

## INDIVIDUAL BIOLOGICAL ASSESSMENT REPORT

**Site Name/Facility:** Nestor Creek Channel Section 04 of 04  
**MSWSMP Map No.:** 134  
**Date:** 13 July 2010  
**Biologist Name/Cell** \_\_\_\_\_  
**Phone No.:** W. Larry Sward/619.992.4170

**Instructions:** This form must be completed for each storm water facility identified in the Annual Maintenance Needs Assessment report and prior to commencing any maintenance activity on the facility. The Existing Conditions information shall be collected prior to preparing of the Individual Maintenance Plan (IMP) to assist in developing the IMP. The remaining sections shall be completed after the IMP has been prepared. Attach additional sheets as needed.

**EXISTING CONDITIONS**

**Survey Methods and Date:**  
 Visually inspected facility south of Palm Avenue by walking bottom of channel. Visual inspection of facility north of Palm Avenue was done from east side of north-south section. Vegetation was mapped and dominant species were noted. The potential for sensitive species was assessed. Date of survey: 23 June 2010

**Biological Resources:** **Stream Type:** Perennial  Intermittent  Ephemeral   
 This storm water facility contains minimal biological resources. The facility is an open box concrete channel. Wetland vegetation is limited to approximately 0.12 acre and consisting of 0.02 acre of freshwater marsh (FWM), 0.06 acre disturbed wetland (DW), and 0.04 acre of southern willow scrub (SWS). All of this vegetation exists in an unnatural landscape position, on accumulated sediment over concrete. Cattail (*Typha* sp.) is the dominant plant species within the FWM. The composition of the disturbed wetland varies, with Italian ryegrass (*Lolium multiflorum*) dominant south of Palm Avenue; various broad-leaved non-native forbs dominant just north of the SWS; and giant reed (*Arundo donax*) the dominant species at the west end of the channel. The SWS is dominated by willows (*Salix* spp). No native upland vegetation is located within the proposed maintenance area. The land adjacent to the facility is developed with commercial and residential uses. As a result, the storm water facility has very limited wildlife value. No sensitive plants or animals were observed during the survey nor are any expected occur given the limited vegetation and adjacent development. Similarly, the facility does not serve as an important wildlife corridor. An updated vegetation map is provided as an attachment to this form.

**Jurisdictional Areas:**

**U.S. Army Corps of Engineers**  
 Wetland Waters of the U.S. (WUS): 0.02 acre of FWM; 0.06 acre of DW, and 0.04 acre of SWS  
 Non-wetland WUS: 0.63 acre of concrete lined channel

**California Department of Fish and Game/City of San Diego:**  
 Wetlands: 0.02 acre of FWM; 0.06 acre of DW, and 0.04 acre of SWS  
 Streambed/Unvegetated Waters: None

<p><b>Sensitive Plant Species Observed:</b>          Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>          If yes, what species were observed and where?</p>	<p><b>Sensitive Animal Species Observed/Detected:</b>          Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>          If yes, what species were observed/detected and where?</p>
---	--

**Is there moderate or high potential for listed animal species to occur in or adjacent to the impact area?**

Yes  No

If yes, which species (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Least Bell's vireo             | <input type="checkbox"/> Riverside fairy shrimp    |
| <input type="checkbox"/> Southwester willow flycatcher  | <input type="checkbox"/> California least tern     |
| <input type="checkbox"/> Arroyo toad                    | <input type="checkbox"/> Light-footed clapper rail |
| <input type="checkbox"/> Coastal California gnatcatcher | <input type="checkbox"/> Western snowy plover      |
| <input type="checkbox"/> San Diego fairy shrimp         | <input type="checkbox"/> Other: _____              |

**Could work be conducted during the avian breeding season (January 15 – August 31) without the need for pre-construction nesting surveys:** Yes  No

Pre-construction nesting surveys are necessary to ensure no impacts to avian species occur pursuant to the Migratory Bird Treaty Act. If no nesting birds are present, construction may occur in the breeding season.

If yes, provide justification:

**Is it anticipated that maintenance activities would generate noise in excess of 60 dB(A)  $L_{eq}$ :**

Yes  No

**Biological Resource Conditions Relative to Original Survey Conducted for MSWSMP Final Program EIR (May 2010) (vegetation communities present, including adjacent uplands; general habitat quality/level of disturbance):** There is an increased amount of DW and SWS and a decreased amount of FWM currently present compared to what was documented in the program EIR.

#### **MAINTENANCE IMPACTS**

**Maintenance Methodology (based on IMP):** Maintenance will reflect Method 1, as described in the Master Plan. A dozer or bobcat will be lowered into the channel from a parking area along the west side of the channel, north of Palm Avenue. This equipment will excavate sediment and associated vegetation starting at the outlet north Palm Avenue and extending approximately 180 feet downstream. Sediment and vegetation will be pushed to a centralized location within the facility and removed by a Gradall operating from the bank of the facility. Material removed by the Gradall would be placed in a staging area within an adjacent parking lot where it will be loaded onto a dump truck and taken to an appropriate disposal site. For the work south of Palm Avenue there is an access ramp built into the channel off of Dahlia Avenue. The equipment will excavate sediment and associated vegetation near the outlet south of Palm Avenue and remove it via the access ramp.

