**MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT**
**For Mapleview Street Green Streets Project**
**#1023740**

**July 21, 2020**

## I. Introduction

The proposed Mapleview Street Green Streets Project would improve stormwater conveyance and water quality along Mapleview Street through implementation of structural stormwater best management practices (BMPs). The project occurs along approximately 0.69 miles of Mapleview Street from Vine Street to Pino Drive located within the unincorporated community of Lakeside in San Diego County. The existing drainage conveyance along Mapleview Street consists of curb and gutter, asphalt concrete berm, earthen channels, sub-surface storm drains with curb inlets, and concrete-lined channels. Runoff from rain events, ground water infiltration, and irrigation activities flows into the County's Municipal Separate Storm Sewer System (MS4) with limited treatment before entering the San Diego River. The goal of the project is to improve water quality by treating wet weather flows along Mapleview Street to help meet indicator bacteria Total Maximum Daily Load (TMDL) targets in the San Diego River watershed.

Proposed improvements include installation of approximately 460 linear feet of 5-foot wide sidewalks, 200 linear feet of a 3-foot wide cobble-lined swale, and 550 linear feet of 4-foot wide biofiltration basins along Mapleview Street between Vine Street and Ashwood Street. The new cobble-lined swale and biofiltration basins will be connected to the existing concrete-lined flood control channel and the existing unlined roadside ditch would be improved with an 8-foot wide dispersion area. These improvements would remain unlined and consist of a layer of cobble, amended soil, and a choker layer to increase the amount of retention, infiltration and treatment of stormwater flows. A masonry retaining wall, with heights varying from approximately 4 to 6-feet, would be constructed along a portion of the north side of the dispersion area to stabilize the eroded banks of the channel, as needed.

Strom drain improvements would occur at the intersection of Ashwood Street and Mapleview Street and would continue east along the north side of Mapleview Street for approximately 450 feet. An existing 57- by 38-inch corrugated metal pipe (CMP) at Ashwood Street would be replaced with a 6- by 2-foot reinforced concrete box (RCB), and an existing 42- by 29-inch CMP located east of Ashwood Street would be replaced with a 4- by 3-foot RCB to increase the flow capacity. East of the storm drain improvements, 8-foot wide biofiltration basins would be constructed within the shoulder of the roadway. The basins would consist of a multi-layer treatment area to allow for infiltration and treatment of stormwater runoff and a plastic liner. A 4.5-foot wide decomposed granite maintenance corridor would be constructed north of the basins and a 5-foot wide sidewalk with curb and gutter south of the basins. The sidewalk, curb, gutter, driveway, and road improvements would continue along Mapleview Street and

terminate west of Pino Drive. On the south side of Mapleview Street, and located east and west of Duncan Drive, sidewalk, curb, gutter, and driveway improvements would be constructed. Construction is anticipated to last approximately 6 months.

Two facilities under the County's Regional General Permit-53 (RGP-53) permit program are within the project area and undergo regular maintenance by the County Department of Public Works (DPW). The two maintained facilities are numbered; Facility 33-006 is the maintained roadside ditch that carries flows in a westerly direction to Facility FC-020, the concrete-lined flood control channel. County DPW routinely maintains these facilities by removing sediment, vegetation, and debris.

A thorough discussion of project impacts and avoidance and minimization measures can be found in the Mapleview Street Green Streets Project Mitigated Negative Declaration and Initial Study prepared in accordance with the California Environmental Quality Act (CEQA). Impacts associated with the proposed project that are within the Unincorporated Land in Metro-Lakeside-Jamul Segment of the County's MSCP include:

- Permanent impacts to <0.01 acre (31 linear feet) and temporary impacts to 0.04 acre (494 linear feet) to roadside ditches that may be considered non-wetland waters of the state/streambed under the potential jurisdiction of the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW).

- Permanent impacts to 0.16 acre and temporary impacts to 0.82 acre and of non-native grassland habitat, a Tier III community under the Biological Mitigation Ordinance (BMO).

