

Beyer Park IPaC Species Table  
With Mitigation Measures

Species	Listing Status	Required Mitigation Measures	Recommended Finding of Effect	Basis for Determination
Pacific pocket mouse <i>Perognathus longimembris pacificus</i>	Endangered	None required	No Effect	Potentially suitable habitat is present within the project parcels. However, the extant populations of this species in San Diego County are limited to northern, coastal sites (Tremor et al. 2017).
California least tern <i>Sterna antillarum browni</i>	Endangered	None required	No Effect	This is a coastal species. The project parcels are located over five miles east of the Pacific Ocean coastline and do not contain suitable habitat to support this species.
Coastal California gnatcatcher <i>Poliophtila californica californica</i>	Threatened/ MSCP Covered Species	BIO-1 – Biological Resource Protection during Construction; NOI-2 - Construction Noise Reduction Measures	No Effect	This species has previously been reported within 1 mile of the project parcels (CDFW 2017a, County of San Diego 2017, USFWS 2017) and was frequently observed during general and focused surveys within suitable habitat throughout the project parcels. Based on 2017 focused survey results, the project parcels and surrounding 300-foot buffer support a minimum of six nesting pairs; however, while the project impact area supports suitable coastal sage scrub habitat, the primary use areas were located outside of the project impact area.
Least Bell's vireo <i>Vireo bellii pusillus</i>	Endangered/ MSCP Covered Species	BIO-1 – Biological Resource Protection during Construction; BIO-5 – Least Bell's Vireo (State Endangered/Federally Protected)	No Effect	This species has previously been reported within 1 mile of the project parcels (CDFW 2017a) and was observed only once within project parcels during focused surveys and once incidentally during general surveys in the adjacent survey buffer. Marginally suitable breeding habitat (riparian vegetation) occurs within Moody Canyon, located in the northern portion of the project parcels; outside of the project impact area. However, based on 2017 focused survey results, this species only appears to be utilizing the site during migration. Additionally, construction work associated with Phase 2 of the project occurs approximately 300 feet from the edge of Moody Canyon.
Light-footed clapper rail <i>Rallus longirostris levipes</i>	Endangered	None required	No Effect	This is a coastal species. The project parcels are located over five miles east of the Pacific Ocean coastline and do not contain suitable habitat to support this species.
Southwestern willow flycatcher <i>Empidonax trailii extimus</i>	Endangered	None required	No Effect	Limited suitable habitat exists on the park property within Moody Canyon. The boundary of park improvements is approximately 100 ft from Moody canyon. Additionally, construction work associated with Phase 2 of the project occurs approximately 300 feet from the edge of Moody Canyon. Southwestern willow flycatcher was also not observed on site during extensive biological surveys performed on site.
Western snowy plover <i>Charadrius nivosus nivosus</i>	Threatened	None required	No Effect	This is a coastal species. The project parcels are located over five miles east of the Pacific Ocean coastline and do not contain suitable habitat to support this species.
Monarch butterfly <i>Danaus plexippus</i>	Candidate	None required	No Effect	The project parcels do not contain suitable habitat (i.e., trees) to support this species.
Quino checkerspot butterfly <i>Euphydryas editha quino</i>	Endangered	None required	No Effect	This species has been observed previously within 2 miles of the project parcels (RECON 2005), and suitable habitat with larval host plant dot-seed plantain was observed within the project parcels. However, this species was not observed during focused presence/absence Quino checkerspot butterfly surveys conducted in 2017 and has a low potential to occur within the project area.

