for projects that may have an adverse effect on a state-listed species.

Section 2080 of the California Fish and Game Code prohibits the taking of state-listed plant and animals. The CDFG also designates "fully protected" or "protected" species as those that may not be taken or possessed without a permit from the Fish and Game Commission and/or the CDFG. Species designated as fully protected or protected may or may not be listed as endangered or threatened.

Fish and Game Code Section 1602

Section 1602, et seq. of the Fish and Game Code requires private and public estates to notify CDFG prior to any project that would divert, obstruct, or change the natural flow or bed, channel, or bank of any river, stream, or lake. The California Fish and Game Code may regulate riparian and wetland habitats by requiring review and approval of impacts during issuance of a Streambed Alteration Agreement. Streambed Alteration Agreements are required prior to impacts to any waters of the state.

4.3.2.3 LOCAL

Multiple Species Conservation Program

The project site is located within the City's subarea planning area of the Multiple Species Conservation Program (MSCP). The City's draft MSCP Subarea Plan addresses how the City proposes to conserve natural biotic communities (including coastal sage scrub) and sensitive plant and wildlife species pursuant to the California Natural Communities Conservation Planning Act of 1991 and the federal and state Environmentally Sensitive Areas (ESAs). According to the City's draft Subarea Plan, the site is mapped as disturbed habitat and is not identified for City conservation as a preserve. The draft Subarea Plan has not been adopted by the City Council or submitted to the USFWS and CDFG for review and approval.

Without an adopted Subarea Plan, take of coastal sage scrub (which is the habitat of the federally listed threatened coastal California gnatcatcher) would require that a federal ESA Section 4(d) permit to be processed through the City pursuant to City Council Policy C-12 in consultation with the USFWS and CDFG. Section 4(d) of the federal ESA authorizes incidental take of coastal California gnatcatcher habitat prior to adoption of a regional conservation plan through the issuance of an interim Habitat Loss permit. If the City does not have any remaining take allowance under the 4(d) rule when the impacts to coastal sage scrub occur, then a request must be made for use of the County's five percent coastal sage scrub take allowance or an ESA Section 7 or 10(a) permit must be processed to allow take of coastal sage scrub.

Natural Community Conservation Planning Guidelines

The Natural Community Conservation Planning (NCCP) program of the CDFG is a cooperative effort by the State and numerous private and public participants that takes a broad-based ecosystem approach to planning for the protection of biological resources and diversity. The program, which began in 1991 under the State's Natural Community Conservation Planning Act, is broader in its orientation and objectives than the California and Federal ESA. These laws are designed to identify and protect individual species that have already declined in number significantly. The primary objective of the NCCP program is to conserve natural communities while accommodating compatible land use.

The southern California coastal sage scrub region is organized into 11 NCCP planning "subregions." For planning purposes, some of the subregions are organized into "subareas" that correspond to the geographic boundaries of participating jurisdictions or landowners. In each subregion and subarea, a local lead agency coordinates the collaborative planning process. The CDFG and the USFWS provide the necessary support, direction, and guidance to NCCP participants.

The coastal sage scrub habitat on the proposed project site would need to be evaluated and ranked for interim protection since the City's draft Subarea Plan has not been adopted. Habitat is ranked using the NCCP Guidelines flowchart, which is based on patch size and density, location, and biologic components as either high potential value, intermediate potential value, or low potential value for long-term

conservation. Using the NCCP Guidelines flowchart, the project site was ranked as having a low potential for long-term conservation.

4.3.3 IMPACT SIGNIFICANCE CRITERIA

Based on CEQA thresholds, a significant biological resources impact has been assessed if implementation of the proposed project would result in:

- A substantial adverse effect (either directly or through habitat modifications) on any species identified as a candidate, sensitive, or as possessing special status in regional or local plans, policies, or regulations;
- A substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by USFWS or CDFG;
- A substantial adverse effect on federal or State jurisdictional areas through direct removal, filling, hydrological interruption or other means;
- Interfering substantially with the movement of any native resident, migratory fish or wildlife species, or with established native resident or migratory wildlife corridors; or
- Impeding the use of native wildlife nursery sites or conflict with the provisions of an adopted Habitat Conservation Plan, NCCP, or other approved state, regional, or local habitat conservation plan.

