3.3 Biological Resources

This section provides an assessment of potential impacts related to biological resources that could result from project implementation. Potential impacts addressed in this section are related to special status species, riparian habitat, federally protected wetlands, wildlife corridors, conflicts with tree preservation ordinances or policies, and conflicts with adopted Habitat Conservation Plans or Natural Community Conservation Plans. The analysis in this section is based on the Biological Technical Report (BTR) (ESA 2017) that was prepared for the proposed project, which is included in Appendix C of this EIR. The BTR includes a more detailed description of the regulatory framework applicable to the project, literature review, and field survey methodology. The BTR evaluates biological resources and impacts for a larger Incentive District review area and additional study intersections. These project impact review areas were subsequently reduced to the currently proposed project area that is analyzed in this section.

3.3.1 Environmental Setting

Regional and Local Setting

The project is located within the City of Oceanside in northern coastal San Diego County, part of the Southern California Coast ecoregion. The area is characterized by a Mediterranean-like climate with mild, wet winters and hot, dry summers with brief periods of drought (CDFW 2015).

The local setting is largely developed, with major land uses that include residential, commercial, and industrial development. The project area is bounded on the north by the San Luis Rey River and on the south by the Buena Vista Lagoon, with Loma Alta Creek running through the center. These waterways are all areas of high ecological value within the region. Local topography ranges from flat to hilly, with relatively gentle slopes overall and steeper slopes along the San Luis Rey River and along bermed portions of a rail line that runs within the Incentive District.

Biological Surveys

An assessment of biological resources was conducted within the Incentive District and a buffer of 300 feet around the Complete Streets improvements (hereinafter referred to the biological survey area, or BSA). The assessment was conducted through a review of existing data for the BSA, followed up with a reconnaissance-level survey for biological resources conducted on August 26, 2016, to assess the potential for sensitive biological resources to occur.

The review of existing data included the following resources:

- California Natural Diversity Database special-status species occurrence records within one mile of the BSA
- U.S. Fish and Wildlife Service (USFWS)-designated critical habitat and federally threatened and endangered species locations
- California Native Plant Society rare plant records

- San Diego Association of Governments (SANDAG) SanBios Database
- North County Multiple Habitat Conservation Plan (MHCP) (SANDAG 2003)
- 2010 City of Oceanside Subarea Plan (City Subarea Plan)
- USFWS National Wetlands Inventory of wetlands and deep water habitats
- U.S. Geological Survey National Hydrography Dataset
- California Coastal Commission coastal zone boundaries

The reconnaissance-level survey included vegetation mapping, an assessment of habitat suitability for special-status species, and an assessment of potential jurisdictional resources. No protocol or focused special-status species surveys were conducted for the project.

Existing Biological Resources

Vegetation Communities and Land Cover Types

The following discussion of vegetation communities and land cover types is summarized from the BTR; refer to Appendix C for a full description of the vegetation communities and land cover types, and their location within the BSA relative to the Complete Streets improvements and the Incentive District.

Land cover within the BSA is predominantly Urban/Developed. Vegetation communities and cover types present within the BSA are described below based on the Draft Vegetation Communities of San Diego County (Oberbauer et al. 2008).

The Complete Streets improvement area is entirely Urban/Developed. The 300-foot buffer surrounding the Complete Streets improvement area includes the following vegetation communities and other land cover types: Coastal Freshwater Marsh, Brackishwater Estuary, Non-Native Riparian, Non-Vegetated Floodplain, Non-Vegetated Channel, Diegan Coastal Sage Scrub, Disturbed, and Urban/Developed.

The Incentive District includes the following vegetation communities and other land cover types: Coastal and Valley Freshwater Marsh, Emergent Wetland, and Non-Vegetated Channel, Disturbed, and Urban/Developed.

Jurisdictional Wetlands and Waters

No potential jurisdictional wetlands or waters occur within the Complete Streets improvements project area; however, jurisdictional wetlands and waters are present within a 50-foot buffer of the Complete Streets improvements and within the Incentive District. The project area is also within the coastal zone, an area regulated by the California Coastal Commission.

Potential jurisdictional resources within the Complete Streets improvements buffer include the channels and associated wetland/riparian habitats of the San Luis Rey River, Loma Alta Creek and Slough, and Buena Vista Lagoon. Potential jurisdictional resources within the Incentive District include Loma Alta Creek and Slough and marsh associated with Buena Vista Lagoon.

The San Luis Rey River, Loma Alta Creek and Slough, and Buena Vista Lagoon represent National Hydrography Dataset blue-line streams and all are considered impaired waterbodies by the U.S. Environmental Protection Agency. As direct tributaries to the Pacific Ocean, these streams and their associated wetlands are under the jurisdiction of the U.S. Army Corps of Engineers (USACE) and the San Diego Regional Water Quality Control Board under Clean Water Act Sections 401 and 404. These features are also under the jurisdiction of the California Department of Fish and Wildlife under California Fish and Game Code Section 1602.

