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## SECTION 1 INTRODUCTION AND OVERVIEW

### 1.1 PURPOSE AND NEED

The Oceanside Subarea Habitat Conservation Plan/Natural Community Conservation Plan (hereafter, SAP and/or Plan) comprehensively addresses how the City of Oceanside (City), California, will conserve natural biotic communities and sensitive plant and wildlife species pursuant to the California Natural Community Conservation Planning Act (NCCP Act) and the U.S. Endangered Species Act (ESA). This Plan is a Natural Community Conservation Plan (NCCP) and a Habitat Conservation Plan (HCP) pursuant to Section 10(a) of the ESA (as amended). Thus, approval and adoption of this Plan by the City is intended to result in issuance of Federal and State permits for the take of certain listed rare, threatened, or endangered species. These permits will be granted to the City by the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG), collectively referred to as the Wildlife Agencies. The City, in turn, may then authorize the taking of natural habitats or associated species by public or private projects within its jurisdiction, as long as those biological resources are adequately conserved and managed by this Plan and the projects are consistent with and covered by the provisions of this Plan. This Plan is intended to lead to City-wide permits for the incidental take of sensitive species in conjunction with private development projects, public projects, and other activities, which are consistent with this Plan. These permits would be issued under the ESA and the NCCP Act.

The Plan also is designed to serve the following additional functions:

1. Preserve wildlife and habitats as part of the City's permanent open space system and thereby be a component of the Environmental Resource Management Element of the City's General Plan;
2. Allow the City to construct public facility and infrastructure projects dictated by the City's Capital Improvement Program;
3. Define the City's contribution to regional efforts to conserve coastal sage scrub habitat and species under the NCCP Program. This Plan constitutes an Ongoing Multi-Species Plan that is consistent with NCCP guidelines;

4. Allow projects in the City to fulfill their ESA and NCCP Act requirements for certain species through compliance with this Plan;
5. Constitute a Habitat Conservation Plan, as described in Section 10(a)(1)B of the ESA and Section 2835 of the NCCP Act, submitted with the City's application to the USFWS and CDFG for issuance of permits to take certain listed and non-listed species; and
6. Constitute Oceanside's SAP within the Multiple Habitat Conservation Program (MHCP).

Permits issued pursuant to this Plan do not include Army Corps of Engineers (ACOE) Clean Water Act (CWA) Section 404 permits or CDFG Section 1600 Streambed Alteration Agreements for impacts to wetlands. However, if wetland species are fully covered, this Plan shall largely fulfill the requirements for endangered species consultation relative to wetlands permitting. This Plan provides a basis for Section 7 consultation and issuance of a Biological Opinion by the USFWS for ACOE CWA 404 permits within the Plan Area. Thus, approval of this Plan should streamline the endangered species consultation process for wetland permits within the City.

This Plan provides regulatory certainty to landowners within the City and will aid considerably in conserving the region's biodiversity and in enhancing the overall quality of life for residents of the southern coastal region of California. The Plan addresses the potential impacts to natural habitats and rare, threatened, or endangered species due to projects within the City. This Plan also institutes a strategy to proactively mitigate these impacts on the City's biological resources. This comprehensive and proactive approach provides local landowners and agencies greater certainty for economic development and it conserves biological resources more effectively than the former piecemeal approach to species protection and mitigation. This Plan provides direct economic benefits by eliminating current unnecessary restrictions to development that result from the uncoordinated application of Federal and State resource protection laws on a project-by-project basis.

## 1.2 GOALS AND OBJECTIVES

The overall goal of the City's SAP is to contribute to regional biodiversity and the viability of rare, unique or sensitive biological resources throughout the City and the larger region while allowing public and private development to occur consistent with the City's General Plan and Capital Improvement Program.

The specific goals of the Plan are to:

1. Provide regulatory certainty to the City of Oceanside in regards to build-out under the General Plan.
2. Participate in conserving the regions' biodiversity and enhancing the overall quality of life for residents of the Oceanside area.
3. Provide a strategy to proactively mitigate and minimize impacts to sensitive species and their habitats.
4. Protect and manage functional ecological communities, rather than focusing preservation on single species or isolated areas of habitat.
5. Provide the City of Oceanside with greater flexibility, autonomy, and certainty in implementing the City's General Plan, while conserving biological resources more effectively.
6. Reduce constraints on development projects that result from the uncoordinated application of Federal and State resource protection laws.
7. Maintain functional habitat linkages and wildlife corridors within the City's Preserve and areas adjacent to the Preserve to provide for the movement of wildlife and native pollinators.
8. Provide for the conservation and management of XX covered species, and contribute to the recovery of covered species that are State and/or federally listed.