- Potential impacts to nesting and roosting success of sensitive birds and bats.

Avoidance and minimization measures recommended to reduce impacts to a level of less than significant:

- Schedule construction efforts outside the nesting bird and raptor breeding season (January 15 to September 1); conduct nest surveys prior to construction if the breeding season cannot be avoided; and create protective buffer zones to protect sensitive species as recommended by an avian specialist.

- Schedule construction efforts outside the roosting bat season (June to August); conduct roosting bat surveys prior to construction if the roosting bat season cannot be avoided and create protective buffer zones to protect sensitive species as recommended by a qualified biologist.

- A total of 0.98 acre of impacts to non-native grassland habitat will be mitigated consistent with the Biological Mitigation Ordinance; the mitigation ratio applied would be either 1:1 or 0.5:1 dependent on if the mitigation site is a biological resource core area (BRCA; the project site is not BRCA).

- As part of the project design, improvements to the existing roadside ditches will occur and will include the widening and revegetation of the impacted areas. Permanent impacts to <0.01 acre (31 linear feet) and temporary impacts to 0.04 acre (494 linear feet) of roadside ditches that may be considered State non-wetland waters/streambed may require permits from the RWQCB and CDFW prior to initiation of work. It is anticipated that the expansion of the roadside ditches will result in a net gain of non-wetland waters such that no net loss of non-wetland waters would occur.

Table 1. Impacts to Habitat and Required Mitigation

| Habitat Type | Tier Level | Existing On-site (ac.) | Proposed Impacts (ac.) | Mitigation Ratio | Required Mitigation |
|---|---|---|---|---|---|
| Non-Native Grassland | III | 1.86 | 0.98 | 0.5:1 or 1:1* | 0.49 or 0.98* |
| **Total:** | -- | 1.86 | 0.98 | -- | 0.49 or 0.98* |

*The mitigation ratio is dependent on the location of the mitigation site. If the mitigation site meets the criteria for a BRCA, the lesser mitigation ratio is used. If the mitigation site does not meet the criteria for a BRCA, the greater mitigation ratio is used.

The findings contained within this document are based on County records, staff field site visits and the Biological Resources Letter Report for the Mapleview Street Green Streets Project dated June 12, 2020. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Wildlife and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

## II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

**A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.**

The Impact Area does not qualify as a BRCA since it does not meet any of the following BRCA criteria:

i. **The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

   The project area is not located within a Pre-Approved Mitigation Area.

ii. **The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.**

   The land is not located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area. The surrounding areas are primarily developed and residential apartments and housing separates the project area from land designated as Pre-Approved Mitigation Area.

iii. **The land is part of a regional linkage/corridor. A regional linkage/corridor is either:**
   a. **Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
   b. **Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

   The project site is not part of a regional wildlife corridor. The immediate surrounding areas are primarily developed and residential apartments and housing separates the project area from nearby undeveloped land to the north designated as Pre-Approved Mitigation Area. The San Diego river corridor lies to the west and north approximately 2,000-feet and 3,000-feet respectively.

iv. **The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

   The project site contains land shown on the Habitat Evaluation Map identified as developed and of low habitat value.

**v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The project site does not consist of nor is it within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.

**vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**

**a. Gabbroic rock;**
**b. Metavolcanic rock;**
**c. Clay;**
**d. Coastal sandstone**

The land does not contain a high number of sensitive species and is not adjacent or contiguous to surrounding undisturbed habitats, nor does it contain soil derived from Gabbroic rock, Metavolcanic rock, Clay, or Coastal sandstone.