Special-Status Species

No USFWS-designated critical habitat is present within the BSA and no special-status species are expected to occur in the Complete Streets improvements area due to its developed nature. A total of 11 special-status plant species and 10 special-status wildlife species have potential to occur within the Complete Streets improvements buffer and/or Incentive District, as addressed in more detail in the BTR in Appendix C.

Wildlife Movement and Habitat Linkages

Overall, the highly developed/urbanized nature of the project area limits its potential to support wildlife movement or habitat linkages. Outside of the project area, but within the BSA, there are limited areas with native habitat that can function as wildlife corridors. East-west linkages, primarily along narrow riparian corridors, are important to maintaining ecological balance in these lagoon and marsh ecosystems by allowing access by larger predators, especially coyotes (SANDAG 2003). Small islands of native habitat can also be important as resting areas for migrating or dispersing birds traveling over developed areas to larger patches of native habitat.

Within the BSA, the MHCP identifies corridors along the San Luis Rey River (at the northern end of the project area), Loma Alta Creek and Slough (in the middle of the project area), and Buena Vista Lagoon (on the southern end of the project area) as linear swaths of native habitat available to wildlife for movement/dispersal. The MHCP identifies the potential for wildlife corridor use via ranking of composite habitat values. The San Luis Rey River corridor has a ranking of very high while the north side of Buena Vista Lagoon is ranked as low. Terrestrial mammals and birds cross under Coast Highway at these locations to access the habitat east and west of the project area. These areas are also noted as Focused Planning Areas (FPAs) within the City Subarea Plan, primarily as Hardline Areas requiring 90% to 100% conservation. Outside of these riparian corridors, the remainder of the BSA is precluded from use for wildlife movement due to the developed nature of the majority of this area.

The City Subarea Plan does not identify wildlife corridor planning zones or gnatcatcher corridor constrained areas within the BSA (City of Oceanside 2010). However, a regional gnatcatcher corridor is identified directly adjacent and to the northeast of the BSA on the opposite side of Interstate 5. A small sliver of this corridor overlaps the BSA over the Interstate 5 freeway; however, being within a major freeway, this portion of the corridor is non-functional for gnatcatcher use and was likely included only because the corridor was mapped at a broad scale.

3.3.2 Regulatory Setting

The following regulatory setting is summarized from the BTR; refer to Appendix C for a full description of the regulatory setting for biological resources.

Federal

Endangered Species Act (USC, Title 16, Sections 1531 through 1543)

The federal Endangered Species Act (FESA) and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend. In addition, the FESA defines species as threatened or endangered and provides regulatory protection for listed species. The FESA also provides a program for the conservation and recovery of threatened and endangered species as well as the conservation of designated critical habitat that the USFWS determines is required for the survival and recovery of these listed species.

Migratory Bird Treaty Act (16 USC 703 through 711)

The Migratory Bird Treaty Act (MBTA) is the domestic law that affirms, or implements, a commitment by the United States to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. The MBTA makes it unlawful at any time, by any means, or in any manner to pursue, hunt, take, capture, or kill migratory birds. The law also applies to the removal of nests occupied by migratory birds during the breeding season. The MBTA makes it unlawful to take, pursue, molest, or disturb these species, their nests, or their eggs anywhere in the United States.

Federal Clean Water Act (33 USC 1251 through 1376) Sections 401 and 404 – Waters of the United States

The Clean Water Act (CWA) provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters. Section 401 requires a project operator to obtain a federal license or permit that allows activities resulting in a discharge to waters of the United States to obtain state certification, thereby ensuring that the discharge will comply with provisions of the CWA. Section 404 establishes a permit program administered by USACE that regulates the discharge of dredged or fill material into waters of the United States, including wetlands.

State

California Endangered Species Act – California Fish and Game Code Section 2050 et seq.

The California Endangered Species Act (CESA) establishes the policy of the state to conserve, protect, restore, and enhance threatened or endangered species and their habitats. For projects that would affect a listed species under both the CESA and the FESA, compliance with the FESA would satisfy the CESA if the California Department of Fish and Wildlife (CDFW) determines that the federal incidental take authorization is "consistent" with the CESA under California Fish

and Game Code Section 2080.1. For projects that would result in take of a species listed under the CESA only, the project operator would have to apply for a take permit under Section 2081(b).

California State Fish and Game Code Section 1602

Under this section of the California Fish and Game Code, the project operator is required to notify CDFW prior to any project that would divert, obstruct, or change the natural flow, bed, channel, or bank of any river, stream, or lake.

California Fully Protected Species

California fully protected species are described in Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code. These statutes prohibit take or possession of fully protected species. The CDFW is unable to authorize incidental take of fully protected species when activities are proposed in areas inhabited by those species.

