

**BIOLOGICAL RESOURCES
TECHNICAL REPORT FOR THE
OAKDALE AVENUE PROJECT SITE**

**CITY OF EL CAJON,
SAN DIEGO COUNTY, CALIFORNIA**

APN 511-022-07

Submitted to:

**City of El Cajon
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El Cajon, California 92020**

Prepared for:

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INTRODUCTION

The following biological resources technical report describes a detailed assessment of potential sensitive natural resources located within and/or immediately adjacent to the Oakdale Avenue project site (Project Site). The report has been prepared to support compliance with the California Environmental Quality Act (CEQA) guidelines including the preparation of an Initial Study (IS), Mitigated Negative Declaration (MND) and environmental review process conducted by the City of El Cajon, San Diego County, California. As discussed below, the assessment included a thorough literature review, site reconnaissance characterizing existing conditions (including floral, faunal and dominant vegetation communities), impact analysis, and applicable standards and regulations to ensure impacts remain at a level below significance.

PROJECT LOCATION

The 0.40-acre Project Site (APN 511-022-07) is located within the eastern region of the City of El Cajon, as shown in Figure 1, *Regional Location Map*. Specifically, the Project Site is located immediately south of Oakdale Avenue and west of Durham Street as shown in Figure 2, *Project Site Map*. The Project Site is located within the Draft El Cajon Multiple Species Conservation Program (MSCP) Subarea Plan boundary which has not been adopted and outside of the final County of San Diego Biological Resources Core Area.

PROJECT DESCRIPTION

The proposed action includes the residential development of apartments and direct access off of Oakdale Avenue.

The Project Site is currently heavily disturbed and possesses no suitable habitat for any state and/or federally listed threatened/endangered or regionally sensitive wildlife species.

A single federally endangered and MSCP narrow endemic plant, San Diego ambrosia (*Ambrosia pumila* (Nutt.) Gray) was documented within the central region of the Project Site. Specifically, a total of 2000+ stems were documented onsite within 0.03-acre and would be directly impacted as a result of project initiation.

No wetlands or jurisdictional resources regulated by the United States Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), or Regional Water Quality Control Board (RWQCB) occur within or immediately adjacent to the Project Site.

Following a detailed biological resources habitat assessment, the following applicable mitigation and pre-construction conservation measure will be implemented to ensure compliance with CEQA guidelines and County of San Diego MSCP requirements.

- MMM BIO-1: San Diego Ambrosia Mitigation Plan
- CM BIO-2: Nesting Bird Preconstruction Surveys



Figure 1 - Regional Location Map
Biological Resources Assessment Report
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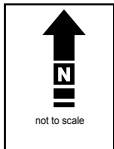




Figure 2 - Project Site Map

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1 inch = 50 ft.

METHODOLOGY

The following section details the methods implemented prior to and during the reconnaissance survey conducted throughout the Project Site.

LITERATURE REVIEW

Existing biological resource conditions within and adjacent to the Project Site were initially investigated through review of pertinent scientific literature. Federal register listings, protocols, and species data provided by the United States Fish and Wildlife Service (USFWS) were also reviewed in conjunction with anticipated federally listed species potentially occurring within the region of the Project Site. The California Natural Diversity Database (CNDDDB) (CDFW 2020a), a California Department of Fish and Wildlife (CDFW) Natural Heritage Division species account database, and San Diego County MSCP were also reviewed for all pertinent information regarding the locations of known occurrences of sensitive species in the vicinity of the property. In addition, numerous regional floral and faunal field guides were utilized in the identification of species and suitable habitats. Combined, the reviewed sources provided an excellent baseline from which to inventory the biological resources potentially occurring in the area. Other CDFW reports and publications consulted include the following:

- Special Animals (CDFW 2020b);
- State and Federally Listed Endangered and Threatened Animals of California (CDFW 2020c);
- Endangered, Threatened, and Rare Plants of California (CDFW 2020d); and
- Special Vascular Plants and Bryophytes List (CDFW 2020e).

FIELD SURVEY

A reconnaissance survey of the Project Site was conducted by Ruben Ramirez of Cadre Environmental (USFWS Permit 780566-14, CDFW Permit 02243) on October 9th, 2020 in order to characterize and identify potential sensitive plant and wildlife habitats, and to establish the accuracy of the data identified in the literature search. Geologic and soil maps were examined to identify local soil types that may support sensitive taxa. Aerial photograph, topographic maps, vegetation and rare plant maps prepared for previous studies in the region were used to determine community types and other physical features that may support sensitive plants/wildlife, uncommon taxa, or rare communities that occur within or adjacent to the Project Site. Habitat assessments were conducted for, but not limited to, the following target species/groups.