Objectives to meet the above Goals include:

1. Conserve 90-100 percent of all hardline conservation areas per the details of this Plan (Goals 2, 4, 8).
2. Conserve a minimum of 2,511 acres of existing native habitats as biological Preserve in the City (Goals 2, 4, 8).
3. Conserve a net 100 percent of aquatic and wetland habitats by 98 percent preservation and compensatory replacement of acreage, function, and values for an estimated 2 percent of wetlands impacts (Goals 2, 3, 4, 8).
4. Conserve a minimum of 95 percent of Rare and Narrow Endemic Species populations within the Preserve and a minimum of 80 percent throughout the City as a whole (Goals 2, 3, 4, 8).
5. Restore a minimum of 164 acres of coastal sage scrub habitat within the City, of which 145 acres will be within the Wildlife Corridor Planning Zone (Goals 2, 4, 7, 8).
6. Prepare a comprehensive open space monitoring and management plan for the City's Preserve (Goals 2, 4, 8).
7. Minimize the need for consultations with the Wildlife Agencies on a project-by-project approach for approval and mitigation requirements (Goals 1, 5, 6).
8. The City will develop a tracking database and submit annual monitoring reports to the Wildlife Agencies that will document conservation of habitat is occurring in rough-step to development of habitat (Goals 2, 8).
9. Ensure that mitigation is directed to the Wildlife Corridor Planning Zone and Pre-approved Mitigation Areas such that the high quality habitats and critical linkage areas become incorporated into the City's Preserve, while allowing development in lower quality habitat areas (Goal 7).

10. Implement local regulatory actions as specified in Section 5.3.3 in the MHCP Vol. I (Goals 1, 5).
11. Provide adequate funding for management and monitoring of the City's Preserve, including Priority 1 lands acquired by the Wildlife Agencies and excluding Wildlife Agency-owned lands, according to MHCP standards (Goals 1-8).

Section 4 of this Plan further discusses consistency of these measurable objectives within the framework of the MHCP, and presents factors that may limit achievement of these objectives.

### **1.3 OVERVIEW OF THE PLANNING PROCESS**

Oceanside is one of seven cities (Encinitas, Escondido, Carlsbad, Vista, San Marcos, Solana Beach) in northern San Diego County that together comprise an NCCP subregion. As such, the City has been involved in the subregional MHCP from its inception in 1991. The San Diego Association of Governments (SANDAG) coordinated and prepared the subregional MHCP Plan, which provides the framework document for each of the seven MHCP cities. This SAP represents the City's contribution to the MHCP and to regional NCCP conservation goals. The planning process for the City is an outgrowth of the MHCP and is completely integrated with and consistent with it.

During 1995 and 1996, preliminary biological analyses and attempts to define regional biological core areas and landscape linkage areas for wildlife in the MHCP subregion set the stage for more refined planning within the City. Specifically, MHCP planning suggested that remaining natural areas and open spaces in the City were critical to the conservation of some MHCP species, particularly the federally threatened California gnatcatcher (gnatcatcher, *Polioptila californica californica*). Consequently, in 1996 the City began formulating its SAP under the subregional umbrella of the MHCP to better define conservation priorities within the City. The approach was to identify a City Preserve that met local and regional biological goals, while minimizing fiscal and economic impacts to the City and adverse effects on private property rights or property values. The following general steps were included in the planning process:

1. Biological resources data were updated throughout the City, with particular focus on those areas considered of regional conservation value or where existing biological data were considered inadequate for conservation planning.
2. An updated Geographic Information System (GIS) database was created for the City. The database included updated biological resources information, as well as an assessment of the potential for biological restoration or enhancement of some lands. The database included existing and planned land uses, land management and land ownership status, and other digital information pertinent to conservation planning and implementation.
3. Biological core areas and linkage areas were defined based on local and regional conservation goals and the updated biological information.
4. Analyses were performed to identify those biologically important areas currently having insufficient protection of biological resources to meet NCCP and MHCP conservation goals.
5. Important biological resource areas were also evaluated relative to opportunities and constraints for increased conservation. The effects of existing City zoning, ordinances, and guidelines, and existing constraints on development (such as steep slopes, wetlands, or utility easements) were considered in identifying opportunities and constraints for conservation. Existing conservation plans (e.g., the San Diego Gas & Electric [SDG&E] Subregional Plan) were considered in identifying potential opportunities.
6. The results of these planning studies, which were performed in an iterative fashion with input from property owners, the City, the Wildlife Agencies, and other interested parties, were used to define a Preserve planning area and Preserve assembly mechanisms that would meet NCCP conservation goals.

