4.3 BIOLOGICAL RESOURCES

This section describes the existing biological resources of the project site, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed Villa Storia Planned Development (PD) Plan (proposed project). The following analysis is based upon the Villa Storia Project Biological Technical Report that was prepared for the proposed project by Dudek in June 2014 and is incorporated by reference herein (Dudek 2014). The biological resources report is included in Appendix C of this EIR.

4.3.1 Relevant Plans, Policies, and Ordinances

Federal

Federal Endangered Species Act

The federal Endangered Species Act of 1973 (ESA), as amended, 16 U.S.C. 1531 et seq., provides for listing of endangered and threatened species of plants and animals and designation of critical habitat for listed animal species. The ESA also prohibits all persons subject to U.S. jurisdiction from "taking" endangered species, which includes any harm or harassment. Section 7 of the ESA requires that federal agencies, prior to project approval, consult USFWS and/or the National Marine Fisheries Service (NMFS) to ensure adequate protection of listed species that may be affected by the project.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.) is a federal statute that implements treaties with several countries on the conservation and protection of migratory birds. The number of bird species covered by the MBTA is extensive and is listed in 50 CFR 10.13. The regulatory definition of "migratory bird" is broad and includes any mutation or hybrid of a listed species and includes any part, egg, or nest of such bird (50 CFR 10.12). Migratory birds are not necessarily federally listed endangered or threatened birds under the ESA. The MBTA, which is enforced by USFWS, makes it unlawful "by any means or in any manner, to pursue, hunt, take, capture, [or] kill" any migratory bird or attempt such actions, except as permitted by regulation. The applicable regulations prohibit the take, possession, import, export, transport, sale, purchase, barter, or offering of these activities, except under a valid permit or as permitted in the implementing regulations (50 CFR 21.11).

Jurisdictional Waters of the US, Including Wetlands

Pursuant to Section 404 of the Clean Water Act (CWA), the U.S. Army Corps of Engineers (ACOE) regulates the discharge of dredged and/or fill material into "waters of the United State." The ACOE regulates traditional navigable waters, adjacent wetlands, and relatively permanent

waters tributary to traditional navigable waters and adjacent wetlands. For impacts to wetlands or waters under ACOE jurisdiction, either an Individual Permit or a Nationwide Permit will be required in accordance with Section 404 of the CWA.

State

California Department of Fish and Wildlife

Under Section 1602 of the Fish and Game Code, the California Department of Fish and Wildlife (CDFW) regulates activities that will divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake that supports fish or wildlife. CDFW has jurisdiction over riparian habitats (e.g., mulefat scrub) associated with watercourses. Jurisdictional waters are delineated by the outer edge of riparian vegetation or at the top of the bank of streams or lakes, whichever is wider. CDFW jurisdiction does not include tidal areas or isolated resources.

California Endangered Species Act

The CDFW administers the California Endangered Species Act (CESA), which prohibits the "take" of plant and animal species designated by the Fish and Game Commission as endangered or threatened in the state of California (California Fish and Game Code Section 2050 et seq.). CESA authorizes the taking of threatened, endangered or candidate species if take is incidental to otherwise lawful activity and if specific criteria are met. These provisions also require CDFW to coordinate consultations with the U.S. Fish and Wildlife Service (USFWS) for actions involving federally listed species that are also state-listed species.

List of California Vegetation Alliances and Associations

In September 2010, the CDFW published the List of California Vegetation Alliances and Associations, which uses the scientific name of the dominant species in that alliance as the alliance name and includes a global and state rarity rank based on the NatureServe Standard Heritage Program methodology. The conservation status of a vegetation community is designated by a number from 1 to 5, preceded by a letter reflecting the appropriate geographic scale of the assessment (G = global, N = national, and S = subnational). The numbers have the following meaning:

1 = critically imperiled

2 = imperiled

3 = vulnerable to extirpation or extinction

4 = apparently secure

5 = demonstrably widespread, abundant, and secure.