**B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.**

Mitigation for the project has not been determined yet. However, mitigation will be consistent with the Biological Mitigation Ordinance; the mitigation ratio applied would either be 1:1 or 0.5:1 dependent on if the mitigation site is a BRCA; the project site is not BRCA. Mitigation can be accomplished either through on-site preservation, restoration or creation of non-native grassland (or a biologically equivalent habitat type); or preservation, restoration or creation of non-native grassland (or a biologically equivalent habitat type) offsite within a County habitat preserve. Mitigation could also be accomplished via payment of fees into an authorized private mitigation/conservation bank.

## III. Biological Mitigation Ordinance Findings

The project is exempt from the BMO (Section 86.503(a)(8)), which states:

A public facility or public project, determined to be essential by the County, including but not limited to a County Park or County recreational facility, provided that the County decision making body considering an application for such a project makes the following findings:

**a. The facility or project is consistent with the County General Plan, the MSCP Plan and Subarea Plan, as approved by the Board of Supervisors;**

The project is consistent with the MSCP.

**b. All feasible mitigation measures have been incorporated into the facility or project, and there are no feasible , less environmentally damaging locations, alignments or non-structural alternatives that would meet project objectives;**

All feasible mitigation measures have been incorporated into the project and there are no feasible, less environmentally damaging locations alignments, or non-structural alternatives that would meet project objectives. Further, the proposed structural best management practices are designed to improve water quality within and downstream of the project area.

**c. Where the facility or project encroaches into a wetland or floodplain, mitigation measures are required that result in a net gain in wetland and/or riparian habitat;**

The project does not encroach into wetlands or a floodplain; however, roadside ditches that may be considered jurisdictional non-wetland waters/streambed occur within the project site. As part of the project design, improvements to the existing roadside ditches will occur and will include the widening and revegetation of the impacted areas. It is anticipated that the expansion of the roadside ditches will result in a net gain of non-wetland waters such that no net loss of non-wetland waters would occur.

**d. Where the facility or project encroaches into steep slopes, native vegetation will be used to revegetate and landscape cut and fill areas;**

The project will not encroach into steep slopes; the topography of the project site is relatively flat. As part of the project design, improvements to the roadside ditch will occur and will include the widening and revegetation of the impacted area with a native vegetation. In addition, all temporary impacts will be revegetated with a native plant pallet.

**e. No mature riparian woodland is destroyed or reduced in size due to otherwise allowed encroachments; and**

No mature riparian woodland would be destroyed or reduced; no riparian woodland exists within the project site.

**f. All Critical Populations of Sensitive Plant Species Within the MSCP Subarea, (Attachment C); Rare, Narrow Endemic Animal Species Within the MSCP Subarea, (Attachment D); Narrow, Endemic Plant Species Within the MSCP Subarea, (Attachment E); and San Diego County Sensitive Plant Species, as defined herein will be avoided as required by, and consistent with, the terms of the Subarea Plan.**

No critical populations of sensitive plants would be impacted.

**A. Project Design Criteria (Section 86.505(a))**

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project will not impact Critical Populations of Sensitive Plant Species, Significant Populations of Narrow Endemic Animal Species, Narrow Endemic Plant Species or Sensitive Plants or proposed impacts within a Biological Resource Core Area.

Project Design Criteria, including Attachments G and H are not required.

## IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. **The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.**

   The project is located within the Unincorporated Land in Metro-Lakeside-Jamul Segment of the County's MSCP and would not impact wetlands so it would not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies. The proposed project would result in permanent impacts to <0.01 acre (31 linear feet) and temporary impacts to 0.04 acre (494 linear feet) to roadside ditches that may be considered non-wetland waters of the state/streambed under the potential jurisdiction of the RWQCB and CDFW. It is anticipated that the improvements to the existing roadside ditch include the widening and revegetation of the impacted area. It is anticipated that the expansion of the roadside ditch will result in a net gain of waters of the state and CDFW streambed such that no net loss of waters of the state and CDFW streambed will occur and no compensatory mitigation is expected.

