

Attachment C – Consistency Analysis for the Board of Supervisors

San Marcos Highlands Project (PDS2018-MISC-18-009)

Consistency Analysis for the Board of Supervisors

prepared for
County of San Diego

prepared with the assistance of
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Introduction

This analysis is provided to support the determination that the San Marcos Highlands Project (“Project”) is consistent with the County’s *North and East County Multiple Species Conservation Program Plans Planning Agreement* (“Planning Agreement”)¹, dated May 12, 2014. The Project proposes development of 187 single family residences on an approximately 293.3-acre site. The Project also includes an approximately 210.8-acre natural open space preserve (“Natural Open Space Preserve”) and the conservation of an additional 6.5 acres adjacent to the project site for wildlife connectivity. Approximately 141.14 acres of the Project site are currently located in the City of San Marcos (“City”) and approximately 152.16 acres of the Project site are currently located in the unincorporated County of San Diego (“County”). Most of the lands (approximately 183.31 acres) within the County are proposed to be annexed into the City, except that an approximately 22.79-acre Additional Parcel, an approximately 4.7-acre Parcel and an additional 6.5 acres that is adjacent to the Project will remain within the County’s territory. These 22.79-acre and 4.7-acre portions of County land will be part of the Natural Open Space Preserve with the remaining acreage of the Natural Open Space Preserve being comprised of lands within the City’s post-annexation jurisdiction (183.31 acres). Three conservation easements, will be placed over the Natural Open Space Preserve, as depicted in Exhibit B of the Annexation Agreement. The Project site is within the geographic area proposed to be addressed in the North County Multiple Species Conservation Program Plan (“Planning Area”).

Exhibit B-1 – Natural Open Space Preserve Exhibit for San Marcos Highlands of the Annexation Agreement depicts the areas that will be covered under the Natural Open Space Preserve, Long-Term Management Plan (“LTMP”), Habitat Mitigation and Monitoring Plan (“HMMP”), Residential Footprint (Roads and Lots), Fuel Modification Areas and the Pre- and Post-Annexation County/City Boundaries. Table 1: Conditions of the CEQA-Approved Documents and Permits Relevant to the Project contains relevant conditions of approval assigned to the Project by the applicable Resource Agencies and the Final Environmental Impact Report (“FEIR”). Table 2: Project Impacts and Proposed Mitigation contains the impacted and mitigation acreages as well as mitigation ratios for impacts to coastal sage scrub and herbaceous wetland. The Natural Open Space Preserve will be managed consistent with preservation goals through a HMMP approved by the United States Fish and Wildlife Service (“USFWS”), California Department of Fish & Wildlife (“CDFW”), and City, and the LTMP approved by USFWS, CDFW, County, and City. The HMMP and the LTMP will be finalized prior to grading and will dictate permanent protection measures and restrictions for all future landowners to follow in perpetuity.

Pursuant to Section 6.7.3 of the Planning Agreement, the County requested that the San Diego Local Agency Formation Commission (LAFCO) impose a requirement on the annexing jurisdiction that it shall enter into an agreement between the County, the annexing jurisdiction (the City of San Marcos), the USFWS, and the CDFW as part of the annexation process. This agreement will ensure that the annexation would only occur when it will not jeopardize the buildout of the preserve or the coverage of species within the Planning Area, or compromise viable linkage areas within the proposed preserve. As part of this agreement, any development of the annexed lands will proceed in accordance with the Planning Goals set out in Section 3 of this Agreement and the Preliminary Conservation Goals set out in Section 5 of this Agreement.

The Annexation Agreement will be entered into between Vista San Marcos LP (“VSMLP”), USFWS, CDFW, the County, and the City (collectively referred to as the “Parties”). The purpose of this document is to demonstrate that annexation of the Project into the City is consistent with Section 6.7.3 of the

¹ Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=10905&inline>

Planning Agreement and will not jeopardize the buildout of the preserve or the coverage of species within the Planning Area, or compromise viable linkage areas within the proposed preserve.

There are three proposed Covered Species² (coastal California gnatcatcher [*Polioptila californica californica*], least Bell's vireo [*Vireo bellii pusillus*] and southwestern willow flycatcher [*Empidonax traillii extimus*]) that have known historical observations on the Project site, and therefore have the potential to be impacted by the Project. Other special status species that may be present in the Project area include various nesting birds. The FEIR also identified additional Covered Species with a low or unknown potential to occur on the site. The Consistency Analysis presented below focuses on those Covered Species with known historical observations (coastal California gnatcatcher, least Bell's vireo, and southwestern willow flycatcher) in the Project area and their protection within the Planning Area. However, all the Covered Species would benefit from a preserve system(s) that will conserve ecosystem functions and values through maintaining contiguous blocks of native habitat and contribute to the recovery of endangered, threatened, and sensitive species and their habitats.

The results of this analysis support that the Project is consistent and does meet the requirements of the Planning Agreement.

Planning Agreement Requirements

As stated in Section 6.7.3 of the Planning Agreement, the following considerations are relevant for a proposed annexation of land within the Planning Area:

- The annexation will not jeopardize the build out of the preserve or the coverage of species within the Planning Area.
- The annexation will not compromise viable habitat linkages within the proposed preserve.
- Development of the annexed lands proceeds in accordance with the Planning Goals set out in Section 3 of the Planning Agreement and Preliminary Conservation Goals set out in Section 5 of the Planning Agreement.
- Identifying the responsible party(ies) responsible for ongoing maintenance and enforcement of the Planning Agreement for the annexed lands.
- Issuance of Take Authorizations to the annexing jurisdiction or amendment of the annexing jurisdiction Take Authorization, in order to authorize Take on the annexed land.

As stated in Planning Agreement's Interim Review Procedures (Exhibit "B" of the Planning Agreement), the following procedures are relevant for the Project and are "intended only to facilitate cooperation among the County, the Wildlife Agencies, and the Project applicants to ensure timely review of projects...":

- Meetings will be scheduled on an as-needed basis and will be held in conjunction with existing Habitat Loss Permit Batching Meetings.
- At the review meeting, the County and Wildlife Agencies will have the opportunity to discuss the project, answer questions, etc. ...and a draft Habitat Loss Permit shall be prepared and included as part of the CEQA public review process. Where a project will negatively affect (a) biological resources in areas mapped as "high value" and "very high value" based on the County's habitat

² Defined as "those listed species and non-listed species identified in the approved Plans to be conserved and managed consistent with the approved Plans such that, through approval of the Plans, CDFW and USFWS authorize their take under state and/or federal law. A preliminary list of Covered Species is proposed in the Draft North County Multiple Species Conservation Program Plan.

evaluation models, (b) areas mapped as “moderate” or “low” value that may be important for preserve assembly, and/or (c) proposed Covered Species or their habitat based on current biological surveys, preserve design principles shall be applied to the project including the following:

- On-site open space should provide a long-term biological benefit.
- On-site open space must protect habitat of equal or greater value as that being impacted.
- No isolated pockets of open space should be used for mitigation credit.
- Separate lots should be used whenever possible for on-site open space to help protect the biological value of the preserved areas.
- On-site open space shall contribute to regional conservation efforts.
- Open space design, to the extent known, should not reduce the biological diversity found on the site.
- Open space design shall maintain habitat connectivity between areas of high quality habitat.
- The most sensitive resources shall be protected to maximize long-term viability.
- Edge effects and habitat fragmentation shall be minimized by maximizing the surface areas to perimeter ratio, preserving large blocks of contiguous open space. Edge effects shall be further minimized by establishing buffers, providing fencing and/or permanent signs, and limiting trails and/or lighting.
- The Wildlife Agencies representatives shall provide the following information to the County and project applicant: (a) List of concerns related to negative impacts on the biological resources which the Wildlife Agencies believe could occur from the project as proposed, and the agency’s assessment as to whether those impacts have the potential to conflict with the preliminary conservation objectives of the Planning Agreement (Section 5); (b) List of any additional studies on specific species which the Wildlife Agencies believe are necessary; (c) List of any project alternatives, mitigation measures, or studies which the Wildlife Agencies believe should be considered in the environmental review process; and (d) Guidance on the anticipated Wildlife Agency permits required for the project including permit requirements and processing guidance.

Entitlements and State and Federal Approvals

In addition to the requirements that are specified in the Annexation Agreement, the Project has already gone through the California Environmental Quality Act (“CEQA”) process and has obtained entitlements, including State and federal approvals from the USFWS, United States Army Corps of Engineers (“Corps”), Regional Water Quality Control Board (“RWQCB”), and CDFW. The following entitlements and permitting have been obtained for the Project:

- FEIR for the San Marcos Highlands Specific Plan (“Specific Plan”);
- San Marcos Highlands Specific Plan, SP13-001;
- General Plan Amendment (Resolution 15-002 GPA);
- Pre-zone and Annexation (Ordinance PZ 14-001);
- Tentative Subdivision Map (TSM 13-001);
- Ridge Line Protection Ordinance (ROZ 14-001);
- Biological Opinion (FWS Log No. 1-6-05-F-1 668) and Amended Biological Opinion (FWS Log No. 1-6-05-F-1668-R1);

- Clean Water Act (CWA) Section 404 permit (SPL-2001-00479);
- CWA Section 401 Water Quality Certification (Order No. R9-2005-0272); and
- California Fish and Game Code (CFG) 1600 et seq. Streambed Alteration Agreement (SAA) (1600-2015-0122-R5).

Each of the permits has conditions that must be implemented to keep the Project compliant with State and federal regulations. A copy of all referenced State and federal approvals is attached as Exhibit F to the Annexation Agreement and supports this Consistency Analysis.

The Project is consistent with and meets the requirements of the Planning Agreement. The following sections summarize the Project's consistency with the Planning Agreement items listed above.

