

Biological Technical Report for the Airway Logistics Center

October 6, 2020

City of San Diego Project No. 657046

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A handwritten signature in black ink, appearing to read 'Greg Mason', is enclosed in a thin black rectangular border.

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TABLE OF CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page</u>
1.0	INTRODUCTION	1
	1.1 Project Location and Site Description.....	1
	1.2 Project Description	1
2.0	METHODS & SURVEY LIMITATIONS	1
	2.1 Literature Review	1
	2.2 Biological Surveys	2
	2.2.1 Vegetation Mapping.....	2
	2.2.2 Sensitive Species.....	2
	2.2.3 Survey Limitations.....	3
	2.2.4 Nomenclature	4
3.0	REGULATORY CONTEXT.....	4
	3.1 Regulatory Issues	4
	3.1.1 Federal.....	4
	3.1.2 State of California.....	5
	3.1.3 City of San Diego Environmentally Sensitive Lands Regulations.....	5
4.0	REGIONAL CONTEXT	6
	4.1 Multiple Species Conservation Program Subarea Plan.....	6
	4.1.1 Multi-habitat Planning Area	7
	4.1.2 Land Use Adjacency Guidelines	7
	4.1.3 Vernal Pool Habitat Conservation Plan	8
5.0	SURVEY RESULTS	8
	5.1 Physical Characteristics.....	8
	5.2 Vegetation Communities.....	8
	5.3 Plant Species Observed	9
	5.4 Animal Species Observed or Detected.....	9
	5.5 Sensitive Biological Resources	10
	5.5.1 Sensitive Vegetation Communities	10
	5.5.2 Sensitive Plant Species	10
	5.5.3 Sensitive Animal Species	13
	5.5.4 Waters of the U.S., Waters of the State, and City Wetlands.....	16
	5.5.5 Wildlife Corridors	16

TABLE OF CONTENTS (continued)

<u>Section</u>	<u>Title</u>	<u>Page</u>
6.0	MSCP and VPHCP COMPLIANCE	16
6.1	Land Use Adjacency Guidelines	16
6.1.1	Drainage	16
6.1.2	Toxics	17
6.1.3	Lighting	17
6.1.4	Noise	18
6.1.5	Barriers	18
6.1.6	Invasives	18
6.1.7	Brush Management	19
6.1.8	Grading/Land Development	19
6.2	VPHCP General Avoidance and Minimization Measures	19
6.2.1	Drainage	19
6.2.2	Toxics	20
6.2.3	Barriers	21
6.2.4	Grading	21
6.2.5	Fugitive Dust	21
6.2.6	Additional Conditions	21
6.3	General Planning Policies and Design Guidelines	22
6.4	General Management Directives	24
7.0	PROJECT IMPACT ANALYSIS	24
7.1	Direct Impacts	24
7.1.1	Direct Impacts to Vegetation Communities	24
7.1.2	Direct Impacts to Sensitive Plant Species	25
7.1.3	Direct Impacts to Sensitive Animal Species	25
7.1.4	Direct Impacts to Sensitive Species with Potential to Occur	25
7.1.5	Wildlife Corridors	26
7.2	Indirect Impacts	26
7.3	Cumulative Impacts	26
8.0	MITIGATION MEASURES	27
8.1	Mitigation for Direct Impacts	29
8.1.1	Mitigation for Direct Impacts to Non-native Grassland	29
8.1.2	Mitigation for Direct Impacts to Sensitive Animal Species	30
9.0	REFERENCES	34
10.0	PREPARER’S QUALIFICATIONS/CERTIFICATIONS	36

TABLE OF CONTENTS (continued)

LIST OF FIGURES

<u>Number</u>	<u>Title</u>	<u>Follows Page</u>
1	Regional Location.....	2
2	Project Location.....	2
3	Biological Resources	8

LIST OF TABLES

<u>Number</u>	<u>Title</u>	<u>Page</u>
1	Survey Information	2
2	Existing Vegetation Communities on Site.....	9
3	Sensitive Plant Species Not Observed and Their Potential to Occur.....	11
4	MSCP Narrow Endemic Plant Species and Their Potential to Occur	12
5	Sensitive Animal Species Not Observed or Detected and Potential to Occur	15
6	Direct Impacts to Vegetation Communities on Site	24

LIST OF APPENDICES

<u>Letter</u>	<u>Title</u>
A	Plant Species Observed
B	Animal Species Observed or Detected
C	Representative Photographs
D	Burrowing Owl Survey Report

1.0 INTRODUCTION

This report describes existing biological conditions on the approximately 13.4-acre Airway Logistics Center project parcel and provides the City of San Diego (City) and project applicant with information necessary to assess impacts to biological resources under the California Environmental Quality Act (CEQA) and City, State, and Federal regulations.

1.1 PROJECT LOCATION AND SITE DESCRIPTION

The parcel is vacant land located within the City. It is bordered to the north by Airway Road, to the south by Copart – San Diego, to the east by undeveloped land and a truck storage facility, and to the west by Mex-Cal Truckline, Inc. (Figures 1 and 2). The parcel (APN 646-110-28) is located within the Otay Mesa Community Plan boundaries and is in the southeast quarter of Section 34 in Township 18 South, Range 1 West of the U.S. Geological Survey (USGS) Otay Mesa 7.5-minute quadrangle.

The parcel is not located within or adjacent to the City's Multiple Species Conservation Plan (MSCP) Multi-habitat Planning Area (MHPA), and it is outside the coastal zone. The nearest MHPA land occurs as an isolated polygon that lies east of the parcel at a distance of approximately 130 feet from the southeastern corner of the parcel and 990 feet from the northeastern corner of the parcel (Figure 2). The City, however, is exploring an option to acquire the adjacent property between the parcel and the MHPA polygon for vernal pool conservation. The acquired parcel(s) would be included in the City's MHPA/Vernal Pool Habitat Conservation Plan (VPHCP; City 2017) preserve as conserved MHPA land. That property is referred to as potential future MHPA in this report.

1.2 PROJECT DESCRIPTION

The proposed project is the construction of a 247,480 square foot multi-tenant industrial/distribution building with approximately 235,480 square feet of warehouse and 12,000 square feet of office. The project includes 274 parking spaces with 6 motorcycle spaces and 66 dock doors. The project would widen Airway Road to its full width 76 feet curb-to-curb as identified as a 4-lane major in the Otay Mesa Community Plan Mobility Element. Site access would be provided from two driveways off of the south side of Airway Road.

2.0 METHODS AND SURVEY LIMITATIONS

2.1 LITERATURE REVIEW

Prior to conducting its field investigations, Alden Environmental, Inc. (Alden) performed searches of CDFW's California Natural Diversity Database and the USFWS database for information regarding sensitive species known to occur within approximately two miles of the parcel. Historic aerials also were reviewed for the site.

2.2 BIOLOGICAL SURVEYS

Vegetation was mapped, and a Quino checkerspot butterfly (*Euphydryas editha quino*) habitat assessment was conducted by Alden on January 15, 2020. A search for potential Waters of the U.S., Waters of the State, and City Wetlands, as well as water-holding basins (that could support species of federal-listed fairy shrimp) was conducted. Additionally, a breeding season survey for the burrowing owl (BUOW; *Athene cunicularia*) as well as spring and summer 2020 sensitive plant surveys were conducted. Table 1 presents information for the surveys. Lists of plant and animal species observed or detected during the surveys is provided in Appendices A and B, respectively. Representative site photographs taken during the vegetation mapping are provided in Appendix C.

Date	Personnel	Purpose
1/15/20	Greg Mason	Map vegetation; Quino checkerspot butterfly habitat assessment; search for potential waters, wetlands, and water-holding basins
2/17/20	Greg Mason	BUOW survey visit #1
5/1/20	Greg Mason	BUOW survey visit #2
5/22/20	Greg Mason	BUOW survey visit #3
6/16/20	Greg Mason	BUOW survey visit #4
5/1/20	Greg Mason	Sensitive plant survey – spring
6/16/20	Greg Mason	Sensitive plant survey – summer

2.2.1 Vegetation Mapping

Vegetation mapping was conducted on January 15, 2020 and took into account the City’s defined differentiation between non-native grassland and other disturbed areas (City 2018). That is, the relative percent cover of herbaceous species was used to distinguish between the two, and non-native grassland on the parcel was mapped where non-native grass species comprised a relative cover of 50 percent or more. Additionally, the site was searched for evidence of vernal pools (e.g., ponding water) on January 15, 2020 and May 1, 2020 (the latter during the spring sensitive plant species survey).

2.2.2 Sensitive Species

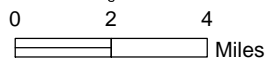
Sensitive species are those that are considered Federal, State, or California Native Plant Society (CNPS) rare, threatened, or endangered; Multiple Species Conservation Program (MSCP) Narrow Endemics; or MSCP Covered Species. For simplicity, “sensitive” may be used throughout this document to refer to any of these categories.

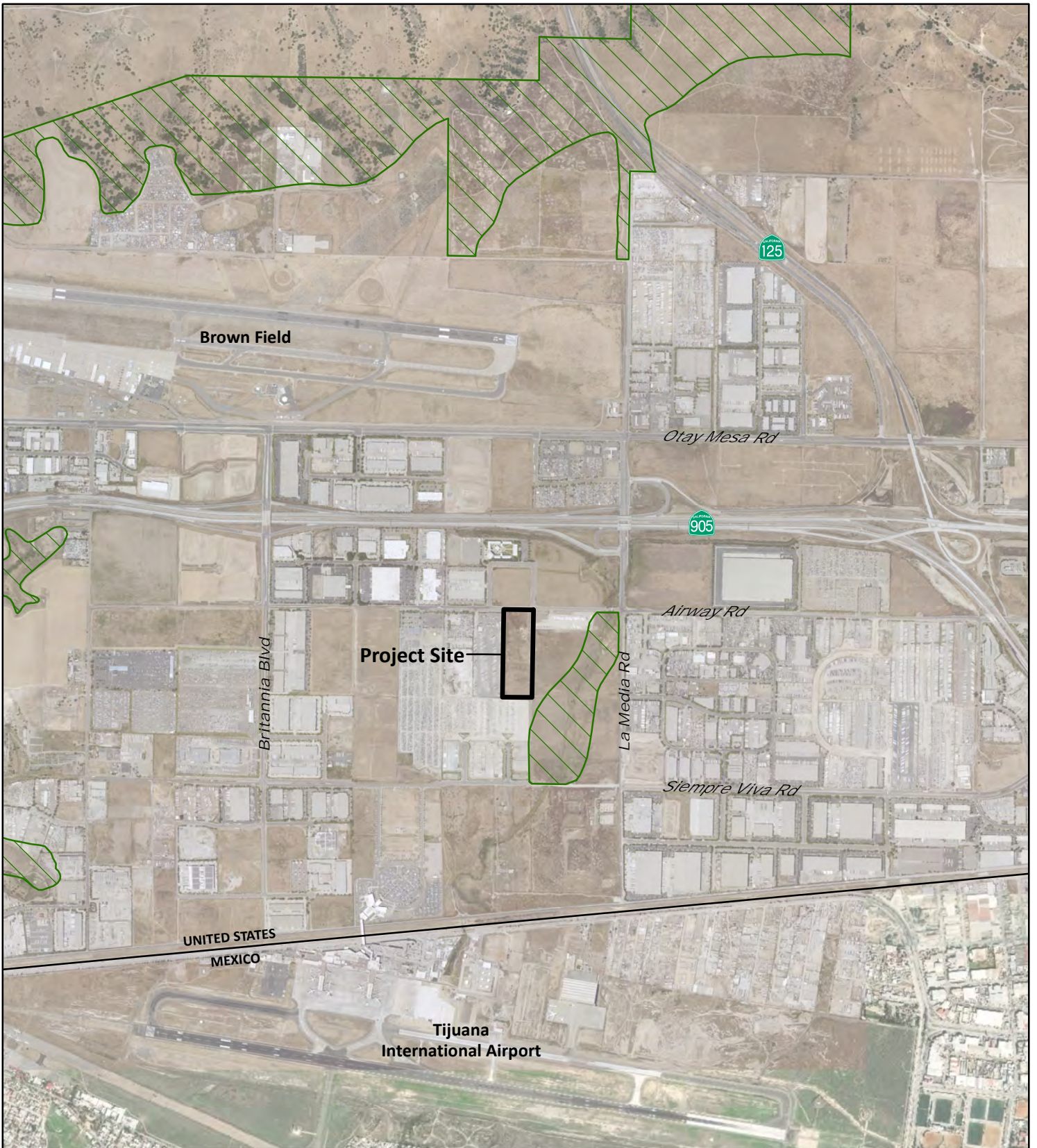




Figure 1

Regional Location

AIRWAY LOGISTICS CENTER





-  Project Boundary
-  MHPA



0 1,000 2,000
 Feet



Figure 2

Project Location

AIRWAY LOGISTICS CENTER

Sensitive Plant Species

Sensitive plant species were searched for opportunistically during all of the site visits; however, spring and summer are the time period when most annual species bloom. Therefore, a focused sensitive plant survey was conducted on May 1, 2020, and another focused survey was conducted June 16, 2020. Special attention was paid to look for the Federal- and State-listed Otay tarplant (*Deinandra conjugens*) during its blooming period (typically May to June). The spring survey also specifically looked for vernal pools/vernal pool endemic sensitive plant species.