This list is considered the authority for ranking the conservation status of vegetation communities in California.

CDFW's guidelines for determining high priority vegetation types includes considering any communities listed with a ranking of S1–S3 and ascertaining whether the specific stands of the community type within the project area are "considered as high-quality occurrences of a given community." The consideration of stand quality includes cover of non-native invasive species, human-caused disturbance, reproductive viability, and insect or disease damage.

In addition, the Oceanside Subarea Plan (discussed below) requires mitigation at varying ratios for many vegetation communities. Vegetation communities considered special-status are those with an "S" ranking of 1, 2, or 3.

Local

Regional Water Quality Control Board

The Regional Water Quality Control Board (RWQCB) administers Section 401 permits and provides certification. The RWQCB also plays a role in review of water quality and wetland issues, including avoidance and minimization of impacts. Section 401 certification is required prior to the issuance of a Section 404 permit. Permits requiring Section 401 certification include ACOE Section 404 permits and National Pollutant Discharge Elimination System (NPDES) permits issued by the Environmental Protection Agency (EPA) under Section 402 of the CWA. NPDES permits are issued by the applicable RWQCB. The City of Oceanside is within the jurisdiction of the San Diego RWQCB (Region 9).

North County Multiple Habitat Conservation Program

The North County Multiple Habitat Conservation Program (MHCP) is a long-term regional conservation plan established to protect sensitive species and habitats in northern San Diego County. The MHCP encompasses the Cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. The program goals are to conserve approximately 19,000 acres of habitat, of which roughly 8,800 acres (46%) are already in public ownership and contribute toward the habitat preserve system for the protection of more than 80 rare, threatened, or endangered species (SANDAG 2003).

Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan

The Oceanside Habitat Conservation Plan/Natural Communities Conservation Plan (Subarea Plan) was prepared per the California Natural Community Conservation Planning Act (NCCP Act) and the ESA. The Oceanside Subarea Plan addresses how the City of Oceanside will conserve and protect biological communities and species considered sensitive under the NCCP

Act and ESA. The City of Oceanside is given authority to permit the taking of natural habitats within its jurisdictional boundaries. The Oceanside Subarea Plan was used as guidance for the biological resources report and this EIR.

4.3.2 Existing Conditions

Dudek conducted a reconnaissance survey, a formal jurisdictional delineation and vegetation mapping in October and December 2012. Vegetation communities and land uses were mapped in the field using both a Trimble GeoXT geographic positioning system (GPS) and mapping directly onto a 150-foot-scale (1 inch = 150 feet) aerial photograph-based field map of the project site. No focused surveys for special-status plants were conducted; however, all plant species encountered during the field surveys were identified and recorded. No focused surveys for special-status wildlife were conducted; however, during surveys all wildlife species detected during the field surveys by sight, calls, tracks, scat, or other signs were recorded. Binoculars (7×50 magnification) were used to aid in the identification of observed wildlife. In addition to species actually detected, expected wildlife use of the site was determined by known habitat preferences of local species and knowledge of their relative distributions in the area.

4.3.2.1 Site Location

The proposed project is located on an approximate 35.59-acre site in the City of Oceanside, north of Mission Avenue and State Route 76 (SR-76), south of a mobile home community (San Luis Rey Homes), west of residential development (River Ranch Homes), and east of Mission San Luis Rey, and Mission San Luis Rey Parish and associated facilities. Academy Road generally bisects the proposed project site in a north-south orientation. The site is located approximated 1.5 miles from the Pacific Ocean on the Peninsular Range. The San Luis Rey River is located approximately 0.5 miles north of the proposed project site. The proposed project site is located within the Lower San Luis Hydrologic Area 903.1 of the San Luis Rey River Hydrologic Unit. The topography of the proposed project site gently fluctuates between an approximate low of 70 feet above mean sea level (amsl) to an approximate high of 90 feet amsl.