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Riverside fairy shrimp <i>Streptocephalus woottoni</i>	Endangered/ MSCP Covered Species	None required	No Effect	This species has been reported previously within 1 mile of the project parcels (CDFW 2017a). However, this species was not detected during focused branchiopod surveys conducted during the 2016-2017 wet season or dry season sampling conducted in 2017. In addition, as the observed on-site ponding duration in an above-average rainfall year (2016- 2017) was not sufficient to support this species, it is unlikely that any of the depressions within the project parcels provide a favorable environment for this species.
San Diego fairy shrimp <i>Branchinecta sandiegonensis</i>	Endangered/ Covered under VPHCP	BIO-7 – Post-construction San Diego Fairy Shrimp Monitoring	No Effect	This species has been reported previously within 1 mile of the project parcels (CDFW 2017a, USFWS 2017) and was observed within an artificial ditch in a stand of disturbed Diegan coastal sage scrub near the western edge of the project parcels. Mitigation measures have been included to ensure impacts to San Diego Fairy Shrimp are avoided.
California Orcutt grass <i>Orcuttia californica</i>	Endangered/ MSCP Covered Species	None required	No Effect	Although there are recent records within 0.5 mile east of the project parcels (CDFW 2017a), the locations contain mostly intact vernal pool complexes. No vernal pools were observed within the project parcels. The project parcels contain scattered man-made depressions that support ephemeral ponding, but they are subject to regular disturbance by off-road vehicle and bicycle use. This disturbance has likely eliminated or precluded the presence of vernal pool plant species, including this species.
Otay mesa-mint <i>Pogogyne nudiuscula</i>	Endangered/ MSCP Covered Species	None required	No Effect	Although there are recent records within 0.5 mile east of the project parcels (CDFW 2017a), the locations contain mostly intact vernal pool complexes. No natural vernal pool habitat was observed within the project parcels. The project parcels contain scattered man-made depressions that support ephemeral ponding; however, they are subject to regular disturbance by off-road vehicle and bicycle use. This disturbance has likely eliminated the presence of vernal pool plant species, including this species. In addition, surveys were conducted during this species' blooming period. Therefore, this species likely would have been apparent if present but was not observed.
Otay tarplant <i>Deinandra</i> [= <i>Hemizonia</i> ] <i>conjugens</i>	Threatened/ MSCP Covered Species	None required	No Effect	This species was observed on the north-facing slope south of Moody Canyon in the northern portion of the project parcels. On-site, this species was associated with areas of open scrub, particularly in areas previously disturbed by vehicle activity. It was often found with non-native grasses and other native annuals but mostly excluded from areas dominated by mustards or containing a high density of shrubs. Approximately 2,700 individuals were observed within the project parcels.  The phase 2 project boundary is located in the southwestern portion of the project parcels, and this species was not observed within the phase 2 project boundary. The project will not directly or indirectly impact this species as its presence is focused in the northern portion of the surveyed project parcels outside of the project impact boundaries.

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Salt marsh bird's-beak <i>Cordylanthus maritimus</i> ssp. <i>Maritimus</i>	Endangered/ MSCP Covered Species	None required	No Effect	This is a coastal species. The project parcels are located over five miles east of the Pacific Ocean coastline and do not contain suitable habitat to support this species.
San Diego ambrosia <i>Ambrosia pumila</i>	Endangered/ MSCP Covered Species	None required	No Effect	Potentially suitable habitat occurs within the northern portion of the project parcels, and recent records occur within 0.5 mile of the site (CDFW 2017a). However, the records indicate that they could have been misidentified. Additionally, surveys were conducted when this species likely would have been apparent if present, but it was not observed.
San Diego button-celery <i>Eryngium aristulatum</i> var. <i>parishii</i>	Endangered/ MSCP Covered Species	None required	No Effect	Although there are recent records within 0.5 mile east of the site (CDFW 2017a), the locations contain mostly intact vernal pool complexes. No natural vernal pool habitat was observed within the project parcels. The project parcels contain scattered man-made depressions that support ephemeral ponding, but they are subject to regular disturbance by off-road vehicle and bicycle use. This disturbance has likely eliminated the presence of vernal pool plant species, including this species. In addition, surveys were conducted at a time when this species likely would have been apparent if present but was not observed.
San Diego thormint <i>Acanthomintha ilicifolia</i>	Threatened/ MSCP Covered Species	None required	No Effect	The project parcels lack suitable friable clay soil. Additionally, as surveys were conducted during this species' blooming period, this species likely would have been apparent if present but was not observed.
Spreading navarretia [= prostrate navarretia] <i>Navarretia fossalis</i>	Threatened/ MSCP Covered Species	None required	No Effect	Although there are recent records within 0.5 mile east of the project parcels (CDFW 2017a), the locations contain mostly intact vernal pool complexes. No natural vernal pools were observed within the project parcels. The project parcels contain scattered man-made depressions that support ephemeral ponding, but they are subject to regular disturbance by off-road vehicle and bicycle use. This disturbance has likely eliminated or precluded the presence of vernal pool plant species, including this species. In addition, surveys were conducted during this species' blooming period. Therefore, this species likely would have been apparent if present but was not observed.