4.3.4 ISSUES 1, 2, 3, AND 4 – IMPACTS TO SENSITIVE SPECIES, HABITAT, AND POPULATIONS

Would the proposed project result in a substantial adverse effect (either directly or through habitat modifications) on any species identified as a candidate, sensitive, or as possessing special status in regional or local plans, policies, or regulations?

Would the proposed project result in substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by USFWS or CDFG?

Would the proposed project result in substantial adverse effect on federal or State jurisdictional areas through direct removal, filling, hydrological interruption or other means?

Would the proposed project result in substantial interference with the movement of any native resident, migratory fish or wildlife species, or with established native resident or migratory wildlife corridors?

4.3.4.1 IMPACT ANALYSIS

Potential project impacts to sensitive habitat and sensitive plant and animal species, including rare, threatened, endangered, and fully protected species, are discussed below.

Direct Impacts to Habitat and Sensitive Species

Sensitive Vegetation Communities

The proposed project would result in direct impacts to 0.2 acres of disturbed Diegan coastal sage scrub and 15.6 acres of non-native grassland (Figure 4.3-2). Impacts to these two sensitive vegetation communities would be considered significant and would require mitigation measures to reduce impacts to a level less than significant. Table 4.3-2 identifies the project's direct impacts to the on-site vegetation communities. Eucalyptus woodland, broom baccharis scrub, disturbed habitat, and developed land are not considered sensitive vegetation communities and impacts to these communities would not be considered significant.