Burrowing Owl

A focused BUOW survey with four site visits on separate days was conducted according to the survey methods in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012; Appendix D).

Potential BUOW habitat was examined by walking transects across the site. The parcel was surveyed for BUOWs and potential burrows or perches that could be used by the BUOW. BUOWs are known to occupy California ground squirrel (*Otospermophilus beecheyi*) burrows; therefore, particular attention was paid to any areas along fence lines or other locations where squirrel activity was observed or is likely to occur. Dirt piles, drainages, and culverts, if present, were also examined as these sites can often provide cavities that can support the species. The determination of BUOW presence was made by direct BUOW observation or by BUOW signs such as, but not necessarily limited to, excavated soil, whitewash (excrement), castings (pellets), and/or feathers.

Quino Checkerspot Butterfly

A site assessment was conducted on January 15, 2020 during the vegetation mapping effort and in accordance with the Quino Checkerspot Butterfly Survey Guidelines (USFWS 2014). The site was walked, and potential Quino checkerspot butterfly (QCB) resources (open areas, host plants, nectar resources, etc.) were searched for. Since the parcel was determined to have minimal potential for the QCB, a subsequent focused survey for the butterfly was not conducted.

2.2.3 Survey Limitations

Sensitive species surveys were conducted during appropriate times of year and cover the activity periods for most species. Noted animal species were identified by direct observation, vocalizations, or the observance of scat, tracks, or other signs. However, the lists of species identified in Appendices A and B are not necessarily a comprehensive account of all species that utilize the site as species that are nocturnal, secretive, or seasonally restricted may not have been observed/detected. The species that are sensitive and that may have potential to occur on site, however, are still addressed in this report in Section 5.5.2, *Sensitive Plant Species*, Section 5.5.3, *Sensitive Animal Species*, and Section 7.1.4, *Direct Impacts to Sensitive Species with Potential to Occur*.

2.2.4 Nomenclature

Nomenclature used in this report is from the following sources: City Biology Guidelines (City 2018) and the City’s MSCP Subarea Plan (City 1997a); Holland (1986); Oberbauer et al. (2008); Hickman, ed. (1993); CNPS (2020); Crother (2008); American Ornithological Society (2019); Jones, et al. (1992); and CDFW (2019).

3.0 REGULATORY CONTEXT

3.1 REGULATORY ISSUES

Biological resources that would be impacted on site are subject to regulatory administration by the Federal government, State of California, and City as follows.

3.1.1 Federal

Endangered Species Act

The Federal Endangered Species Act (FESA) designates threatened and endangered animals and plants and provides measures for their protection and recovery. “Take” of listed animal species and of listed plant species in areas under Federal jurisdiction is prohibited without obtaining a Federal permit. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” Harm includes any act that actually kills or injures fish or wildlife, including significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife. Activities that damage the habitat of (i.e., harm) listed wildlife species require approval from the USFWS for terrestrial species. The FESA also generally requires determination of Critical Habitat for listed species. If a project would involve a Federal action potentially affecting Critical Habitat, the Federal agency would be required to consult with USFWS. No Federal listed species or Critical Habitat occurs on site.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA; 16 U.S. Code Sections 703-711) includes provisions for protection of migratory birds, including the non-permitted take of migratory birds. The MBTA regulates or prohibits taking, killing, possession of, or harm to migratory bird species listed in Title 50 Code of Federal Regulations Section 10.13. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, and many others (including those that are not sensitive; see Section 5.5.3, *Sensitive Animal Species*, for an explanation of which species are sensitive). Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered a “take.” The MBTA is an international treaty for the conservation and management of bird species that migrate through more than one country, and is enforced in the United States by the USFWS. The MBTA was amended in 1972 to include protection for migratory birds of prey (raptors). As a general/standard condition, the project must comply with the MBTA.

3.1.2 State of California

California Environmental Quality Act

Primary environmental legislation in California is found in the CEQA and its implementing guidelines (State CEQA Guidelines), requiring that projects with potential adverse effects or impacts on the environment undergo environmental review. Adverse impacts to the environment are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations. The City is the Lead Agency under the CEQA for the proposed project, and this report is part of that environmental review process.

California Fish and Game Code

Pursuant to California Fish and Game Code Section 3503, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Raptors and owls and their active nests are protected by California Fish and Game Code Section 3503.5, which states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by the CDFW. Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA. These regulations could require that construction activities (particularly vegetation removal or construction near nests) be reduced or eliminated during critical phases of the nesting cycle unless surveys by a qualified biologist demonstrate that nests, eggs, or nesting birds will not be disturbed, subject to approval by CDFW and/or USFWS. As a general/standard condition, the project must comply with California Fish and Game Code Sections 3503 and 3503.5.

3.1.3 City of San Diego Environmentally Sensitive Lands Regulations

Mitigation requirements for sensitive biological resources follow the requirements of the City's Biology Guidelines (2018) as outlined in the City's Municipal Code Environmentally Sensitive Lands (ESL) Regulations (Chapter 14, Article 3, Division 1). ESL include sensitive biological resources, steep hillsides, coastal beaches, sensitive coastal bluffs and 100-year floodplains (San Diego Municipal Code [SDMC] 143.0110).

The ESL regulations also specify development requirements inside and outside of the City's preserve, the MHPA. Inside the MHPA, development must be located in the least sensitive portion of a given site; outside of the MHPA, development must avoid wetlands and non-MSCP Covered Species (City 2018). The project site is outside the MHPA. The MHPA is further discussed in Section 4.0, *Regional Context*.

The ESL regulations further require that impacts to sensitive biological resources must be assessed and mitigation provided where necessary, as required by Section III of the City's Biology Guidelines.

City Biology Guidelines

The City's Biology Guidelines (2018) have been formulated by the Development Services Department to aid in the implementation and interpretation of the ESL Regulations; San Diego Land Development Code, Chapter 14, Division 1, Section 143.0101 et seq; and the Open Space Residential (OR-1-2) Zone, Chapter 13, Division 2, Section 131.0201 et seq. Section III of the Biology Guidelines (Biological Impact Analysis and Mitigation Procedures) also serves as standards for the determination of impact and mitigation under CEQA. The Biology Guidelines are the baseline biological standards for processing permits issued pursuant to ESL Regulations.

4.0 REGIONAL CONTEXT

4.1 MULTIPLE SPECIES CONSERVATION PROGRAM SUBAREA PLAN

The City, USFWS, CDFW, and other local jurisdictions joined together in the late 1990s to develop the MSCP, a comprehensive program to preserve a network of habitat and open space in the region and ensure the viability of (generally) upland habitat and species, while still permitting some level of continued development. The City's MSCP Subarea Plan (1997a) was prepared pursuant to the outline developed by USFWS and CDFW to meet the requirements of the State Natural Communities Conservation Planning (NCCP) Act of 1992. Adopted by the City in March 1997, the City's Subarea Plan forms the basis for the MSCP Implementing Agreement, which is the contract between the City, USFWS, and CDFW (City 1997b). The Implementing Agreement ensures implementation of the City's Subarea Plan and thereby allows the City to issue "take" permits under the FESA and State Endangered Species Act to address impacts at the local level. Under the FESA, an Incidental Take Permit is required when non-Federal activities would result in "take" of a threatened or endangered species. A Habitat Conservation Plan, such as the City's MSCP Subarea Plan, must accompany an application for a Federal Incidental Take Permit. In July 1997, the USFWS, CDFW, and City entered into the 50-year MSCP Implementing Agreement, wherein the City received its FESA Section 10(a) Incidental Take Permit (City 1997b).

Pursuant to its MSCP permit issued under Section 10(a), the City has incidental "take" authority over 85 rare, threatened, and endangered species including regionally sensitive species that it aims to conserve (i.e., "MSCP Covered Species"). "MSCP Covered" refers to species that are covered by the City's Federal Incidental Take Permit and considered to be adequately protected within the MHPA. Special conditions apply to Covered Species that would be potentially impacted including, for example, designing a project to avoid impacts to Covered Species in the MHPA where feasible. Outside the MHPA, projects must incorporate measures (i.e., Area Specific Management Directives; ASMDs) for the protection of Covered Species as identified in Appendix A of the City's Subarea Plan.

The ASMDs for the BUOW must include: enhancement of known, historical, and potential BUOW habitat; and management for ground squirrels (the primary excavator of BUOW burrows). Enhancement measures may include creation of artificial burrows and vegetation management to enhance foraging habitat. Management plans must also include: monitoring of BUOW nest sites to determine use and nesting success; predator control; establishing a 300-foot wide impact avoidance area (within the preserve) around occupied burrows. The BUOW was not found on site nor was evidence of BUOW use/occupation of the site found. Also, the species has not been historically reported to the CNDDDB on site.

The ASMDs for the northern harrier (*Circus hudsonius*), which was observed flying over the site, must: manage agricultural and disturbed lands (which become part of the preserve) within four miles of nesting habitat to provide foraging habitat; include an impact avoidance area (900 foot or maximum possible within the preserve) around active nests; and include measures of maintaining winter foraging habitat in preserve areas in Proctor Valley, around Sweetwater Reservoir, San Miguel Ranch, Otay Ranch east of Wueste Road, Lake Hodges, and San Pasqual Valley. The project's proposed mitigation for impacts to non-native grassland (see Section 8.1.1 of this report) that may be used by the northern harrier is monetary compensation to the City's Habitat Acquisition Fund. The funds would be used for the purchase of land that would be managed by the City per the ASMDs.

In addition to identifying preserve areas within the City (and guiding implementation of the MSCP within its corporate boundaries), the City's Subarea Plan also regulates effects on natural communities throughout the City.

4.1.1 Multi-habitat Planning Area

The MHPA was developed by the City in cooperation with the USFWS, CDFW, property owners, developers, and environmental groups using the Preserve Design Criteria contained in the MSCP Plan, and the City Council-adopted criteria for the creation of the MHPA.

MHPA lands are large blocks of native habitat that have the ability to support a diversity of plant and animal life and, therefore, have been included within the City's Subarea Plan for conservation. The MHPA also delineates core biological resource areas and corridors targeted for conservation as these lands have been determined to provide the necessary habitat quality, quantity, and connectivity to sustain the unique biodiversity of the San Diego region. The project site is not within or adjacent to the MHPA.

4.1.2 Land Use Adjacency Guidelines

Development adjacent to the MHPA must ensure that indirect impacts to the MHPA are minimized. Section 1.4.3 of the City's Subarea Plan outlines the requirements to address indirect effects related to drainage and toxics, lighting, noise, public access, invasive plant species, brush management, and grading/land development. Currently, the project site is not adjacent to the MHPA; however, the City is exploring an option to acquire the adjacent property to the east for vernal pool conservation. The acquired parcel(s) would be included in the City's MHPA/ VPHCP (City 2017) preserve as conserved MHPA land.

In addition to requiring that the indirect effects outlined in Section 1.4.3 of the City's Subarea Plan be addressed, Section 5.1.2 of the VPHCP also (summarily) requires that project runoff not flow into vernal pools; that projects install temporary fencing (and silt fencing); that fugitive dust from construction be avoided; that a qualified monitoring biologist be on site during construction to ensure compliance, among other avoidance and minimization measures.

Due to the project's proximity to the future potential MHPA/VPHCP boundary, the MHPA Land Use Adjacency Guidelines and avoidance and minimization measures from Section 5.1.2 of the VPHCP are addressed as they relate to the project in Section 6.0 of this report.

4.1.3 Vernal Pool Habitat Conservation Plan

The City's VPHCP (City 2017) is intended to provide an effective framework to protect, enhance, and restore vernal pool resources in specific areas within the City's jurisdiction, while improving and streamlining the environmental permitting process for impacts to threatened and endangered species associated with vernal pools. The VPHCP conserves additional lands with vernal pools that are occupied with the vernal pool covered species.

On August 3, 2018, the City received authorization from the USFWS for incidental take of the San Diego fairy shrimp and Riverside fairy shrimp for "otherwise lawful Covered Activities within the Plan Area described and defined in the VPHCP" (USFWS 2018).

Five vernal pool plant species (San Diego button-celery [*Eryngium aristulatum* var. *parishii*], spreading navarretia [*Navarretia fossalis*], California Orcutt grass [*Orcuttia californica*], San Diego mesa mint [*Pogogyne abramsii*], and Otay Mesa mint [*Pogogyne nudiuscula*]) are included in the USFWS permit due to the conservation benefits provided for the plants in the VPHCP.

The project would not impact vernal pools or vernal pool species as none are present on site.

5.0 SURVEY RESULTS

5.1 PHYSICAL CHARACTERISTICS

Elevation on site ranges from approximately 475 to 490 feet above mean sea level. Soils on site are mapped as Huerhuero loam (2 to 9 percent slopes) and Stockpen gravelly clay loam (2 to 5 percent slopes; Bowman 1973).

According to historic aerial imagery, the site consists of land that was undeveloped but appears to have gone into agricultural production around 1989 but left fallow since the early 2000s. It also appears that debris piles began being dumped on the eastern portion of the site around 2009 (Nationwide Environmental Title Research 2020).

5.2 VEGETATION COMMUNITIES

The project site supports two upland vegetation communities and developed land as shown in Table 2, on Figure 3, and described below.