Following several years of planning and analysis, the November 2000 Public Review Draft of the City's SAP was released and circulated for public review in June 2001, in association with the MHCP Draft Subregional Plan and its associated Environmental Impact Statement/Environmental Impact Report (EIS/EIR). During public review, SANDAG compiled and responded to comments on the public review draft MHCP Plan,

the public review draft subarea plans for 5 of the 7 MHCP cities, and the public review draft of the MHCP's EIS/EIR. In March 2003, the SANDAG Board approved the final MHCP Plan and final EIS/EIR. The USFWS issued a Record of Decision on the Final MHCP EIS/EIR on November 12, 2004. A Review Draft of the Final Oceanside SAP was submitted to the Wildlife Agencies in April 2004 that included revisions from the 2001 public review to make the City's Plan consistent with the final subregional document. Between the 2004 Review Draft and this Final Oceanside SAP, the City coordinated with the Wildlife Agencies to address agency comments on the Plan and to update the 1996 GIS datasets and related analyses to reflect current biological, land use, and planning information. This final document includes all final revisions and edits to the SAP based on the updated GIS and comments received on the final review draft.

#### **1.4 FEDERAL AND STATE REQUIREMENTS AND LEGAL AUTHORITY**

The MHCP Plan addresses requirements for obtaining take permits under Federal and State environmental laws. As such, this SAP is an HCP pursuant to Section 10(a)(1)(B) of the Federal ESA, as amended, and an NCCP pursuant to the California NCCP Act.

##### **1.4.1 Federal Requirements and Legal Authority**

The USFWS has the legal authority to issue permits and enter into SAP Implementing Agreements based on completion of the subregional MHCP and pursuant to the ESA, the Fish and Wildlife Coordination Act (16 U.S.C. §§ 661-666c), and the Fish and Wildlife Act of 1956 (16 U.S.C. §§ 742(f) et seq.). Section 10(a)(1)(B) of the ESA, 16 U.S.C. § 1539(a)(1)(B), expressly authorizes the USFWS to issue a Section 10(a) permit to allow the incidental take of species listed as threatened or endangered under the ESA. The legislative history of Section 10(a)(1)(B) clearly indicates that Congress also intended that the USFWS would approve HCPs that protect unlisted species as if they were listed under the ESA, and that in doing so the USFWS would provide Section 10(a)(1)(B) assurances for protection of such unlisted species (H.R. Rep. No. 97-835, 97th Cong., 2d Sess. 30-31, 1982. Conference Report on 1982 Amendments to the Endangered Species Act). The USFWS routinely approves HCPs that address both listed and unlisted species.

The Secretary of the Interior set forth the "Habitat Conservation Plan Assurances Policy" on August 11, 1994, which became a final rule on February 23, 1998 (Federal Register 63[35]:8859-8873). Also known as the "No Surprises" policy, the policy provides

regulatory assurances to holders of HCP incidental take permits that no additional land use restrictions or financial compensation will be required of the permit holder with respect to species covered by the permit, even if unforeseen circumstances arise after the permit is issued indicating that additional mitigation is needed for a species covered by the permit. The Final Rule provided additional clarification by defining “changed circumstances” versus “unforeseen circumstances” for HCPs. Changed circumstances means changes in circumstances affecting a species or geographic area covered by an HCP that can reasonably be anticipated and that can be planned for in the HCP (e.g., fires or other habitat altering events that can reasonably be expected to occur and for which contingency actions can be included in the HCP to address adverse effects on Covered Species). Unforeseen circumstances means changes in circumstances affecting a species or geographic area covered by an HCP that could not reasonably have been anticipated at the time of the HCP’s negotiation and development, and that result in a substantial and adverse change in the status of a Covered Species. Changed and unforeseen circumstances are further defined and discussed in Section 6.2.2 as they specifically apply to the City’s SAP.

#### **1.4.2 California Requirements and Legal Authority**

California law (Section 2800 et seq. of the California Fish and Game Code) establishes the NCCP program “to provide for regional protection and perpetuation of natural wildlife diversity while allowing compatible land use and appropriate development and growth.” With regard to the state NCCP Act, the MHCP has been recognized as an Ongoing Multi-Species Plan, pursuant to a March 1993 agreement signed by local agencies and the Wildlife Agencies. That agreement acknowledges that the program may differ in detail but is consistent with the process described in the NCCP Process Guidelines. The California NCCP Act calls for the preparation of subregional and subarea plans that address habitat conservation and management on an ecosystem basis rather than one species or habitat at a time.