California State Fish and Game Code Sections 2080 and 2081

Section 2080 of the California Fish and Game Code states that "No person shall import into this state [California], export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the Commission [State Fish and Game Commission] determines to be an endangered species or threatened species, or attempt any of those acts, except as otherwise provided in this chapter, or the Native Plant Protection Act, or the California Desert Native Plants Act."

California State Fish and Game Code Sections 3503, 3503.5, 3513, and 3800

Section 3503 of the California Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3800 of the California Fish and Game Code affords protection to all nongame birds, which are all birds occurring naturally in California that are not resident game birds, migratory game birds, or fully protected birds. Section 3513 of the California Fish and Game Code upholds the MBTA by prohibiting any take or possession of birds that are designated by the MBTA as migratory nongame birds except as allowed by federal rules and regulations promulgated pursuant to the MBTA.

Clean Water Act, Section 401

Under Section 401 of the CWA, the local Regional Water Quality Control Board (RWQCB) (for this project, the San Diego RWQCB) must certify that actions receiving authorization under Section 404 of the CWA also meet state water quality standards. The RWQCB requires projects to avoid impacts to wetlands if feasible and requires that projects do not result in a net loss of wetland acreage or a net loss of wetland function and values. Compensatory mitigation for impacts to wetlands and/or waters of the state is required.

Porter-Cologne Water Quality Control Act

The RWQCB also has jurisdiction over waters deemed "isolated" or not subject to Section 404 jurisdiction under the *Solid Waste Agency of Northern Cook County v. USACE* decision. Dredging, filling, or excavation of isolated waters constitutes a discharge of waste to waters of

the state and prospective dischargers are required to obtain authorization through an Order of Waste Discharge or waiver thereof from the RWQCB and comply with other requirements of Porter-Cologne Act.

Local

North County Multiple Habitat Conservation Program

The MHCP is a comprehensive, multiple jurisdictional planning program designed to create, manage, and monitor an ecosystem preserve in northwestern San Diego County. The MHCP subregion encompasses the seven incorporated cities of northwestern San Diego County, including the City of Oceanside. While not yet formally adopted, the *Final Oceanside Subarea Plan* (City Subarea Plan) has been implemented since 2010. The project has been evaluated against the provisions of the City Subarea Plan as currently drafted. Within the BSA, the San Luis Rey River corridor includes hardline and softline areas within the FPA. Buena Vista Lagoon is also considered a hardline area of the FPA. The remainder of the project area, including Loma Alta Creek, is outside of the FPA.

City of Oceanside General Plan

The Environmental Resource Management Element of the City of Oceanside General Plan provides the following goal and objective that applies to vegetation and wildlife habitats.

Goal: Evaluate the state of the environment and formulate a program of planned management, wise utilization, and preservation of our natural resources to ensure the health, safety, and welfare of present and future generations.

> **Objective: Vegetation and Wildlife Habitats.** Conserve and enhance vegetation and wildlife habitats, especially areas of rare, endangered, or threatened species.

3.3.3 Impacts and Mitigation Measures

Significance Criteria

Based on Appendix G of the CEQA Guidelines, the project would result in a significant impact on biological resources if it would:

1. 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.
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
3. 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.

4. 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.

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

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

Impact Analysis

Issue 1: Would the proposed project have a substantial adverse effect, either directly or through habitat modifications on plant and wildlife species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

Complete Streets Improvements

Migratory birds (including raptors) and several special-status wildlife species have the potential to occur within the Complete Streets improvements area and/or buffer, and could be impacted by the project as a result of tree removal and/or construction noise during the breeding season. Migratory birds may nest in trees located along the area planned for the Complete Streets improvements. If trees with nesting birds were to be removed direct mortality to individuals or eggs could occur, which would be considered a significant impact. Based on the primarily urban/developed nature of the area surrounding the project area, migratory birds potentially nesting along Coast Highway currently have some degree of tolerance for human presence and noise. While these migratory birds might have a degree of tolerance for human presence and noise, migratory birds could nest in trees adjacent to intersections where roundabouts and other physical improvements are proposed to be constructed, which could result in a significant impact to breeding activities due to construction-related noise.

Special-status wildlife species that have the potential to occur within the Complete Streets improvements area and/or buffer include two-striped garter snake, California least tern, light-footed Ridgway's rail, white-faced ibis, burrowing owl, southern California rufous-crowned sparrow, coastal California gnatcatcher, least Bell's vireo, western yellow bat, pocketed free-tailed bat, and San Diego black-tailed jackrabbit. No direct impacts to two-striped garter snake, California least tern, light-footed Ridgway's rail, white-faced ibis, burrowing owl, southern California rufous-crowned sparrow, coastal California gnatcatcher, least Bell's vireo, western yellow bat, pocketed free-tailed bat, or San Diego black-tailed jackrabbit would occur because the physical construction activities associated with the Complete Streets improvements (restriping, roundabouts, bulbouts, streetscape enhancements, and street lighting) would only impact urban/developed areas where these species are not expected to occur.