Planning Agreement Section 6.7.3 Annexation of Lands

The Annexation Will Not Jeopardize the Build Out of the Preserve

Approximately 71 percent, or 210.8 acres, of the Project site will be maintained as the Natural Open Space Preserve (hereafter, Natural Open Space Preserve). An additional 32.43 acres consisting of fuel modification areas, parks, manufactured exterior slopes, and water quality lots will also provide limited habitat value and buffer the Natural Open Space Preserve from potential edge effects associated with the development.

The Natural Open Space Preserve will not jeopardize the buildout of the preserve system within the Planning Area by ensuring that approximately 93.43 acres of habitat within the County Planning Area, along with the remaining approximately 117.37 acres within the City (together totaling the approximately 210.8-acre Natural Open Space Preserve) will be permanently conserved and managed. The establishment of the Natural Open Space Preserve will ensure that large portions of the Project site remain undeveloped and protected in perpetuity.

Consistent with the objectives of the Planning Agreement, the Project conserves coastal sage scrub in order to maintain habitat for the coastal California gnatcatcher. The project also includes measures to maintaining wildlife connectivity between the habitat on-site to adjacent core areas identified for conservation.

The Natural Open Space Preserve contributes to the preserve system within the Planning Area by: preserving ecosystem functions and values through preserving coastal sage scrub and the headwaters for Agua Hedionda Creek; maintaining the range of natural biological communities and native species within the Planning Area; by maintaining habitat connectivity across the Project area and continuity with undeveloped County land to the east; providing and maintaining contiguous undeveloped areas of coastal sage scrub; providing and functioning as a stepping stone to other isolated habitats which contributes to the recovery of endangered, threatened, and sensitive species, such as coastal California gnatcatcher; enhancing riparian habitat in the Project area; and preserving a total of approximately 210.8 acres, including approximately 185.83 acres of coastal sage scrub.

The Natural Open Space Preserve is intended for preservation of sensitive biological resources and will not include improvements or encroachments such as buildings, accessory structures, or fuel modification zones. These areas may include minor improvements such as trails or pedestrian paths, directional or informational signage, and scenic lookout areas or rest stops (FEIR pg. 3.13-5) as approved under the LTMP.

Aside from establishing the Natural Open Space Preserve, the Project will also minimize habitat impacts arising from development by implementing mitigation measures and project design features that address potential impacts from new development on biological resources including: unauthorized access, introduction of predators, introduction of nonnative species, illumination, point and nonpoint source pollution and noise (FEIR pg. 3-24; refer to discussion below under “The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area”). Furthermore, in addition to the Natural Open Space Preserve, 32.43 acres consisting of fuel modification areas, parks, manufactured exterior slopes, and water quality lots will buffer the Natural Open Space Preserve from potential edge effects associated with the development and provide limited habitat value for sensitive biological resources.

Project requirements related to establishing the Natural Open Space Preserve are included in Table 1, Column A.

The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area

The Natural Open Space Preserve provides conservation and management consistent with the Planning Agreement by preserving coastal California gnatcatcher (Covered Species) preferred habitat (coastal sage scrub), and biological core and linkage areas along Agua Hedionda Creek and coastal sage scrub communities.

During the construction phase of the Project, potential direct and indirect impacts to Covered Species are managed and reduced under the Project’s Biological Opinion, SAA, CWA Section 404, and 401 permits, and mitigation measures in the Project’s FEIR, including the conditions listed in Table 1, Column B.

Sensitive Plants

Focused surveys for sensitive plant species did not identify any sensitive plant species on the Project site. Therefore, the Project would not directly impact any covered botanical species (FEIR pg. 3.3-15).

Sensitive Wildlife

Three federally or state listed endangered or threatened species have known historical observations on the Project site, and therefore have the potential to be impacted by the Project: coastal California gnatcatcher, least Bell’s vireo and southwestern willow flycatcher. These three species are described below. Other special status species that may be present in the Project area include various nesting birds.

Coastal California Gnatcatcher

The only Covered Species identified within the Project site was the coastal California gnatcatcher (at least two adult pairs, one of which was within a family group with at least two juveniles and a nest, were identified during focused surveys in 2019). The area where the nest was identified appeared to be at the northwestern edge of the proposed development area. The second adult pair was observed within the Natural Open Space Preserve (FEIR pg. 303-15).

As depicted in Table 2 below, the Project would impact approximately 77.36 acres of coastal sage scrub. The Project, however, would preserve approximately 185.83 acres of coastal sage scrub as mitigation for this impact. This results in a mitigation to impact ratio of 2.4 to 1.

As further described below, the Project would preserve and enhance a linkage between preserved areas of coastal sage scrub to the southeast and northwest of the Project site (FEIR pg. 3.3-19); graded slopes outside the fuel modification zone adjacent to natural open space areas shall be revegetated with coastal sage scrub species (measure BIO-5b, Table 1) and enhance these linkages.

Least Bell's Vireo and Southwestern Willow Flycatcher

Least Bell's vireo and southwestern willow flycatcher were not observed on the Project site during the most recent biological surveys. The Project site does not currently contain suitable habitat for these species. The last observations of these species occurred in 2002 and 2004, respectively, when there was more suitable habitat on the Project site. The site currently lacks suitable habitat for least Bell's vireo and southwestern willow flycatcher and not surprisingly, those species have not been recently observed on the site. Therefore, the project will have no impact to these species. Previous conditions required in the provisional regulatory permits for the Project included mitigation requiring a pre-construction survey for both of these species. The Project applicant has agreed to still implement these conditions, even though there is not suitable habitat on the Project site (FEIR pg. 3.3-16).

In addition, the Planning Agreement calls for the preservation and enhancement of wetlands, which have the potential to provide habitat for many Covered Species. Preservation and enhancement of the riparian areas is an integral part of the Project. The creek on the Project site will contain a narrow meandering dry riparian scrub habitat. This habitat will be bordered in places by newly created upland coastal sage scrub habitat and the upland habitat will extend a minimum of 100 feet to create a buffer from the riparian scrub, with exception for limited areas where a narrower width is allowed per the existing permits or where there is a road crossing. This buffer would be part of the Natural Open Space Preserve and conserved in perpetuity (FEIR pg. 3.3-18). This buffer affords additional protection to the creek corridor and adds biological resource value to the preserve system by increasing the amount of riparian habitat and corridors in the preserve system available for Covered Species.

Minimization of Direct Impacts to Covered Species

During the construction phase of the Project, potential direct impacts to Covered Species are managed and reduced under the Project's Biological Opinion, SAA, CWA Section 404, and 401 permits, and mitigation measures in the Project's FEIR, including by the conditions listed in Table 1, Column B. These measures require pre-construction surveys, educating construction crews regarding sensitive resources in the project area, delineating work areas, avoidance and minimization of potential impacts from construction activities including project-related ground clearing/grubbing or noise, monitoring of construction activities by a qualified biologist, and reporting as necessary.

Minimization of Indirect Impacts to Covered Species

Indirect impacts could occur to covered wildlife species that were observed and/or have the potential to occur on the Project site. Construction activities adjacent to suitable habitat, including coastal sage scrub and riparian communities, could result in indirect impacts through erosion and intrusion of workers and/or equipment should construction occur during the breeding season, when noise, dust, and lighting could disturb coastal California gnatcatcher. Potential indirect impacts to Covered Species are managed and reduced under the Project's Biological Opinion, SAA, CWA Section 404, and 401 permits, and mitigation measures in the Project's FEIR, including by the conditions listed in Table 1, Column B. Once the Project is developed, there is a potential for indirect impacts to sensitive species from future residents and their pets, pests or exotic species. Below is a description of design measures that reduce future indirect impacts to Covered Species from lighting and glare, recreational use, and other edge effects.

Lighting and Glare

Lighting in the Project vicinity is associated with roadway lighting along Las Posas Road as well as existing residential uses in the area and immediately adjacent to the Project site. Development of the proposed Project would introduce lighting to a site that is currently undeveloped and does not have lighting.

Lighting proposed under the Specific Plan for the Project (the "San Marcos Highlands Specific Plan" or "Specific Plan") would be guided by standards set by the City of San Marcos, which requires downward-directed LED lighting, with the exception of specialized streetscape lighting or architectural detail lighting. These requirements aid in the preservation of dark-sky conditions. Development under the proposed Project would also be required to comply with the City's lighting standards, and the location, type, and direction of the lighting would be reviewed during Improvement Plan review to ensure compliance with City requirements.

Additionally, Chapter 3.B.6 of the Specific Plan includes specific requirements for building lighting. Lighting used to highlight architectural features would be designed so as to not fall on adjacent properties and to minimize visibility to residences adjacent to the proposed Project. Site lighting for streets, walkways and landscaped areas shall be unobtrusive, shielded to prevent glare, and placed in irregular patterns. Per the Specific Plan, over-illumination shall be avoided. Lighting levels would be adequate for safety while minimizing light spillage and point of glare.

The Project does not propose features that would be characterized as creating a new source of glare that would adversely affect daytime or nighttime views in the area. Section 3.G of the Specific Plan details the proposed roof treatments, wall surfaces and architectural details of the homes. The homes would incorporate earth-toned roof tiles and stucco surface that would be in soft earth tones. These roof and wall colors and materials are not reflective and would not create significant sources of glare.

Since the proposed materials to be used in the homes are not glare-inducing, all lighting will be shielded to minimize light scatter and maintain dark sky conditions, and lighting would be required to comply with the lighting standards set forth by the City, impacts resulting from lighting and glare would be less than significant (FEIR pg. 3.1-13).