4.3.2.2 Physical Setting

Vegetation Communities

A total of four vegetation communities were observed and mapped on the proposed project site. Non-native communities included developed habitat, disturbed habitat, and ornamental, while the only native vegetation community found on the proposed project site was mulefat scrub. Figure 4.3-1 displays these vegetation communities' spatial distribution within the proposed project site and Table 4.3-1outlines their respective acreages. Each of the four vegetation communities are described further below.

Table 4.3-1
Vegetation Communities and Land Covers

Habitat Types/Vegetation Communities	Code [1]	Habitat Group	Existing Acreage [2]
Riparian/Water and Wetlands			
Mulefat scrub (CDFW only)*	63310	A	0.08
		Subtotal	*0.08*
Non-Natural Land Covers			
Developed Land	12000	N/A	2.59
Disturbed Land	11300	F	32.53
Ornamental	11000	N/A	0.39
		Subtotal	*35.51*
		Total	**35.59**

* Requires mitigation by the City of Oceanside HCP.NCCP
(1) Hollan (1986) as modified by Oberbauer et al. (2008)
(2) Totals may not add due to rounding
Source: Dudek 2014

Mulefat Scrub

Mulefat scrub is a successional herbaceous riparian plant community dominated by mulefat (*Baccharis salicifolia* ssp. *salicifolia*) and may also contain various willows (*Salix* ssp.), stinging nettle (*Urtica dioica* ssp. *holosericea*), and Santa Barbara sedge (*Carex barbarae*) at low percent covers. This community is commonly found along intermittent stream channels, canyons, and catchment basins.

On site, this community is dominated by monotypic stands of mulefat and upland species such as coyote brush (*Baccharis pilularis*). The mulefat scrub community occurs in a small isolated patch along the southern boundary of the site, immediately adjacent to Academy Road (Figure 4.3-1). There is a concreted-lined channel located off site, approximately 25 feet from the mulefat scrub. This concrete-lined channel is not hydraulically connected to the mulefat scrub on site. Due to its isolated nature, small size, and lack of species diversity or surrounding vegetation, the mulefat scrub on site provides very little habitat value for wildlife species.

The *Baccharis salicifolia* alliance has a rank of G5S4 in CDFW's the List of California Vegetation Alliances and Associations, meaning it is globally secure and apparently secure in the state. Mulefat scrub is within the Habitat Group A of the Oceanside Subarea Plan, is considered a special-status vegetation community, and mitigation is required for impacts to this vegetation community.

Developed Land

Developed Land is land designated as urban/developed is generally subject to significant human disturbance associated with development. There are 2.59 acres of developed land in the project site. The developed land is composed of encroachments from adjacent land uses and paved roads within the project site. Developed land is not listed within an Oceanside Subarea Plan habitat group, indicating that it has limited to no habitat value.

Disturbed Land

Disturbed Land refers to areas that have been permanently altered by previous human activity that has eliminated all future biological value of the land for most species. The native or naturalized vegetation is no longer present, and the land lacks habitat value for sensitive wildlife, including potential raptor foraging. Based on historical review of the site, it appears that in 1963 portions of the site were utilized for agricultural purposes. Active farming was not confirmed in the recent site visit and the site appeared to have been disked. The vegetative cover was less than 10% and close to zero. The disking provides evidence of soil surface disturbance and farming debris in the forming of irrigation equipment was present. The site was not dominated by species characteristic of annual grassland per the MHCP definition. Although some brome species may have been present, they had been disturbed, thus making them unidentifiable. Russian thistle (*Salsola tragus*), a species noted to occur within disturbed lands per the MHCP definition, was observed scattered throughout the site.

Disturbed land occurs over the majority of the project site. Disturbed land is not included in the List of California Vegetation Alliances and Associations. Disturbed Land occurs over the majority of the project site. Disturbed Land is within Habitat Group F of the Oceanside Subarea Plan. This community is not considered a special-status vegetation community; however, impacts to this land cover may be subject to a Habitat Development Fee.