No indirect impacts related to noise or other factors are expected to occur because only restriping activities would occur within 100 feet or less of potential habitats for these species, with the

exception of physical construction activities south of Vista Way which may include physical construction activities such as curb extensions, minor landscaping, new wheelchair access ramps, and a median island refuge. These activities may generate noise above baseline levels at a distance of less than 300 feet from potential habitat for light-footed Ridgeway's rails, resulting in a potentially significant impact to this special-status species.

Western yellow bats may occur within skirted palm trees within the Complete Streets improvements area. Removal of skirted palm trees, if required for roundabout installation, may result in direct western yellow bat mortality or disturbance of maternity roosts, and would be considered a significant impact.

No direct impacts to rare plants are expected because the physical construction activities associated with the Complete Streets improvements (restriping, roundabouts, bulbouts, streetscape enhancements, and street lighting) would only impact urban/developed areas where rare plants are not expected to occur. No indirect impacts to rare plants are expected because the Complete Streets improvements adjacent to potential habitat for rare plants (San Luis Rey River Crossing and Buena Vista Lagoon) would only involve restriping, which would not generate sedimentation, dust, or runoff into adjacent areas.

Incentive District

Migratory birds (including raptors) have the potential to occur within the Incentive District area and could be impacted by future development during the breeding season. Removal of trees with nesting birds could result in direct mortality to individuals or eggs, which would be considered a significant impact. Construction noise could also result in a significant impact to breeding activities.

Special-status wildlife species that have the potential to occur within the Incentive District include burrowing owl, white-faced ibis, California least tern, Ridgway's rail, western yellow bat, and pocketed free-tailed bat. White-faced ibis and California least tern have a low potential to forage in the western portion of Loma Alta Creek; however, indirect impacts to foraging activity resulting from development within the Incentive District are expected to be less than significant because the creek provides low quality habitat and is not located in close proximity to breeding colonies for these species. Western burrowing owls have a low potential to occur within the disturbed areas south of Vista Avenue and north of Loma Alta Creek. These areas only provide small isolated pockets of habitat and there are no known breeding populations or recent records in the vicinity, thus burrowing owls are not expected to breed or reside at these locations and may only occur as stopover or transient visitors. Therefore, no significant impacts to this species are expected.

Indirect impacts to light-footed Ridgway's rail related to noise during construction activities would occur within 300 feet or less of potential habitats for these species located at Buena Vista Lagoon. Noise above baseline levels during the breeding season at a distance of less than 300 feet would be considered a potentially significant impact to this special-status species.

Pocketed free-tailed bats and western yellow bats have a low potential to forage or roost within the Incentive District, but direct and indirect impacts to these species would be less than significant because the developed habitat with ornamental landscaping that is available within the Incentive District is ubiquitous in the region. Western yellow bats also have the potential to have maternity roosts within palm trees within the Incentive District and could be directly impacted by palm tree removal.

Future projects implemented under the Incentive District have the potential to directly impact special-status plants where potential habitat for these species occurs within the Incentive District within the disturbed areas along the rail line, north of Loma Alta Creek, and south of Vista Way. Indirect impacts could also result from activities adjacent to habitat due to the introduction or spread of invasive species that compete with special-status plants or the generation of construction-related runoff, sedimentation, or dust that could degrade potential habitat.

Mitigation Measures:

MM Complete Streets BIO-1: Tree removal shall take place outside of the migratory bird breeding season (February 15 through August 31). If avoidance is not feasible and tree removal is required during the avian breeding season, the following measures shall be followed:

a. A nesting bird survey of trees planned for removal and within 300 feet of construction activities shall be conducted by a qualified avian biologist no more than 1 week prior to commencement of tree removal activities. A qualified avian biologist refers to a person with the ability to identify birds present in San Diego County to the species level by sight or sound and who is familiar with the breeding and nesting behaviors of native bird species.

b. If active nests with eggs or chicks of bird species protected under the MBTA are detected within trees or shrubs planned for removal, the trees will remain in place until it has been determined by the avian biologist that the nest is no longer active. If active nests are detected within 300 feet of physical construction activities, an appropriate buffer shall be determined by the avian biologist and no work shall take place within the buffer until it is determined that the nest is no longer active. Additional visits after the initial survey shall be conducted as necessary to determine that nests are no longer active.

MM Complete Streets BIO-2: For physical construction activities occurring less than 300 feet from potential light-footed Ridgeway's rail habitat associated with Buena Vista Lagoon (activities south of 33.169759°, -117.357623°, including the activities planned near the Buena Vista Audubon Society building), focused protocol surveys shall be conducted by a permitted biologist. If no rails are detected, construction may commence. If rails are detected, consultation with the USFWS would be required and may include non-disturbance areas within 300 feet of territories, implementation of noise attenuation measures, and/or daily biological monitoring and daily noise monitoring during the course of construction activities to confirm that construction activities are not adversely impacting nesting or foraging activities.