- Sensitive plants
- Coastal California gnatcatcher – FT/SSC
- Landmark trees (City of El Cajon, Municipal Code Ord. No. 9.56.150.)

Vegetation Communities/Habitat Classification Mapping

Natural community names and hierarchical structure follows the “*Vegetation Communities of San Diego County*”. Based on “*Preliminary Descriptions of the*

Terrestrial Natural Communities of California classification system (Oberbauer 2008), which has been refined and augmented where appropriate to better characterize the habitat types observed.

Floristic Plant Inventory

A general plant survey was conducted throughout the Project Site during the reconnaissance in a collective effort to identify all species occurring onsite.

All plants observed during the survey efforts were either identified in the field or collected and later identified using taxonomic keys. Plant taxonomy follows Hickman (1993). Scientific nomenclature and common names used in this report generally follow Roberts et al. (2004) or Baldwin et al. (2012) for updated taxonomy. Scientific names are included only at the first mention of a species; thereafter, common names alone are used.

Wildlife Resources Inventory

All animals identified during the reconnaissance survey by sight, call, tracks, scat, or other characteristic sign were documented. In addition to species actually detected, expected use of the site by other wildlife was derived from the analysis of habitats on the site, combined with known habitat preferences of regionally occurring wildlife species.

Vertebrate taxonomy followed in this report is according to the Center for North American Herpetology (2020 for amphibians and reptiles), the American Ornithologists' Union (1988 and supplemental) for birds, and Baker et al. (2003) for mammals. Both common and scientific names are used during the first mention of a species; common names only are used in the remainder of the text.

Jurisdictional Resources Assessment

The Project Site was assessed for jurisdiction by the USACE, CDFW, and RWQCB. Non-wetland waters of the United States were assessed based on the limits of the Ordinary High-Water Mark (OHWM) as determined by erosion, the deposition of vegetation or debris, and changes in vegetation and soil characteristics. The assessment utilized the methodology for routine wetland determination according to the methods outlined in the USACE Wetland Delineation Manual (Environmental Laboratory 1987) and the Arid West Wetland Delineation Supplement and updated regulatory guidance letters (USACE 2008). Wetlands are identified by the presence of three characteristics: hydrophytic vegetation, wetland hydrology, and hydric soils. If any of these criteria were met, one or more transects were run to determine the extent of the wetland. Specifically, the presence of wetland hydrology was evaluated throughout the Project Site by recording the extent of observed surface flows, depth of inundation, depth to saturated soils, and depth to free water in the soil pits, where applicable. In addition, indicators of wetland or riverine hydrology were recorded, including water marks, drift lines, rack, debris, and sediment deposits, as warranted. Any indicators of hydric soils, such as redoximorphic features, buried organic matter, organic streaking, reduced soil conditions, gleyed or low-chroma soils, or sulfidic odor were also recorded.

EXISTING ENVIRONMENTAL SETTING

The following section presents the existing conditions of the Project Site assessment area. The Project Site is characterized as 0.40-acre of heavily disturbed habitat, soils and ornamental vegetation along the southern boundary as shown in Figure 3, *Vegetation Communities Map*, and Figures 4 and 5, *Current Project Site Photographs*. The Project Site is bordered by residential development, existing roads and Interstate 8. Substrates onsite are characterized as Placentia sandy loam thick surface 2 to 9 percent slopes (PfC) as shown in Figure 6, *Soils Association Map* (NRCS 2020).

VEGETATION COMMUNITIES

Natural community names and hierarchical structure follows the “*Vegetation Communities of San Diego County. Based on “Preliminary Descriptions of the Terrestrial Natural Communities of California* classification system (Oberbauer 2008), which has been refined and augmented where appropriate to better characterize the habitat types observed.

Disturbed - The Project Site is characterized as disturbed habitat as outlined in Table 1, *Project Site Vegetation Community Acreages*. This vegetation community is dominated by prickly lettuce (*Lactuca serriola*), black mustard (*Brassica nigra*), dove weed (*Croton setiger*), telegraph weed (*Heterotheca grandiflora*), tumbling pigweed (*Amaranthus albus*), Russian thistle (*Salsola tragus*), red-stemmed filaree (*Erodium cicutarium*), rattlesnake weed (*Euphorbia albomarginata*), and spotted spurge (*Euphorbia maculata*). Ornamental vegetation including oleander (*Nerium oleander*), olive (*Olea europaea*), jade plant (*Crassula ovata*), and century plant (*Agave americana*) are located along the southern and western boundaries.