#### **Vegetation Impacts:**

##### **Wetland**

0.02 acre of FWM; 0.06 acre of DW, and 0.03 acre of SWS

##### **Upland**

None

**Jurisdictional Impacts:**

**U.S. Army Corps of Engineers:**

**Wetland Waters of the U.S. (WUS):** 0.02 acre of FWM; 0.06 acre of DW, and 0.03 acre of SWS  
**Non-wetland WUS:** 0.24 acres of concrete lined channel.

**California Department of Fish and Game/City of San Diego:**

**Wetlands:** 0.02 acre of FWM; 0.06 acre of DW, and 0.03 acre of SWS  
**Streambed/Unvegetated Waters:** None.

**Is there moderate or high potential for listed animal species to be impacted?** Yes  No

If yes, which species (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Least Bell's vireo             | <input type="checkbox"/> Riverside fairy shrimp    |
| <input type="checkbox"/> Southwester willow flycatcher  | <input type="checkbox"/> California least tern     |
| <input type="checkbox"/> Arroyo toad                    | <input type="checkbox"/> Light-footed clapper rail |
| <input type="checkbox"/> Coastal California gnatcatcher | <input type="checkbox"/> Western snowy plover      |
| <input type="checkbox"/> San Diego fairy shrimp         | <input type="checkbox"/> Other: _____              |

**MITIGATION**

**Applicable Maintenance Protocols (list the applicable maintenance protocols based on the biological resources occurring or likely to occur on site --include any special protocols required):** As all of the vegetation within the storm water facility is to be removed and there are no adjacent resources, no biological protocols need be included in the IMP.

**Applicable PEIR mitigation measures:** The following mitigation measures must be carried out by the City as part of the proposed maintenance: MM 4.3.5 (requires compensation for impacted wetlands), MM4 3.8 (requires City approval of monitoring biologist), MM 4 3.14 (requires a pre-maintenance meeting with contractor and biologist), MM 4.3.20 (requires removal of invasive plants prior to beginning maintenance), and MM 4.3.32 (requires avoidance of nesting birds not covered by MSCP).

**Environmental Mitigation Requirements (including wetland enhancement, restoration, creation, and/or purchase of wetland credits in a mitigation bank; off-site upland habitat acquisition/payment into the City's habitat acquisition fund):**

**Corps Jurisdictional Areas:** None required with NWP #43.

**CDFG Jurisdictional Areas:** This IBA is 1 of 3 initial submissions under the City's Storm Water Management Program. Thus, there is little precedence for what is necessary or appropriate mitigation for impacts to wetland vegetation in an unnatural landscape position (i.e., on sediment accumulated within a concrete lined drainage structure). For this reason, the mitigation for these impacts will be determined in consultation with CDFG.

**City Wetlands:** Pursuant to the thresholds in the City's Environmentally Sensitive Lands Ordinance, impacts of 0.01 acre and greater requires mitigation. Using the ratio of 1:1 defined in the Master PEIR, the maintenance would require enhancement, restoration or creation of 0.02 acre of FWM, and 0.06 acre of DW. The Master PEIR also stipulates that mitigation for the SWS will be at 2:1, or in this case 0.08 acre. The City's Biology Guidelines specify higher mitigation ratios for these habitats. Lower ratios are considered appropriate here because the impacts are temporary. It is also noteworthy that the City's Biology Guidelines contained within the Land Development Code state that "Areas that contain wetland vegetation, soils or hydrology created by human activities in historically non-wetland areas do not qualify as wetlands . . ." An inspection of historical aerial photos revealed that the channel section north of Palm Avenue was present in the early 1950's and thus at least portions of the facility to be maintained would be regarded as a wetland by the City. South of Palm Avenue a channel does not become apparent until the mid-1960's, which is still over 45 years ago. However, for the 2

reasons stated for the mitigation requirements for CDFG, mitigation for these impacts will be determined in consultation with the City.

**Mitigation Description/Location:**

To be determined. If mitigation is deemed necessary, the FWM impacts associated with this maintenance activity would be located within the Otay Hydrologic Unit.

**ADDITIONAL COMMENTS OR RECOMMENDATIONS**

None

**SITE PHOTOS Map 134 Nestor Creek Channel. 23 June 2010**



**PHOTO NOTES:**

Concrete channel with small patches of disturbed wetland and unvegetated channel. Looking southeast from near Palm Avenue. 23 June 2010.



**PHOTO NOTES:**

Concrete channel with small patches of disturbed wetland and unvegetated channel. Looking west from near Saturn Boulevard. 23 June 2010.



**PHOTO NOTES:**

Concrete channel with small patches of disturbed wetland and unvegetated channel. Disturbed wetland and southern willow scrub also exist at terminus of channel. Looking northwest from bend in channel, north of Palm Avenue. 23 June 2010.



**PHOTO NOTES:**

Concrete channel with southern willow scrub near Palm Avenue, freshwater marsh along along east wall of channel, and disturbed wetland in middle and along west wall of channel. Looking north from bend in channel. 23 June 2010.