MM Complete Streets BIO-3: This mitigation measure shall be required if removal of palm trees is proposed as part of the Complete Streets project. To avoid impacts to western yellow bats, a qualified biologist (a biologist with the ability to identify bat guano and assess habitat suitability for western yellow bats) shall inspect the base of palm skirts for guano prior to removal of skirted palm trees (i.e., palm trees with several layers of accumulated dead fronds). If bats are detected, tree removal shall avoid the yellow bat maternity season (June 1 through August 31). If tree removal cannot avoid the maternity season, bat protection protocols shall be identified and implemented by a qualified bat biologist and approved by CDFW. The protocols may require installation of bat exclusionary devices, followed by up to 4 weeks of nightly monitoring by a qualified biologist to confirm bats are being excluded without harm until it is determined bats are no longer present. The protocols may also require construction of substitute bat habitat (i.e., bat boxes, artificial tree structures) in the vicinity of bat-occupied palm trees, followed by monitoring by a qualified biologist to confirm bats are using the bat habitat.

MM Incentive District BIO-1: If tree removal is required for a project proposed under the Incentive District, tree removal and construction activities shall take place outside of the migratory bird breeding season (February 15 through August 31). If avoidance is not feasible and tree removal is required during the avian breeding season, the following measures shall be followed:

a. A nesting bird survey of trees planned for removal and within 300 feet of construction activities shall be conducted by a qualified avian biologist no more than 1 week prior to commencement of tree removal activities. A qualified avian biologist refers to a person with the ability to identify birds present in San Diego County to the species level by sight or sound and who is familiar with the breeding and nesting behaviors of native bird species.

b. If active nests with eggs or chicks of bird species protected under the MBTA are detected within trees or shrubs planned for removal, the trees will remain in place until it has been determined by the avian biologist that the nest is no longer active. If active nests are detected within 300 feet of physical construction activities, an appropriate buffer shall be determined by the avian biologist and no work shall take place within the buffer until it is determined that the nest is no longer active. Additional visits after the initial survey shall be conducted as necessary to determine that nests are no longer active.

MM Incentive District BIO-2: For development activities occurring less than 300 feet from potential light-footed Ridgeway's rail habitat associated with Buena Vista Lagoon (development southwest of the intersection of Eaton Street and South Coast Highway), focused protocol surveys shall be conducted by a permitted biologist. If no rails are detected, construction may commence. If rails are detected, consultation with the USFWS would be required and may include non-disturbance areas within 300 feet of territories, implementation of noise attenuation measures, and/or daily biological monitoring and daily noise monitoring during the course of construction activities to confirm that construction activities are not adversely impacting nesting or foraging activities.

MM Incentive District BIO-3: This mitigation measure shall be required if removal of palm trees (which may contain western yellow bats) is proposed as part of a project proposed under the Incentive District. To avoid impacts to western yellow bats, a qualified biologist (a biologist with the ability to identify bat guano and assess habitat suitability for western yellow bats.) shall inspect the base of palm skirts for guano prior to removal of skirted palm trees (i.e., palm trees with several layers of accumulated dead fronds). If bats are detected, tree removal shall avoid the yellow bat maternity season (June 1 through August 31). If tree removal cannot avoid the maternity season, project-specific bat mitigation protocols shall be identified and implemented by a qualified bat biologist and approved by CDFW. The protocols may require installation of bat exclusionary devices, followed by up to 4 weeks of nightly monitoring by a qualified biologist to confirm bats are being excluded without harm until it is determined bats are no longer present. The protocols may also require construction of substitute bat habitat (i.e., bat boxes, artificial tree structures) in the vicinity of bat-occupied palm trees, followed by monitoring by a qualified biologist to confirm bats are using the bat habitat.

MM Incentive District BIO-4: To avoid impacts to narrow endemic rare plants, including Nutall's lotus, Coulter's saltbush, smooth tarplant, Orcutt's pincushion, Blochman's dudleya, cliff spurge, San Diego barrel cactus, decumbent goldenbush, sea dahlia, and spreading navarretia that may occur within the Incentive District, a qualified rare plant biologist shall conduct a preconstruction rare plant survey in areas with potential habitat for rare plants, including in areas that are considered disturbed. Qualified rare plant biologist refers to a person with knowledge of these species (appropriate plant survey windows and species identification). The qualified rare plant biologist shall work with the City to identify project-specific measures that are consistent with the specifications of the Multiple Habitat Conservation Program, and these measures shall be implemented prior to and concurrent with project construction, as applicable. Measures may include salvage of rare plants prior to construction, transfer of salvaged plants to similar habitat in non-impacted areas, followed up with monitoring by a qualified biologist to confirm at least 80% survival of salvaged plants.

Significance After Mitigation: Less than significant with mitigation

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Issue 2: Would the proposed project result in potential direct and indirect impacts to riparian habitat and other sensitive natural communities identified in local or regional plans, policies, and regulations or by CDFW or USFWS?