2. **The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.**

   The proposed project involves the implementation of structural improvements to roadside ditches along an existing developed roadway, designed to improve water quality in the project area and downstream. Overall, the project is expected to result in a long-term net benefit to biological resources due to the implementation of BMPs designed to increase the amount of retention, infiltration and treatment of stormwater flows and would improve water quality in the project area and downstream.

3. **The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were**

**ranked as having high and very high biological values by the MSCP habitat evaluation model.**

The land in the project area is shown on the MSCP habitat evaluation model as developed and ranked as low habitat value, and the project would not impact any habitat types ranked as high or very high biological values. The project would only result in permanent and temporary impacts to disturbed areas and habitats and would not result in any permanent impacts to areas of high biological values. Therefore, although the proposed project is not required to conserve habitat, it would not interfere with the conservation of habitat types that were ranked as having high and very high biological values based on the MSCP habitat evaluation model.

4. **The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

   All impacts from the proposed project would be mitigated. The proposed project involves the implementation of structural improvements to roadside ditches along an existing developed roadway, designed to improve water quality in the project area and downstream. Overall, the project is expected to result in a long-term net benefit to biological resources due to the implementation of BMPs designed to increase the amount of retention, infiltration and treatment of stormwater flows. Therefore, although the proposed project is not required to conserve habitat, it would not interfere with preserving significant blocks of high quality habitat.

5. **The project provides for the development of the least sensitive habitat areas.**

   The proposed project involves the implementation of structural improvements designed to improve water quality in the project area and downstream. The proposed project would impact a total of 0.98 acre of temporary and permanent impacts to non-native grassland habitat and permanent impacts to <0.01 acre (31 linear feet) and temporary impacts to 0.04 acre (494 linear feet) of roadside ditches that have the potential to be jurisdictional non-wetland waters of the state/streambed. However, there is little habitat value in the surrounding developed area as it consists of apartment buildings, residential homes, concrete-lined channels, and paved roads, and because landscape/ornamental vegetation occurs throughout the project area. In addition, portions of the non-native grassland habitat that occur within the roadside ditches which are regulated under RGP-53 are subject to routine maintenance. Impacts to 0.98 acre of non-native grassland habitat will be mitigated consistent with the BMO; the mitigation ratio applied would be either 1:1 or 0.5:1 dependent on if the mitigation site is a BRCA. Impacts to potential non-wetland waters of the state/streambed would not require mitigation as improvements to the roadside ditch include the widening and revegetation of the impacted area. Since the structural best management practices are designed to improve water quality within the project area and downstream, the project is anticipated to be self-mitigating. Therefore, the project provides for the development of the least sensitive habitats.

6. **The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

   The proposed project would not impact any key regional populations of covered species and representations of sensitive habitats and their geographic sub-associations in biologically functioning units as none were identified within the project impact area.

7. **Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

   The proposed project involves the implementation of structural improvements to roadside ditches along an existing developed roadway, designed to improve water quality in the project area and downstream. The proposed project would result in temporary and permanent impacts 0.98 acre of impacts to non-native grassland habitat. However, there is little habitat value in the surrounding developed area as it consists of apartment buildings, residential homes, concrete-lined channels, and paved roads, and because landscape/ornamental vegetation occurs throughout the project area. In addition, portions of the non-native grassland habitat that occur within the roadside ditches which are regulated under RGP-53 are subject to routine maintenance and the project will only impact vegetation communities adjacent to the existing road. Therefore, although the project is not required to conserve habitat, it would not interfere with the creation of large interlocking blocks of habitat that continue to the preservation of wide-ranging species.

8. **All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

   The proposed project will not adversely affect critical populations and narrow endemics as none were identified within the project impact area.