Recreational Use

The introduction of more people to the Project site increases the potential for inadvertent access to sensitive habitats, including areas to be preserved within the Natural Open Space Preserve. This could result in trampling of sensitive vegetation and the creation of unauthorized trails. Landscaping

associated with future homes could also introduce invasive species to sensitive habitat areas. Mitigation to address these potential impacts is included in measure BIO-8 in Table 1 below. It should be noted that there is currently non-authorized public access on the Project site to access the existing informal non-improved trail network. The construction of new trails and the maintenance of existing trails would encourage recreational trail users onto maintained trails and keep them out of sensitive habitat areas (FEIR pg. 3.3-18). In addition, indirect impacts to sensitive habitats and species in the Natural Open Space Preserve are further reduced through the responsibilities of the Homeowner's Association (HOA) and conservancy as described in measures BIO-4a through BIO-4d, included in Table 1 below.

Edge Effects

The LTMP for the Natural Open Space Preserve will include details for the ongoing maintenance requirements, success criteria, and monitoring requirements for the areas to be conserved. Maintenance activities include weed eradication and general maintenance such as trash removal and pest eradication (FEIR pg. 3.3-23). This will include but is not limited to the following measures to reduce edge effects (currently consistent with the FEIR and HMMP):

- All sensitive habitats areas will be fenced to limit entry into these zones. In particular, habitat fencing shall be installed at the interface of fuel modification zones and natural habitats (natural habitats include coastal sage scrub and riparian restoration and preserve areas). Fencing will be placed along the back of lots and roads that are located adjacent to natural areas, including a 6-foot chain-link fence along the eastern and southeastern edge of Las Posas Road up to the existing housing. The fencing in this area and along the backyards of residential lots adjacent to the planned open space will not have gates between development and the open space.
- Minimizing the impact of domestic animals:
 - The covenants, conditions, and restrictions (CC&Rs) for the development will contain wording that addresses potential impacts of domestic animals on wildlife. In particular, an educational program (using that developed by the American Society for the Prevention of Cruelty to Animals), cat control, and habitat fencing (described above) will be implemented. The CC&Rs will also require that homeowners keep cats indoors.
 - Owner's manuals for the residences will provide a discussion of the impacts of domestic animals on the coastal California gnatcatcher and other sensitive species in addition to the impacts of wildlife on domestic animals. Residents will be reminded that the development is adjacent to open space and that encounters with wildlife are highly probable.
- Cowbird trapping will be conducted on an annual basis for three years.
- A system of trails and fences will be constructed to direct walkers to designated areas while discouraging entry into other wildlife areas.
- Erosion and siltation will be minimized. An erosion control plan will be prepared and included in the storm water pollution prevention plan for the site. Erosion control measures may include the installation of silt fencing and/or sandbags downslope of any clearing and/or grading activity.
- All shrubs and trees used in street and public area landscaping will be native to southern California. The CC&Rs will include a condition to encourage the use of native species in landscaping plans and avoid the use of species identified in Lists A and B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California. Non-aggressive/invasive drought-tolerant landscaping will be used within the housing site. Caution should be taken that landscaping zones are properly weeded to prevent non-native species from entering high-quality coastal sage scrub adjacent to the Project site. Landscaping

palettes will be reviewed by the Wildlife Agencies. Landscape management practices will be incorporated into the CC&Rs that minimize the use of chemical fertilizers, pesticides, and herbicides.

- Maintenance of on-site restored habitats and protection of adjacent natural areas of the on-site preserve and Agua Hedionda Creek shall be overseen by a conservancy or similar entity with approval by the permitting Resources Agencies.
- Public and outdoor lighting, including in residential areas, backyards, and along roadways, will be designed to prevent artificial light from reflecting into adjacent natural areas. Lighting shall be directed downward, rather than upward, and shall be placed or directed away from habitat areas, including Agua Hedionda Creek, the stepping stone linkage along the Project's northern boundary, and the preserved open space east of the development. This condition will be included in the CC&Rs and specific lighting designs will be required in the development plans to achieve this result. The CC&Rs will require that any subsequently installed lighting also meet this result. This condition also applies to street lighting within 500 feet of occupied coastal California gnatcatcher habitat. The Homeowner's Association will regulate this condition and will not allow any future additional lighting to be installed by private homeowners.
- Educational brochures distributed to property owners will include information about reduction of impacts to sensitive habitats and wildlife in the surrounding natural areas.
- Permanent signage adjacent to preserved areas (conservation areas) will be posted.

Implementation of measures BIO-4a through BIO-4d in Table 1, below, would further reduce edge effects of the Project. During the lifetime of the Project, the regulatory-mandated conditions listed in Table 1, Column C would apply to reduce or avoid direct and indirect impacts to Covered Species.

Sensitive Habitat

As depicted in Table 2 below, the Project would impact approximately 77.36 acres of coastal sage scrub. The Project, however, would preserve approximately 185.83 acres of coastal sage scrub as mitigation for this impact. This results in a mitigation to impact ratio of 2.4 to 1. Additionally, the Project would preserve and enhance a linkage between preserved areas of coastal sage scrub to the southeast and northwest of the Project site; graded slopes outside the fuel modification zone adjacent to natural open space areas shall be revegetated with coastal sage scrub species to enhance these linkages.

As also depicted in Table 2 below, the Project would impact approximately 0.06 acre of herbaceous wetland. The Project, however, would enhance approximately 7 acres of riparian habitat as mitigation for this impact. The resulting mitigation to impact ratio for riparian habitat would therefore be 116:1 overall (for the 7 acres) and 78:1 for the portion of riparian habitat within the conservation easement (4.7 acres). This habitat will be bordered by newly created upland coastal sage scrub habitat and the upland habitat will extend a minimum of 100 feet to create a buffer from the riparian scrub, with exception for limited areas where a narrower width is allowed per the existing permits or where there is a road crossing. This buffer would be part of the Natural Open Space Preserve and conserved in perpetuity. This buffer affords additional protection to the creek corridor and adds biological resource value to the preserve system by increasing the amount of riparian habitat and corridors in the preserve system available for Covered Species.

The Annexation Will Not Compromise Viable Habitat Linkages Within the Proposed Preserve

A wildlife corridor is a linear landscape feature allowing animal movement between two patches of habitat. Connections between extensive areas of open space are integral to maintain regional diversity and population viability. In the absence of corridors, habitats become isolated islands surrounded by development. Fragmented habitats support lower numbers of species and increase the likelihood of local extinction for select species when restricted to small isolated areas of habitat (FEIR pg. 3.3-10).

Areas that serve as wildlife movement corridors are considered biologically sensitive. Wildlife corridors can be defined in two categories: regional wildlife corridors and local corridors. Regional corridors link large sections of undeveloped land and serve to maintain genetic diversity among wide-ranging populations. Local corridors permit movement between smaller patches of habitat. These linkages effectively allow a series of small, connected patches to function as a larger block of habitat and perhaps result in the occurrence of higher species diversity or numbers of individuals than would otherwise occur in isolation (FEIR pg. 3.3-10). The Planning Agreement calls for preservation of wildlife corridors and linkages, which are incorporated into the Project design.

Corridors

On the Project site, the drainage of Agua Hedionda Creek functions as a local wildlife corridor given the highly fragmented nature of the Project site and surrounding habitat, and the lack of connectivity to any large blocks of habitat (FEIR pg. 3.3-20). This corridor allows animal movement from the developed areas north of the Project site through properties to the south and west. Approximately 4,000 feet downstream from the Project site, Agua Hedionda Creek is diverted into an underground conveyance and does not resurface for another mile downstream. Due to the undergrounding, and the lack of viable movement connections to other areas, Agua Hedionda Creek serves only as a minor local corridor (FEIR pg. 3.3-10). The Project as proposed will improve the viability of the riparian corridor by replacing the earthen dam in the creek with an arched culvert and restoring the streambed with riparian vegetation. The portion of Agua Hedionda Creek onsite will be part of the Natural Open Space Preserve to be protected in perpetuity.

The proposed culvert installation and associated streambed and vegetation restoration of Agua Hedionda Creek will help maintain a full complement of mid-level predators necessary to the health of the coastal California gnatcatcher, as well as improve the viability of the riparian corridor. (FEIR pg. 3.3-20). The amendment to the USFWS Biological Opinion for the Project (December 2005, Exhibit F to the Annexation Agreement) indicated the culvert shall be 10 feet high, 12 feet wide, and 159 feet long and allow for the flow of water and wildlife movement. During a July 28, 2005 site meeting conducted as part of the regulatory permitting, it was agreed that a single arched culvert under Street A, per the sizing specifications noted above, would be designed to allow for both water flow and wildlife movement (Table 1, Column C).

Therefore, the Project as proposed contributes to the goals of the Planning Agreement by preserving habitat corridors through inclusion of Agua Hedionda Creek headwaters (approximately 5,300 linear feet) in the Natural Open Space Preserve and protecting it in perpetuity.

Linkages

The Project would preserve and enhance a linkage between preserved areas of coastal sage scrub to the southeast and northwest of the Project site (FEIR pg. 3.3-19). Graded slopes outside the fuel modification zone adjacent to natural open space areas shall be revegetated with coastal sage scrub

species (measure BIO-5b, Table 1) to enhance these linkages. The linkage along the northern portion of the Project site complies with permit requirements: it exceeds 500-feet in width with the exception of one pinch point where the width is 400-feet for a maximum of 500 linear feet (FEIR pg. 3.9-20). The additional 4.7-acre off-site parcel will require removal of exotic species, seeding with native species, and/or spreading of coastal sage scrub duff for preservation that would allow the Project to maintain a minimum 500-foot wide habitat linkage along the northern Project boundary except for a 500-linear foot portion which may have a minimum width of 400 feet. The additional 6.5 acres will add to this width. When the adjacent fuel modification zone is considered, the pinch point has a width of 515 feet (FEIR pg. 3.9-21).

An existing decomposed granite (DG) road is present at the location of the habitat linkage. This road would not split the linkage or present a barrier to wildlife movement as mobile animals typically utilize the easiest and most convenient passages to move from one location to another. The width of the DG road provides an open area for ease of wildlife movement.