Ornamental Plantings

Ornamental plantings refer to areas where non-native ornamentals and landscaping have been installed. Ornamental plantings are not regulated by the environmental resource agencies and do not require mitigation. Ornamental plantings occur in one patch along a slope in the northern border of the project site. These plantings are associated with the landscaping for the nearby residences.

Ornamental plantings are not included in the List of California Vegetation Alliances and Associations . Since it is dominated by non-native vegetation ornamental plantings, ornamental is not included in any of the Habitat Groups described in the Oceanside Subarea Plan, indicating that it has limited to no habitat value.

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SOURCE: Bing 2012

FIGURE 4.3-1

Biological Resources

Villa Storia PD Plan Draft Environmental Impact Report

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Flora

A total of 12 vascular plant species, eight native and four non-native, were observed and recorded at the proposed project site. Native species include Cuman ragweed (*Ambrosia psilostachya*), coastal sagebrush (*Artemisia californica*), coyotebrush (*Baccharis pilularis*), mulefat (*Baccharis salicifolia* ssp. *Salicifolia*), black sage (*Salvia mellifera*), Eastern Mojave buckwheat (*Eriogonum faciculatum*), woodland pterostegia (*Pterostegia drymarioides*), and arroyo willow (*Salix lasiolepis*). Non-native species include sweet fennel (*Foeniculum vulgare*), prickly Russian thistle (*Salsola tragus*), castorbean (*Ricinus communis*), and curly dock (*Rumex crispus*).

Wildlife

A total of 21 wildlife species were observed on the proposed project site with the majority of the species birds. Birds observed include the Western meadowlark (*Sturnella neglecta*), Song sparrow (*Melospiza melodia*), California towhee (*Melozone crissalis*), American kestrel (*Falco sparverius*), House finche (*Carpodacus mexicanus*), Lesser goldfinch (*Spinus psaltria*), Black phoebe (*Sayornis nigricans*), Say's phoebe (*Sayornis saya*), Red-tailed hawk (*Buteo jamaicensis*), Red-shouldered hawk (*Buteo lineatus*), Anna's hummingbird (*Calypte anna*), Turkey ulture (*Cathartes aura*), American crow (*Corvus brachyrhynchos*), Common raven (*Corvus corax*), Mourning dove (*Zenaida macroura*), Rock pigeon (*Columba livia*), Killdeer (*Charadrius vociferous*), European starling (*Sturnus vulgaris*), Gull (*Larus* sp), and Yellow-rumped warbler (*Setophaga coronate*) . The only mammal species observed was the California ground squirrel (*Spermophilus beecheyi*). While no reptiles were detected during the survey times, common species such as the side-blotched lizard (*Uta stansburiana*) are expected to occur on the proposed project site.

Special-Status Species

CEQA Guideline 15380(b) (14 CCR 15000 et seq.) refers to any species defined as endangered, rare, or threatened species as a "special-status species" and include (1) endangered or threatened species recognized in the context of the CESA and ESA; (2) plant species with a California Rare Plant Rank (CRPR) (Lists 1 through 4); (3) California Species of Special Concern (SSC) and Watch List (WL) species, as designated by the CDFW; (4) mammals and birds that are fully protected (FP) species, as described in Fish and Game Code, Sections 4700 and 3511; (5) Birds of Conservation Concern (BCC), as designated by the U.S. Fish and Wildlife Service; and the Oceanside Subarea Plan (Table 3-4 of the Subarea Plan).

Special-Status Plant Species

No special-status plant surveys were conducted and no special-status plants were observed during any of the biological surveys. There is very low potential for any special-status plants to occur on site due to the highly disturbed nature of the site and general lack of vegetation within a majority of the site.

Appendix C of the biological resources report provides a list of special-status and "covered" plant species that are known to occur within the U.S. Geological Survey 7.5-minute San Luis Rey quadrangle, the surrounding eight topographic quadrangles and analyzes each of these special-status species' occurrence or potential to occur based on known range, habitat associations, preferred soil substrate, life form, elevation, and blooming period. There are no special-status plant species with a moderate or high potential to occur within the project study area. All the special-status plant species in the table are either not expected to occur or have a low potential to occur.