9. **No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.**

   The proposed project involves the implementation of structural improvements to roadside ditches along an existing developed roadway, designed to improve water quality in the project area and downstream. The proposed project will impact areas that are part of the existing Unincorporated Land in Metro-Lakeside-Jamul Segment of the MSCP. The proposed project would result in temporary and permanent impacts 0.98 acre of impacts to non-native grassland habitat. However, there is little habitat value in the surrounding developed area as it consists of apartment buildings,

residential homes, concrete-lined channels, and paved roads, and because landscape/ornamental vegetation occurs throughout the project area. In addition, the project will only impact vegetation communities adjacent to the existing road, including portions of the non-native grassland habitat that occurs within the roadside ditches, which are regulated under the RGP-53 permit program and are subject to routine maintenance. The project does not overlap with any hardline preserve areas or conflict with any provisions of the MSCP. Therefore, the project will not jeopardize the assembly of a preserve system within the Subarea Plan.

**10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.**

The proposed project consists of structural improvements along the shoulder of Mapleview Street. The proposed project will only impact vegetation communities that are directly adjacent to the existing roads or within a roadside ditch that is routinely maintained by DPW to remove revelation, sediment, and debris. Impacts would be mitigated consistent with the BMO; the mitigation ratio applied would be either 1:1 or 0.5:1 dependent on if the mitigation site is a BRCA. Mitigation can be accomplished on- of off-site in the form of enhancement, restoration, or creation of habitat; deduction of credits from a County-approved mitigation area; or other off-site preservation to the satisfaction of the resource agencies.

**11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.**

The proposed project is surrounded by commercial and rural residential development. The project impact area does not qualify as a BRCA since it is not located within a Pre-Approved Mitigation Area, the land is not part of a regional wildlife corridor, and does not meet the rest of the BRCA criteria. The proposed project would impact vegetation communities that are adjacent to a roadway.

All feasible avoidance, minimization, and mitigation measures have been incorporated into this project. Those measures include mitigating for impacts to sensitive vegetation communities at ratios consistent with those set forth in the BMO. The County will apply for a Streambed Alteration Agreement from the CDFW and a Water Discharge Requirement through Porter-Cologne from the RWQCB for impacts to potential jurisdictional waters.