Complete Streets Improvements

No direct impacts to vegetation communities would occur with implementation of the proposed Complete Streets improvements. All work would occur within the urban/developed land cover type, which is not considered an MHCP habitat group and is not a sensitive vegetation community.

There are areas where Habitat Group A plant communities, which are considered as having the highest conservation priority, occur immediately adjacent to the Complete Streets improvements. These areas are coincident with FPAs associated with the San Luis Rey River crossing (bridge location in the northern end of the project area), Buena Vista Lagoon (at the south end of the project area, south of Eaton Street), and the Loma Alta Creek crossing (in the middle of the project area). Plant communities in these areas are riparian/wetland communities such as non-vegetated channel, non-vegetated floodplain, and non-native riparian.

Work adjacent to the San Luis Rey River, Loma Alta Creek, and Buena Vista Lagoon could result in indirect impacts to riparian habitats and sensitive natural communities by contributing to the spread of invasive species or generation of construction-related runoff, sedimentation, or dust. However, work adjacent to the San Luis Rey River would be limited to road restriping and would not require asphalt grinding or other activities that would result in creation of debris, sedimentation, or run-off. Therefore, no indirect impacts would occur to riparian habitat and other sensitive natural communities near the San Luis Rey River.

Physical construction activities that could indirectly impact riparian habitats and sensitive natural communities at Loma Alta Creek and Buena Vista Marsh include mid-block crosswalks proposed across Coast Highway adjacent to the Loma Alta Creek footpath (south of the existing Loma Alta Creek bridge) and near the Buena Vista Audubon Society driveway south of Eaton Street near Buena Vista Lagoon.

Incentive District

Future development and redevelopment which could occur under the Incentive District could result in direct impacts to riparian habitat and other sensitive natural communities through habitat removal or alteration, specifically within non-developed areas southwest of the intersection of Eaton Street and South Coast Highway, immediately north of Loma Alta Creek and along the railroad tracks. In addition, potential indirect effects, such as spread of invasive species or generation of construction-related runoff, sedimentation, or dust, may occur to adjacent vegetation communities associated with Loma Alta Creek and Buena Vista Lagoon.

Mitigation Measures:

MM Complete Streets BIO-4: To avoid indirect impacts to riparian habitats and sensitive natural communities adjacent to the San Luis Rey River, Loma Alta Creek, and Buena Vista Lagoon, the following measures shall be implemented:

a. Species with a rating of moderate or high on the California Invasive Plant Council Inventory Database shall not be used for streetscaping in the Complete Streets project components.

b. In areas with potential for erosion or construction-generated runoff, sedimentation, or dust from construction activities to impact adjacent Habitat Group A through E communities, best management practices (BMPs), such as silt fencing and/or straw wattles, shall be installed on the downslope portion of grading or disturbance areas during

project construction activities. This measure applies to Complete Streets improvements south of Eaton Street and adjacent to Loma Alta Creek.

MM Incentive District BIO-5: To avoid indirect and direct impacts to riparian habitats and sensitive natural communities near the San Luis Rey River, Loma Alta Creek, and Buena Vista Lagoon, the following measures shall be implemented:

a. For non-developed areas southwest of the intersection of Eaton Street and South Coast Highway, immediately north of Loma Alta Creek and along the railroad tracks, the following measures shall be implemented to protect sensitive riparian or upland vegetation communities.

   i. A site-specific assessment of biological resources by qualified biologist shall be conducted to confirm the absence or presence of sensitive biological resources prior to the City's approval of project plans. The qualified biologist shall determine the site-specific habitat type.

   ii. If the vegetation communities outlined in **Table 3.3-1** would not be directly impacted by the proposed development project, no further assessment would be required.

   iii. If there is potential for riparian, wetland, and/or sensitive upland communities to be impacted, these impacts would be required to be compensated according to vegetation community type at the ratios provided in Table 3.3-1 which supports the Multiple Habitat Conservation Program policy for no net loss of wetland/riparian vegetation and incorporates the mitigation ratios implemented in the City Subarea Plan. For impacts to these riparian and upland areas, a restoration/revegetation plan shall be prepared by a qualified restoration ecologist (experienced with riparian and upland restoration/revegetation planning) in coordination with the City and implemented by an experienced restoration contractor, with oversight by the City.

b. The City shall prohibit the use of species with a rating of moderate or high on the California Invasive Plant Council Inventory Database in landscape plans used for development southwest of the corner of Eaton Street and South Coast Highway that is adjacent to undeveloped habitat.

c. In areas where there is potential for erosion or construction-generated runoff, sedimentation, or dust from construction activities to impact adjacent Habitat Group A through E communities, best management practices (BMPs), such as silt fencing and/or straw wattles, shall be installed on the downslope portion of grading or disturbance areas during project construction activities. This measure applies to development southwest of intersection of Eaton Street and South Coast Highway and adjacent to Loma Alta Creek.