The CDFG and California Resources Agency prepared the “Southern California Coastal Sage Scrub NCCP Process Guidelines” (November 1993). Based on the definition established by the guidelines and the precedent established through acceptance of subregional plans prepared by local general purpose agencies, the MHCP and this SAP meet the requirements of an NCCP.

### 1.4.3 Plan Compliance with Mandatory Requirements

The City's SAP, together with the approved MHCP and its associated EIS/EIR, is intended to meet the mandatory requirements of an HCP and NCCP Act as listed below.

Issuance Criteria required for an HCP:

1. The taking of covered species will be incidental.
2. The City will, to the maximum extent practicable, minimize and mitigate the impacts of such taking of covered species.
3. The City will ensure adequate funding for the HCP and provide procedures to deal with unforeseen circumstances.
4. The taking of covered species will not appreciably reduce the likelihood of survival and recovery of the species in the wild.
5. The City will ensure that other measures the Service may require will be provided.
6. The Service will receive assurances that the HCP will be implemented.

NCCP Act Requirements:

7. Address wildlife conservation on a regional or area-wide scale.
8. Protect and perpetuate wildlife diversity.
9. Allow compatible and appropriate development and growth.
10. Be consistent with the NCCP Planning Agreement between CDFG, USFWS, the City, and SANDAG.
11. Provide for the conservation and management of covered species.

12. Adhere to the scope and configuration of regional and subregional planning areas as described in the CSS NCCP Guidelines.
13. Adhere to the standards, guidelines, and objectives for the Regional Coastal Sage Scrub Planning Area prescribed in the CSS NCCP Guidelines.
14. Adhere to the CSS NCCP Guidelines' provisions regarding the appointment and use of "advisory committees".
15. Adhere to the CSS NCCP Guidelines' provisions regarding coordination with local, State, and Federal agencies.
16. The mechanism for implementing the Subarea Plan must adhere to the CSS NCCP Guidelines.
17. Adhere to the CSS NCCP Guidelines' provisions concerning monitoring and reporting on NCCP implementation.

## 1.5 DEFINITIONS

The following definitions apply only to the City of Oceanside SAP and not to documents that have been incorporated into this Plan by reference.

**Agricultural Exclusion Zone.** A planning zone in the City, north of the San Luis Rey River that is planned for agricultural uses under the City's General Plan (see Figure 4-1).

**Agricultural Use/Practice.** Soil disturbance activity for the preparation or maintenance of a site for the cultivation of crops or other agricultural purposes where the activity has occurred continuously within previous years in compliance with all applicable regulations and involves no intensification of the use.

**Assurances.** Mutual agreements and covenants contained in the Implementation Agreement, which bind the parties to specified actions and provide each party with benefits. The benefits include, for example, authorization for incidental take of species in accordance with the Oceanside SAP, and conservation of species resulting from action to implement the Plan.

**Authorizations.** Permits for incidental take of species in accordance with the Oceanside SAP.

**Biological Core and Linkage Area (BCLA).** The area within the MHCP Plan Area that is roughly equivalent to a biologically preferred Preserve alternative because it identifies all large contiguous areas of habitat, all areas supporting major and critical species populations or habitat areas, and all important functional linkages and movement corridors between them.

**Boundary Adjustment.** A change to the Preserve boundary resulting from: a) new biological information obtained through site-specific studies, b) unforeseen engineering design opportunities or constraints, c) request to change boundaries in the context of the Biological Functional Equivalency, and/or d) timely and adequate notice of objection by the Wildlife Agencies to a mapping conflict determination made by the City Planner, pursuant to Section 6.5.1 of this Plan.

**Brushing.** The cutting and removal of natural vegetation by any means, without disturbance to the soil and root system.

**Candidate Species.** Those native species or subspecies of bird, mammal, fish, amphibian, reptile, or plant that the California Fish and Game Commission has formally noticed as being under review by CDFG for addition to either the list of endangered species or the list of threatened species, or a species that the Fish and Game Commission has published a notice of proposed regulation to add the species to either list, pursuant to Section 2068 of the California Fish and Game Code.

**California Department of Fish and Game (CDFG).** A subdivision of the California Resources Agency charged with administering the California Endangered Species Act and the Natural Community Conservation Planning Act.

**California Endangered Species Act (CESA,** California Fish and Game Code 2050 et seq.), including all regulations promulgated pursuant to that Act. CESA prohibits CDFG from authorizing any incidental take of a state-listed threatened or endangered species if that take would jeopardize the continued existence of the species.