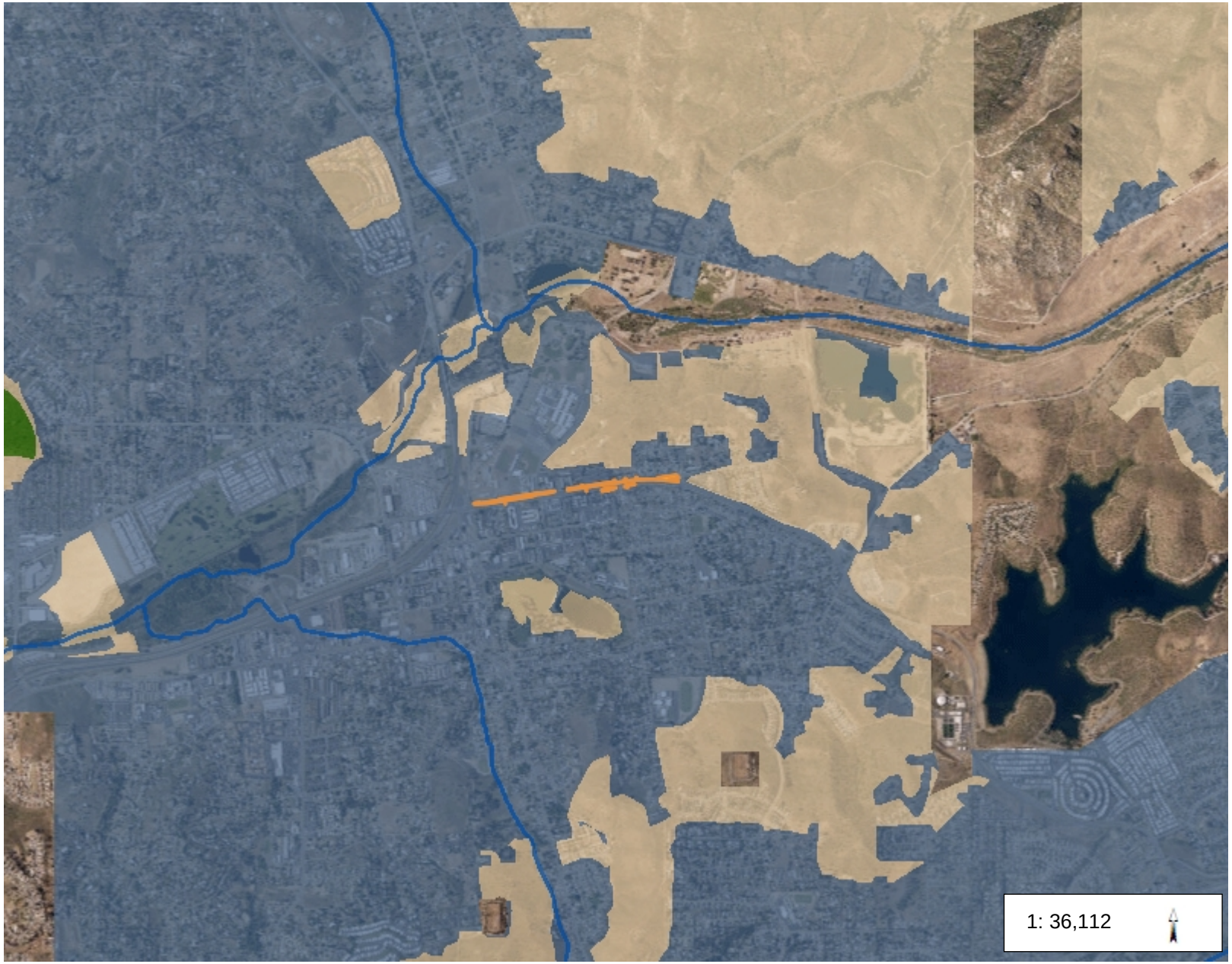
Additional avoidance and minimization measures include scheduling construction activities outside the nesting bird and raptor breeding season (January 15 to September 1) to the extent feasible, scheduling construction efforts outside the roosting bat season (June to August) to the extent feasible, conducting nest and roosting surveys prior to construction if the breeding and roosting season cannot be avoided; and creating protective buffer zones to protect sensitive species or nests that are identified adjacent to construction.

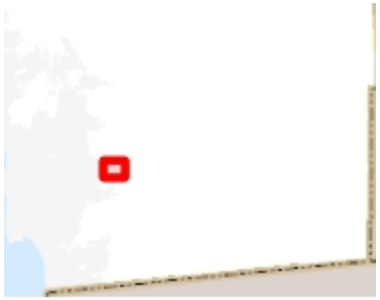
No feasible, less environmentally damaging alternative could be employed that would allow implementation of this essential public project. Best Management Practices including installation of fiber rolls, gravel bags, spill prevention and control, concrete waste management, solid waste management, and sanitary waste management will be implemented throughout the project site during construction.