Table 1.
Project Site Vegetation Community Acreages

Vegetation Community	Acre
Disturbed (Ornamental)	0.40
TOTAL	0.40

Source: Cadre Environmental 2020.

GENERAL PLANT & WILDIFE SPECIES

General plant species documented within the Project Site are presented in the previous section. General wildlife species documented onsite include mourning dove (*Zenaida macroura*), rock dove (*Columba livia*), and black phoebe (*Sayornis nigricans*).

JURISDICTIONAL WETLAND RESOURCES

No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within or immediately adjacent to the Project Site. Impacts to water quality would be less than significant during both construction and operation as a result of compliance with National Pollutant Discharge Elimination System (NPDES) permit Order No. R9-2007-0001, CAS0108758 issued to the San Diego County.

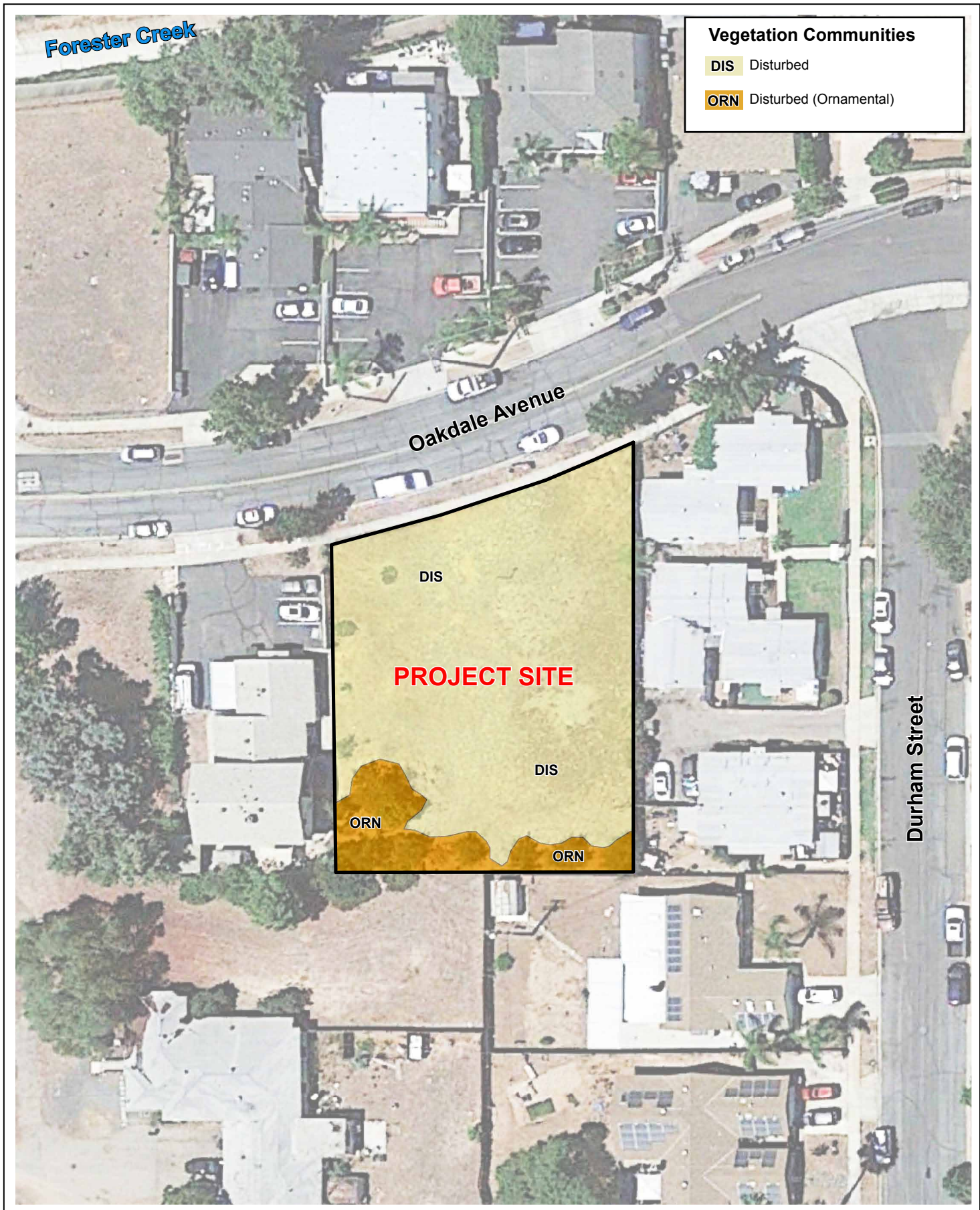


Figure 3 - Vegetation Communities Map
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PHOTOGRAPH 1 - Northwest view of the Project Site from southeast corner adjacent to Oakdale Avenue.