The Planning Agreement does not provide guidelines for appropriate widths for either corridors or linkages, since every situation is different and should be evaluated according to its unique situation and its merits. Long-standing policy and practice show that the greater the function and value of a corridor or linkage, the wider the preferred corridor or linkage. The widths of the Natural Open Space Preserve have been determined to be adequate through the entitlements and State and federal approvals/review processes and therefore the approximately 210.8-acre Natural Open Space Preserve preserves and contributes to habitat conservation and linkages.

Isolated and surrounded by long-existing development, the Project area is considered a “stepping stone” habitat for coastal California gnatcatcher. Stepping-stone areas are designed to serve as potential avenues of movement particularly for birds, with the coastal California gnatcatcher being a target species of concern. The Project site is contiguous with other undeveloped (to the north) and preserved (to the west and south) areas of coastal sage scrub and functions as a stepping stone to other isolated habitats located within the dispersal range of the California gnatcatcher, which contributes to the recovery of endangered, threatened, and sensitive species, such as the coastal California gnatcatcher.

As such, the Project is consistent with the intent of the Planning Agreement and will not compromise, but will rather contribute to, viable linkages within the Planning Area through habitat enhancement, perpetual maintenance, and protecting it in perpetuity. Further, the Wildlife Agencies accepted this habitat linkage width, as evidenced by the issuance of regulatory permits for the Project that have listed conditions regarding linkages included in Table 1, Column D.

Issuance of Take Authorization to the Annexing Jurisdiction or Amendment of the Annexing Jurisdiction Take Authorization, in Order to Authorize Take on the Annexed Land

Incidental take authorization for the Project is provided by the State and federal approvals including the Project’s USFWS Biological Opinion (Exhibit F to the Annexation Agreement). The Annexation Agreement would not nullify the permit conditions in these approvals.

Section 3 (Planning Goals) of the Planning Agreement

The Natural Open Space Preserve includes relatively undisturbed native vegetation in northwestern San Marcos, as well as the headwaters of the Agua Hedionda Creek, and provides connectivity with undeveloped areas in the County that are important for the survival and recovery of the coastal

California gnatcatcher; preservation of these areas in perpetuity will contribute to the persistence of the unique species and others like it. The Project is consistent with the Planning Goals (Section 3) of the Planning Agreement by providing for the conservation and management of Covered Species, by preserving aquatic and terrestrial resources through conservation partnerships, by allowing for appropriate and compatible growth and development that are consistent with applicable laws, by providing a basis for necessary permits for lawful incidental take of Covered Species, and by providing a comprehensive means to coordinate and standardize mitigation and compensation requirements (FEIR pg. 3.3-22).

Provide the Conservation and Management of Covered Species

The Natural Open Space Preserve provides conservation and management consistent with the Planning Agreement by preserving coastal California gnatcatcher preferred habitat (coastal sage scrub), providing biological core and linkage areas along Agua Hedionda Creek and coastal sage scrub communities, and providing breeding and foraging habitat for Covered Species such as the coastal California gnatcatcher. Three conservation easements will be placed over the Natural Open Space Preserve, and monitoring and management activities will be implemented by a Habitat Manager, guided by the LTMP. During the construction phase of the Project, potential impacts to coastal California gnatcatcher, least Bell's vireo, and southwestern willow flycatcher are managed and reduced through activities as described in Section 6.7.3 under the header "Minimization of Direct Impacts to Covered Species" in "The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area."

Coastal California gnatcatcher are already known to occupy the area selected to be the Natural Open Space Preserve and therefore this habitat is already known to provide the critical ecosystem functions and values that coastal California gnatcatcher require.

While least Bell's vireo are not expected to occupy the creek within the Project area, the project will enhance approximately 7 acres of wetland habitat in the Project area and preserve approximately 4 acres of riparian habitat by placing these areas in a conservation easement (FEIR). This will contribute to the conservation of least Bell's vireo through general enhancement of stream resources. In addition, the conditions of the CEQA-approved documents and permits listed in Table 1 will also ensure the conservation and management of Covered Species.

Preserve Aquatic and Terrestrial Resources Through Conservation Partnerships with the Local Agency

The Project provides for preservation of aquatic and terrestrial resources through establishment of the Natural Open Space Preserve which will be managed by a Habitat Manager under the LTMP. The plan will provide for conservation of Covered Species, keeping habitat contiguous, and protecting the Natural Open Space Preserve from encroachment through three conservation easements.

As part of the Project, the HMMP, which is a comprehensive habitat restoration, enhancement, creation and management program, will be implemented. The HMMP was developed in coordination with the Wildlife Agencies to restore and maintain the functions and values of upland coastal sage scrub and riparian habitat, including restoration of degraded areas of Agua Hedionda Creek.

Allow for Appropriate and Compatible Growth and Development That is Consistent with Applicable Laws

The entitlements and State and federal approvals, which are binding upon the Project, allow for appropriate and compatible growth and development that is consistent with applicable laws including, but not limited to CEQA, Endangered Species Act (“ESA”), and California Endangered Species Act (“CESA”). Project review under such laws ensures implementation of goals and objectives that maintain biodiversity and ecosystem health in the region while considering quality of life and economic growth opportunities. This is achieved through the Project by targeting the highest quality blocks of habitat (coastal sage scrub) and critical habitat corridors (such as Agua Hedionda Creek) for preservation, while directing development to more appropriate and less biologically sensitive locations. This is additionally accomplished by contributing to and maintaining biodiversity through preservation of contiguous open space between undeveloped City and County areas.

It should be noted that when considered in its entirety, the Project would preserve approximately 210.8 acres of the total 293.3 acres that make up the Project site. This represents 72 percent of the Project site and is exclusive of any fuel modification areas or existing utility and other easements that will remain undeveloped open space with the Project. When the acreage of these fuel modification areas, parks, manufactured exterior slopes and water quality lots are considered in conjunction with the conservation easement areas, the Project provides a total of 243.23 acres of open space, which is nearly 4 times the developed area of the Project site.

Provide a Basis for Permits Necessary to Lawfully Take Covered Species

The State and federal approvals, which are binding upon the Project, provided a basis for permits necessary to lawfully take Covered Species. In particular, the Project’s Biological Opinion (Exhibit F to the Annexation Agreement) provides lawful incidental take authorization necessary for development of San Marcos Highlands. Although this Project is not located within designated critical habitat for the coastal California gnatcatcher, it is considered important habitat for the species. The measures required as described in Section 6.7.3 under the header “The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area” were found to not jeopardize the continued existence of coastal California gnatcatcher, therefore providing a basis for lawful incidental take.

Provide a Comprehensive Means to Coordinate and Standardize Mitigation and Compensation Requirements of FESA, CESA, CEQA, NEPA, and NCCPA within the Planning Areas

The Planning Agreement does not provide guidance on standardized mitigation; however, mitigation ratio objectives identified in draft planning efforts under the MSCP were used as reference for determining the minimum appropriate compensatory mitigation for this Project. The resulting mitigation measures stated in the entitlements and State and federal approvals, including the FEIR (which are binding upon the Project) are the result of a comprehensive review of the Project under all applicable FESA, CESA, CEQA, NEPA, and NCCPA requirements. Review, issuance of permits, and project approvals were achieved by identifying agreed upon areas for Project mitigation, providing guidance on where biological resources may be impacted and where they should be conserved, and establishing a permit authorization process. The Wildlife Agencies, City, and County were all involved and provided guidance and concurrence on the Project’s compensatory mitigation requirements. The Project’s

standardized mitigation measures include a coastal sage scrub mitigation ratio of 2.4:1, riparian habitat 116:1 ratio for the 7 acres, and 78: 1 for the portion of riparian habitat within the 4.7 acres.

Provide a Less Costly, More Efficiently Project Review Process Which Results in Greater Conservation Values Than Project-By-Project, Species-By-Species Review

The Planning Goal of providing a less costly, more efficient Project review process, which results in greater conservation values than Project-by-Project, species-by-species review is inapplicable to the San Marcos Highlands Project because the State and federal approvals constitute a Project-specific and species-specific incidental take authorization.

Provide Clear Expectations and Regulatory Predictability for Persons Carrying Out Covered Activities within the Planning Areas

The Planning Goal of providing clear expectations and regulatory predictability for persons carrying out Covered Activities within the Planning Area is inapplicable to the San Marcos Highlands Project because of the entitlements and State and federal approvals constitute Project-specific approvals. The HMMP and LTMP, which are required by the State and federal approvals and must be approved by the Wildlife Agencies, will direct the restoration and long-term management of the Natural Open Space Preserve.

Section 5 (Preliminary Conservation Objectives) of the Planning Agreement

The Project is also consistent with the Preliminary Conservation Objectives (Section 5) of the Planning Agreement by providing for the protection of species, natural communities, and ecosystems on a landscape level, preserving the diversity of plant and animal communities throughout the Planning Areas, minimizing and mitigating the take or loss of Covered Species, identifying and designating biological sensitive habitat areas, and preserving habitat to contribute to the recovery of Covered Species.

Provide for the Protection of Species, Natural Communities, and Ecosystems on a Landscape Level

The entitlements and the State and federal approvals, which are binding upon the Project, provide for the protection of species, natural communities, and ecosystems on a landscape level by conserving and managing Covered Species through the establishment of the Natural Open Space Preserve that will conserve natural ecosystem functions and values. This is achieved by preserving coastal sage scrub and the headwaters for Agua Hedionda Creek through conservation easements and enhancing critical habitat function and connectivity as described in Section 6.7.3 under the headers “Corridors” and “Linkages” in “The Annexation Will Not Compromise Viable Habitat Linkages Within the Proposed Preserve.”

The Project also preserves coastal California gnatcatcher preferred habitat, preserving habitat suitable for breeding, foraging, and other needs of wildlife including Covered Species. Protection of Covered Species during the construction phase of the Project will be achieved through measures as described in Section 6.7.3 under the header “Minimization of Direct Impacts to Covered Species” in “The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area” (refer also to Table 1, Column B).