Gail Getz, Department of Public Works

July 21, 2020

# Mapleview Street Green Streets Project - MSCP Map



## Legend

- Rivers

MSCP Designations - South

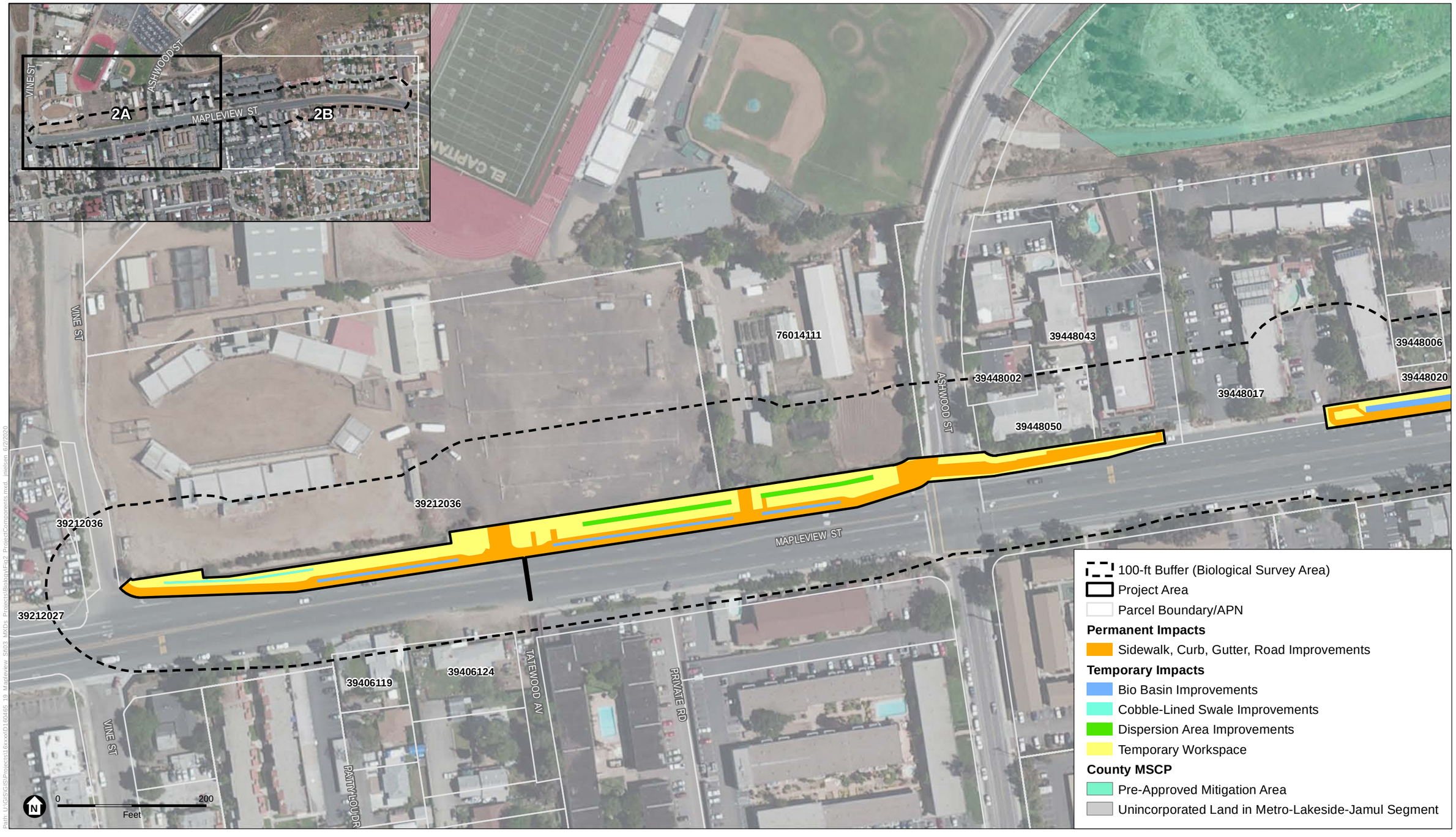
- Conserved Subject to Agreement w
- Hardline Preserve
- Major Amendment Area
- Minor Amendment Area
- Minor Amendment Area Subject to
- Otay Ranch Areas Where no Take
- Pre-Approved Mitigation Area
- Santa Fe Valley 'D' Designator
- Santa Fe Valley Open Space II
- Take Authorized Area
- Unincorporated Land in Metro-Lake

## Notes

1.1 0 0.57 1.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
Planning and Development Services