Table 4.3-2. Vegetation Community Direct Impacts

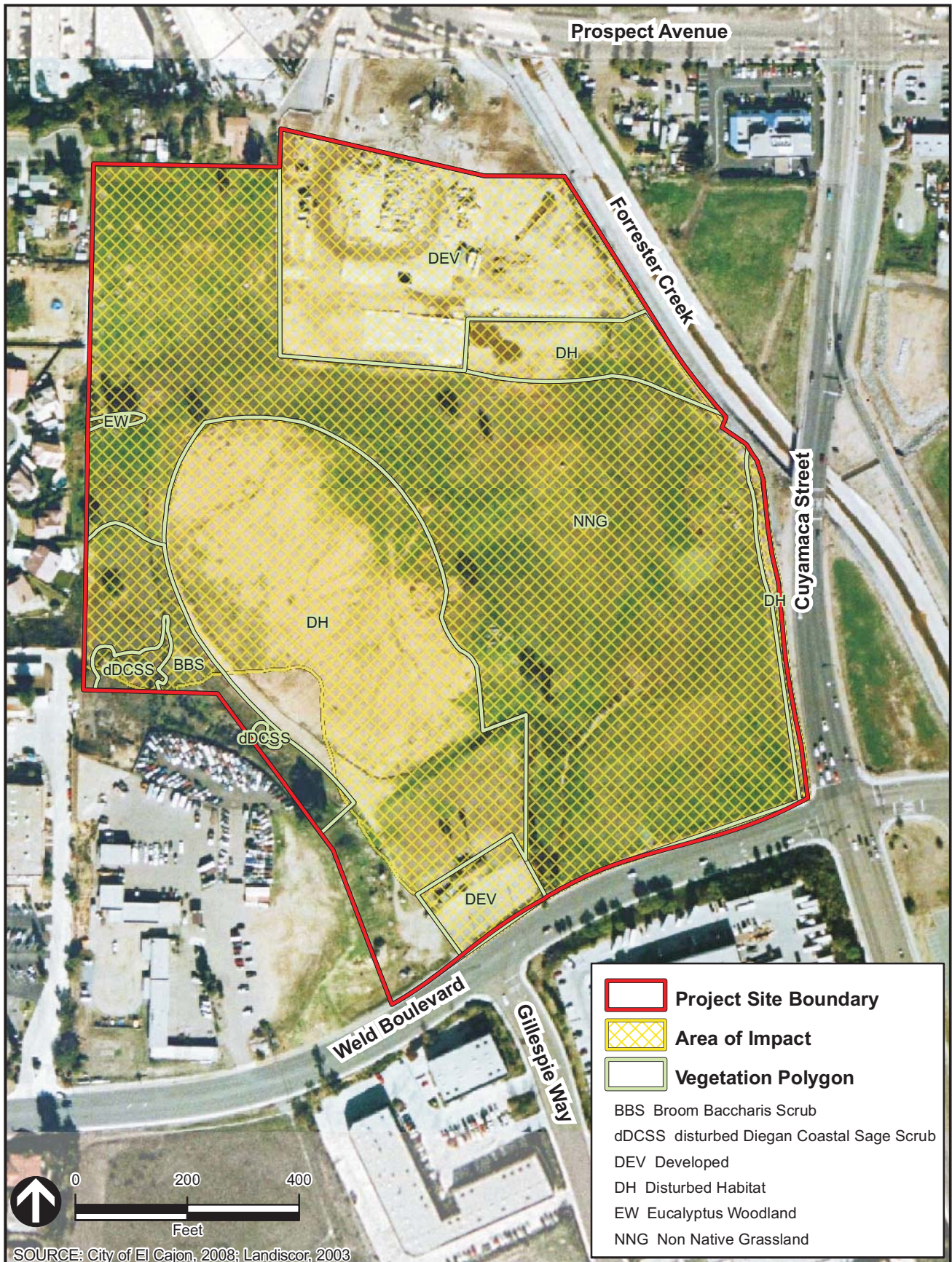
Vegetation Community	Existing Area (acres)	Impacts (acres)	Significant?
Disturbed Diegan coastal sage scrub	0.3	0.2	Yes
Non-native grassland	15.6	15.6	Yes
Broom baccharis scrub	1.4	0.9	No
Eucalyptus woodland	< 0.1	< 0.1	No
Disturbed habitat	9.2	8.0	No
Developed land	5.0	5.0	No
Total	31.5	29.7	N/A