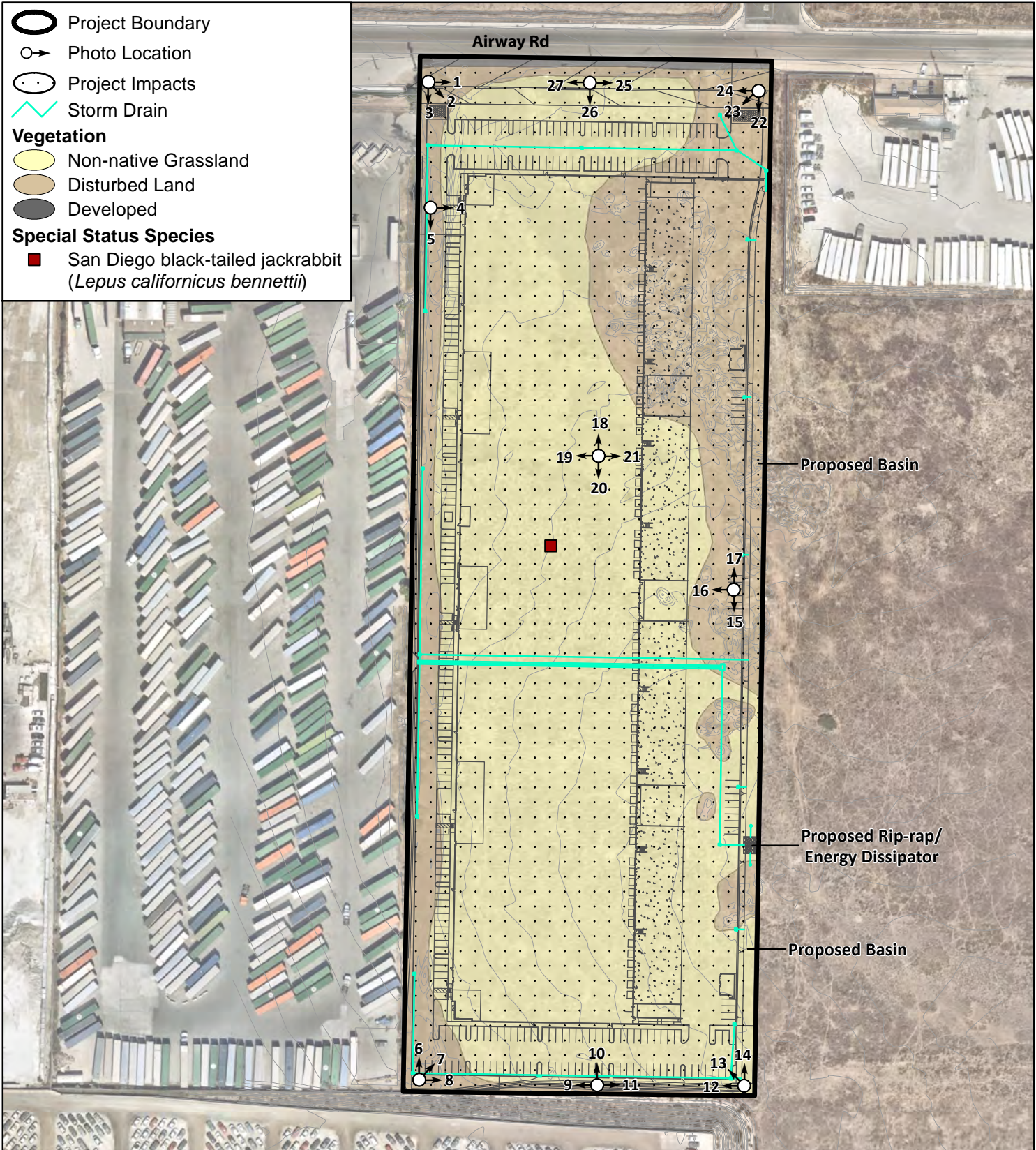


Figure 3

Biological Resources

AIRWAY LOGISTICS CENTER

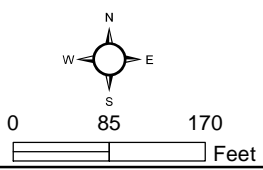


Table 2	
EXISTING VEGETATION COMMUNITIES ON SITE	
Vegetation Community¹	Acreage on Site
Non-native grassland (Tier IIIB)	9.4
Disturbed land (Tier IV)	3.9
Developed (No tier)	0.1
TOTAL	13.4

¹Upland vegetation communities and some other areas within the MSCP study area have been divided into tiers of sensitivity. Tier I = rare upland. Tier II = uncommon upland. Tier IIIA and Tier IIIB = common upland. Tier IV = other upland. Tier I communities are the most sensitive and Tier IV communities are the least sensitive based on rarity and ecological importance (City 2018). Tier level, in part, determines mitigation ratios.

Non-Native Grassland

Non-native grassland comprises 9.4 acres of the site (Figure 3). The methods used to map this vegetation community are described in Section 2.2.1 of this report. Non-native grassland is recognized as a Tier IIIB upland habitat (common upland) by the City. The non-native grassland on site is characterized by a minimum of 50 percent relative cover by grass species such as slender wild oat (*Avena barbata*), riggut grass (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), and red brome (*Bromus madritensis* ssp. *rubens*).

Disturbed Land

Areas mapped as disturbed land on site include those that have been mechanically disturbed, where debris piles have been dumped, or where broad-leaved, non-native plant species such as black mustard (*Brassica nigra*) and Russian thistle are predominant. Approximately 3.9 acres of the site were mapped as disturbed land (Figure 3). Disturbed land is considered Tier IV (other upland) by the City.

Developed

Developed land on site (0.1 acre) consists of the southern shoulder of Airway Road (Figure 3). Developed land has not been assigned to a Tier by the City.

5.3 PLANT SPECIES OBSERVED

Forty-one species of plants were observed on site. A list of these plant species is presented in Appendix A.

5.4 ANIMAL SPECIES OBSERVED OR DETECTED

Twenty-two species of animals (2 invertebrates, 1 reptile, 15 birds, and 4 mammals) were observed or detected on site. A list of these animal species observed is presented in Appendix B.

5.5 SENSITIVE BIOLOGICAL RESOURCES

According to City Municipal Code (Chapter 11, Article 3, Division 1) and the City's Biology Guidelines (City 2018), sensitive biological resources refers to upland and/or wetland areas that meet any one of the following criteria:

- (a) Lands that have been included in the City's MSCP Preserve (i.e., the MHPA);
- (b) Wetlands;
- (c) Lands outside the MHPA that contain Tier I, Tier II, Tier IIIA, or Tier IIIB habitats;
- (d) Lands supporting species or subspecies listed as rare, endangered, or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulations, or the FESA, Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations;
- (e) Lands containing habitats with MSCP Narrow Endemic species as listed in the Biology Guidelines (City 2018); or
- (f) Lands containing habitats of MSCP Covered Species as listed in the Biology Guidelines (City 2018).

5.5.1 Sensitive Vegetation Communities

Additionally, sensitive vegetation communities are those considered rare within the region or sensitive by CDFW (Holland 1986) and/or the City. These communities, in any form (e.g., including disturbed or burned), are considered sensitive because they have been historically depleted, are naturally uncommon, or support sensitive species. The site supports one sensitive vegetation community (an ESL): non-native grassland.

5.5.2 Sensitive Plant Species

Sensitive plant species are those that are considered Federal, State, or CNPS rare, threatened, or endangered; MSCP Covered Species; or MSCP Narrow Endemic species. More specifically, if a species is designated with any of the following statuses (a-c below), it is considered sensitive per City Municipal Code (Chapter 11, Article 3, Division 1):

- (a) A species or subspecies is listed as rare, endangered, or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulations, or the FESA, Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations;
- (b) A species is a Narrow Endemic as listed in the Biology Guidelines in the Land Development Manual (City 2018); and/or
- (c) A species is a Covered Species as listed in the Biology Guidelines in the Land Development Manual (City 2018).

A species may also be considered sensitive if it is included in the CNPS Inventory of Rare and Endangered Plants (CNPS 2020). California Rare Plant Rank 1 includes plants that are rare, threatened or endangered in California. California Rare Plant Rank 2 includes plants that are rare, threatened or endangered in California but more common elsewhere. California Rare Plant Rank 3 includes plants that are eligible for State listing as rare, threatened or endangered. California Rare Plant Rank 4 plants are locally significant but few, if any, are eligible for State listing.

Sensitive plant status is often based on one or more of three distributional attributes: geographic range, habitat specificity, and/or population size. A species that exhibits a small or restricted geographic range (such as those endemic to the region) is geographically rare. A species may be more or less abundant but occur only in very specific habitats. Lastly, a species may be widespread but exists naturally in small populations. No sensitive plant species were observed on site.

Sensitive plant species that were not observed but may have potential to occur on site (based on, for example, CNDDDB records for the project vicinity, vegetation communities present, and soils present) are listed in Table 3. With the previous, long-standing, agricultural practices and disturbance of the site, it is unlikely that these species are present.

Table 4 lists MSCP Narrow Endemic species and their potential to occur on site. Narrow Endemic species are a subset of MSCP Covered Species (defined in Section 4.1, *Multiple Species Conservation Program Subarea Plan*). The City specifies additional conservation measures in its MSCP Subarea Plan to ensure impacts to Narrow Endemic species are avoided to the maximum extent practicable.

SPECIES	SENSITIVITY¹	POTENTIAL TO OCCUR
San Diego goldenstar (<i>Bloomeria clevelandii</i>)	CNPS RPR 1B.1 MSCP Covered	Low, due to previous agricultural activities, mechanical disturbance, and debris pile dumping.
San Diego barrel cactus (<i>Ferocactus viridescens</i>)	CNPS RPR 2B.1 MSCP Covered	Low, due to previous agricultural activities, mechanical disturbance, and debris pile dumping.
Little mousetail (<i>Myosurus minimus</i>)	CNPS RPR 3.1	Low, due to previous agricultural activities, mechanical disturbance, and debris pile dumping.
Parry's tetraococcus (<i>Tetraococcus dioicus</i>)	CNPS RPR 1B.2 MSCP Covered	Low, due to previous agricultural activities, mechanical disturbance, and debris pile dumping.

¹CNPS RPR = California Native Plant Society Rare Plant Rank

1B.1 = Rare, threatened, or endangered in California and elsewhere.

1B.2 = Rare, threatened, or endangered in California and elsewhere.

MSCP Covered = Species for which the City has take authorization from the USFWS and CDFW within the City's subarea.

**Table 4
MSCP NARROW ENDEMIC PLANT SPECIES
AND THEIR POTENTIAL TO OCCUR**

SPECIES	SENSITIVITY¹	POTENTIAL TO OCCUR
San Diego thorn-mint (<i>Acanthomintha ilicifolia</i>)	FT/SE CNPS RPR 1B.1	Low, due to previous agricultural activities, mechanical disturbance, and debris pile dumping. Only one CNDDDB record of this species occurs within two miles of the site, and it is in the USGS Imperial Beach quadrangle.
Shaw's agave (<i>Agave shawii</i>)	CNPS RPR 2B.1	Low, due to previous agricultural activities, mechanical disturbance, and debris pile dumping.
San Diego ambrosia (<i>Ambrosia pumila</i>)	FE CNPS RPR 1B.1	Low, due to previous agricultural activities, mechanical disturbance, and debris pile dumping.
Aphanisma (<i>Aphanisma blitoides</i>)	CNPS RPR 1B.2	Not expected. No known populations in MSCP area.
Coastal dunes milk vetch (<i>Astragalus tener</i> var. <i>titi</i>)	FE/SE CNPS RPR 1B.1	Not expected. Occurs in sandy places along the coast, including coastal dunes.
Encinitas baccharis (<i>Baccharis vanessae</i>)	FT/SE CNPS RPR 1B.1	Not expected. Not known from near the site.
Otay tarplant (<i>Deinandra conjugens</i>)	FT/SE CNPS RPR 1B.1	Low to moderate, due to previous agricultural activities, mechanical disturbance, and debris pile dumping. This species, however, was not observed during the spring and summer sensitive plant species surveys conducted in 2020. There is a CNDDDB record for this species northwest of the junction of La Media Road and Siempre Viva Road.
Short-leaved dudleya (<i>Dudleya brevifolia</i>)	SE CNPS RPR 1B.1	Not expected. Occurs on dry, sandstone bluffs in chamise chaparral.
Variiegated dudleya (<i>Dudleya variegata</i>)	CNPS RPR 1B.2	Low, due to previous agricultural activities, mechanical disturbance, and debris pile dumping. Nearest CNDDDB record for this species is from 2001 Caltrans mapping northwest of the junction of Airway Road and La Media Road.
San Diego button-celery (<i>Eryngium aristulatum</i> var. <i>parishii</i>)	FE/SE CNPS RPR 1B.1	Low, due to previous agricultural activities, mechanical disturbance, and debris pile dumping. The nearest CNDDDB record for this species is from 2003 west of the junction of La Media Road and Airway Road.
Spreading navarretia (<i>Navarretia fossalis</i>)	FT CNPS RPR 1B.1	Low, due to previous agricultural activities, mechanical disturbance, and debris pile dumping. The nearest CNDDDB record for this species is 0.5 to 0.8 mile south-southwest of the intersection of Otay Mesa Road and La Media Road.
Snake cholla (<i>Cylindropuntia californica</i> var. <i>californica</i>)	CNPS RPR 1B.1	Low, due to previous agricultural activities, mechanical disturbance, and debris pile dumping. Not reported to the CNDDDB for the Otay Mesa quad within two miles of the site.
California Orcutt grass (<i>Orcuttia californica</i>)	FE/SE CNPS RPR 1B.1	Low, due to previous agricultural activities, mechanical disturbance, and debris pile dumping. The nearest CNDDDB record for this species is 0.5 to 0.8 mile south-southwest of the intersection of Otay Mesa Road and La Media Road.