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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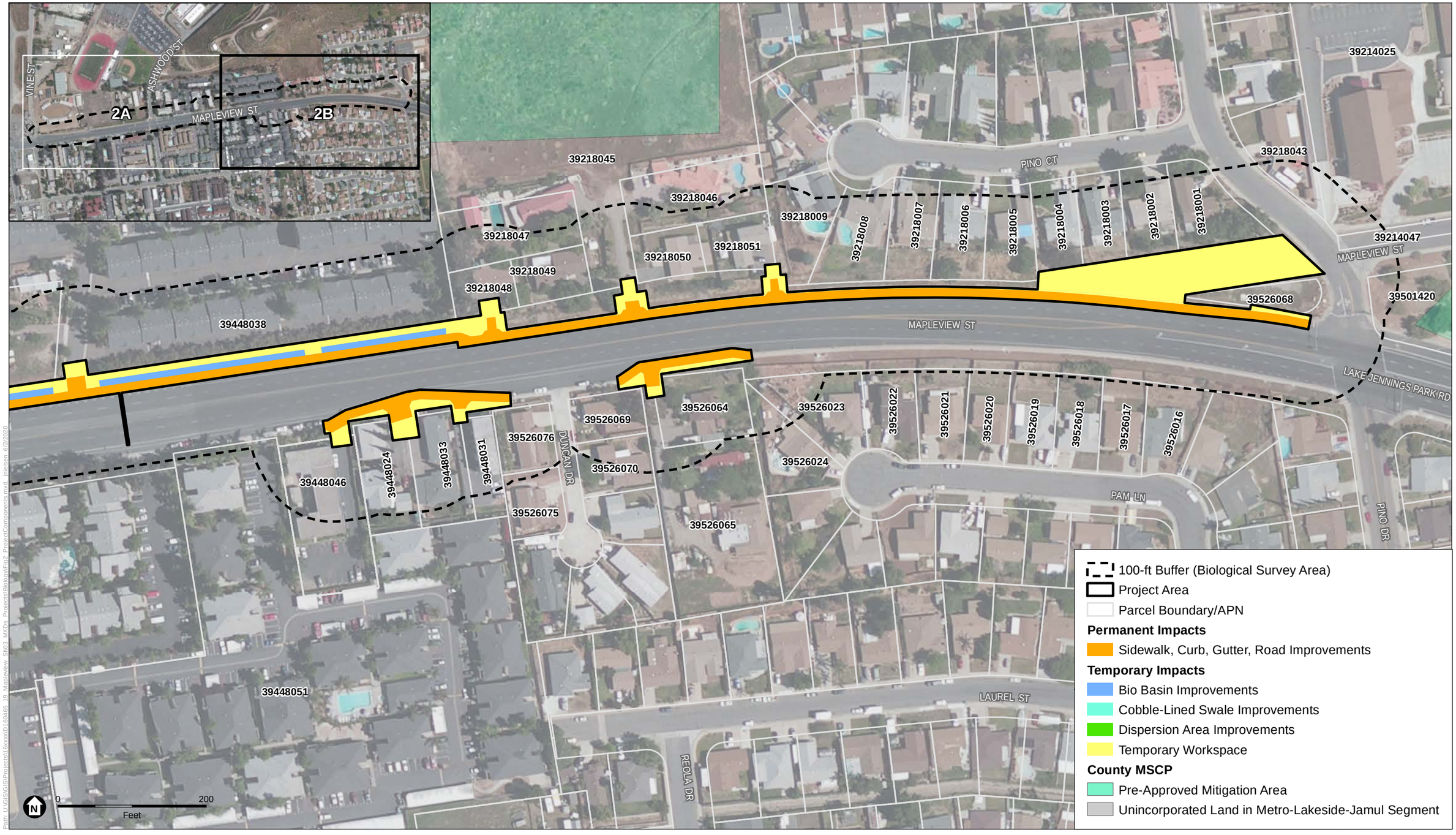
SOURCE: ESRI; SanGIS.

Mapleview Biological Survey Report

**Figure 2A**
Project Components

ESA

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SOURCE: ESRI; SanGIS.

Mapleview Biological Survey Report

**Figure 2B**
Project Components

ESA