Source: HELIX 2005 and PBS&J 2009a

Jurisdictional Areas

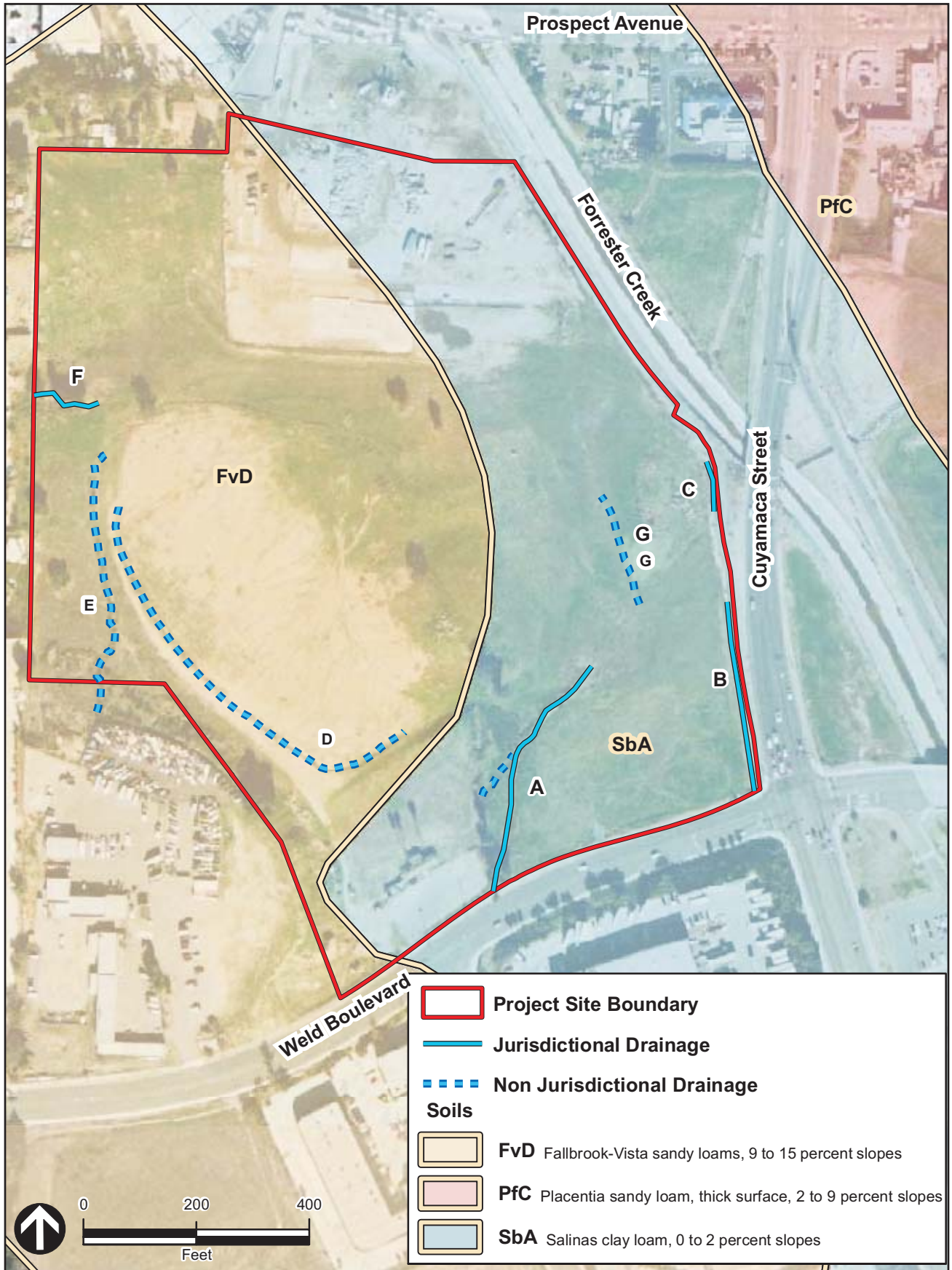
Waters of the U.S. is a broad category of water bodies which encompasses both wetland and non-wetland aquatic habitats, such as streams, creeks, rivers, lakes, ponds, bays, and oceans. State-regulated streambeds include all perennial, intermittent, and ephemeral rivers, streams, and lakes in the state. The jurisdictional delineation conducted by PBS&J investigated seven potential jurisdictional drainages within the project site, identified as Drainages A through G. As shown in Figure 4.3-3, one drainage (Drainage C) was determined to be a potential non-wetland Water of the U.S. Four drainages (Drainages A, B, C, and F) were determined to be under the jurisdiction of CFDG. Three drainages (Drainages D, E, and G) were determined to be non-jurisdictional. Drainages A, B, and F receive water flows through culverts. Drainages A and F terminate with swale-like features into the project site. Drainage B terminates at an asphalt path. Drainage C may receive sheet flows over the asphalt path at the terminus of Drainage B and conveys flows directly into Forrester Creek.

Proposed project construction would directly impact the federal and state jurisdictional areas within the project site. Therefore, because the project proposes to grade and fill non-wetland waters of the U.S. and state-regulated waters, the proposed project would significantly impact federal and State jurisdictional areas.