Special-Status Wildlife Species

No focused wildlife surveys were conducted and no special-status wildlife species were observed during any of the biological surveys. There is very low potential for any special-status wildlife species to occur on site due to the highly disturbed nature of the site and lack of vegetation.

Appendix D of the biological resources report provides a list of special-status and "covered" wildlife species that are known to occur within the USGS 7.5-minute San Luis Rey quadrangle and the surrounding eight topographic quadrangles and analyzes each of these special-status species' occurrences or potential to occur based on known range, habitat associations, and elevation. All the special-status species in Appendix D of the biological resources report are either not expected to occur or have a low potential to occur.

Special-Status Vegetation Communities

Mulefat scrub is considered a special-status vegetation community. Mulefat scrub is the only special-status vegetation community observed on the proposed project site. These vegetation communities are considered sensitive by the Oceanside Subarea Plan and CDFW.

Jurisdictional Water

Within the proposed project site, there are 0.08 acres of jurisdictional riparian habitat under CDFW only. These same jurisdictional wetlands comprise the special-status vegetation community of mulefat scrub. The spatial distribution of these wetlands and each data collection station can be seen in Figure 4.3-1 above. The riparian habitat on site is associated exclusively within a depression along the southern boundary. The source of water is most likely runoff from

the street as indicated by the erosion on the slope. Table 4.3-2 outlines determinations from each data station with their corresponding jurisdictions.

Data Station 1 was positive for the field indicator hydrophytic vegetation; the other two stations were collected due to the project site occurring within the 100-year floodplain (See Section 4.8 of this EIR for further discussion of the 100-year floodplain). Data station 1 was located within the depression in the mulefat scrub on site. Due to the lack of hydrology and hydric soils, this data point is not within an ACOE/RWQCB wetlands or a water of the United States. This data station is located within mulefat scrub and is considered riparian habitat under the jurisdiction of the CDFW only.

Data Stations 2 and 3 were located within the 100-year floodplain but lacked any wetland indicators (vegetation, hydric soils or hydrology) and are, therefore, not considered jurisdictional.

Table 4.3-2
Data Station Point Summary

Data Station	Wetland Determination Field Indicators			Stream Association	Determination	Jurisdiction
	Vegetation	*Hydric Soils*	*Hydrology*			
1	✓	None	None	No	Wetland	CDFW
2	None	None	None	No	--	None
3	None	None	None	No	--	None

Source: Dudek 2014

Wildlife Linkages, Corridors, and Crossings

Wildlife linkages are defined as large, open space areas that are large enough to support at least a natural habitat mosaic and viable populations of smaller terrestrial species, such as rodents, smaller carnivores (raccoons, skunks, foxes, and weasels), passerine birds, amphibians, reptiles, and invertebrates. Wildlife corridors are linear landscape elements that provide for species movement and dispersal between two or more habitats but do not necessarily contain sufficient habitat for a species. In a wildlife crossing, wildlife must pass through environments physically constrained by development.

Due to the narrow corridor and largely urban area, the proposed project site is not considered an important habitat linkage for wildlife movement. General wildlife movement has more potential to occur in the San Luis Rey River riparian corridor north of the proposed project site. Due to the largely urbanized surroundings and general lack of habitat diversity, foraging potential for raptors is lessened. The proposed project site is also not identified by the Oceanside Subarea Plan as a Wildlife Corridor Planning Zone.

4.3.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to biological resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to biological resources would occur if the project would:

A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.

C. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The following impacts discussion is generally divided by direct and indirect impacts:

Direct impacts refer to the permanent loss of on-site habitat and the plant and wildlife species that it contains. All biological resources within the direct permanent impact area are considered 100% lost. Direct impacts were quantified by overlaying the proposed project footprint onto the biological resources map of the site.