**California Environmental Quality Act (CEQA,** California Public Resources Code 21000 et seq.), including all regulations promulgated pursuant to that Act. Requires local jurisdictions to determine whether a project will have a significant negative effect on the environment and provide mitigation solutions to reduce the negative effects to less than significant.

**Changed Circumstance.** Those circumstances affecting a species or geographic area that can be reasonably anticipated and planned for.

**Coastal Zone.** A specific geographic area of varying width adjacent to the Pacific Ocean set forth in the California Coastal Act, which is subject to the policies and regulations in the City's Local Coastal Program (Figure 4-1).

**Conservation.** As defined in the Federal ESA, the use of all methods and procedures that are necessary to bring any endangered or threatened species to the point where the measures provided pursuant to the Act are no longer necessary; such measures and procedures include, but are not limited to, all activities associated with scientific resource

management such as research, census, law enforcement, habitat acquisition and management, propagation, live trapping and transportation, and in rare cases, regulated taking (ESA, Section 3[3]). In this Plan, conservation also applies to all actions related to providing a viable habitat Preserve in the City of Oceanside.

**Conservation Easement.** A permanent legal encumbrance established to protect biological resources and dedicate land to the Preserve. For the purposes of this document, this term includes conservation easements or any other equally protective encumbrance agreed to by the Wildlife Agencies.

**Corridor.** A defined tract of land, usually linear, through which a species must travel to reach habitat suitable for reproduction and other life-sustaining needs.

**Covered Activities.** Land uses, land and public infrastructure development, and conservation activities identified in this Plan and subject to the City of Oceanside's jurisdiction and control that may result in Incidental Take of Covered Species during the term of this SAP and for which Incidental Take coverage is requested under the Take Permits.

**Covered Species.** Those species within the MHCP Plan Area that will be adequately conserved by the MHCP when the MHCP is implemented through the Subarea Plans, including MHCP Species Evaluated for Coverage, listed in Table 2-2 of the MHCP Plan, as well as the Covered Species listed in Table 3-4 of this Plan.

**Development.** The uses to which land shall be put, including construction of buildings and structures and all alterations of the land incidental thereto, excluding Agricultural Operations.

**Emergency Management Plan (EMP).** The document to be prepared by the City of Oceanside with concurrence from the Wildlife Agencies, upon issuance of Take Authorization assuring that the City will coordinate an emergency notification and response system to be used in the event of emergency incidents occurring in the Preserve.

**Endangered Species.** A species listed as endangered under the Federal Endangered Species Act or the California Endangered Species Act. An endangered species is an

animal or plant species in danger of extinction throughout all or a significant portion of its range.

**Environmentally Sensitive Habitat Area.** Any area in the Coastal Zone where plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.

**Federal Endangered Species Act (ESA)** of 1973, as amended (16 U.S.C. 1531 et seq.), including all regulations promulgated pursuant to that Act. The ESA is Federal legislation that is intended to provide a means to conserve the ecosystems upon which endangered and threatened species depend and provide programs for the conservation of those species, thus preventing extinction of plants and animals.

**Focused Planning Area (FPA).** Areas that have been identified as Preserve with lands that currently are or that will be dedicated as open space and included in the City's Preserve, either in whole or in part, according to the policies of this Plan.

**Fully Protected Species.** Those species listed in Sections 3511 (Fully Protected Birds), 4700 (Fully Protected Mammals), 5050 (Fully Protected Reptiles and Amphibians), 5515 (Fully Protected Fish) of the California Fish and Game Code for which all incidental Take is prohibited.

**Grading.** Any excavating or filling or combination thereof and shall include the land in its excavated or filled condition.

**Grubbing.** The removal of natural vegetation by any means, including removal of the root system.

**Habitat.** The combination of environmental conditions of a specific place occupied by a species or a population of such species.

**Habitat Development Fee.** A program that the City will adopt to allow project proponents the option of paying a mitigation fee for impacts to disturbed lands, agricultural lands, and eucalyptus woodland.

**Hard-lines.** The boundary between Preserve and development established on a project-by-project basis, after evaluation of habitat and species data collected and/or surveys conducted as part of project entitlement processing, evaluation by the Wildlife Agencies, and consideration of the contribution that will result to the overall MHCP Planning effort.

**Implementing Agreement.** A binding legal agreement between the City of Oceanside and the Wildlife Agencies that ensures implementation of the Oceanside SAP, binds each of the parties to perform the obligations, responsibilities, and tasks assigned, and provides remedies and recourse should any of the parties fail to perform.