**Table 4 (continued)
MSCP NARROW ENDEMIC PLANT SPECIES
AND THEIR POTENTIAL TO OCCUR**

San Diego mesa mint (<i>Pogogyne abramsii</i>)	FE/SE CNPS RPR 1B.1	Not expected. Site is outside the species' range.
Otay Mesa mint (<i>Pogogyne nudiuscula</i>)	FE/SE CNPS RPR 1B.1	Low, due to previous agricultural activities, mechanical disturbance, and debris pile dumping. No habitat for this species, vernal pool, occurs on site. Nearest CNDDDB records for this species are from: 1) 1995 west of the junction of La Media Road and Airway Road and 2) 1979 southwest of the junction of Siempre Viva Road and La Media Road.

¹FE = Federally listed Endangered

FT = Federally listed Threatened

SE = State listed Endangered

CNPS RPR = California Native Plant Society Rare Plant Rank

1B.1 = Rare, threatened, or endangered in California and elsewhere. Seriously endangered in California (over 80 percent of occurrences threatened/high degree and immediacy of threat).

1B.2 = Rare, threatened, or endangered in California and elsewhere. Moderately endangered in California (20 to 80 percent occurrences threatened/moderate degree and immediacy of threat).

2B.1 = Rare, threatened, or endangered in California but more common elsewhere. Seriously endangered in California (over 80 percent of occurrences threatened/high degree and immediacy of threat).

5.5.3 Sensitive Animal Species

Sensitive animal species are those that are considered Federal or State threatened or endangered; MSCP Covered Species; or MSCP Narrow Endemic species. More specifically, if a species is designated with any of the following statuses (a-c below), it is considered sensitive per City Municipal Code (Chapter 11, Article 3, Division 1):

- (a) A species or subspecies is listed as endangered or threatened under Section 670.2 or 670.5, Title 14, California Code of Regulations, or the FESA, Title 50, Code of Federal Regulations, Section 17.11 or 17.12, or candidate species under the California Code of Regulations;
- (b) A species is a Narrow Endemic as listed in the Biology Guidelines in the Land Development Manual (City 2018); and/or
- (c) A species is a Covered Species as listed in the Biology Guidelines in the Land Development Manual (City 2018).

A species may also be considered sensitive if it is included on the CDFW Special Animals List (CDFW 2019) as a State Species of Special Concern, State Watch List species, State Fully Protected species, or Federal Bird of Conservation Concern.

Generally, the principal reason an individual taxon (species or subspecies) is considered sensitive is the documented or perceived decline or limitations of its population size or geographical extent and/or distribution, resulting in most cases from habitat loss.

Two sensitive animal species were observed.

Northern harrier (*Circus hudsonius*)

Sensitivity: State Species of Special Concern; MSCP Covered

Distribution: In San Diego County, distribution is primarily scattered throughout the lowlands, but it can also be observed in foothills, mountains, and desert.

Habitat(s): Open grassland and marsh

Status on site: Observed flying over the site during the first BUOW site visit.

San Diego black-tailed jackrabbit (*Lepus californicus bennettii*)

Sensitivity: State Species of Special Concern

Distribution: Southern Santa Barbara County, south on the coastal slope to the vicinity of San Quintin, Baja California, Mexico. Localities on the eastern edge of its range include Jacumba and San Felipe Valley in San Diego County.

Habitat(s): Occurs primarily in open habitats including coastal sage scrub, chaparral, grasslands, croplands, and open, disturbed areas if there is at least some shrub cover present.

Status on site: Observed during the last BUOW site visit.

Sensitive animal species that were not observed or detected but that may have potential to occur (based on, for example, nearby CNDDDB records and/or the presence of potential habitat) are listed in Table 5. The BUOW, which is considered to have moderate potential to occur, was not found nor was evidence of BUOW use/occupation of the site found. Also, the species has not been historically reported to the CNDDDB on site.

**Table 5
SENSITIVE ANIMAL SPECIES NOT OBSERVED OR DETECTED
AND THEIR POTENTIAL TO OCCUR**

SPECIES	SENSITIVITY ¹	POTENTIAL TO OCCUR
INVERTEBRATES		
San Diego fairy shrimp <i>(Branchinecta sandiegonensis)</i>	FE	Not expected. No water holding basins were found on site.
Quino checkerspot butterfly <i>(Euphydryas editha quino)</i>	FE	Low. The parcel was determined to have minimal potential for the QCB during the habitat assessment.
Riverside fairy shrimp <i>(Streptocephalus woottoni)</i>	FE	Not expected. No water holding basins were found on site.
VERTEBRATES		
Birds		
Cooper’s hawk <i>(Accipiter cooperii)</i>	WL MSCP Covered	Low. Tends to inhabit lowland riparian areas and oak woodlands.
Tricolored blackbird <i>(Agelaius tricolor)</i>	BCC, SCE, SSC MSCP Covered	Low. Potential to forage on site, but nesting colonies very few in number in southern California.
Burrowing owl <i>(Athene cunicularia)</i>	BCC SSC MSCP Covered	Moderate. This species was not found nor was evidence of BUOW use/occupation of the site found during a focused, four-visit survey for it in 2020. Also, there are no CNDDDB historic records for the species on site. However, a preserved mitigation site being restored for the BUOW is located nearby, and there is potential for the BUOW to occupy the project site prior to construction.
California horned lark <i>(Eremophila alpestris actia)</i>	WL	Low. Habitat typically includes coastal strands, arid grasslands, and sandy desert floors as well as areas that are sparsely vegetated naturally but where disturbance has thinned the vegetation or created openings.

¹ FE = Federally listed Endangered
 BCC = Federal Bird of Conservation Concern: USFWS’ highest conservation priorities and draw attention to species in need of conservation action.
 SCE = State Candidate Endangered
 SSC = State Species of Special Concern: Declining population levels, limited ranges, and/or continuing threats have made them vulnerable to extinction.
 WL = State Watch List: Birds that are/were: a) not on the current list of species of special concern but were on previous lists and have not been State listed under the California Endangered Species Act; b) previously State or federally listed and now are on neither list; or c) on the list of “Fully Protected” species.
 MSCP Covered = Species for which the City has take authorization from the USFWS and CDFW within the City’s subarea.

5.5.4 Waters of the U.S., Waters of the State, and City Wetlands

No Waters of the U.S. or Waters of the State were observed on site. Additionally, no City Wetlands were observed on site. City Wetlands are summarily characterized as have one or more of the following conditions: 1) contain naturally occurring wetland vegetation; 2) have hydric soils or wetland hydrology; and/or 3) are previous wetlands that were filled without a permit.

5.5.5 Wildlife Corridors

Wildlife corridors can be local or regional in scale; their functions may vary temporally and spatially based on conditions and species presence. Wildlife corridors represent areas where wildlife movement is concentrated due to natural or anthropogenic constraints. Local corridors provide access to resources such as food, water, and shelter. Animals use these corridors, which are often hillsides or tributary drainages, to move between different habitat areas. Regional corridors provide these functions and link two or more large habitat areas. Regional corridors provide avenues for wildlife dispersal, migration, and contact between otherwise distinct populations.

The MHPA includes core biological resource areas and corridors targeted for conservation that preserve local and regional corridor functions. The site is not in but may, in the future, be adjacent to potential future MHPA (that is similarly surrounded by development). The project's location largely surrounded by existing development severely limits, or even precludes, it from connecting any surrounding habitat areas. The site may provide some resources such as food for wildlife, but due to its history of agricultural, mechanical disturbance, and debris pile dumping, those resources are limited.

6.0 MSCP AND VPHCP COMPLIANCE

6.1 LAND USE ADJACENCY GUIDELINES

Indirect effects listed in the City's Subarea Plan include those from drainage, toxics, lighting, noise, barriers, invasives, brush management, and grading/land development as addressed by the Land Use Adjacency Guidelines specifically for indirect impacts to the MHPA. The following addresses how the project will comply with the LUAG for the potential future MHPA to the east.

6.1.1 Drainage

All new and proposed parking lots and developed areas in and adjacent to the MHPA must not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials and other elements that might degrade or harm the natural environment or ecosystem processes within the MHPA. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g., clay compounds) when necessary and appropriate.

During construction, the project will employ the use, as applicable, of structural and non-structural Best Management Practices, Best Available Technology, and sediment catchment devices downstream of paving activities to reduce potential drainage impacts associated with construction.

The project design complies with the Standard Urban Stormwater Management Plan and Municipal Stormwater Permit criteria of the State Water Resources Control Board and City. However, hardscape associated with the built project would result in runoff, which could significantly impact hydrology and water quality in the potential future MHPA that supports documented vernal pool resources. This potential impact will be minimized through the construction of two water quality basins on the east side of the site that will collect and treat all water before it is discharged through an outfall with a riprap/energy dissipator into the natural drainage area to the east (Figure 3), thereby maintaining the existing flow conditions.

6.1.2 Toxics

Land uses, such as recreation and agriculture, that use chemicals or generate by-products such as manure, that are potentially toxic or impactful to wildlife, sensitive species, habitat, or water quality need to incorporate measures to reduce impacts caused by the application and/or drainage of such materials into the MHPA. Such measures should include drainage/detention basins, swales, or holding areas with non-invasive grasses or wetland-type native vegetation to filter out the toxic materials. Regular maintenance should be provided. Where applicable, this requirement should be incorporated into leases on publicly owned property as leases come up for renewal.

No trash, oil, parking, or other construction/development related material/activities will be located outside approved project impact limits. No staging/storage areas for equipment and materials will be located within or adjacent to the potential future MHPA. All construction related debris will be removed off site to an approved disposal facility. A note will be provided in/on the construction documents that states: “*All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA.*”

6.1.3 Lighting

Lighting of all developed areas adjacent to the MHPA should be directed away from the MHPA. Where necessary, development should provide adequate shielding with non-invasive plant materials (preferably native), berming, and/or other methods to protect the MHPA and sensitive species from night lighting.

Lighting adjacent to the potential future MHPA will be directed away/shielded and will be consistent with City Outdoor Lighting Regulations per LDC Section 142.0740.

6.1.4 Noise

Uses in or adjacent to the MHPA should be designed to minimize noise impacts. Berms or walls should be constructed adjacent to commercial areas, recreational areas, and any other use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. Excessively noisy uses or activities adjacent to breeding areas must incorporate noise reduction measures and be curtailed during the breeding season of sensitive species. Adequate noise reduction measures should also be incorporated for the remainder of the year.

Noise-related impacts are considered significant if a sensitive species is present that is susceptible to noise, such as the coastal California gnatcatcher (*Polioptila californica californica*). There are no such species present adjacent to the project site in the potential future MHPA (there is no potential habitat for such species there), so there would be no construction-related noise impacts to sensitive wildlife.

6.1.5 Barriers

New development adjacent to the MHPA may be required to provide barriers (e.g., non-invasive vegetation, rocks/boulders, fences, walls, and/or signage) along the MHPA boundaries to direct public access to appropriate locations and reduce domestic animal predation.

The project will install fencing with appropriate signage between the project and the potential future MHPA as a condition of project approval. This fencing would consist of 6-foot-tall, heavy gauge steel chain link. In addition, slats (or similar) will be weaved into the fencing to provide a visible barrier for to the area.

6.1.6 Invasives

No invasive non-native plant species shall be introduced into areas adjacent to MHPA.

During construction, invasive, non-native plants transported to the site on construction equipment or vehicles (e.g., seeds on undercarriages) could colonize areas disturbed by construction activities, and those species could potentially spread into the potential future MHPA. Additionally, invasive plant species already present on site in the project impact area could spread into the potential future MHPA during grubbing and grading activities. However, it should be noted that the entire project site is already colonized by a number of non-native, invasive plant species (Appendix A), so this impact is not anticipated.

Vehicles and equipment brought to the site will be washed at an appropriate off-site location/facility prior to entering the site, and no construction activities will be located outside approved construction limits. Furthermore, all construction related debris will be removed off site to an approved disposal facility.

The project will follow SDMC Landscape Standards (Section 1.3) and not use invasive species, which will prevent their introduction to the potential future MHPA.

6.1.7 Brush Management

New residential development located adjacent to and topographically above the MHPA (e.g., along canyon edges) must be set back from slope edges to incorporate Zone 1 brush management areas on the development pad and outside of the MHPA. Zones 2 and 3 will be combined into one zone (Zone 2) and may be located in the MHPA upon granting of an easement to the City (or other acceptable agency) except where narrow wildlife corridors require it to be located outside of the MHPA. Zone 2 will be increased by 30 feet, except in areas with a low fire hazard severity rating where no Zone 2 would be required. Brush management zones will not be greater in size than is currently required by the City's regulations. The amount of woody vegetation clearing shall not exceed 50 percent of the vegetation existing when the initial clearing is done. Vegetation clearing shall be done consistent with City standards and shall avoid/minimize impacts to covered species to the maximum extent possible. For all new development, regardless of the ownership, the brush management in the Zone 2 area will be the responsibility of a homeowners association or other private party.