Indirect Impacts refer to off-site and on-site “edge effects” that are short-term (i.e., not permanent) as a result of project construction or long-term (i.e., permanent) due to the design of the project and the effects it may have to adjacent resources. Examples of “edge effects” include dust, noise, and general human presence that may temporarily disrupt species and habitat vitality and construction-related soil erosion and runoff.

4.3.4 Impacts Analysis

A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Direct Impacts

Direct impacts are impacts that result from direct ground disturbance activities. The proposed project will result in direct permanent impacts to the entire site either from the proposed grading or due to the transfer to the adjacent landowner (approximately 35.59-acres) including approximately 0.08-acre of sensitive vegetation community/jurisdictional wetland (see response (b) below for discussion and significance conclusion). See Figure 4.3-2 for the proposed limits to grading.

As identified in local or regional plans, policies, or regulations, no candidate, sensitive, or special-status plants or candidate, sensitive, or special-status wildlife species were detected during the biological surveys, and none are expected to occur on site. Further, no candidate, sensitive, or special-status plant or candidate, sensitive, or special-status wildlife species are expected to have high or moderate potential to occur. Therefore, implementation of the proposed project would not directly impact any special-status plant species. Impacts would be less than significant.

Indirect Impacts

Indirect impacts are considered on-site and off-site fringe effects that are non-permanent short term effects due to the proposed project construction or permanent long term effects due to proposed project design and its effects on adjacent areas. Potential indirect short term impacts include dust generation, noise generation, and general increase in human activity caused by the construction phase of the proposed project. Potential indirect long term impacts such as alteration of drainage pattern from grading would be subject to relevant Best Management Practices (BMPs) and Storm Water Pollution Prevention Plans (SWPPPs). Other potential long term indirect impacts could result from landscaping with non-native species, generally increased human presence from residential development, and noise. Any significant impact to hydrology would be controlled or avoided through proper BMPs and SWPPPs (refer to Section 4.8, Hydrology and Water Quality, or this EIR). The surrounding area adjacent to the proposed project site is largely urbanized with ornamental landscaping. No candidate, sensitive, or special-status plant species are adjacent to the proposed project site. Therefore, no indirect impacts to off-site candidate, sensitive, or special-status plants would occur and impacts would be less than significant.

Wildlife may be indirectly affected in the short-term and long-term by noise and lighting which can disrupt normal activities and subject wildlife to higher predation risks. Also, adverse edge effects can cause degradation of habitat quality through the invasion of pest species. Breeding birds can be significantly affected by short-term construction-related noise, which can result in the disruption of foraging, nesting, and reproductive activities.

Although the areas adjacent to the project site support very limited suitable vegetation for bird nesting, the ornamental trees surrounding the project site may support nesting habitat for raptors. Potentially significant indirect impacts from construction-related noise could occur to wildlife if construction occurs during the breeding season (i.e., February 15–August 31 for most bird species; and January 1–August 31 for raptors). Implementation of mitigation measure MM-BIO-1 would reduce all potentially significant indirect impacts to nesting bird to a less than significant level.

B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?

Direct Impacts

As discussed above, the proposed project would result in direct permanent impacts to the entire site either from the proposed grading or due to the transfer to the adjacent landowner (approximately 35.59-acres), including approximately 0.08-acre of mulefat scrub, a special-status vegetation community and under CDFW jurisdiction. Table 4.3-3 and Figure 4.3-2 present direct permanent impacts resulting from the proposed project.