As part of the Project, comprehensive habitat restoration, enhancement, creation will be implemented under the HMMP and a long-term management program will be implemented under LTMP. The plans will be developed in coordination with the Wildlife Agencies to restore and maintain the functions and values of upland coastal sage scrub and riparian habitat. Implementation of the HMMP would result in restoration of degraded areas of Agua Hedionda Creek and areas of coastal sage scrub vegetated with a plant palette optimized for the coastal California gnatcatcher.

The Natural Open Space Preserve and conservation easements will also satisfy conditions of the CEQA-approved documents and permits listed in Table 1, Column A. During the construction phase of the Project, potential direct and indirect impacts to Covered Species are managed and reduced under the conditions listed in Table 1, Column B. During the lifetime of the Project, the regulatory-mandated conditions listed in Table 1, Column C will apply to reduce or avoid direct and indirect impacts to Covered Species.

Preserve the Diversity of Plant and Animal Communities Throughout the Planning Areas

The entitlements and State and federal approvals, which are binding upon the Project, preserve the diversity of plant and animal communities within the Planning Agreement Area through the establishment of the Natural Open Space Preserve that will conserve ecosystem functions and values by preserving coastal sage scrub and the headwaters for Agua Hedionda Creek through conservation easements. The Natural Open Space Preserve will contribute to a preserve system that supports genetic diversity and exchange of genetic material in the Plan area through preservation of contiguous blocks of habitat.

The Project will also enhance habitat diversity and vegetative structure of the site landscape by forming an ecotone between the riparian and upland mitigation areas with a mixture of native plant species appropriate for the specific area. The Natural Open Space Preserve is contiguous with undeveloped areas of coastal sage scrub and functions as a stepping stone for coastal California gnatcatcher to other isolated habitats, which contributes to the recovery of this species by protecting breeding areas that allow for genetic exchange of populations that may otherwise be isolated.

Additionally, the conditions of the CEQA-approved documents and permits listed in Table 1 will also ensure the preservation of the diversity of plant and animal communities throughout the Planning Areas.

Protect Threatened, Endangered, or Other Special Status Species, and Minimize and Mitigate the Take or Loss of Proposed Covered Species

A preliminary list of proposed Covered Species is included in the Draft North County MSCP Plan. Only three Threatened and Endangered species have known historical observations were found to and have the potential to be impacted by the Project: coastal California gnatcatcher, and least Bell's vireo, and southwestern willow flycatcher. The entitlements and State and federal approvals, which are binding upon the Project, protect threatened, endangered, or other special status plant and animal species, and minimize and mitigate the take or loss of proposed Covered Species through the establishment of the Natural Open Space Preserve.

As previously discussed under "Sensitive Habitat" under "The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area" the Project will mitigate for impacted habitat.

The Project will protect threatened, endangered, or other special status plant and animal species by maintaining habitat connectivity (as described in Section 6.7.3 under the headers “Corridors” and “Linkages” in “The Annexation Will Not Compromise Viable Habitat Linkages Within the Proposed Preserve”), which contributes to the recovery of endangered, threatened, and sensitive species, such as coastal California gnatcatcher (Covered Species) and by enhancing approximately 7 acres of habitat in and along Agua Hedionda Creek which will allow more native plant and animal species than what it currently supports.

The Natural Open Space Preserve includes relatively undisturbed native vegetation in northwestern San Marcos, as well as the headwaters of the Agua Hedionda Creek, and provides connectivity with undeveloped areas in the County that are important for the survival and recovery of the California gnatcatcher. Preservation of these areas in perpetuity will contribute to the protection and persistence of the species and others like it.

Measures to protect these species are listed in Table 1 and described in Section 6.7.3 under the header “Minimization of Direct Impacts to Covered Species” in “The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area.”

Additionally, the conditions of the CEQA-approved documents and permits listed in Table 1 will ensure the protection of other special status species, and minimize and mitigate the take or loss of these species.

Identify and Designate Biologically Sensitive Habitat Areas

Coastal sage scrub is considered a sensitive habitat community within the Planning Area. The entitlements and State and federal approvals, which are binding upon the Project, identify and designate the Natural Open Space Preserve as a biologically sensitive habitat area by requiring establishment of perpetual, managed conservation easements over the Natural Open Space Preserve.

A portion of the Project site is currently located within the County of San Diego and would provide conservation in perpetuity of biologically high value undeveloped coastal sage scrub and provide the coastal California gnatcatcher large areas of un-fragmented habitat within the Natural Open Space Preserve.

Additionally, the conditions of the CEQA-approved documents and permits listed in Table 1, Column A will also ensure the identification and designation of biologically sensitive habitat areas. These include mitigation of Project impacts to sensitive coastal sage scrub habitat through restoration as directed by the HHMP and dedication of conservation easements on the Natural Open Space Preserve (refer to Table 2 for Project-achieved mitigation) that will be managed in perpetuity per the LTMP.

Preserve Habitat and Contribute to the Recovery of Covered Species

The entitlements and State and federal approvals, which are binding upon the Project, ensure the preservation of habitat and contribute to the recovery of Covered Species through proposed long-term management of onsite open space through the LTMP, as described in Section 6.7.3 under the header “Edge Effects” in “The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area.”

The Natural Open Space Preserve will preserve habitat and the HHMP will contribute to the recovery of Covered Species by guiding on-site restoration of degraded portions of the Agua Hedionda Creek riparian corridor, mitigating at ratios higher than what is recommended (refer to Table 2), and

contributing to the recovery of coastal California gnatcatcher by ensuring contiguous, high quality essential habitat remains available amidst growth and development.

The Natural Open Space Preserve will be placed in conservation easements and will be actively managed towards the Planning Agreement preservation goals through the LTMP that offers permanent protection measures and restrictions for all future landowners to follow in perpetuity.

Reduce the Need to List Additional Species

The entitlements and State and federal approvals, which are binding upon the Project, will reduce the need to list additional species by contributing to a preserve system(s) that will conserve ecosystem functions and values through maintaining contiguous blocks of native habitat and contribute to the recovery of endangered, threatened, and sensitive species and their habitats.

The Project will also enhance habitat diversity and vegetative structure of the landscape onsite by creating an ecotone between the riparian and upland mitigation areas as described earlier in Section 5 under the header “Preserve the Diversity of Plant and Animal Communities Throughout the Planning Areas.” By preserving habitat areas and opportunities for species diversity, the Natural Open Space Preserve reduces the potential for additional species listing by preserving habitats and resources that species need to survive.

Additionally, the conditions of the CEQA-approved documents and permits listed in Table 1 will also ensure the reduction in the need to list additional species through the minimization of take of other special status species.

Set Forth Species-Specific Goals and Objectives

The entitlements and State and federal approvals, which are binding upon the Project, are consistent with the Planning Agreement in that they set forth species-specific goals and objectives identified in the Planning Agreement (such as conservation of viable populations of sensitive species through habitat conservation and mitigation, particularly coastal sage scrub for the coastal California gnatcatcher); the establishment of a Natural Open Space Preserve will include numerous benefits as described in Section 6.7.3 under the header “The Annexation Will Not Jeopardize the Build Out of the Preserve.”

Additionally, the Final HMMP and LTMP will include species-specific measures such as habitat mapping, reoccurring focused species surveys, recreation and trail use monitoring, and exotic species control. The HMMP will direct habitat restoration and establishment in specific areas (refer to Exhibit B to the Annexation Agreement), while the LTMP will direct long-term management for the Natural Open Space Preserve.

Set Forth Specific Habitat-Based Goals and Objectives Expressed in Terms of Amount, Quality, and Connectivity of Habitat

The entitlements and State and federal approvals, which are binding upon the Project, are consistent with the Planning Agreement’s in that they set forth habitat-based goals and objectives. In that the Project sets forth standardized mitigation ratios (refer to Table 2), contributes to wildlife corridors/linkages (as described in Section 6.7.3 under the headers “Corridors” and “Linkages” in “The Annexation Will Not Compromise Viable Habitat Linkages Within the Proposed Preserve”), provides open space management (through the LTMP), design objectives/preserve management, and coastal sage scrub restoration (through the HMMP).

The Project's Final HMMP and LTMP, which will be developed in consultation with the Wildlife Agencies, will outline measures for tracking and maintaining the habitat restoration mitigation requirements in terms of amount, quality and connectivity of habitat, and setting long-term management plan goals.

Conservation Elements

Ecosystem, Natural Communities, and Species List

As previously discussed under "Provide for the Protection of Species, Natural Communities, and Ecosystems on a Landscape Level," the Project will place conservation easements on the Natural Open Space Preserve and Habitat Manager will implement an HMMP and LTMP which will contribute to the conservation of ecosystems, natural communities, and ecological processes.

As previously discussed under "Sensitive Habitat" under "The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area" the Project will mitigate for impacted habitat.

As previously described under "The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area" the Project identified three potential covered species that have the potential to occur on the Project site (coastal California gnatcatcher, least Bell's vireo and southwestern willow flycatcher) as well as measures to reduce and minimize direct and indirect impacts to these species.

Conservation Areas and Habitat Linkages

The entitlements and State and federal approvals, which are binding upon the Project, are consistent with the Planning Agreement objective of establishing conservation areas and providing linkages between conservation areas in that the Project maintains the corridor of Agua Hedionda Creek and provides stepping stone habitat for coastal California gnatcatcher.

As described in Section 6.7.3 under the headers "Corridors" and "Linkages" in "The Annexation Will Not Compromise Viable Habitat Linkages Within the Proposed Preserve," the proposed habitat linkage widths of the improvements described above have been determined to be adequate and the Natural Open Space Preserve preserves and contributes to habitat conservation and linkages.