**Incidental Take.** The Take of a Federal or State-listed as endangered or threatened species, which is incidental to and not the purpose of the carrying out of an otherwise lawful activity. For purposes of the Section 10(a)(1)(B) Permit, Incidental Take refers solely to species other than plant species.

**JURMP.** Jurisdictional Urban Runoff Management Plan, a plan designed to address the storm water mitigation requirements of the Regional Water Quality Control Board.

**Linkage.** A component of the Preserve established under the Oceanside SAP consisting of conserved habitat that provides connectivity from the Preserve to other natural communities within the region.

**Listed Non-covered Species.** A species listed as threatened or endangered under the ESA or CESA, which neither a Section 10 (a)(1)(B) nor a section 2835 permit has not been granted pursuant to the Oceanside SAP.

**Local Coastal Program.** The City of Oceanside's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, the California Coastal Act at the local level.

**Mapping Conflict.** A request for alteration to Preserve boundaries when mapping errors have placed into the Preserve an area that is developed or expressly intended for development, and/or when mapping errors have removed from the Preserve an area with sensitive resources expressly intended to be conserved.

**Major Population.** A population considered sufficiently large to be self-sustaining with a minimum of active or intensive management intervention (especially for plants) or that at least support enough breeding individuals to contribute reliably to the overall metapopulation stability of the species (especially for animals). Also includes smaller populations that nonetheless are considered important to long-term species survival.

**Metapopulation.** A network of semi-isolated breeding populations of a species that have some level of regular or intermittent migration and gene flow among them.

**Mitigation.** Measures undertaken to diminish or compensate for the negative impacts of a project or activity on the environment, including (a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or (e) compensating for the impact by replacing or providing substitute resources or environments.

**Multiple Habitat Conservation Program (MHCP) Plan.** The MHCP Plan is a comprehensive habitat conservation planning program dated March 2003, which addresses multiple species habitat needs and the preservation of native vegetation for a 175-square mile area in northwestern San Diego County, California.

**MHCP Plan Area.** An area of approximately 175 square miles in northwestern San Diego County, referred to in the MHCP Plan as the MHCP Plan Study Area.

**MHCP Preserve.** Permanent open space established at the Multiple Habitat Conservation Program level and managed for its biological resources.

**Narrow Endemic Species.** Species that are highly restricted by their habitat affinities or other ecological factors, and are listed in Table 5-3 of the Oceanside SAP.

**Natural Community Conservation Planning Act (NCCP Act).** Enacted by the State of California in 1991, Chapter 765 of the California statutes of 1991 (A.B. 2172, codified in part at California Fish and Game Code 2800, et seq.), including all regulations promulgated pursuant to that Act. Amendments to the NCCP Act enacted effective

January 1, 2003 (Chapter 4, sections 1 and 2 of California statutes 2002 (S.B. 107) expressly provide that the Oceanside SAP will be solely governed in accordance with the NCCP Act as it read on December 31, 2001, and not by the other substantive provisions of S.B. 107.

**Natural Vegetation.** Vegetation communities identified as Habitat Group A, B, C, D, E, or F on Table 5-2 of the Oceanside SAP.

**NCCP Permit.** The Permit issued by CDFG under the NCCP Act or by the California Fish and Game Commission under the NCCP Act to permit the Take of a species listed under CESA as threatened or endangered, or of a species, which is candidate for such a listing, or of a species identified pursuant to Section 2835, except that the NCCP Permit does not authorize any Take of five fully protected birds that are listed in Fish and Game Code section 3511 (golden eagle, peregrine falcon, California brown pelican, light-footed clapper rail, and California least tern) or the mountain lion, which is protected by Fish and Game Code section 4800.

**NCCP Plan.** A plan developed in accordance with the NCCP Act, which provides for comprehensive management and conservation of multiple wildlife species and identifies and provides for the regional or area-wide protection and perpetuation of natural wildlife diversity while allowing compatible and appropriate development and growth.

**Not a Part.** Any area within the City of Oceanside jurisdictional boundary that is not included within the plan area covered by the Oceanside Subarea Plan. The Oceanside Subarea Plan area is shown in Figure 2-1. Not a Part areas of the SAP include the County-owned Guajome Regional Park and CALTRANS corridors along Interstate 5 and portions of State Routes 76 and 78.