**PROJECT IMPACTS TO
ON-SITE VEGETATION COMMUNITIES**

FIGURE 4.3-2



SOURCE: City of El Cajon, 2008; Landiscor, 2003

ON-SITE DRAINAGES

FIGURE 4.3-3

Sensitive Plant Species

The proposed project would impact the following three sensitive plant species observed on site: San Diego ambrosia, smooth tarplant, and graceful tarplant. Impacts to San Diego ambrosia would be significant due to the federally endangered status of the species. Although the area containing San Diego ambrosia has been cleared by the County Department of Public Works as a part of routine fire fuel management activities on the airport property, it is still assumed to be present based on the previous survey conducted in July 2008. Impacts to smooth tarplant would be less than significant given that only four individuals would be impacted by the proposed project. Although a large number (950 individuals) of graceful tarplant would be impacted by the proposed project, the impact to this species is considered to be less than significant due to the low resource sensitive of the species.

Sensitive Animal Species

The proposed project would directly impact raptor foraging habitat (e.g., non-native grassland) and raptor nesting habitat (e.g., eucalyptus woodland). Raptors are protected under the MBTA. Impacts to these habitats would therefore result in a significant impact to sensitive animal species.

Native Resident, Migratory Fish or Wildlife Species or Native Resident or Migratory Wildlife Corridors

The proposed project would not result in the substantial interference with the movement of a native resident, migratory fish or wildlife species. In addition, the proposed project is not located within a native resident or migratory wildlife corridor. No impact would occur.

Indirect Impacts

Indirect impacts from proposed project construction could include noise, decreased water quality, fugitive dust, and colonization of non-native plant species, human activity/edge effects, animal behavioral changes, and night lighting.

Construction Noise

Construction noise would be a temporary impact to local wildlife. Noise-related impacts would be considered significant if sensitive species such as raptors were displaced from their nests and failed to breed. Birds and other species may be temporarily displaced from the vicinity of the construction area but would be expected to return following grading. Raptors nesting within any area impacted by construction noise exceeding 60 dB(A) Leq would be significantly impacted.

Water Quality

Water quality can be adversely affected by potential surface runoff and sedimentation. Decreased water quality may adversely affect vegetation, aquatic animals, and terrestrial wildlife that depend on these resources. The project would be subject to the City of El Cajon's Stormwater Management and Discharge Control ordinance. Therefore, impacts to water quality would be less than significant.

Fugitive Dust

Fugitive dust produced by construction has the potential to disperse onto preserved vegetation reducing their photosynthetic capabilities and increasing their susceptibility to pests or disease, which in turn could affect animals dependent on these plants. As part of the project description, active construction areas and unpaved surfaces would be watered pursuant to City grading permit requirements to minimize dust generation. Therefore, the indirect impacts of dust generation on biological resources would be less than significant.

Non-native Plant Species

Non-native plants could colonize in areas disturbed by construction and could potentially spread into adjacent native habitats. The project proposes development of 29.7 acres of the 31.5-acre project site. The remaining 1.8 acres of the site that would not be impacted consists of broom baccharis scrub, disturbed Diegan coastal sage scrub, and disturbed habitat. Therefore, further colonization by non-native plant species in non-impact areas would be considered less than significant.

Human Activity/Edge Effects

Urbanization and increases in human activity can result in degradation to sensitive vegetation by fragmenting the land and forming edges between developed areas and habitat. Indirect impacts caused by increased human activity and edge effects are expected to be less than significant since portions of the project site are presently being used and the area surrounding the site is primarily urbanized.

Night Lighting

Night lighting exposes wildlife species to an unnatural light regime and may alter their behavior patterns, which could result in a loss of species diversity. The project area is primarily developed with infrastructure and associated lighting; therefore, night lighting would not result in a significant impact to wildlife species.

4.3.4.2 SIGNIFICANCE OF IMPACT

The proposed project would result in a significant impact to disturbed Diegan coastal sage scrub and non-native grassland habitat. The project would also significantly impact approximately 250 stems of San Diego ambrosia, a federally endangered plant species. In addition, the project would result in a significant direct impact to raptor foraging habitat including non-native grassland and raptor nesting habitat including eucalyptus woodland. The project would also result in a significant direct impact to OWUS and State-regulated waters. In addition, indirect impacts from construction noise to local wildlife would be significant if noise levels exceed 60 dB (A) L_{eq} in areas where raptors are nesting.