Project Design

The entitlements and State and federal approvals, which are binding upon the Project, provide for well-designed development that avoids and/or minimizes negative on-site and off-site impacts to biological resources and adequately mitigates for those impacts specifically through grading design and landscaping techniques, erosion controls, dust and noise management during grading and the control of runoff, implementation of a fire protection plan for future residences, and all conditions identified during the biological regulatory permitting process and described in the Annexation Agreement Section 4.0 Biological Mitigation. A full list of Project design elements that were developed to avoid and/or minimize negative on-site and off-site impacts to biological resources is included in Table 2-2 in the FEIR, which includes project design features such as: reduced front yard setbacks that would allow for reduced pad grading for selected locations; fencing of backyards that are adjacent to the habitat linkage that will be constructed with habitat fencing; and graded slopes outside the fuel modification zone adjacent to natural open space areas that will be revegetated with coastal sage scrub species to enhance habitat linkage (specifically, this includes the slope along the western side of the Las Posas Road extension adjacent to Agua Hedionda Creek).

Additionally, a five-year restoration and monitoring plan (the HMMP) for the wetland and upland restoration areas will be developed and submitted to the Wildlife Agencies for approval prior to any ground disturbance in the wetland or coastal sage scrub habitat. Finally, the preservation of areas of

highest biological value and the siting of Project development in less sensitive areas allows for the preservation of large blocks of quality habitat, including sensitive coastal sage scrub and riparian habitats.

Responsible Party(ies) for Ongoing Maintenance and Enforcement of the Planning Agreement for the Annexed Lands

The Annexation Agreement to be entered into between the Parties ensures maintenance and enforcement of the goals set forth in the Planning Agreement. The parties responsible for such ongoing maintenance and enforcement will be identified prior to implementation of the Project, as discussed in the Annexation Agreement. The Habitat Manager shall be subject to the reasonable approval of the Parties (Section 1, Item J), whose position shall be funded by an endowment for the perpetual maintenance and monitoring of the Natural Open Space Preserve (Section 4, Item A(i)(a) (iii)), and who will be granted access to implement both the LTMP and HMMP. Three conservation easements will be recorded over the Natural Open Space Preserve prior to issuance of a grading permit to the City, the County, or to an entity satisfactory to the Parties. The conservation easements shall identify a CDFW-approved third party and the County (if it is not the easement grantee) as a third-party beneficiary with the right of access to the property and a right to enforce the terms of the conservation easements.

Planning Agreement Exhibit B Interim Review Process

Habitat Loss Permit Batch Meetings

No Habitat Loss Permit Batching Meetings were held between the County, USFWS and CDFW because the State and Federal Approvals authorized Incidental Take and adequate mitigation for the Project. County issuance of a Habitat Loss Permit, therefore, is not required for the San Marcos Highlands Project. Nevertheless, consultation between the Wildlife Agencies occurred, as is set forth in the Biological Opinion (Exhibit F to the Annexation Agreement).

Habitat Loss Permit and Preserve Design Principles

As noted directly above, Habitat Loss Permit Batching Meetings were not held and a draft Habitat Loss Permit was not prepared for the Project because the State and Federal Approvals provided necessary Take authorizations for impacts to coastal sage scrub. Additionally, to the extent the Project will impact non-coastal sage scrub resources of “high value” or “very high value,” preserve design principles were applied to the project as described in the sections below.

On-site Open Space Provides Long-term Biological Benefit

On-site open space to provide long-term biological benefits is required.

The Project’s contribution to the on-site habitat linkage and Natural Open Space Preserve management is described in detail above.

On-site Open Space Protects Habitat of Equal or Greater Value

On-site open space will protect habitat of equal or greater value that is being impacted by the Project through standardized mitigation measures outlined in the Annexation Agreement Section 4.0 Biological Mitigation, which require implementation of specific measures and Project design features that address potential impacts from new development on biological resources including, but not limited to,

unauthorized access, introduction of predators, introduction of nonnative species, illumination, point and nonpoint source pollution and noise. Measures also include preconstruction surveys during the breeding season, reduction of potential noise impacts, qualified biological monitors, HOA conditions related protection of natural areas, such as limited pet intrusion and impacts related to night time lighting as discussed in Section 6.7.3 under the header “The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area” and listed in Table 1.

The Project’s HMMP and LTMP to be developed in consultation with the Wildlife Agencies, will outline measures for tracking and maintaining the habitat restoration mitigation requirements in terms of amount, quality and connectivity of habitat, and setting long-term management plan goals. This is achieved through regular updates to habitat maps, recreation and trail use monitoring, and exotic species control.

As described above as well as below in Table 2, approximately 185.83 mitigation acres of coastal sage scrub and approximately 7 acres of herbaceous wetland will be provided with Project implementation.

Avoid Use of Isolated Pockets of Open Space for Mitigation

The Project will not use isolated pockets of open space for mitigation credit. Refer to Exhibit B to the Annexation Agreement and The Annexation Will Not Jeopardize the Build Out of the Preserve description above.

Separate Lots Is Used for On-site Open Space

Separate lots will be used for the Project’s on-site open space to help protect the biological values of the preserved areas. Three open space lots (Lots L, M and N) will establish the on-site open space. In addition to on-site open space, an approximate 61.8-acre off-site parcel to the east, an approximate 22.79-acre off-site parcel to the northwest, and approximately 4.7 acres in the off-site parcel easement will be permanently preserved as open space.

On-site Open Space Contributes to Regional Conservation Efforts

On-site open space will contribute to regional conservation efforts by providing biological connections between high value habitat areas (as discussed in Section 6.7.3 under the header “The Annexation Will Not Compromise Viable Habitat Linkages Within the Proposed Preserve”). The Project will also enhance habitat diversity and vegetative structure of the landscape onsite by forming an ecotone between the riparian and upland mitigation areas with a mixture of native plant species appropriate for the specific area. This site is contiguous with undeveloped areas of coastal sage scrub and functions as a stepping stone to other isolated habitats, which contributes to the recovery of endangered, threatened, and sensitive species, such as coastal California gnatcatcher, by protecting breeding areas that allow for genetic exchange of populations that may otherwise be isolated.

Open Space Design Will Not Reduce Biological Diversity

Open space design will not reduce the biological diversity found on site through minimization of impacts from development by implementing mitigation measures and Project design feature that address potential impacts from new development on biological resources as discussed above under the header “On-site Open Space Protects Habitat of Equal or Greater Value” and in Section 6.7.3 under the header “The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area” and identified in the Project’s Biological Opinion (refer to Table 1). Project design features include cluster development to minimize the Project’s development footprint, minimizing development within the site’s most biologically sensitive areas, and establishment of the strategically located Natural Open Space Preserve, as discussed above. In addition, the protection of the Natural Open Space Preserve in perpetuity will

allow the persistence of the coastal California gnatcatcher and other species found in the Project site vicinity.

Open Space Maintains Habitat Connectivity between High Quality Habitats

As described above under the header “Open Space Contributes to Regional Conservation Efforts” and in Section 6.7.3 under the header “The Annexation Will Not Compromise Viable Habitat Linkages Within the Proposed Preserve,” the Project’s on-site open space will provide biological connections between high value habitat areas.

The Most Sensitive Resources Are Protected

The most sensitive resources will be protected to maximize long term viability by preservation in perpetuity of the open space as dictated by the LTMP and by those measures described in the Annexation Agreement Section 4.0 Biological Mitigation, which includes minimization of impacts from development by implementing mitigation measures and Project design features that address potential impacts from new development on biological resources as discussed above under the header “On-site Open Space Protects Habitat of Equal or Greater Value” and in Section 6.7.3 under the header “The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area” and identified in the Project’s Biological Opinion (refer to Table 1).

Edge Effects and Habitat Fragmentation Are Minimized

Edge effects and habitat fragmentation will be minimized by maximizing the surface area to perimeter ratio and by preserving large blocks of contiguous open space. Edge effects will be further minimized as discussed in Section 6.7.3 under the header “The Annexation Will Not Jeopardize the Coverage of Species Within the Planning Area.” In addition, indirect impacts from “edge effects” on coastal California gnatcatcher and other biological resources including either short-term impacts related to construction, or long-term impacts associated with the habitat fragmentation, human and pet intrusion, and invasion by exotic species are limited by those described in the Annexation Agreement Section 4.0, Biological Mitigation Measures. Additionally, the habitat linkage within the Natural Open Space Preserve will not be comprised as a result of Project implementation as described above in the Linkage section under “The Annexation Will Not Compromise Viable Habitat Linkages Within the Proposed Preserve”.

Information from the Wildlife Agencies

Following the above-described coordination meeting, the USFWS and CDFW provided information regarding concerns related to negative impacts on biological resources relating to the Project, additional studies on specific species the Wildlife Agencies believed should be considered, and guidance on anticipated permits required for the Project through the EIR consultation process and consultation process used to grant the Project’s incidental take authorization. The Project Applicant has held several meetings with the CDFW and USFWS to address their concerns. These concerns and comments have been incorporated into the FEIR and Project Design plans.

Conclusion

With the implementation of the conditions of the entitlements and State and federal approvals listed in Table 1, the proposed annexation will be consistent with section 6.7.3 of the Planning Agreement. The annexation will not jeopardize the build out of the preserve or the coverage of species within the Planning Area, and it will not compromise viable habitat linkages within the proposed Preserve system.