The entire site is proposed to be developed; no existing vegetation will remain on site.

6.1.8 Grading/Land Development

Manufactured slopes associated with site development shall be included within the development footprint for projects within or adjacent to the MHPA.

The entire project is within the proposed impact footprint.

The project will employ a City-approved, qualified biological monitor that will be on site during project construction activities to ensure compliance with all of the LUAG.

6.2 VPHCP GENERAL AVOIDANCE AND MINIMIZATION MEASURES

The following addresses how the project complies with the general avoidance and minimization measures for indirect impacts outlined in section 5.1.2 of the VPHCP that apply to the adjacent property the City is exploring an option to acquire for vernal pool conservation. The project would comply with the general avoidance and minimization measures for indirect impacts outlined in section 5.1.2 of the VPHCP as explained below.

6.2.1 Drainage

Any development adjacent to the MHPA shall be constructed to slope away from the extant pools to be avoided, to ensure that runoff from the project does not flow into the pools.

Covered projects shall require temporary fencing (with silt barriers) of the limits of project impacts (including construction staging areas and access routes) to prevent additional vernal pool impacts and prevent the spread of silt from the construction zone into adjacent vernal pools. Fencing shall be installed in a manner that does not impact habitats to be avoided. Final construction plans shall include photographs that show the fenced limits of impact and all areas of vernal pools to be impacted or avoided. If work inadvertently occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the

satisfaction of the City. Temporary construction fencing shall be removed upon project completion.

During construction, the project will employ the use, as applicable, of structural and non-structural Best Management Practices, Best Available Technology, and sediment catchment devices downstream of construction activities to reduce potential associated drainage impacts. Additionally, the project design complies with the Standard Urban Stormwater Management Plan and Municipal Stormwater Permit criteria of the State Water Resources Control Board and City. However, hardscape associated with the built project would result in runoff, which could significantly impact hydrology and water quality in the potential future MHPA that supports documented vernal pool resources. This potential impact will be minimized through the construction of two water quality basins on the east side of the site that will collect and treat all water before it is discharged through an outfall with a riprap/energy dissipator into the natural drainage area to the east (Figure 3), thereby maintaining the existing flow conditions on the parcel supporting vernal pool resources.

The project will employ a City-approved, qualified biological monitor that will be on site during project construction activities to ensure compliance with this VPHCP Avoidance and Minimization measure.

6.2.2 Toxics

All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering the vernal pools or their watersheds, and shall be shown on the construction plans. Fueling of equipment shall take place within existing paved areas greater than 100 feet from the vernal pools or their watersheds. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. A spill kit for each piece of construction equipment shall be on-site and must be used in the event of a spill. “No-fueling zones” shall be designated on construction plans.

No trash, oil, parking, or other construction/development related material/activities will be located outside approved project impact limits. No staging/storage areas for equipment and materials will be located within or adjacent to the potential future MHPA. All construction related debris will be removed off site to an approved disposal facility. A note will be provided in/on the construction documents that states: *“All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative or Resident Engineer to ensure there is no impact to the MHPA.”*

The project will employ a City-approved, qualified biological monitor that will be on site during project construction activities to ensure compliance with this VPHCP Avoidance and Minimization measure.

6.2.3 Barriers

Permanent protective fencing along any interface with developed areas and/or use other measures approved by the City to deter human and pet entrance into on- or off-site habitat shall be installed. Fencing shall be shown on the development plans and should have no gates (accept to allow access for maintenance and monitoring of the biological conservation easement areas) and be designed to prevent intrusion by pets. Signage for the biological conservation easement area shall be posted and maintained at conspicuous locations. The requirement for fencing and/or other preventative measures shall be included in the project's mitigation program.

The project will install fencing with appropriate signage between the project site and the potential future MHPA as a condition of project approval. As noted above in Section 6.1.5, this fencing would consist of 6-foot-tall, heavy gauge steel chain link. In addition, slats (or similar) will be woven into the fencing to provide a visible barrier.

6.2.4 Grading

Grading activities immediately adjacent to vernal pools shall be timed to avoid wet weather to minimize potential impacts (e.g., siltation) to the vernal pools unless the area to be graded is at an elevation below the pools.

Prior to project construction, topsoil shall be salvaged from the impacted vernal pools...

There are no grading activities proposed immediately adjacent to vernal pools, and no vernal pool would be impacted.

6.2.5 Fugitive Dust

Impacts from fugitive dust that may occur during construction grading shall be avoided and minimized through watering and other appropriate measures.

Construction of the project will adhere to applicable construction dust control measures prescribed by the City. These measures include, for example, reduced driving speeds on unpaved roads and regular watering of dirt surfaces.

6.2.6 Additional Conditions

All of the required Land Use Adjacency Guidelines and VPHCP minimization and avoidance measures would become conditions of project approval.

- *Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.*
- *The project site shall be kept as clean of debris as possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site.*
- *Disposal or temporary placement of excess fill, brush, or other debris shall be limited to areas within the fenced project footprint*

Project construction will comply with the preceding additional VPHCP conditions. Activities and construction related materials will be kept within approved construction limits, and no storage areas will be located within or adjacent to the potential future MHPA. All construction related debris will be removed off site to an approved disposal facility. Biological monitoring will be implemented as noted above to ensure compliance with these and all other VPHCP conditions.

6.3 GENERAL PLANNING POLICIES AND DESIGN GUIDELINES

Section 1.4.2 of the City's Subarea Plan includes General Planning Policies and Design Guidelines that have been applied in the review and approval of development projects within or adjacent to the MHPA. The following addresses these policies and guidelines as they relate to the potential future MHPA and how the project complies with them.

Roads and Utilities – Construction and Maintenance Policies

This section of the Subarea Plan includes eight guidelines/policies. Each is summarized below along with an explanation describing how the project complies with the guidelines/policies where it occurs adjacent to the MHPA.

1. *All proposed utility lines should be designed to avoid or minimize intrusion into the MHPA.*

The project does not propose any utility lines.

2. *All new development for utilities and facilities within or crossing the MHPA shall be planned, designed, located, and constructed to minimize environmental impacts. If avoidance is infeasible, mitigation would be required.*

The project does not propose any development within or crossing the potential future MHPA.

3. *Temporary construction areas and roads, staging areas, or permanent access roads must not disturb existing habitat unless determined to be unavoidable.*

The project impact footprint is located outside the potential future MHPA.

4. *Construction and maintenance activities in wildlife corridors must avoid significant disruption of corridor usage.*

The project site is surrounded by development but for the adjacent parcel to the east, which the City may acquire as MHPA land. The project's situation, therefore, severely limits, or even precludes, it from connecting any surrounding habitat areas.

5. *Roads in the MHPA will be limited to those identified in Community Plan Circulation Elements, essential collector streets, and necessary maintenance/emergency access roads.*

The project does not propose any roads.

6. *Development of roads in canyon bottoms should be avoided whenever feasible. If an alternative location outside the MHPA is not feasible, then the road must be designed to cross the shortest length possible, and if a road crosses the MHPA, it should provide for fully-functional wildlife movement capability.*

The project does not propose any roads.

7. *Where possible, roads within the MHPA should be narrowed from existing design standards to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Roads must be located in lower quality habitat or disturbed areas to the extent possible.*

The project does not propose any roads.

8. *Existing roads and utility lines are usually considered a compatible use in the MHPA.*

The project does not propose any roads.

Fencing, Lighting, and Signage

This section of the Subarea Plan includes three guidelines/policies. Each is summarized below along with an explanation as to how the project complies where it occurs adjacent to the MHPA.

1. *Fencing or other barriers will be used where it is determined to be the best method to achieve conservation goals and adjacent to land uses incompatible with the MHPA.*

The project will install fencing with appropriate signage between the project and potential future MHPA.

2. *Lighting shall be designed to avoid intrusion in the MHPA.*

Lighting adjacent to the potential future MHPA will be directed away/shielded and will be consistent with City Outdoor Lighting Regulations per LDC Section 142.0740.

3. *Signage will be limited to access, litter control, and educational purposes.*

Signs that meets the requirements of this policy/guideline will be placed on fencing that will be installed between the project and potential future MHPA.

Materials Storage

Storage of materials (e.g., hazardous or toxic chemicals, equipment, etc.) shall not be located within the MHPA, and proper storage of such materials is required per applicable regulations in any areas that may impact the MHPA, especially due to potential leakage.

No trash, oil, parking, or other construction/development related material/activities will be located outside approved construction limits. No staging/storage areas for equipment and materials will be located within or adjacent to the potential future MHPA. All construction related debris will be removed off site to an approved disposal facility.

6.4 GENERAL MANAGEMENT DIRECTIVES

General management directives have been prescribed for all areas of the City’s MSCP Subarea Plan, as appropriate. The one that applies to the project is listed below. Directives related to Public Access, Trails, and Recreation; Adjacency Management Issues; Invasive Exotics Control and Removal; Litter/Trash and Materials Storage; and Flood Control are not applicable to the project.

1. Mitigation shall be performed in accordance with ESL Regulations and the City’s Biology Guidelines.

The mitigation measures in Section 8.0, *Mitigation Measures*, of this report have been formulated to satisfy the requirements of the City’s MSCP Subarea Plan, ESL Regulations, and Biology Guidelines.

7.0 PROJECT IMPACT ANALYSIS

The City’s CEQA Significance Determination Thresholds (Appendix I to City 2018) are used to establish whether or not there is a significant effect defined as a “substantial or potentially substantial adverse change in the environment,” which can be direct or indirect, cumulative, and permanent or temporary. The determination of significance for the project’s impacts is presented beginning in Section 7.1 of this report.

The project must also comply with the Otay Mesa Community Plan Implementation Overlay Zone B, which requires implementation of ESL Regulations related to biological resources (i.e., implementation of Otay Mesa Community Plan Update Conservation Element Policy 8.1-1; City 2014).

7.1 DIRECT IMPACTS

Direct impacts immediately alter the affected biological resources such that those resources are eliminated temporarily or permanently. All direct project impacts would be permanent.

7.1.1 Direct Impacts to Vegetation Communities

The entire 13.4-acre site would be directly and permanently impacted by the project (Figure 3; Table 6).

Vegetation Community¹	Acreage on Site	Impacted Acreage
Non-native grassland (Tier IIIB)	9.4	9.4
Disturbed land (Tier IV)	3.9	3.9
Developed (No tier)	0.1	0.1
TOTAL	13.4	13.4

Analysis of Significance of Impacts to Vegetation Communities

According to the City's Biology Guidelines (City 2018), lands containing Tier IIIB habitats are considered sensitive and declining. Therefore, the project's impacts to 9.4 acres of Tier IIIB non-native grassland would be significant, and mitigation would be required.

According to the City's Biology Guidelines (City 2018), lands designated as Tier IV are not considered to have significant habitat value; therefore, the project's impacts to Tier IV disturbed land would not be considered significant, and no mitigation would be required. Impacts to developed land would also not be considered significant for the same reason, and no mitigation would be required.

7.1.2 Direct Impacts to Sensitive Plant Species

No sensitive plant species were observed on site. See Section 7.1.4 of this report for an analysis of impacts to sensitive plant species evaluated for their potential to occur on site.

7.1.3 Direct Impacts to Sensitive Animal Species

The northern harrier was observed flying over the site. The removal of non-native grassland on site, which is potentially used by the northern harrier, would result in a loss of potential northern harrier foraging and nesting habitat.

Impacts to the San Diego black-tailed jackrabbit would occur from habitat removal and potential injury or mortality to very young jackrabbit litters that may be immobile during construction activity.

Analysis of Significance of Impacts to Sensitive Animal Species

This northern harrier is a State Species of Special Concern, which means that it is experiencing declining population levels, limited ranges, and/or continuing threats have made it vulnerable to extinction. However, it is covered by the MSCP because 42 percent of its potential nesting habitat and 85,000+ acres of its potential foraging habitat will be conserved. Therefore, its long-term survival will not be adversely affected, and no mitigation is required for impacts to its potential habitat. Also, as a general/standard condition, the project must comply with the California Fish and Game Code Sections 3503 and 3503.5 to avoid/minimize impacts to nesting northern harriers. Therefore, no mitigation is required.

The San Diego black-tailed jackrabbit is a State Species of Special Concern. Therefore, impacts to this species, including habitat loss and potential injury or mortality to very young jackrabbit litters, would be significant. Mitigation would be required.

7.1.4 Direct Impacts to Sensitive Species with Potential to Occur

Tables 3 and 4 presented lists of the sensitive and MSCP Narrow Endemic plant species not observed and their potential to occur on site. All but one (Otay tarplant) of these species are either not expected or have low potential to occur. Therefore, impacts to these species are not anticipated. Otay tarplant is considered to have low to moderate potential to occur but was not observed on site during the focused sensitive plant species surveys in spring and summer 2020. Therefore, impacts to Otay tarplant are not anticipated.

Table 5 presented a list of sensitive animal species not observed or detected and their potential to occur on site. All of these species are not expected to occur or have low potential to occur. Therefore, impacts to these species are not anticipated.