## **Bio-1 BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION**

Prior to issuance of Notice To Proceed (NTP), the Development Services Department (DSD) Environmental Designee (ED) shall review and approve all construction documents (plans, specifications, details, etc.) to ensure these MMRP requirements are incorporated.

### **I. Prior to Construction**

**A. Biologist Verification** - The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a Project Biologist (Qualified Biologist) as defined in the City of San Diego's Biological Guidelines (2018), has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.

**B. Preconstruction Meeting** - The Qualified Biologist shall attend the preconstruction meeting, discuss the project's biological monitoring program, and arrange to perform any follow up mitigation measures and reporting including site-specific monitoring, restoration or revegetation, and additional fauna/flora surveys/salvage.

**C. Biological Documents** - The Qualified Biologist shall submit all required documentation to MMC verifying that any special mitigation reports including but not limited to, maps, plans, surveys, survey timelines, or buffers are completed or scheduled per City Biology Guidelines, Multiple Species Conservation Program (MSCP), Environmentally Sensitive Lands Ordinance (ESL), project permit conditions; California Environmental Quality Act (CEQA); endangered species acts (ESAs); and/or other local, state or federal requirements.

**D. BCME** -The Qualified Biologist shall present a Biological Construction Mitigation/Monitoring Exhibit (BCME) which includes the biological documents in C above. In addition, include: restoration/revegetation plans, plant salvage/relocation requirements (e.g., coastal cactus wren plant salvage, burrowing owl exclusions, etc.), avian or other wildlife surveys/survey schedules (including general avian nesting and USFWS protocol), timing of surveys, wetland buffers, avian construction avoidance areas/noise buffers/ barriers, other impact avoidance areas, and any subsequent requirements determined by the Qualified Biologist and the City ADD/MMC. The BCME shall include a site plan, written and graphic depiction of the project's biological mitigation/monitoring program, and a schedule. The BCME shall be approved by MMC and referenced in the construction documents.

**E. Avian Protection Requirements** - To avoid any direct impacts to Least Bell's vireo, Northern harrier, Coastal cactus wren or California gnatcatcher and any species identified as a listed, candidate, sensitive, or special status species in the MSCP, removal of habitat that supports active nests in the proposed area of disturbance should occur outside of the breeding season for these species (February 1 to September 15). If removal of habitat in the proposed area of disturbance must occur during the breeding season, the Qualified Biologist shall conduct a pre-construction survey to determine the presence or absence of Least Bell's vireo, Northern harrier, Coastal cactus wren or California gnatcatcher on the proposed area of disturbance. The pre-construction survey shall be conducted within 10 calendar days prior to the start of construction activities (including removal of vegetation). The applicant shall submit the results of the pre-construction survey to City DSD for review and approval prior to initiating any construction activities. If nesting Least Bell's vireo, Northern harrier, Coastal cactus wren or California

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gnatcatcher, sensitive or MSCP-covered birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) shall be prepared and include proposed measures to be implemented to ensure that take of birds or eggs or disturbance of breeding activities is avoided. The report or mitigation plan shall be submitted to the City for review and approval and implemented to the satisfaction of the City. The City's MMC Section and Biologist shall verify and approve that all measures identified in the report or mitigation plan are in place prior to and/or during construction.

**F. Resource Delineation** - Prior to construction activities, the Qualified Biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats and verify compliance with any other project conditions as shown on the BCME. This phase shall include flagging plant specimens and delimiting buffers to protect sensitive biological resources (e.g., habitats/flora & fauna species, including nesting birds) during construction. Appropriate steps/care should be taken to minimize attraction of nest predators to the site.

**G. Education** - Prior to commencement of construction activities, the Qualified Biologist shall meet with the owner/permittee or designee and the construction crew and conduct an on-site educational session regarding the need to avoid impacts outside of the approved construction area and to protect sensitive flora and fauna (e.g., explain the avian and wetland buffers, flag system for removal of invasive species or retention of sensitive plants, and clarify acceptable access routes/methods and staging areas, etc.).

## II. During Construction

**A. Monitoring** - All construction (including access/staging areas) shall be restricted to areas previously identified, proposed for development/staging, or previously disturbed as shown on "Exhibit A" and/or the BCME. The Qualified Biologist shall monitor construction activities as needed to ensure that construction activities do not encroach into biologically sensitive areas, or cause other similar damage, and that the work plan has been amended to accommodate any sensitive species located during the pre- construction surveys. In addition, the Qualified Biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be e-mailed to MMC on the 1st day of monitoring, the 1st week of each month, the last day of monitoring, and immediately in the case of any undocumented condition or discovery.