4.3.4.3 MITIGATION, MONITORING, AND REPORTING

Impacts to disturbed Diegan coastal sage scrub and non-native grassland habitat would be mitigated to a level less than significant with implementation of mitigation measures **Bio-1 and Bio-2**, respectively. Impacts to raptor foraging habitat and raptor nesting habitat would be mitigated to a level less than significant with implementation of mitigation measure **Bio-3**. Potentially significant impacts to raptors from construction noise would be mitigated to below a level of significance with mitigation measure **Bio-4**. **Bio-5** would mitigate impacts to jurisdictional waters to below a level of significance. **Bio-6** would mitigate impacts to San Diego ambrosia to below a level of significance.

Bio-1 Impacts to 0.2 acres of disturbed Diegan coastal sage scrub shall be mitigated at a 1:1 ratio for a total of 0.2 acres of required mitigation. Mitigation shall consist of acquisition of 0.2 acres of Diegan coastal sage scrub. The wildlife agencies and the City shall approve the location and habitat quality of the off-site mitigation site.

Bio-2 Impacts to 15.6 acres of non-native grassland shall be mitigated at a 0.5:1 ratio for a total of 7.8 acres of required mitigation. Mitigation shall consist of off-site acquisition of 7.8 acres of non-native grassland. The wildlife agencies and the City shall approve the location and habitat quality of the off-site mitigation site.

Bio-3 Impacts to raptor foraging habitat shall be mitigated through implementation of mitigation measure **Bio-2**. Mitigation for impacts to raptor nesting habitat shall consist of the following: no clearing of eucalyptus woodland shall take place during the tree-nesting raptor breeding season (March 15 through August 31). If clearing is proposed to take place during the breeding season, a pre-construction survey shall be conducted by a qualified biologist to determine if raptor nests (or nest building or other breeding/nesting behavior) occurs within the eucalyptus woodland. If there are no raptors nesting (which includes nest building or other breeding/nesting behavior) within this area, clearing shall be allowed to proceed. If raptors are observed nesting (or displaying breeding/nesting behavior), construction shall be postponed until a qualified biologist determines that all nesting (or breeding/nesting behavior) has ceased or until after August 31.

Bio-4 No grading or clearing within 500 feet of a raptor nest during the raptor breeding season (March 15 through August 31) shall occur. All grading permits, improvement plans, and final maps shall state the same. If clearing or grading would occur during the raptor breeding season (March 15 through August 31), a pre-construction survey shall be conducted by a qualified biologist to determine if raptors occur within the areas impacted by noise. If there are no raptors nesting (which includes nest building or other breeding/nesting behavior) within this area, development shall be allowed to proceed. However, if raptors are observed nesting (or displaying breeding/nesting behavior) within 500 feet of construction activities, construction shall (1) be postponed until a qualified biologist determines that all nesting (or breeding/nesting behavior) has ceased or until after August 31; or (2) a temporary noise barrier or berm shall be constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB(A) L_{eq} . Alternatively, the use of construction equipment could be scheduled to keep noise levels below 60 dB (A) L_{eq} in lieu of or in concert with a wall or other noise barrier.

Bio-5 Authorization for the fill of jurisdictional waters of the U.S. shall be secured from the Army Corps of Engineers (ACOE) through the Clean Water Act Section 404 permitting process before any fill is placed in jurisdictional waters of the U.S. Timing for compliance with the specific conditions of the Section 404 permit shall be in accordance with conditions specified by ACOE as part of permit issuance. As required by Section 404, approval and implementation of a wetland mitigation and monitoring plan would be expected to mitigate impacts on jurisdictional waters of the U.S., including jurisdictional wetlands. Mitigation approved by ACOE and the San Diego Regional Water Quality Control Board for impacts on jurisdictional waters of the U.S. and State, and/or seasonal would be included in the same mitigation plan.