The BUOW was not found during the focused survey for the species in 2020 nor was any evidence of BUOW use/occupation of the site found. However, there is moderate potential for the species to occupy the site prior to construction and be impacted. The impacts could involve injury or mortality to individuals from construction grading, earthmoving, burrow blockage, and heavy equipment compacting/crushing burrow tunnels.

Analysis of Significance of Impacts to Sensitive Species with Potential to Occur

Burrowing Owl

The BUOW (an MSCP Covered Species) is only considered adequately conserved as part of the MSCP if measures are taken to avoid impacts to the species. Therefore, should the site become occupied by the BUOW prior to construction, direct impacts to individual owls would be significant, and mitigation would be required.

7.1.5 Wildlife Corridors

The project site is largely surrounded by existing development, which severely limits, or even precludes, it from connecting off-site habitat areas. Therefore, the project would not significantly alter wildlife movement. No mitigation would be required.

7.2 INDIRECT IMPACTS

Indirect impacts consist of secondary effects of a project that can occur temporarily during construction or permanently from a project once built. For this project, potential indirect impacts are addressed through compliance with the Land Use Adjacency Guidelines and VPHCP General Avoidance and Minimization Measures as explained in Sections 6.1 and 6.2, respectively, of this report.

7.3 CUMULATIVE IMPACTS

The MSCP was designed to compensate for the cumulative loss of biological resources throughout the San Diego region. Projects that conform to the MSCP as specified by the City's Subarea Plan and implementing ordinances, (i.e., Biology Guidelines and ESL Regulations) are not expected to result in a significant cumulative impact for those biological resources adequately covered by the MSCP. These resources include the vegetation communities identified as Tier I through IV and MSCP Covered Species (City 2018). The project would comply with the City's Subarea Plan by mitigating for significant impacts in accordance with ESL Regulations and the City's Biology Guidelines.

Other projects in the City would also be required to comply with the City's Subarea Plan. Therefore, the project would not contribute considerably to cumulatively significant impacts on sensitive biological resources in the City.

8.0 MITIGATION MEASURES

Section 8.1 of this report includes measures to mitigate significant, direct impacts to non-native grassland, BUOW should the owl occupy the site prior to construction, and San Diego black-tailed jackrabbit (and its habitat) on the project site. Also, the project is required to comply with all applicable Federal, State, and local regulations (see Section 3.1 of this report), and the City's standard Mitigation Monitoring and Reporting Program Biological Resources Protection During Construction listed below. Successful implementation of the Biological Resources Protection During Construction and the mitigation measures would reduce each impact to a less-than-significant level.

BIOLOGICAL RESOURCE PROTECTION DURING CONSTRUCTION

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 the northern harrier, 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 nesting birds 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 northern harriers, sensitive or MSCP-covered birds are detected, a letter report or mitigation plan in conformance with the City's Biology Guidelines (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 (CSVR). The CSVR 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.

8.1 MITIGATION FOR DIRECT IMPACTS

The following mitigation measures have been formulated to satisfy the requirements of the City's MSCP Subarea Plan and Biology Guidelines.

8.1.1 Mitigation for Direct Impacts to Non-native Grassland

The City's Biology Guidelines (City 2018) state, "In some cases, developments with small impacts may compensate by payment into a fund...intended to be used only for mitigation of impacts to small, isolated sites with lower long-term conservation value. For purposes of this fund, small is generally considered less than 5 acres, but could, in some cases, be considered up to 10 acres."

The project proposes to mitigate for impacts to 9.4 acres of non-native grassland through monetary compensation to the City's Habitat Acquisition Fund at 0.5:1 ratio requiring mitigation equal to 4.7 acres.

As explained in Section 5.1, *Physical Characteristics*, the site consists of land that was undeveloped but appears to have gone into agricultural production around 1989 but left fallow since the early 2000s. It also appears that debris piles began being dumped on the eastern portion of the site around 2009 (Nationwide Environmental Title Research 2020). Only 2 sensitive animal species (i.e., northern harrier and San Diego black-tailed jackrabbit) have been observed, neither of which is Federal or State listed. The site is bordered to the north by Airway Road, to the south by Copart – San Diego, to the east by undeveloped land and a truck storage facility, and to the west by Mex-Cal Truckline, Inc. It is not located currently within or adjacent to the MHPA, but the City may acquire land to the east that would be part of the MHPA.

The project site is, therefore, substantially isolated, and its long-term conservation value is low because of its past disturbance and lack of connection to a large area of habitat. Therefore, monetary compensation for the project's impacts to 9.4 acres of non-native grassland is appropriate because the impacts are to less than 10 acres of this habitat, and the impacts would occur on an isolated site with low long-term conservation value.

8.1.2 Mitigation for Direct Impacts to Sensitive Species

Burrowing Owl

Impacts to the BUOW, should it be present prior to construction, shall be mitigated, as follows.

PRECONSTRUCTION SURVEY ELEMENT

Prior to Permit or Notice to Proceed Issuance:

1. As this project has been determined to be BUOW occupied or to have BUOW occupation potential, the Applicant Department or Permit Holder shall submit evidence to the ADD of Entitlements and Multiple Species Conservation Program (MSCP) staff verifying that a Biologist possessing qualifications pursuant “Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency Department of Fish and Game. March 7, 2012 (hereafter referred as CDFG 2012, Staff Report), has been retained to implement a burrowing owl construction impact avoidance program.
2. The qualified BUOW biologist (or their designated biological representative) shall attend the pre-construction meeting to inform construction personnel about the City’s BUOW requirements and subsequent survey schedule.

Prior to Start of Construction:

1. The Applicant Department or Permit Holder and Qualified Biologist must ensure that initial pre-construction/take avoidance surveys of the project "site" are completed between 14 and 30 days before initial construction activities, including brushing, clearing, grubbing, or grading of the project site; regardless of the time of the year. "Site" means the project site and the area within a radius of 450 feet of the project site. The report shall be submitted and approved by the Wildlife Agencies and/or City MSCP staff prior to construction or BUOW eviction(s) and shall include maps of the project site and BUOW locations on aerial photos.
2. The pre-construction survey shall follow the methods described in CDFG 2012, Staff Report -Appendix D
3. 24 hours prior to commencement of ground disturbing activities, the Qualified Biologist shall verify results of preconstruction/take avoidance surveys. Verification shall be provided to the City’s Mitigation Monitoring and Coordination (MMC) and MSCP Sections. If results of the preconstruction surveys have changed and BUOW are present in areas not previously identified, immediate notification to the City and WA’s shall be provided prior to ground disturbing activities.

During Construction:

1. **Best Management Practices shall be employed** as BUOWs are known to use open pipes, culverts, excavated holes, and other burrow-like structures at construction sites. Legally permitted active construction projects which are BUOW occupied and have followed all protocol in this mitigation section, or sites within 450 feet of occupied BUOW areas, should undertake measures to discourage BUOWs from recolonizing previously occupied areas or colonizing new portions of the site. Such measures include, but are not limited to, ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms.
2. **On-going BUOW Detection** - If BUOWs or active burrows are not detected during the pre-construction surveys, Section "A" below shall be followed. If BUOWs or burrows are detected during the pre-construction surveys, Section "B" shall be followed. **NEITHER THE MSCP SUBAREA PLAN NOR THIS MITIGATION SECTION ALLOWS FOR ANY BUOWs TO BE INJURED OR KILLED OUTSIDE OR WITHIN THE MHPA;** in addition, **IMPACTS TO BUOWs WITHIN THE MHPA MUST BE AVOIDED.**

A. Post Survey Follow Up if Burrowing Owls and/or Signs of Active Natural or Artificial Burrows Are Not Detected During the Initial Pre-Construction Survey - Monitoring the site for new burrows is required using CDFW Staff Report 2012 Appendix D methods for the period following the initial pre-construction survey, until construction is scheduled to be complete and is complete (*NOTE - Using a projected completion date (that is amended if needed) will allow development of a monitoring schedule*).

- 1) If no active burrows are found but BUOWs are observed to occasionally (1-3 sightings) use the site for roosting or foraging, they should be allowed to do so with no changes in the construction or construction schedule.
- 2) If no active burrows are found but BUOWs are observed during follow up monitoring to repeatedly (4 or more sightings) use the site for roosting or foraging, the City's MMC and MSCP Sections shall be notified and any portion of the site where owls have been sites and that has not been graded or otherwise disturbed shall be avoided until further notice.
- 3) If a BUOW begins using a burrow on the site at any time after the initial pre-construction survey, procedures described in Section B must be followed.
- 4) Any actions other than these require the approval of the City and the Wildlife Agencies.

B. Post Survey Follow Up if Burrowing Owls and/or Active Natural or Artificial Burrows are detected during the Initial Pre-Construction Survey - Monitoring the site for new burrows is required using Appendix D CDFG 2012, Staff Report for the period following the initial pre-construction survey, until construction is scheduled to be complete and is complete (*NOTE - Using a projected completion date (that is amended if needed) will allow development of a monitoring schedule which adheres to the required number of surveys in the detection protocol*).

- 1) This section (B) applies only to sites (including biologically defined territory) wholly outside of the MHPA – **all direct and indirect impacts to BUOWs within the MHPA SHALL be avoided.**
- 2) If one or more BUOWs are using any burrows (including pipes, culverts, debris piles *etc.*) on or within 300 feet of the proposed construction area, the City’s MMC and MSCP Sections shall be contacted. The City’s MSCP and MMC Section shall contact the Wildlife Agencies regarding eviction/collapsing burrows and enlist appropriate City biologist for on-going coordination with the Wildlife Agencies and the qualified consulting BUOW biologist. No construction shall occur within 300 feet of an active burrow without written concurrence from the Wildlife Agencies. This distance may increase or decrease, depending on the burrow’s location in relation to the site’s topography, and other physical and biological characteristics.
 - a) **Outside the Breeding Season** - If the BUOW is using a burrow on site outside the breeding season (i.e. September 1 – January 31), the BUOW may be evicted after the qualified BUOW biologist has determined via fiber optic camera or other appropriate device, that no eggs, young, or adults are in the burrow. Eviction requires preparation of an Exclusion Plan prepared in accordance with CDFW Staff Report 2012, Appendix E (or most recent guidance available) for review and submittal to Wildlife Agencies. Written concurrence from the Wildlife Agencies is required prior to Exclusion Plan implementation.
 - b) **During Breeding Season** - If a BUOW is using a burrow on-site during the breeding season (Feb 1-Aug 31), construction shall not occur within 300 feet of the burrow until the young have fledged and are no longer dependent on the burrow, at which time the BUOWs can be evicted. Eviction requires preparation of an Exclusion Plan prepared in accordance with CDFW Staff Report 2012, Appendix E (or most recent guidance available) for review and submittal to Wildlife Agencies. Written concurrence from the Wildlife Agencies is required prior to Exclusion Plan implementation.

3. Survey Reporting During Construction - Details of construction surveys and evictions (if applicable) carried out shall be immediately (within 5 working days or sooner) reported to the City’s MMC, and MSCP Sections and the Wildlife Agencies and must be provided in writing (as by e-mail) and acknowledged to have been received by the required Agencies and DSD Staff member(s).

Post Construction:

1. Details of the all surveys and actions undertaken on-site with respect to BUOWs (i.e. occupation, eviction, locations etc.) shall be reported to the City's MMC Section and the Wildlife Agencies within 21 days post-construction and prior to the release of any grading bonds. This report must include summaries off all previous reports for the site; and maps of the project site and BUOW locations on aerial photos.

San Diego Black-tailed Jackrabbit

Potential impacts to the San Diego black-tailed jackrabbit shall be mitigated through implementation of the mitigation for impacts to non-native grassland presented in Section 8.1.1 of this report. This will secure comparable habitat for the species, and at the ratio required, per the City's Biology Guidelines.

9.0 REFERENCES

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10.0 PREPARER'S QUALIFICATIONS/CERTIFICATIONS

Greg Mason, Principal/Senior Biologist, Alden Environmental, Inc.

Summary of Qualifications

Mr. Mason is the Principal and Senior Biologist at Alden Environmental, Inc. He has over 20 years' experience working in the environmental field and has participated in hundreds of projects in San Diego County. His experience includes oversight of large- and small-scale mitigation compliance programs, including habitat restoration, sensitive species surveys, vegetation mapping, wetland delineations, construction monitoring, impact analysis, report preparation, project permitting, and project management. He has worked extensively with both public and private clients, in coordination with federal, state and local regulatory staff, in the implementation of mitigation and monitoring programs in the field. He assists clients in obtaining aquatic resources permits including U.S. Army Corps Section 404 Permits, RWQCB Section 401 Certifications, and CDFW 1600 Streambed Alteration Agreements. Through his permitting work, Mr. Mason also facilitates the Section 7 consultation process with the USFWS and negotiates conservation measures. Mr. Mason is permitted by the USFWS to conduct presence/absence surveys for Quino checkerspot butterfly; San Diego, Riverside, vernal pool, Conservancy, and longhorn fairy shrimps; and vernal pool tadpole shrimp throughout the range of each species, and is also authorized to conduct dry season fairy shrimp analysis, identification, and culturing.