PHOTOGRAPH 2 - Northeast view of the Project Site from southwest corner adjacent to Oakdale Avenue.



PHOTOGRAPH 3 - Southeast view of the Project Site from northwest corner.



PHOTOGRAPH 4 - Southwest view of the Project Site from northeast corner.



Figure 6 - Soils Association Map

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1 inch = 50 ft.

SENSITIVE BIOLOGICAL RESOURCES

The following discussion describes the plant and wildlife species present, or potentially present within the property boundaries, that have been afforded special recognition by federal, state, or local resource conservation agencies and organizations, principally due to the species' declining or limited population sizes, usually resulting from habitat loss. Also discussed are habitats that are unique, of relatively limited distribution, or of particular value to wildlife. Protected sensitive species are classified by state and/or federal resource management agencies, or both, as threatened or endangered, under provisions of the state and federal endangered species act. Vulnerable or "at-risk" species that are proposed for listing as threatened or endangered (and thereby for protected status) are categorized administratively as "candidates" by the USFWS. CDFW uses various terminology and classifications to describe vulnerable species. There are additional sensitive species classifications applicable in California. These are described below.

Sensitive biological resources are habitats or individual species that have special recognition by federal, state, or local conservation agencies and organizations as endangered, threatened, or rare. The CDFW, USFWS, and special groups like the California Native Plant Society (CNPS) maintain watch lists of such resources. For the purpose of this assessment sources used to determine the sensitive status of biological resources are:

Plants: USFWS (2020), CNDDDB (CDFW 2020a), CDFW (2020d, 2020e), CNPS (2020), and Skinner and Pavlik (1994),

Wildlife: California Wildlife Habitat Relationships (2008), USFWS (2020), CNDDDB (CDFW 2020a), and CDFW (2020b, 2020c).

Habitats: CNDDDB (CDFW 2020a, 2020f).

FEDERAL PROTECTION AND CLASSIFICATIONS

The Federal Endangered Species Act of 1973 (FESA) defines an endangered species as "any species that is in danger of extinction throughout all or a significant portion of its range..." Threatened species are defined as "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Under provisions of Section 9(a)(1)(B) of the FESA it is unlawful to "take" any listed species. "Take" is defined as follows in Section 3(18) of the FESA: "...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Further, the USFWS, through regulation, has interpreted the terms "harm" and "harass" to include certain types of habitat modification as forms of a "take." These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species. In a case where a property owner seeks permission from a federal agency for an action that could affect a federally listed plant and animal species, the property owner and agency are required to consult with USFWS. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants. Recently, the USFWS instituted changes in the listing status of former candidate species. Former C1 (candidate) species are now referred to simply as

candidate species and represent the only candidates for listing. Former C2 species (for which the USFWS had insufficient evidence to warrant listing at this time) and C3 species (either extinct, no longer a valid taxon or more abundant than was formerly believed) are no longer considered as candidate species. Therefore, these species are no longer maintained in list form by the USFWS, nor are they formally protected. However, some USFWS field offices have issued memoranda stating that former C2 species are henceforth to be considered Federal Species of Concern. This term is employed in this document but carries no official protections. All references to federally protected species in this report (whether listed, proposed for listing or candidate) include the most current published status or candidate category to which each species has been assigned by USFWS. For purposes of this assessment, the following acronyms are used for federal status species:

FE	Federal Endangered
FT	Federal Threatened
FPE	Federal Proposed Endangered
FPT	Federal Proposed Threatened
FC	Federal Candidate for Listing

The designation of critical habitat can also have a significant impact on the development of land designated as “*critical habitat*.” The FESA prohibits federal agencies from taking any action that will “*adversely modify or destroy*” critical habitat (16 U.S.C. § 1536(a)(2)). This provision of the FESA applies to the issuance of permits by federal agencies. Before approving an action affecting critical habitat, the federal agency is required to consult with the USFWS who then issues a biological opinion evaluating whether the action will “*adversely modify*” critical habitat. Thus, the designation of critical habitat effectively gives the USFWS extensive regulatory control over the development of land designated as critical habitat.