**B. Subsequent Resource Identification** - The Qualified Biologist shall note/act to prevent any new disturbances to habitat, flora, and/or fauna onsite (e.g., flag plant specimens for avoidance during access, etc). If active nests or other previously unknown sensitive resources are detected, all project activities that directly impact the resource shall be delayed until species specific local, state or federal regulations have been determined and applied by the Qualified Biologist.

## III. Post Construction Measures

**A.** In the event that impacts exceed previously allowed amounts, additional impacts shall be mitigated in accordance with City Biology Guidelines, ESL and MSCP, State CEQA, and other applicable local, state and federal law. The Qualified Biologist shall submit a final BCME/report to the satisfaction of the City ADD/MMC within 30 days of construction completion.

**Bio-5 LEAST BELL'S VIREO (STATE ENDANGERED/FEDERALLY PROTECTED)**

Prior to issuance of Notice To Proceed (NTP), the Development Services Department (DSD) Environmental Designee (ED) shall review and approve all construction documents (plans, specifications, details, etc.) to verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

1. No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the City Manager:
  - A. A qualified biologist (possessing a valid endangered species act section 10(a)(1)(a) recovery permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(A)] or to the ambient noise level if it already exceeds 60 dB(A) hourly average for the presence of the least bell's vireo. Surveys for this species shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of construction. If the least Bell's vireo is present, then the following conditions must be met:
    - I. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and
    - II. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) or to the ambient noise level if it already exceeds 60 dB(A) hourly average at the edge of occupied least bell's vireo or habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the city manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of any of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or
    - III. At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) or to the ambient noise level if it already exceeds 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

\* Construction noise monitoring shall continue to be monitored at least twice weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to

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the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

B. If least Bell's vireo are not detected during the protocol survey, the qualified biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:

I. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition A. III shall be adhered to as specified above.

II. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

**BIO-7 Post-construction San Diego Fairy Shrimp Monitoring**

The San Diego fairy shrimp population that occurs in the artificial ditch in the western portion of the project parcels shall be monitored on an annual basis for a minimum period of five years. A qualified biologist holding a valid USFWS Section 10(a)(1)(A) Recovery Permit shall conduct wet season surveys in accordance with the current USFWS Survey Guidelines for the Large Listed Branchiopods (dated November 13, 2017 at the time of preparation of this report) with the following amendment: once mature San Diego fairy shrimp have been detected in any one survey period, sampling for the species shall cease; site visits shall continue following the survey schedule identified in the guidelines only to collect hydrological data. Photo-points shall also be established to capture the occupied depression's inlet(s) and outlet(s). At a minimum, photographs will be taken annually at each photo-point.



### **NOI-2 Construction Noise Reduction Measures**

1. During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.
2. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
3. Equipment shall be shut off and not left to idle when not in use.
4. The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.
5. The project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the project site during construction.
6. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment.
7. Prior to the issuance of any construction permits for construction anticipated to occur within 1,200 of occupied MHPA habitat, the City Manager (or appointed designee) shall verify that the MHPA boundaries and the following project requirements regarding the sensitive wildlife species are shown on the construction plans:

A qualified biologist (possessing a valid Endangered Species Act Section 10(a)(1)(A) recovery permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 dB(A) hourly average for the presence of the sensitive wildlife species. Surveys shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If noise sensitive species are present, then the following conditions must be met:

Between March 1 and August 15, no clearing, grubbing, or grading of sensitive habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; and

Between March 1 and August 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding a hourly equivalent noise level (Leq) of 60 dB(A) at the edge of occupied sensitive habitat. An analysis showing that noise generated by construction activities would not exceed 60 dBA Leq at the edge of occupied habitat must be completed by a qualified acoustician and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist; or

At least two weeks prior to the commencement of construction activities, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) Leq at the edge of habitat occupied by the sensitive

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wildlife species. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring shall be conducted, under the direction of a qualified acoustician, at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dBA Leq. If the noise attenuation techniques implemented are determined to be inadequate by measurement, then the associated construction activities shall cease until such time that adequate noise attenuation can be demonstrated, or until the end of the breeding season (August 16).