**Oceanside Covered Species.** Those Covered Species which are adequately conserved by the Oceanside SAP, together with other subarea plans within the MHCP Plan Area, in effect during the duration of the City's Section 10(a)(1)(B) permit issued by the USFWS and the NCCP Act Take Permit issued by CDFG, including Species Adequately Conserved. Adequate conservation for certain Oceanside Covered Species shall include the measures contained in the findings for those species, Appendix A of this Plan, and Section 4 of Volume II the MHCP Plan.

**Oceanside Subarea.** The area of land to which the policies of this document apply. Includes the area within the incorporated boundary of the City of Oceanside, but excluding those areas otherwise designated as “Not a Part”. (Figure 2-1).

**Oceanside Subarea Plan.** The subarea plan prepared by the City of Oceanside and reviewed and approved by the Wildlife Agencies, and adopted by the City of Oceanside as part of the City’s General Plan, to implement the MHCP Plan within the Oceanside Subarea.

**Offsite Mitigation Zone.** A planning zone within the City that supports natural vegetation (Figure 4-1). Mitigation for impacts to native vegetation in this zone may be mitigated in the Wildlife Corridor Planning Zone or in any of the Pre-approved Mitigation Areas.

**Participating Local Jurisdiction.** Any of the seven local governments that may prepare an MHCP Subarea Plan and receive a USFWS Section 10(a)(1)(B) permit and a Section 2835 permit from the CDFG.

**Plan Area (Development Area).** Mapped areas within which the Take of Oceanside Covered Species is authorized by this SAP Section 10(a)(1)(B) and Section 2835 permit (Figure 2-1).

**Planned Responses.** The list of responses the City or other responsible agencies will utilize to respond to a Changed Circumstance.

**Population.** A group of individuals of a given species that inhabits a relatively well defined geographic area and has the opportunity to interbreed freely.

**Pre-approved Mitigation Area.** Lands outside of the Wildlife Corridor Planning Zone that have significant resource values and therefore qualify for onsite mitigation credit (Figure 4-1).

**Preserve.** Areas within the City of Oceanside incorporated limits that the City approves and that are dedicated for permanent conservation and will be managed for their biological resources. The SAP also refers to this term as “Biological Preserve”.

**Preserve Manager.** The entity responsible for overseeing the day-to-day and long-range management activities on any given Preserve within the Oceanside Plan Area, including but not limited to management of resources, restoration of habitat, and enforcement of open space restrictions.

**Preserve Steward.** The individual designated by the City to implement the Oceanside SAP Preserve Management program as identified in the Open Space Management Plan.

**Project Area.** An area considered for development and shall include the entire contiguous land under the same ownership or like property interest or, in the case of development proposed by a public agency, the area required for development as determined by the Director of Planning.

**Public Lands.** Properties owned by the City of Oceanside or another governmental agency or special purpose district.

**Restoration Area.** An area within the City's Preserve that is undergoing active restoration to either wetland or upland habitat and has not yet achieved the success criteria established as part of an approved restoration plan.

**Section 4(d) Special Rule.** The regulation concerning the coastal California gnatcatcher published by the USFWS on December 10, 1993 (58 F.R. 65088) and codified at 50 C.F.R. 17.41(b), pursuant to the ESA, which describes one particular set of conditions under which the Incidental Take of the coastal California gnatcatcher in the course of certain land use activities is lawful.

**Section 7.** Section 7(a)(2) of the ESA (16 U.S.C. 1536 (a)(2)), which requires that any Federal agency that permits, licenses, funds, or otherwise authorizes activities that may affect species listed under the Act, must consult with the USFWS to ensure that its actions will not jeopardize the continued existence of any listed species or adversely modify the designated Critical Habitat of a listed species.

**Section 10(a)(1)(B) Permit .** A permit issued by the USFWS under Section 10(a)(1)(B) of the ESA (16 U.S.C. 1539(a)(1)(B)) to allow the Incidental Take of Species Adequately Conserved and/or Oceanside Covered Species, to the extent Take of such species is otherwise prohibited under Section 9 of the ESA. The Take of listed plant species is not

prohibited under the ESA or authorized under the Section 10(a)(1)(B) permit. However, plant species adequately conserved by the Oceanside SAP, or by the Oceanside SAP in conjunction with other approved MHCP subarea plans, are listed in the 10(a)(1)(B) permit in recognition of the conservation measures and benefits provided for them under the approved subarea plans. Such plant species receive assurances pursuant to the USFWS's No Surprises Rule.

**Section 404 and Section 404(b)(1)** of the Federal Clean Water Act (33 U.S.C. 1344), which regulates discharge of dredged and fill material into Waters of the United States, including Wetlands.

**Section 1600.** Section 1600 of the California Fish and Game Code, which regulates alterations to permanent or intermittent stream courses.