Professional Experience

Jr. Environmental Planner	HELIX Environmental Planning, Inc., La Mesa, CA	1992 - 1993
Peace Corps Volunteer	U.S. Peace Corps, Paraguay	1993 - 1996
Environmental Planner	Helix Environmental Planning, Inc., La Mesa, CA	1996 - 1998
Biologist	Helix Environmental Planning, Inc., La Mesa, CA	1998 - 2001
Biology Group Manager	Helix Environmental Planning, Inc., La Mesa, CA	2001 - 2004
Division Manager, Biological Services	Helix Environmental Planning, Inc., La Mesa, CA	2004 - 2008
Vice President, Biological Services	Helix Environmental Planning, Inc., La Mesa, CA	2008 - 2011
Principal and Senior Biologist	Alden Environmental, Inc., San Diego, CA	2011 - Present

Education

Bachelor of Science, Natural Resources Planning & Interpretation, Humboldt State University, 1992

Registrations/Certifications/Licenses

- USFWS Threatened/ Endangered Wildlife Species Permit (quino checkerspot butterfly; San Diego, Riverside, vernal pool, Conservancy, and longhorn fairy shrimps; and vernal pool tadpole shrimp)
- USFWS authorized for dry season fairy shrimp analysis, identification, and culturing
- CDFW Scientific Collecting Permit SC-007619
- County of San Diego, Approved Biological Consultant and Approved Revegetation Planner

Professional Affiliations

- California Native Plant Society
- Returned Peace Corps Volunteer Association

Appendix A

Plant Species Observed

Appendix A
PLANT SPECIES OBSERVED

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>VEGETATION COMMUNITY¹</u>
Aizoaceae – Ice Plant Family		
<i>Aptenia cordifolia</i> ²	red apple ice plant	DL
<i>Mesembryanthemum crystallinum</i> ²	crystalline iceplant	DL, NNG
<i>Mesembryanthemum nodiflorum</i> ²	slender-leaf iceplant	DL
Apiaceae – Carrot Family		
<i>Foeniculum vulgare</i> ²	sweet fennel	DL
Aracaceae – Palm Family		
<i>Washingtonia robusta</i> ²	Mexican fan palm	DL
Asteraceae – Sunflower Family		
<i>Baccharis salicifolia</i>	mule fat	DL
<i>Baccharis sarothroides</i>	broom baccharis	NNG
<i>Centaurea melitensis</i> ²	toçalote	DL, NNG
<i>Dittrichia graveolens</i>	stinkwort	DL, NNG
<i>Erigeron sp.</i> ²	horseweed, fleabane	DL
<i>Glebionis coronaria</i> ²	garland daisy	DL, NNG
<i>Hedypnois cretica</i> ²	Crete hedypnois	DL
<i>Helminthotheca echioides</i> ²	bristly ox-tongue	NNG
<i>Lactuca serriola</i> ²	prickly lettuce	DL, NNG
<i>Matricaria discoidea</i>	pineapple weed	DL
<i>Sonchus sp.</i> ²	sow-thistle	DL
Boraginaceae – Forget-me-not Family		
<i>Phacelia sp.</i>	phacelia	NNG
Brassicaceae – Mustard Family		
<i>Brassica nigra</i> ²	black mustard	DL, NNG
Caryophyllaceae – Pink Family		
<i>Spergularia bocconei</i> ²	sand-spurrey	DL
Chenopodiaceae – Goosefoot Family		
<i>Salsola tragus</i> ²	Russian thistle	DL, NNG
Fabaceae – Pea Family		
<i>Acacia sp.</i> ²	acacia	DL
<i>Melilotus albus</i> ²	white sweetclover	DL
Geraniaceae – Geranium Family		
<i>Erodium botrys</i> ²	storksbill	DL, NNG
<i>Erodium cicutarium</i> ²	red-stem filaree	DL, NNG

Lamiaceae – Mint Family <i>Marrubium vulgare</i> ²	horehound	DL
Malvaceae – Mallow Family <i>Malva parviflora</i> ²	cheeseweed	DL, NNG
Oxalidaceae – Wood Sorrel Family <i>Oxalis pes-caprae</i> ²	buttercup	DL
Poaceae – Grass Family <i>Avena barbata</i> ² <i>Avena fatua</i> ² <i>Bromus diandrus</i> ² <i>Bromus hordeaceus</i> ² <i>Bromus madritensis</i> ssp. <i>rubens</i> ² <i>Festuca perennis</i> ² <i>Hordeum murinum</i> ssp. <i>glaucum</i> ² <i>Phalaris</i> sp.	slender wild oat common wild oat ripgut grass soft chess red brome, foxtail chess Italian ryegrass glaucous barley Canary grass	DL, NNG NNG DL, NNG DL, NNG DL, NNG NNG DL, NNG NNG
Polygonaceae – Buckwheat Family <i>Rumex crispus</i>	curly dock	DL, NNG
Primulaceae – Primrose Family <i>Anagallis arvensis</i> ²	scarlet pimpernel	DL
Salicaceae – Willow Family <i>Salix laevigata</i>	willow	DL
Solanaceae – Nightshade Family <i>Nicotiana glauca</i> ²	tree tobacco	DL
Tamaricaceae – Tamarisk Family <i>Tamarix</i> sp. ²	tamarisk	DL
Typhaceae – Cattail Family <i>Typha latifolia</i>	cattail	DL

¹Vegetation community acronyms: DL = disturbed land; NNG = non-native grassland

²Non-native species

Appendix B

Animal Species Observed or Detected

APPENDIX B
ANIMAL SPECIES OBSERVED/DETECTED

SCIENTIFIC NAME	COMMON NAME	WHERE OBSERVED
Invertebrates		
<i>Apis mellifera</i>	European honey bee	DL
<i>Gryllus sp.</i>	cricket	NNG
Reptiles		
<i>Sceloporus occidentalis</i>	western fence lizard	DL
Birds		
<i>Agelaius phoeniceus</i>	red-winged blackbird	NNG
<i>Buteo jamaicensis</i>	red-tailed hawk	
<i>Calypte anna</i>	Anna's hummingbird	DL
<i>Carpodacus mexicanus</i>	house finch	
<i>Charadrius vociferus</i>	killdeer	
<i>Circus cyaneus*</i>	northern harrier	NNG
<i>Columba livia</i>	rock pigeon	DL
<i>Corvus brachyrhynchos</i>	American crow	
<i>Corvus corax</i>	common raven	Fly over
<i>Melospiza melodia</i>	song sparrow	DL, NNG
<i>Mimus polyglottos</i>	northern mockingbird	
<i>Petrochelidon pyrrhonota</i>	cliff swallow	Fly over
<i>Psaltiriparus minimus</i>	bushtit	
<i>Sturnella neglecta</i>	western meadowlark	
<i>Zenaida macroura</i>	mourning dove	DL
Mammals		
<i>Canis latrans</i>	coyote	DL, NNG
<i>Lepus californicus bennettii*</i>	San Diego black-tailed jackrabbit	NNG
<i>Otopermophilus beecheyi</i>	California ground squirrel	DL, NNG
<i>Sylvilagus audubonii</i>	cottontail rabbit	NNG

DL = disturbed land, NNG = non-native grassland

* Sensitive species

Appendix C

Representative Photographs

Representative Photographs



Photo Point 1. 01/15/20



Photo Point 2. 01/15/20



Photo Point 3. 01/15/20



Photo Point 4. 01/15/20



Photo Point 5. 01/15/20



Photo Point 6. 01/15/20



Photo Point 7. 01/15/20



Photo Point 8. 01/15/20



Photo Point 9. 01/15/20



Photo Point 10. 01/15/20



Photo Point 11. 01/15/20



Photo Point 12. 01/15/20



Photo Point 13. 01/15/20



Photo Point 14. 01/15/20



Photo Point 15. 01/15/20



Photo Point 16. 01/15/20



Photo Point 17. 01/15/20



Photo Point 18. 01/15/20



Photo Point 19. 01/15/20



Photo Point 20. 01/15/20



Photo Point 21. 01/15/20



Photo Point 22. 01/15/20



Photo Point 23. 01/15/20



Photo Point 24. 01/15/20



Photo Point 25. 01/15/20



Photo Point 26. 01/15/20



Photo Point 27. 01/15/20

Appendix D

Burrowing Owl Survey Report

June 18, 2020

Mr. Ben Badiee
Badiee Development
1261 Prospect St. Ste 9
La Jolla, CA 92037

Subject: Burrowing Owl Survey Report for the Airway Logistics Center Project Site

Dear Mr. Badiee:

This letter presents the results of the 2020 breeding season survey for the burrowing owl (*Athene cunicularia*) conducted on the approximately 13.4-acre Airway Logistics Center Project Site.

LOCATION AND SITE DESCRIPTION

The parcel is vacant land located in the City of San Diego (City). It is bordered to the north by Airway Road, to the south by Copart – San Diego, to the east by undeveloped land and a truck storage facility, and to the west by Mex-Cal Truckline, Inc. (Figures 1 and 2). The parcel is located within the Otay Mesa Community Plan boundaries and is in the southeast quarter of Section 34 in Township 18 South, Range 1 West of the U.S. Geological Survey (USGS) Otay Mesa 7.5-minute quadrangle.

The site is not located within or adjacent to the City MSCP's Multi-habitat Planning Area (MHPA), and it is outside the coastal zone. The nearest MHPA lies just east and south of the parcel.

METHODS

Biologist Greg Mason conducted the BUOW survey. The 2020 survey consisted of 4 site visits on separate days (Table 1, Appendix A) according to the survey methods in the Staff Report on Burrowing Owl Mitigation (CDFG 2012), which supersedes the survey, avoidance, minimization and mitigation recommendations in the 1995 Staff Report (CDFG 1995), and takes into account the Burrowing Owl Survey Protocol and Mitigation Guidelines (California Burrowing Owl Consortium 1993).

Burrowing owl habitat was examined by walking line transects spaced approximately 10m apart across the site (Figure 3). At the start of each transect and at approximately every 100m the entire visible project area was scanned for burrowing owls using binoculars. The entire site was surveyed for burrowing owls and potential burrows or perches that could be used by the owl. The adjacent area to the east which supports suitable habitat also was visually surveyed. Burrowing owls are known to occupy California ground squirrel (*Spermophilus beecheyi*) burrows; therefore, particular attention was paid to any areas along fence lines, or other locations where squirrel activity has been observed in the past, was observed presently, or was likely to occur. Dirt/debris piles and adjacent manufactured slopes also were carefully examined as these sites can often provide cavities that can support the species. The determination of owl presence was

made by direct owl observation or by owl signs such as, but not necessarily limited to, excavated soil, whitewash (excrement), castings (pellets), and/or feathers.

Table 1				
Burrowing Owl Survey Information				
Survey Number	Date	Biologist	Time	Weather Conditions (start/stop)
1	2/17/2020	Greg Mason	0555-0700	Foggy, 51°F, wind 0 mph/ Foggy, 53°F, wind 0 mph
2	5/1/2020	Greg Mason	1700-1900	Clear, 73°F, 0-5 mph/ Clear, 74°F, 0-5 mph/
3	5/22/2020	Greg Mason	1820-2002	Clear, 72°F, 3-5 mph/ Clear, 67°F, 0-1 mph/
4	6/16/20	Greg Mason	1753-2000	Clear, 72°F, 0-3 mph/ Clear, 71°F, 0-3 mph/

SURVEY RESULTS

No BUOW or potential BUOW sign/evidence was observed on the site during any of the visits. There are some remnant scattered debris/concrete piles on the site but they did not have sufficient openings for ground squirrels or burrowing owls to occupy. Additionally, no ground squirrel burrows were observed on the site with the potential to support the BUOW. Based on the negative results of the 2020 field surveys, the site is not anticipated to be occupied (active burrows) by the BUOW.

Please contact me if you have any questions.

Sincerely,



Greg Mason
Senior Biologist

Enclosures:

- | | |
|------------|------------------------------|
| Figure 1 | Regional Location Map |
| Figure 2 | Project Location Map |
| Figure 3 | Burrowing Owl Survey Results |
| Appendix A | Field Notes |

References:

Bowman, R. 1973. Soil Survey of the San Diego Area. USDA in cooperation with USDI, UC Agricultural Experiment Station, Bureau of Indian Affairs, Department of the Navy, and the U.S. Marine Corps.

California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. March 17.

1995. Environmental Services Division. Staff Report on Burrowing Owl Mitigation. October 17. 8pp. plus attachments.

California Burrowing Owl Consortium. 1993. Burrowing Owl Survey Protocol and Mitigation Guidelines. April.