TABLE 3.3-1
MITIGATION RATIOS FOR IMPACTS TO VEGETATION COMMUNITIES

Vegetation Community/Land Cover Type	MHCP Habitat Group[1]	Location of Impact within Coastal Zone, Pre-approved Mitigation Area[2], or FPA	Location of Impact Outside of FPA
Riparian and Wetlands[1]			
Disturbed Wetland (11200)	A	1:1 to 2:1	1:1 to 2:1
Emergent Wetland (52440)	A	4:1	4:1
Coastal Brackish Marsh (52200)	A	4:1	4:1
Coastal and Valley Freshwater Marsh (52410)	A	4:1	4:1
Brackishwater Estuary (64133)	A	4:1	4:1
Non-Vegetated Floodplain or Channel (64200)	A	1:1 to 2:1	1:1 to 2:1
Non-Native Riparian (65000)	A	3:1	3:1
Uplands			
Diegan Coastal Sage Scrub (32500)	C	3:1	3:1
Flat-topped Buckwheat (32800)	D	1:1	0.5:1

[1] The wetlands mitigation ratios should provide a standard for each habitat type but may be adjusted depending on the functions and values of both the impacted wetlands as well as the wetlands mitigation proposed by the project. The City may also consider the types of wetland habitat being impacted and utilized for mitigation in establishing whether these standards have been met. All impacts to riparian/wetland habitats and mitigation for such impacts must be reviewed and approved by Federal and State agencies with jurisdiction over these vegetation communities.

[2] Pre-approved mitigation areas are depicted on Figure 3.3-1

SOURCE: SANDAG 2003; City of Oceanside 2010.

Significance after Mitigation: Less than significant with mitigation

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Issue 3: Would the proposed project result in a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA, as well as wetland waters of the State regulated by the RWQCB under the Porter-Cologne Act and also CDFW under Section 1600 of CFG Code, through direct removal of water and hydrological interruption?

Complete Streets Improvements

No federal or state wetlands or other waters occur within the Complete Streets improvements area; therefore, no direct impacts to jurisdictional wetlands or waters would occur. Jurisdictional wetlands and waters are present within the 50-foot buffer of the Complete Streets improvements at the San Luis Rey River crossing (in the northern end of the project area), the Loma Alta Creek crossing (in the middle of the project area), and Buena Vista Lagoon (at the south end of the project area).

Proposed Roundabouts
Area of Complete Streets Improvements
Overlay
City of Oceanside Subarea Plan Pre-Approved Mitigation Areas

Note: Project area encompasses the Complete Streets improvements and Overlay

0 1,200 Feet

SOURCE: City of Oceanside 2016; SanGIS 2016

City of Oceanside Coast Highway Corridor Study. 130217

Figure 3.3-1

City of Oceanside Subarea Plan Pre-Approved Mitigation Areas

Path: U:\GIS\GIS\Projects\13xxx\D130217_OceansideHwyStudy\Figures\Fig_3-3_1_Subarea_Plan_PreApproved_Mitigation_Areas.mxd jhudelson 12/6/2017

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Indirect impacts to federal or state wetlands or other waters could result from work adjacent to the San Luis Rey River, Loma Alta Creek, and Buena Vista Lagoon by contributing to the spread of invasive species or generation of construction-related runoff, sedimentation, or dust. However, work adjacent to the San Luis Rey River would be limited to road restriping and would not require asphalt grinding or other activities that would result in creation of debris, sedimentation, or run-off. Therefore, no indirect impacts would occur to federal or state wetlands or other waters near the San Luis Rey River.

Physical construction activities that could indirectly impact federal or state wetlands or other waters include mid-block crosswalks proposed across Coast Highway adjacent to the Loma Alta Creek footpath (south of the existing Loma Alta Creek bridge) and near the Buena Vista Audubon Society driveway south of Eaton Street near Buena Vista Lagoon.

Incentive District

Jurisdictional wetlands and waters within the Incentive District include Loma Alta Creek, a small patch of coastal brackish marsh comprised of saltgrass (*Distichlis* sp.) associated with Buena Vista Lagoon, and a small isolated disturbed wetland near the intersection of Cassidy Street and Broadway Street. Loma Alta Creek is within a concrete flood control channel; therefore, development activities associated with the Incentive District are unlikely to occur at this location. The disturbed wetland located near the intersection of Cassidy Street and Broadway Street is within the rail corridor which is designated as Public Utility Transportation Zone. This area is not considered developable per the land use/zoning designation. Additionally, all wetland areas within the Incentive District are subject to the no net loss policies of the MHCP and City Subarea Plan. While no significant impacts are anticipated to currently known wetland resources, the presence and distribution of wetland resources can change over time and a formal wetland delineation was not conducted throughout the entire Incentive District area; therefore, to ensure no impacts to jurisdictional wetlands and waters would occur, the following measure shall be implemented.