Table 4.3-3
Direct Permanent Impacts of the Proposed Project

Vegetation Community/Land Cover Type	Habitat Group/Jurisdiction	Acreage
Uplands		
Developed (DEV)	None/None	2.59
Disturbed Habitat (DH)	F/None	32.53
Ornamental (ORN)	None/None	0.39
Wetlands		
Mulefat Scrub (MFS)	A/CDFW	0.08
	Total	**35.59**

Source: Dudek 2014

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SOURCE: Bing 2012

FIGURE 4.3-2

Biological Resources with Limits of Grading

Villa Storia PD Plan Draft Environmental Impact Report

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Vegetation communities considered sensitive are those listed in Habitat Groups A through E of the Oceanside Subarea Plan. Direct impacts to mulefat scrub, which is in Habitat Group A of the Oceanside Subarea Plan, would be considered significant absent mitigation. Impacts to ornamental, disturbed habitat, and developed land covers are not considered significant because these land covers are not considered special status. Implementation of mitigation measure MM-BIO-2, which requires purchase within the San Luis Rey Mitigation Bank at a 2:1 ratio, shall be implemented. Although the Oceanside Subarea Plan requires a 3:1 mitigation ratio for riparian scrub, 2:1 mitigation is proposed for the habitat on site since it functions as a disturbed wetland, which is subject to 2:1 or 1:1 mitigation for impacts. With incorporation of mitigation measure MM-BIO-2, impacts to the mulefat scrub to a less than significant level.

Indirect Impacts

There are no native vegetation communities adjacent to the project site. The surrounding area is developed and mostly vegetated and maintained with ornamental species, which are not identified as a sensitive natural community in local or regional, plans, policies, or regulations or by CDFW or USFWS. As discussed above and in Section 4.8 of this EIR, implementation of stormwater regulations would control adverse edge effects during and following construction. Therefore, indirect impacts to off-site vegetation communities would be less than significant.

C. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

See response (b) above. The proposed project would directly and significantly impact 0.08 acres of mulefat scrub considered sensitive by the Oceanside Subarea Plan. The mulefat scrub located on the proposed project site is also jurisdictional wetlands under CDFW. Per the CWA, no wetlands were located to be in ACOE jurisdiction, therefore no Nationwide or Individual permits would be required. Therefore, no impact to wetlands under federal jurisdiction would occur.

D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Direct Impacts

As discussed above, due to the narrow corridor and largely urban area, the proposed project site is not considered an important habitat linkage for wildlife movement. The proposed project site is also not identified by the Oceanside Subarea Plan as a Wildlife Corridor Planning Zone. Therefore, development of the proposed project would not directly interfere substantially with

the movement of wildlife species, wildlife corridors, or nursery sites. Impacts to wildlife corridors would be less than significant.

Indirect Impacts

As discussed in response (a), the proposed project's construction related activities would potentially impact nesting birds adjacent to the proposed project site. Noise and lighting related to construction activities could significantly impact breeding patterns, foraging, nesting, and other reproduction related activities of birds utilizing the ornamental trees in the adjacent areas to the proposed project site. Nesting season is February 15th through August 31st for most bird species while raptor's nesting season begins January 1st and ends on August 31st. However, implementation of mitigation measure MM-BIO-1 would reduce impacts on nesting birds to less than significant.

E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The City of Oceanside General Plan provides an Environmental Resource Management Element which serves as a guide for conservation of natural resources and open space under the City's influence. This element was drafted to be consistent with other relevant acts, plans, and policies such as the California Endangered Species Act, CEQA, CDFW, and the Regional Water Quality Control Board. The Environmental Resource Management Element states to conserve habitats for vegetation and wildlife. Due to consistency with relevant plans that the proposed project would adhere to, such as the Oceanside Subarea Plan, conflicts with the Environmental Resource Management Element are not expected. Therefore, impacts resulting from the proposed project would be less than significant.