Table 1. Conditions of the CEQA-Approved Documents and Permits Relevant to the Project

Source	Condition	Column			
		A	B	C	D
Column A – Conditions that ensure development of the Project (due to annexation) will not jeopardize the buildout of the Preserve.					
Column B – Conditions that ensure Covered Species will not be jeopardized due to annexation.					
Column C – Conditions that ensure coverage of species within the Planning Area during the lifetime of the Project will not be jeopardized due to annexation.					
Column D – Conditions that ensure viable habitat linkages within the proposed Preserve will not be compromised due to annexation.					
FEIR Specific Plan					
MM-BIO-1a	Prior to project grading, the project applicant shall conduct USFWS presence/absence protocol coastal California gnatcatcher surveys. The surveys shall be conducted within the 12-month period prior to project grading. Pursuant to the Biological Opinion issued by the USFWS, results of the surveys shall be submitted to USACE, the Wildlife Agencies and the City of San Marcos Planning Division Manager. If coastal California gnatcatchers are found to be nesting within the area to be disturbed mitigation measures MM-BIO-1b and MM-BIO-1c shall also be implemented.		X		
MM-BIO-1b	If the preconstruction survey identified nesting gnatcatchers on the project site, clearing and grubbing activity would cease within 300 feet of the nest until such time as the nest is no longer active.		X		
MM-BIO-1c	To reduce potential noise impacts to nesting gnatcatchers, a qualified acoustician would monitor the project site and vicinity for listed birds during initial grading, and on a monthly basis thereafter to determine if any nests are within a distance potentially affected by noise from grading, clearing, or construction activities. If nesting birds are located adjacent to the project site with the potential to be affected by construction activity noise above 60 dBA Leq, a noise barrier would be erected. This noise barrier would consist of a 10-foot-high continuous plywood fence supported by posts or an earthen berm located at the site boundary that abuts potential off-site habitat. If 60 dBA Leq is exceeded the acoustician would require the construction contractor to make operational and barrier changes to reduce noise levels to 60 dBA during the breeding season (February 15 through September 15). Noise monitoring would occur during operational changes and installation of barriers, as needed, to ensure their effectiveness.		X		
MM-BIO-1d	A Wildlife-Agency approved biological monitor shall be present during initial clearing, grading, and construction in sensitive habitat areas and/or in the vicinity of biological open space areas to ensure that conservation measures associated with resource agency permits and construction documents are performed. The biological monitor shall have the authority to halt construction to prevent or avoid take of any listed species and/or to ensure compliance with all avoidance, minimization, and mitigation measures. Any unauthorized impacts or actions in noncompliance with the permits and construction documents shall be immediately brought to the attention of the City, USACE, and the Wildlife Agencies.		X		

Source	Condition	Column			
		A	B	C	D
MM-BIO-2	<p>If construction is proposed during the breeding season (February 15 through September 15), a preconstruction survey shall be performed by a qualified biologist to determine if any birds are nesting within or immediately adjacent to the impact area. The survey must be conducted no more than three days prior to commencing project activities. If surveys show that nesting birds are present, a no-work buffer would be placed around the nest.</p> <p>The buffer size would be determined by a qualified biologist and would vary based on site conditions and type of work to be conducted. The no-work buffer would be maintained until the end of the breeding season or until surveys by a qualified biologist confirm that fledglings are no longer dependent on nest. If no nesting birds are detected during pre-construction surveys, no restrictions would be necessary and construction may proceed as planned.</p>		X		
MM-BIO-3a	The applicant shall designate a USFWS- approved qualified biologist who would be responsible for overseeing compliance with protective measures (e.g., buffers, noise mitigation) for the listed species during construction, including site clearing and grubbing. The biologist would have the authority to halt all associated project activities, which may be in violation of the USFWS Biological Opinion issued for the project. In such an event, the biologist is required to contact the City of San Marcos, USACE and USFWS within 24 hours.		X		
MM-BIO-3b	An employee education program for the construction crew shall be developed and implemented by a qualified biologist. Each employee (including temporary, contractors, and subcontractors) would receive a training/awareness program within two weeks of working on the proposed project. They would be advised of the potential impact to the listed species and the potential penalties for taking such species. At a minimum, the program shall include the following topics: occurrence of the listed and sensitive species in the area, their general ecology, sensitivity of the species to human activities, legal protection afforded these species, penalties for violations of Federal and State laws, reporting requirements, and project features designed to reduce the impacts to these species and promote continued successful occupation of the project area environs.		X		
MM-BIO-3c	<p>Construction work areas shall be delineated and marked clearly, by flagging or temporary orange construction fencing, in the field prior to habitat removal, and the marked boundaries maintained and clearly visible to personnel on foot and by heavy equipment operators.</p> <p>Fencing shall be placed on the impact side to reduce the potential for additional vegetation loss within open space. Fencing placement shall be done by a qualified biologist. All temporary fencing shall be removed only after the conclusion of all grading, clearing, and construction.</p> <p>Employees shall strictly limit their activities and vehicles to the proposed project areas, staging areas, and routes of travel. The project proponent and/or the biological monitor shall contact the City of San Marcos, the United States Army Corps of Engineers (USACE), and USFWS to verify that the limits of construction have been properly staked and are readily identifiable. Intrusion by unauthorized vehicles into the riverbed and outside of construction limits shall be prohibited, with control exercised by an on-site foreman. Access routes to the construction area outside of work hours shall be blocked with physical barriers, such as concrete blocks or large equipment.</p>	X			

Source	Condition	Column			
		A	B	C	D
MM-BIO-3d	The work area shall be kept clean to avoid attracting predators. All food and trash shall be disposed of in closed containers and removed from the project site. No pets shall be allowed on the construction site.		X		
MM-BIO-4a	The applicant would require the Home Owner's Association to implement CC&Rs to regulate property usage, including maintenance of on-site restored habitats, indoor cat policy, and protection of adjacent natural areas of the on-site preserve and the Creek. The applicant would incorporate landscape management practices into the CC&Rs that minimize the use of chemical fertilizers, pesticides, and herbicides. Maintenance of on-site restored habitats and protection of adjacent natural areas of the on-site preserve and the Creek shall be overseen by a conservancy or similar entity with approval by the permitting regulatory agencies. The CC&Rs shall be reviewed by the City Attorney prior to recordation.			X	
MM-BIO-4b	Potential impacts from human and pet intrusion into the on-site open space shall be minimized through a program of education (using that developed by the American Society for the Prevention of Cruelty to Animals), cat control, and habitat fencing as required by the approved HMMP, with no gates between the development and the open space, along the backyards of residential lots adjacent to the planned open space. These requirements would be identified in the CC&Rs. The CC&Rs shall be reviewed by the City Attorney prior to recordation.			X	
MM-BIO-4c	Use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities shall be restricted. The applicant shall encourage the use of native species in landscaping plans and would avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California. This condition shall be included in the CC&Rs for the project. The CC&Rs shall be reviewed by the City Attorney prior to recordation.			X	
MM-BIO-4d	All night lighting within the proposed development area, including streets and backyards, shall be directed away from the habitat areas, including Agua Hedionda Creek, the stepping stone linkage along the project's northern boundary, and the preserved open space east of the development. This condition shall be included in the CC&Rs for the project and the HOA shall regulate this condition and would not allow any future additional lighting to be installed by private homeowners. The CC&Rs shall be reviewed by the City Attorney prior to recordation.			X	
MM-BIO-5a	The direct impact to 77.36 acres of CSS and 1.84 acres of <i>Baccharis</i> spp. dominated CSS shall be mitigated at a 2:1 ratio for a total of 158.34 acres. This shall be accomplished through the preservation of CSS within a biological conservation easement on the project site.	X	X		
MM-BIO-5b	Graded slopes outside the fuel modification zone adjacent to natural open space areas shall be revegetated with CSS species (specifically, this includes the slope along the western side of the Las Posas Road extension adjacent to Agua Hedionda Creek). In addition, the off-site easement area would require removal of exotic species, seeding with native species, and/or spreading of CSS duff for preservation that would allow the project to maintain a minimum 500-foot wide habitat linkage along the northern project boundary with the exception of a 500 linear foot portion which may have a minimum width of 400 feet.				X

Source	Condition	Column			
		A	B	C	D
MM-BIO-5c	A monitoring/management plan(s) that is consistent with MHCP guidelines and that addresses both the habitat and the species shall be developed and implemented by the natural lands manager or biological consultant in coordination with the USACE, USFWS and CDFW. The plan shall include management objectives to determine the distribution and abundance of plants and animals found within the on-site and off-site acquisition parcels and build a baseline database from this information. Management will include monitoring specific taxonomic groups to determine whether the project site is functioning naturally or if the biological diversity of the project site is being degraded or diminished. All threats will be monitored and managed appropriately. This plan will be implemented prior to, or concurrent with, the initiation of construction.			X	
MM-BIO-8a	Trails that pass through areas of sensitive habitat shall include City-approved habitat signage to inform users of the sensitive resources and remind the trail user to stay on the established trails. Signage shall be placed in accordance with the Final HMMP and approved by the Planning Division Manager. The Final HMMP shall include a provision to monitor and track usage.			X	
MM-BIO-8b	The western boundary of the riparian corridor shall be enhanced with plant material and fencing barriers to prohibit intrusion into the corridor from the roadway and walkways along Las Posas Road as allowed by the regulatory permits issued by the resource protection agencies and approve Fire Protection Plan.			X	
MM-BIO-8c	Use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities shall be restricted. The applicant shall encourage the use of native species in landscaping plans and would avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California. This condition shall be included in the CC&Rs for the project. The CC&Rs shall be reviewed by the City Attorney.			X	
MM-BIO-13	Prior to project grading, the project applicant shall conduct USFWS protocol least Bell's vireo surveys. The surveys shall be conducted within the 12-month period prior to project grading. Results of the surveys shall be submitted to USACE, the Wildlife Agencies, and the City of San Marcos Planning Division Manager. If least Bell's vireo are found to be nesting within the area to be disturbed, clearing and grubbing activity would not be allowed within 500 feet of active territories until such time as the nest is no longer active. Alternatively, noise mitigation (e.g., berm, temporary barrier) may be implemented to achieve noise levels of 60 dBA or less at the nest.		X		
MM-BIO 15	To ensure preservation and management of the proposed preserved areas in perpetuity consistent with MHCP guidelines ³ , the following would occur prior to initial vegetation clearing: Conservation easements shall be recorded over the 210.8 acres to be preserved, including the 4.7 acres off site adjacent to the northern property boundary following the purchase from the current owner.	X			
1600 Streambed Alteration Agreement					