Mitigation Measures:

> **MM Complete Streets BIO-4** shall be implemented to address impacts to federal or state wetlands or other waters for the Complete Streets project component.
>
> **MM Incentive District BIO-6:** Individual development projects implemented under the Incentive District that would impact the areas southwest of the intersection of Eaton Street and South Coast Highway or adjacent to or within Loma Alta Creek may include jurisdictional wetlands or waters and shall be subject to a site-specific assessment of biological resources prior to the City's approval of project plans. If it is determined through the site-specific assessment that excavation, fill, or other modification of wetlands and waters under the jurisdiction of the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board, and California Department of Fish and Wildlife would occur as a result of the project, the project proponent shall be required to conduct a formal jurisdictional delineation in accordance with the *U.S. Army Corps of*

Engineers Wetland Delineation Manual (Environmental Laboratory 1987), and *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Arid West Region (Version 2.0)* (USACE 2008). Permits from the respective regulatory agencies shall also be required, and will likely require mitigation resulting in no net loss of jurisdictional wetlands and waters. It is intended that implementation of the mitigation required through the project permits be consistent and meet the Multiple Habitat Conservation Program goal of no net loss of jurisdictional wetlands and waters.

Significance after Mitigation: Less than significant with mitigation

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Issue 4: Would the proposed project result in the interference 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?

Complete Streets Improvements

The Complete Streets improvements would occur entirely within urban/developed areas; therefore, no native habitats with potential to function as wildlife movement corridors or habitat linkage areas would be impacted. Additionally, noise generating activities associated with construction would occur greater than 300 feet away from native habitats that may be used for wildlife movement.

Incentive District

Future development that may occur under the Incentive District would be prioritized within urban/developed areas which have limited potential to support wildlife movement or habitat linkages, but may occur within undeveloped habitat that function as habitat linkages. These types of impacts are consistent with those direct impacts discussed for sensitive vegetation communities such as habitat removal or alteration, and indirect impacts such as invasive species, construction-related runoff, sedimentation, and dust. Also, indirect impacts due to noise are not expected because the Incentive District is greater than 300 feet from areas identified as wildlife corridor planning zones in the City Subarea Plan.

Mitigation Measures:

MM Incentive District BIO-5 shall be implemented.

Significance After Mitigation: Less than significant

Issue 5: Would the proposed project conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Complete Streets Improvements

Based on a review of the City's General Plan and Municipal Code, the City does have not local policies or ordinances that protect trees. Chapter 31A of the City Code of Ordinances pertains to street trees, however, ordinances in this chapter do not pertain to native trees or protection of biological resources. The Complete Streets improvements are consistent with the Environmental Resource Management Element of the City General Plan. Therefore, the Complete Streets improvements would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Incentive District

Based on a review of the City's General Plan and Municipal Code, the City does have not local policies or ordinances that protect trees. Chapter 31A of the City Code of Ordinances pertains to street trees, however, ordinances in this chapter do not pertain to native trees or protection of biological resources. Development within the Incentive District would be consistent with the Environmental Resource Management Element of the City General Plan. Therefore, the Incentive District would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Mitigation Measures: No mitigation measures would be required.

Significance Determination: No impact

Issue 6: Would the proposed project conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP.

Complete Streets Improvements

The entire Complete Streets improvement area is within the MHCP, and the San Luis Rey River corridor includes hardline and softline areas that are within the FPA adjacent to the Complete Streets Improvements. However, restriping would occur only along the developed overpass without directly or indirectly impacting the conserved resources in the MHCP that occur beneath the roadway overpass. The Complete Streets Improvements are outside of but adjacent to the hardline areas at Buena Vista Lagoon. The remainder of the Complete Streets improvement area, including Loma Alta Creek, is outside of the FPA. Additionally, the developed area within the Complete Streets improvements is not a conserved vegetation community under the MHCP.

While not yet formally adopted, the City Subarea Plan has been implemented since 2010. The project has been evaluated against the provisions of the City Subarea Plan as currently drafted. The project does not conflict with any provisions of the MHCP or City Subarea Plan.

Incentive District

The entire Incentive District is within the MHCP. The Incentive District is outside of but adjacent to the hardline areas within Buena Vista Lagoon. The remainder of the Incentive District, including Loma Alta Creek, is outside of the FPA. The developed area within the Incentive District is not considered a conserved vegetation community under the MHCP. In undeveloped areas southwest of the intersection of Eaton Street and South Coast Highway Incentive District projects could affect MHCP Habitat Group A communities, including sensitive riparian and upland vegetation communities. These potential effects would be limited to the non-developed areas southwest of the intersections of Easton Street and Coast Highway and along the railroad tracks.

Mitigation Measures:

> **MM Incentive District BIO-5** shall be implemented to address consistency of the projects developed under the Incentive District with the MHCP.

Significance Determination: Less than significant with mitigation