Water Quality Certification pursuant to Section 401 of the Clean Water Act shall be required as a condition of issuance of the Section 404 permit. Before construction in any areas containing wetland features, the project proponent shall obtain water quality certification for the project. Any measures required, as part of the issuance of the water quality certification shall be implemented.

Report of waste discharge pursuant to California Water Code Section 13050 shall be required for those waters of the state determined to be non-jurisdictional under Sections 404 and 401 of the Clean Water Act. Any measures required as part of the issuance of the report of waste discharge shall be implemented.

Authorization for the alteration of streambeds and banks within the state shall be required under Section 1602 of the Fish and Game Code of California, and a Streambed Alteration Agreement will be required prior to work occurring in CDFG jurisdictional areas. All mitigation

requirements determined through the process of obtaining the above permits shall be implemented.

Bio-6 Prior to the issuance of a site grading permit, impacts to San Diego ambrosia shall be mitigated through compliance with Section 7 or 10(a) of the federal Endangered Species Act which regulates actions that could jeopardize endangered or threatened species. A Section 7 permit is recommended, since there is most likely a nexus between the potential Army Corps of Engineers (ACOE) jurisdictional areas and the federally listed San Diego ambrosia. Under the Section 7 process, a biological assessment shall be prepared in consultation with the ACOE and the United States Fish and Wildlife Service (USFWS). Under this process, take authorization can be authorized via a letter of biological opinion issued by the USFWS. If a Section 7 permit can not be obtained, a Section 10(a) permit shall be obtained, which requires the preparation of a habitat conservation plan to demonstrate how the taking of the species would be minimized and how steps taken would ensure the species' survival. Under this process, the HCP shall be reviewed and approved by the USFWS prior to issuance of a grading permit on the project site.

4.3.5 ISSUE 5 – IMPACTS TO ADOPTED PLANS

Would the proposed project result in impeding the use of native wildlife nursery sites or conflict with the provisions of an adopted Habitat Conservation Plan, NCCP, or other approved state, regional, or local habitat conservation plan?

4.3.5.1 IMPACT ANALYSIS

The proposed project site is not considered a native wildlife nursery site. Therefore, the project would not result in a significant impact to native wildlife nursery sites. In addition, the project does not conflict with the provisions of an adopted Habitat Conservation Plan, NCCP, or other approved state, regional, or local habitat conservation plan. According to the City's draft Subarea Plan, the site is mapped as disturbed habitat and is not identified for City conservation as a preserve. The draft Subarea Plan has not been adopted by the City Council or submitted to the USFWS and CDFG for review and approval.

The proposed project is required to conform to NCCP Guidelines for take of coastal sage scrub under the ESA 4(d) process. The on-site Diegan coastal sage scrub habitat was evaluated using the NCCP Guidelines flowchart. According to this chart, the site appears to have a low potential for long-term conservation as it is not the densest in the region, the project area is not in close proximity to a core area of coastal sage scrub, the habitat is not a linkage between two core areas, and no NCCP target or narrow endemic species were observed or detected during the biological survey. Therefore, the project would not conflict with the provisions of the NCCP. Please refer to the Biological Technical Report in Appendix C for further details on the habitat quality evaluation.

As discussed in Section 4.9.4, Land Use, with implementation of a General Plan Amendment and rezone, the proposed project would not result in a land use which is inconsistent with the City of El Cajon General Plan or conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. Therefore, no significant impacts associated with conflicts to an adopted habitat conservation plan were identified.

4.3.5.2 SIGNIFICANCE OF IMPACT

The proposed project would not result in impeding the use of native wildlife nursery sites or conflict with the provisions of an adopted Habitat Conservation Plan, NCCP, or other approved state, regional, or local habitat conservation plan. Therefore, no impact would occur.

4.3.5.3 MITIGATION, MONITORING, AND REPORTING

Because no significant impact would occur, no mitigation measures are necessary.

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