**Section 2835.** Section 2835 of the California Fish and Game Code, which allows the Take of identified species whose conservation and management is provided for through a NCCP approved by the CDFG.

**Sensitive Biological Resources.** Lands that contain Natural Vegetation and/or Wetlands; and/or habitat occupied by Covered Species, other Listed Non-Covered Species, and/or Narrow Endemic Species.

**Species.** Any distinct population of wildlife that interbreeds when mature.

**Stepping Stone Linkage.** A discontinuous linkage or corridor that consists of a series of habitat patches separated by non-habitat patches. Individuals may move across the linkage by moving from one habitat patch to another. Generally, at least some of the stepping stones should support some breeding individuals of a species, at least in some years. The SAP also uses the phrase "Regional Corridor" to refer to the Stepping Stone Linkage.

**Take.** Refers to the meaning provided by the ESA and the California Fish and Game Code, including relevant regulations and case law.

**Third Party Participant.** Any landowner or other public or private entity that obtains Take Authorization through the City of Oceanside's Take Permit.

**Threatened Species.** A species listed as threatened under the ESA or CESA is an animal or plant species likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

**United States Fish and Wildlife Service (USFWS).** An agency of the United States Department of the Interior charged with administering the ESA.

**Wetlands.** Wetlands are generally defined as those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions. For purposes of the Oceanside SAP, Wetlands are lands that contain naturally occurring wetland communities listed on Table 3-1 of this Plan. Wetlands also include areas lacking wetland communities due to non-permitted filling of previously existing Wetlands.

**Unforeseen Circumstances.** Changes that could not reasonably have been anticipated and that resulted in a substantial and adverse change in a species' status.

**Wildlife Agencies.** The USFWS and CDFG.

**Wildlife Corridor Easements.** Easements on SDG&E fee-owned lands that provide for habitat conservation but do not preclude necessary SDG&E maintenance activities, per the approved SDG&E NCCP.

**Wildlife Corridor Planning Zone.** Parcels within this planning zone contribute to the north-south regional gnatcatcher stepping-stone corridor (Figure 4-1). Properties in this zone must be planned to maintain and enhance wildlife habitat value and connectivity for wildlife movement.

## 1.6 Acronyms

ACOE. United States Army Corps of Engineers

AnnG. Annual Grassland

BMP. Best Management Practices

BCLA. Biological Core and Linkage Area

Cal-IPC. California Invasive Plant Council

CALTRANS. California Department of Transportation  
CBI. Conservation Biology Institute  
CCC. California Coastal Commission  
CDFG. California Department of Fish and Game  
CEQA. California Environmental Quality Act  
CESA. California Endangered Species Act  
CNLM. Center for Natural Lands Management  
CNPS. California Native Plant Society  
CSS. Coastal Sage Scrub  
CWA. Clean Water Act  
Dist. Disturbed  
DWR. California Department of Water Resources  
EIR. Environmental Impact Report  
EIR/EIS. Environmental Impact Report/Environmental Impact Statement  
EPA. Environmental Protection Agency  
ESA. Federal Endangered Species Act  
FEMA. Federal Emergency Management Agency  
FPA. Focus Planning Area  
GIS. Geographic Information System  
HCP. Habitat Conservation Plan  
HMP. Habitat Management Plan  
HOA. Homeowners Association  
IA. Implementing Agreement  
ITP. Incidental Take Permit  
LCP. Local Coastal Program  
MBTA. Federal Migratory Bird Treaty Act  
MCB. Marine Corps Base  
MMRP. Mitigation Monitoring and Reporting Program  
MHCP. Multiple Habitat Conservation Program  
MOA. Memorandum of Agreement  
MOU. Memorandum of Understanding  
NAP. Not a Part  
NPDES . National Pollution Discharge Elimination System  
NCCP. Natural Community Conservation Planning  
NEPA. National Environmental Policy Act  
NPDES. National Pollution Discharge Elimination System Permit

OSMP. Open Space Management Plan  
PAMA. Pre-approved Mitigation Area  
PAR. Property Analysis Report  
RWQCB. California Regional Water Quality Control Board  
SANDAG. San Diego Association of Governments  
SAP. Subarea Plan  
SDCWA. San Diego County Water Authority  
SDG&E. San Diego Gas & Electric  
SR. State Route  
SUSMP. Standard Urban Storm Water Mitigation Plan  
TET. The Environmental Trust  
USFWS. United States Fish and Wildlife Service  
WCPZ. Wildlife Corridor Planning Zone  
WNV. West Nile Virus