F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

As described above, the proposed project site is within the Oceanside Subarea Plan which is used as a guidance document for projects in the City of Oceanside and represents the City's contribution to the MHCP and NCCP conservation goals. The proposed project is consistent with the requirements of the Oceanside Subarea Plan. Specifically, as required in Section 5.3.4 of the Oceanside Subarea Plan, where impacts to biological resources within the Off Site Mitigation Zone (a planning zone within the City that supports natural vegetation) must be mitigated within the Wildlife Corridor Planning Zone (planning zone that contribute to the north-south regional gnatcatcher stepping-stone corridor) or pre-approved Mitigation Areas (lands outside of the Wildlife Corridor Planning Zone that have significant resource values) as there is less emphasis on impact avoidance. As shown in Figure 4-1 of the Oceanside Subarea

Plan, the project site is within the Off-Site Mitigation Zone. The Wildlife Corridor Planning Zone is generally located north of SR-78, west of Rancho del Oro Drive, east of Canyon and Laurel Roads, and south of the San Luis Rey River. This zone is an area designated for habitat conservation and facilitation of wildlife movement. Mitigation credits from off-site areas can be purchased within this zone. The proposed project would directly impact all 0.08 acres of mulefat scrub on site. The mulefat scrub on site does not function as a habitat corridor and has little habitat value for wildlife due to its isolation from a larger habitat corridor and to the small size of the patch. Therefore, mitigation occurring within the riparian corridor of the San Luis Rey River would better provide the preservation of biologically superior habitat as well as fulfilling the requirements of the Oceanside Subarea Plan for habitat in the Off-Site Mitigation Zone. With implementation of the recommended mitigation measure MM-BIO-2, the proposed project would be consistent and not conflict with the provisions of the Oceanside Subarea Plan reducing impacts to be less than significant.

4.3.5 Mitigation Measures

The following mitigation measures would reduce potential significant impacts to biological resources:

MM-BIO-1 Impacts from construction-related noise may occur to wildlife if construction occurs during the breeding season (i.e., February 15–August 31 for most bird species; and January 1–August 31 for raptors). Protection of general avian wildlife in compliance with the Migratory Bird Treaty Act and California Code will be accomplished by either scheduling construction between July 15 and December 31 or if construction must commence during the nesting season (January 1-August 31), a one-time biological survey for nesting bird species must be conducted in all suitable habitat for the presence of nesting birds by a qualified biologist 72 hours prior to the commencement of work.

If any active nests are detected, the area will be flagged and mapped on construction plans along with a minimum 25-foot buffer up to a 300-foot maximum for raptors, or as recommended by the qualified biologist. Generally, a 25-foot buffer is suitable for most non-sensitive bird species. Larger buffers are required for raptors because they are particularly sensitive to disturbance during the breeding season. These typical buffer distances are generally accepted by the resource agencies (e.g., USFWS, CDFW). These buffer areas established by the qualified biologist will be avoided until the nesting cycle is complete or it is determined that the nest has failed.

MM-BIO-2 Prior to approval of the Villa Storia Planned Development Plan, impacts to 0.08 acre of mulefat scrub will be mitigated through the purchase of 0.16 acre of riparian habitat located within the San Luis Rey Mitigation Bank (also known as the Singh Property) located on the San Luis Rey River north of State Route 76 and south of North River Road in the City of Oceanside, San Diego County, California. Since the mulefat scrub on site is isolated, does not function as prime wildlife habitat, and is very small and lacking species diversity and ecosystem functions, it functions more as a disturbed wetland and avoidance of the mulefat scrub on site would not retain any significant habitat value. However, habitat preservation within the San Luis Rey River would provide for both increased wildlife habitat and wetlands functions of the area. Preserving additional acreage in the San Luis Rey River would increase the overall function and value of this significant North County wildlife corridor. This mitigation bank is currently occupied by a number of federal and state listed wildlife species and is located within a wildlife corridor. The functions and values of this mitigation bank are very high and mitigating by purchasing credits in this bank provides for increased value of the bank with management and monitoring of the habitat. Therefore, although the Oceanside Subarea Plan requires a 3:1 mitigation ratio for riparian scrub, 2:1 mitigation is proposed for the habitat on site since the mulefat scrub functions as a disturbed wetland, which is subject to 2:1 or 1:1 mitigation for impacts.

4.3.6 Level of Significance After Mitigation

All impacts will be reduced to a level below significances with implementation of mitigation measures MM-BIO-1 and MM-BIO-2 provided in Section 4.3.5.