Source	Condition	Column			
		A	B	C	D
Measure 2.1	Seasonal Restrictions - Vegetation Removal. Permittee shall not remove vegetation within the stream from February 15 to September 1 to avoid impacts to nesting birds. However, Permittee may remove vegetation during this time if a qualified biologist conducts a survey for nesting birds within 1 week of the vegetation removal and ensures no nesting birds shall be impacted by the project. If nesting birds are present, no work shall occur until the young have fledged and will no longer be impacted by the project.		X		
Measure 2.4	There shall be no take, incidental or otherwise, of any protected species. Protected species includes: a species fully protected under state law, a species under the California Endangered Species Act and/or Endangered Species Act, a species identified by CDFW as a species of special concern, or any other species for which take is prohibited under state or federal law. No direct or indirect impacts shall occur to any protected species except as may be authorized by a Natural Community Conservation Plan or one or more individual permits that authorize such impacts.		X		
CWA Section 404 Permit SPL-2001-00479					
Special Condition 9	This Corps permit does not authorize you to take any threatened or endangered species, in particular the coastal California gnatcatcher, or adversely modify its designated critical habitat. In order to legally take a listed species, you must have separate authorization under the Endangered Species Act (ESA) (e.g. ESA Section 10 permit, or a Biological Opinion (BO) under ESA Section 7, with "incidental take" provisions with which you must comply). The U.S. Fish and Wildlife Service (FWS) BO (FWS Log No. 1-6-05-F-1668) contains mandatory terms and conditions to implement the reasonable and prudent measures that are associated with "incidental take" that is also specified in the BO. Your authorization under this Corps permit is conditional upon your compliance with all of the mandatory terms and conditions associated with incidental take of the attached BO, which terms and conditions are incorporated by reference in this permit. Failure to comply with the terms and conditions associated with incidental take of the BO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute non-compliance with your Corps permit.		X		
Biological Opinion (FWS-SDG-1668.10)					
Measure 1	In order to avoid and minimize impacts to nesting birds, including gnatcatcher, no clearing or grubbing activity will occur during the avian breeding season (February 15 through August 31) within the project area, unless pre-construction surveys indicate that active nests are not present on the site or in surrounding areas.		X		
Measure 3	A Service-approved biologist will conduct pre-construction surveys for least Bell's vireo if construction is to occur during breeding season (March 15 through September 30). If vireos are detected, then the applicant will delay construction activities occurring within 500 feet of active territories until after fledglings have left the active territories.		X		

Source	Condition	Column			
		A	B	C	D
Measure 4	To reduce potential noise impacts to nesting gnatcatcher or vireo, a qualified acoustician will monitor the project site and vicinity for listed birds during initial grading, and on a monthly basis thereafter, to determine if any nests are within a distance potentially affected by noise from grading, clearing, or construction activities. If nesting birds are located adjacent to the project site with the potential to be affected by construction activity noise above 60 dBA L_{eq} , a noise barrier will be erected. This noise barrier will consist of a 10-foot-high continuous plywood fence supported by posts or an earthen berm located at the site boundary that abuts potential off-site habitat. If 60 dBA L_{eq} is exceeded, the acoustician will work with the construction contractor to make operational and barrier changes to reduce noise levels during the breeding season. Noise monitoring will occur during operational changes and installation of barriers, as needed, to ensure their effectiveness.		X		
Measure 5	The applicant will designate a Service-approved qualified biologist who will be responsible for overseeing compliance with protective measures for the listed species. The biologist will have the authority to halt all associated project activities, which may be in violation of this biological opinion. In such an event, the biologist is required to contact the Corps and the Service within 24 hours.		X		
Measure 6	The applicant will require the HOA to implement covenants, conditions, and restrictions to regulate property usage, including maintenance of on-site restored habitats, indoor cat policy, and protection of adjacent natural areas of the on-site preserve and the Creek. The applicant will incorporate landscape management practices into the covenants, conditions, and restrictions that minimize the use of chemical fertilizers, pesticides, and herbicides.			X	
Measure 7	Potential impacts from human and pet intrusion into the on-site open space will be minimized through a program of education (using that developed by the American Society for the Prevention of Cruelty to Animals), cat control, and the inclusion of permanent cat-proof fences, with no gates between the development and the open space, along the backyards of residential lots adjacent to the planned open space.			X	
Measure 8	Use of invasive exotic plant species in landscaped areas adjacent to or near sensitive vegetation communities will be restricted. The applicant will encourage the use of native species in the landscaping plan and will avoid the use of species listed in Lists A & B of the California Invasive Plant Council's list of Exotic Pest Plants of Greatest Ecological Concern in California as of October 1999. This list includes such species as pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom.			X	

Source	Condition	Column			
		A	B	C	D
Measure 11	Construction work areas will be delineated and marked clearly, by flagging or temporary orange construction fencing, in the field prior to habitat removal, and the marked boundaries maintained and clearly visible to personnel on foot and by heavy equipment operators. Fencing will be placed on the impact side to reduce the potential for additional vegetation loss within open space. All temporary fencing will be removed only after the conclusion of all grading clearing, and construction. Employees will strictly limit their activities and vehicles to the proposed project areas, staging areas, and routes of travel. The project proponent and/or the biological monitor will contact the Service to verify that the limits of construction have been properly staked and are readily identifiable. Intrusion by unauthorized vehicles into the riverbed and outside of construction limits will be prohibited, with control exercised by an on-site foreman. Access routes to the construction area outside of work hours will be blocked with physical barriers, such as concrete blocks or large equipment.		X		
Measure 15	A greater than 2:1 conservation ratio for permanent impacts to 73.80 acres of coastal sage scrub (CSS) will be accomplished through on-site preservation of approximately 105.7 acres, approximately 4.9 acres of on-site CSS restoration, an easement for off-site preservation of approximately 4.7 acres, and the purchase of approximately 21.9 acres immediately off-site and adjacent to the northwest and another 61.8 acres off-site and contiguous with the eastern project boundary.	X			
Measure 16	Graded slopes outside the fuel modification zone adjacent to natural open space areas will be revegetated with coastal sage scrub species (specifically, this includes the slope along the western side of the Las Posas Road extension adjacent to Agua Hedionda Creek.) The location of this revegetation, totaling 4.90 acres, is shown in Figure 6. In addition, the off-site easement area will require removal of exotic species, seeding with native species, and/or spreading of CSS duff for preservation that will allow the project to maintain a minimum 400-foot wide wildlife corridor.	X			X
Measure 18	<p>To ensure preservation and management of the proposed on- and off-site restoration and preserve areas in perpetuity consistent with Multiple Habitat Conservation Program guidelines⁴, the following will occur prior to initial vegetation clearing:</p> <ul style="list-style-type: none"> a. Conservation easements will be recorded over the 110.60 acres of on-site preserve and restoration, as well as the 83.70 acres of off-site acquisition. b. A conservation easement will be recorded on approximately 4.7 acres off site adjacent to the northern property boundary following the purchase by KB Home from the current owner. c. An experienced natural lands manager, approved by the Service and the City, will be designated. <p>A non-wasting endowment will be funded at an amount to be determined through the preparation of a Property Analysis Record (PAR), or similar analysis.</p>	X			

⁴ As found in Appendix G (Framework Resource Management Plan) of the Draft North County MSCP, within Section 8.9 (San Marcos – Merriam Mountains Core).

Source	Condition	Column			
		A	B	C	D
Measure 19	A conceptual monitoring/management plan(s) that is consistent with MHCP guidelines ⁴ and that addresses both the habitat and the species will be developed and implemented by the natural lands manager or biological consultant in coordination with the Service. The plan will include management objectives to determine the distribution and abundance of plants and animals found within the on-site and off-site acquisition parcels and build a baseline database from this information. Management will include monitoring specific taxonomic groups to determine whether the project site is functioning naturally or if the biological diversity of the project site is being degraded or diminished. All threats will be monitored and managed appropriately. This plan will be implemented prior to, or concurrent with, the initiation of construction. Mitigation will be judged successful if the site achieves a score of 0.8 or greater in 6 out of the following 7 categories: Stream geomorphology, Flood-prone area, Habitat - Vegetation structure, Habitat - vegetation cover, habitat - vegetation diversity, percent exotic/invasive vegetation, biogeochemistry.	X			

Table 2: Project Impacts and Proposed Mitigation

Resource	Project Impacts (acres)	Project Mitigation (acres)	Mitigation Ratios			Actual Project-Achieved Mitigation Ratios
			MSCP	MHCP	FEIR	
Coastal sage scrub	77.36	185.83 ^a	1.5:1 ^c	1:1 ^e	2:1 ^g	2.4:1
Herbaceous wetland	0.06	7.0 ^b	3:1 ^d	No net loss ^f	3:1 ^h	116:1 (7 acres) 78:1 (4.7 acres)
<p>Sources: FEIR, County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Biological Resources, Draft City Subarea Plan.</p> <p>a – Preservation of CSS achieved within the conservation easement (FEIR pg. 3.9-21)</p> <p>b – Enhancement of riparian habitat: 4.7 acres within conservation easement, 2.3 acres within a utility easement (FEIR pg. 3.9-21)</p> <p>c – Mitigation ratio for impacts to County of San Diego BMO Tier II habitats (including coastal sage scrub) that occur within PAMAs (Draft North County MSCP Section 7.2.1)</p> <p>d – Draft North County MSCP Section 7.3</p> <p>e – Mitigation ratio for impacts to coastal sage scrub that occur outside of the FPA, as identified in the Draft City Subarea Plan (pg. 72)</p> <p>f – Draft City Subarea Plan (pg. 72)</p> <p>g – MM-BIO-5a</p> <p>h – MM-BIO-6a</p>						