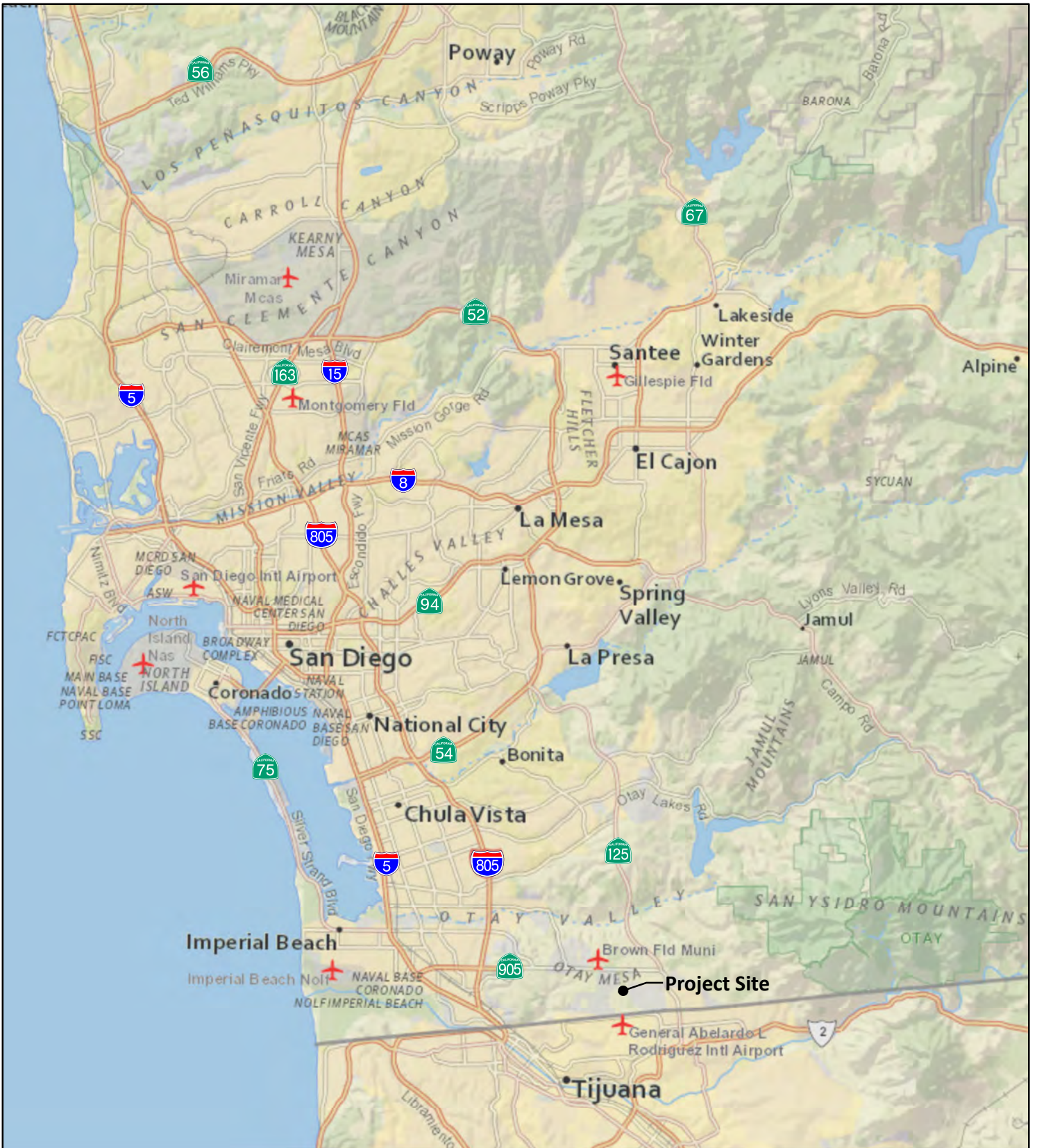
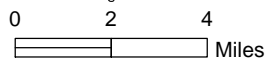


Figure 1

Regional Location

AIRWAY LOGISTICS CENTER
 BURROWING OWL SURVEY REPORT



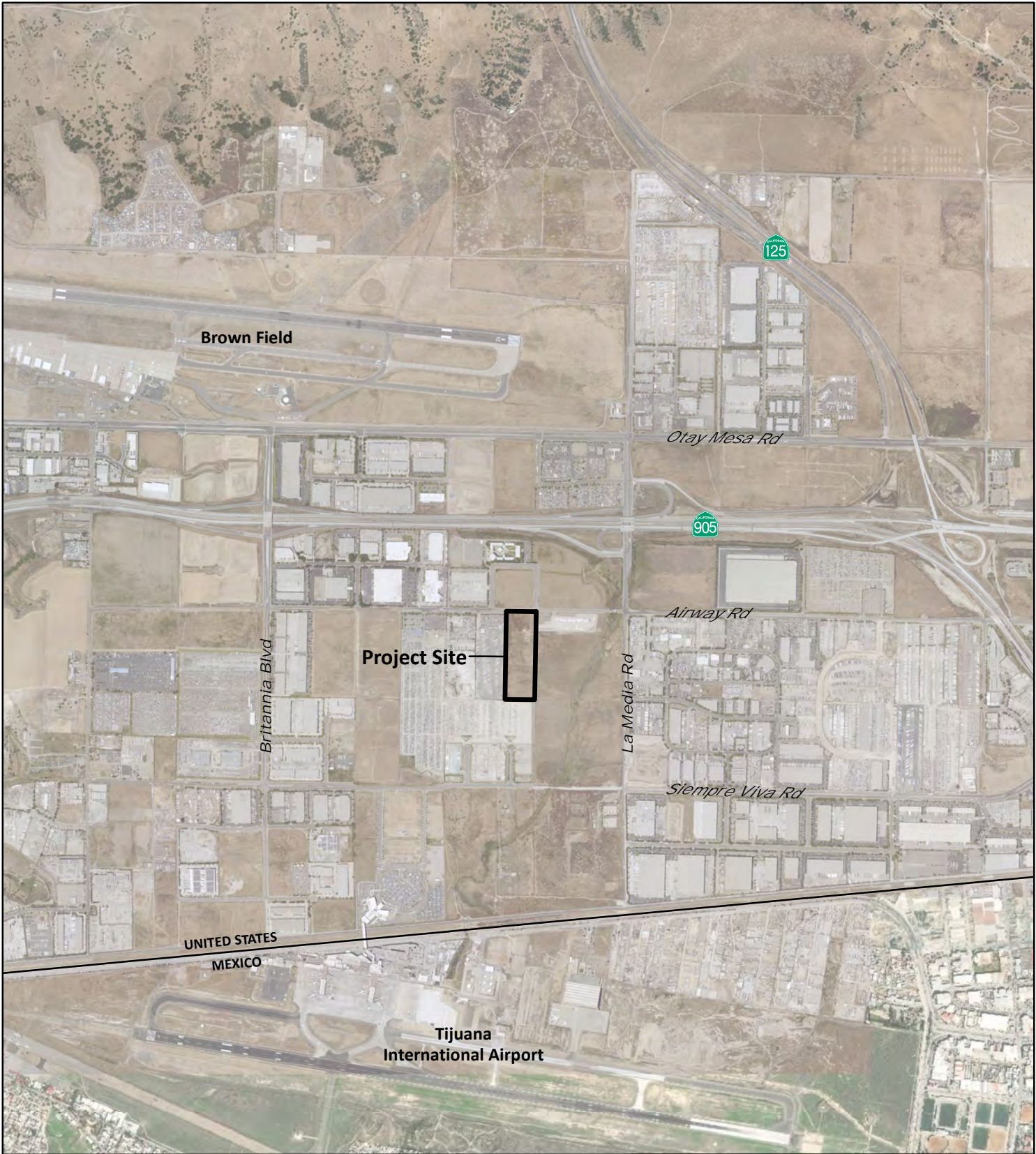
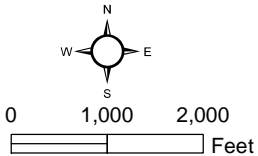


Figure 2

Project Location

AIRWAY LOGISTICS CENTER
BURROWING OWL SURVEY REPORT



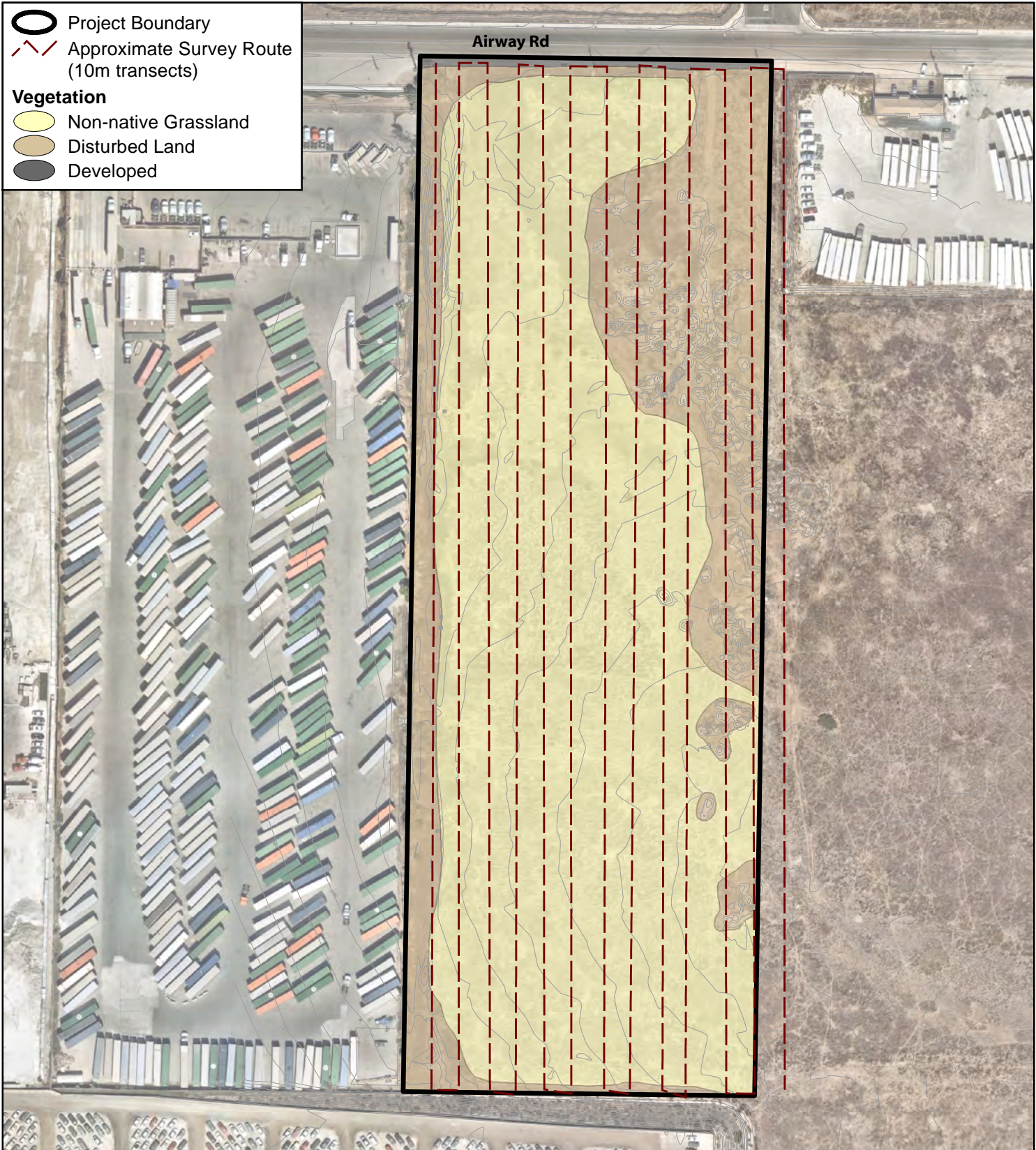
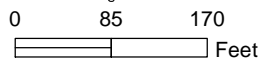
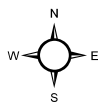


Figure 3

Burrowing Owl Survey Results

AIRWAY LOGISTICS CENTER
BURROWING OWL SURVEY REPORT



Appendix A

Field Notes

BAD-01 BUDW #1 (of 4) GM

2/17/20

start 0555 51°F Foggy 0 wind
end 0700 53°F foggy 0

Animals - Birds

- other

MLark Crow

Poutlet Gopher

Susp Nighth

Coyote (scat)

HwFi. Bristit

cottontail

MoDe

Grand Squirrel ♀

Anno's

NoMo

R+HA

kiDe

- No owls or evidence of owl occupation (feathers, nests, whitewash, feathers, etc.)

★ 2 burrows in berm on N end Airport of site, no evidence of BUDW

BAD-01 Bvow #2 (of 4) GM
5/1/20

Start 1700 73°F clear O-S
End 1900 74°F clear O-S

Mlwh
NAMO
MADO
HILL
Blackbird
H Finch
S sparrow
raven

No Bvow or evidence of
presence observed on/off site

No Ground Squirrels or burrows

BAD-d, BUOW #3 of 4 GM

5/22/20

Start 1829, 72°F, clear, 3-5

End 2022, 67°F, clear 0-1

Birds

Blackbird

Anna's

MDD

NMD

m lwh

H Finch

SD SP

Crow

Amro

Alho

oriole ♀

collared

coyote scat

Prw's

Phoebe

Frs Per

Lactuca Seed

Anc Aw

Spe Bac

molitorus

Amg Amx

Mes Cry

Phoebe's sp.

crow

Sci Tru

Ave Fat

Jack rabbit

Swallows

No BUOW or

evidence of BUOW

occupation onsite

or adjacent areas

BAD-01 BUOW #4 (of 4) GM
6/16/20

Start 1753 72°F Clear 0-3
End 2000 71°F Clear 0-3

Birds	Other
Buwing	C-tail
MoDa	G-sawing
Crow	Coyle-Scot
S-sparrow	W-Face Liz
M-lark	
Swallow	

No BUOW or evidence of BUOW
occupation observed on site or
adjacent