The Migratory Bird Treaty Act of 1918 (MBTA) makes it unlawful to “*take*” any migratory bird or part, nest, or egg of such bird listed in wildlife protection treaties between the United States and Great Britain, the Republic of Mexico, Japan, and the Union of Soviet States. For purposes of the MBTA, “*take*” is defined as to pursue, hunt, capture, kill, or possess or attempt to do the same.

The Bald Eagle and Golden Eagle Protection Act explicitly protects the bald eagle and golden eagle and imposes its own prohibition on any taking of these species. As defined in this act, take means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, or molest or disturb. Current USFWS policy is not to refer the incidental take of bald eagles for prosecution under the Bald Eagle and Golden Eagle Protection Act (16 U.S.C. 668-668d).

STATE PROTECTION AND CLASSIFICATIONS

California's Endangered Species Act (CESA) defines an endangered species as “...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its

range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.” The State defines a threatened species as “...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species.” Candidate species are defined as “...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list.” Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike FESA, CESA does not include listing provisions for invertebrate species.

Article 3, Sections 2080 through 2085, of CESA addresses the taking of threatened or endangered species by stating “No person shall import into this state, 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 determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided...” Under CESA, “take” is defined as “...hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Exceptions authorized by the state to allow “take” require “...permits or memorandums of understanding...” and can be authorized for “...endangered species, threatened species, or candidate species for scientific, educational, or management purposes.” Sections 1901 and 1913 of the California Fish and Game Code provide that notification is required prior to disturbance.

Additionally, some sensitive mammals and birds are protected by the State as Fully Protected Mammals or Fully Protected Birds, as described in the California Fish and Game Code, Sections 4700 and 3511, respectively. SSC (“special” animals and plants) listings include special status species, including all state and federal protected and candidate taxa, Bureau of Land Management (BLM) and US Forest Service (USFS) sensitive species, species considered to be declining or rare by the CNPS or National Audubon Society, and a selection of species which are considered to be under population stress but are not formally proposed for listing. This list is primarily a working document for the CDFW's CNDDDB project. Informally listed taxa are not protected per se, but warrant consideration in the preparation of biotic assessments. For some species, the CNDDDB is only concerned with specific portions of the life history, such as roosts, rookeries, or nest sites.

For the purposes of this assessment, the following acronyms are used for State status species:

SE	State Endangered
ST	State Threatened
SCE	State Candidate Endangered
SCT	State Candidate Threatened

SFP	State Fully Protected
SP	State Protected
SR	State Rare
SSC	California Species of Special Concern
CWL	California Watch List

Nesting birds, including raptors, are protected under California Fish and Game Code Section 3503, which reads, “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” In addition, under California Fish and Game Code Section 3503.5, “it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto”. Passerines and non-passerine land birds are further protected under California Fish and Game Code 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by CDFW.

The CNPS is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in the State. This organization has compiled an inventory comprised of the information focusing on geographic distribution and qualitative characterization of rare, threatened, or endangered vascular plant species of California (Tibor 2001). The list serves as the candidate list for listing as threatened and endangered by CDFW. The CNPS has developed five categories of rarity (CRPR):

CRPR 1A	Presumed extinct in California
CRPR 1B	Rare, threatened, or endangered in California and elsewhere
CRPR 2A	Plants presumed extirpated in California but common elsewhere
CRPR 2B	Plants rare, threatened, or endangered in California but more common elsewhere
CRPR 3	Plants about which we need more information – a review list
CRPR 4	Species of limited distribution in California (i.e., naturally rare in the wild), but whose existence does not appear to be susceptible to threat

As stated by the CNPS:

“Threat Rank is an extension added onto the California Rare Plant Rank and designates the level of endangerment by a 1 to 3 ranking with 1 being the most endangered and 3 being the least endangered. A Threat Rank is present for all California Rare Plant Rank 1B's, 2's, 4's, and the majority of California Rare Plant Rank 3's. California Rare Plant Rank 4 plants are

seldom assigned a Threat Rank of 0.1, as they generally have large enough populations to not have significant threats to their continued existence in California; however, certain conditions exist to make the plant a species of concern and hence be assigned a California Rare Plant Rank. In addition, all California Rare Plant Rank 1A (presumed extinct in California), and some California Rare Plant Rank 3 (need more information) plants, which lack threat information, do not have a Threat Rank extension.” (CNPS 2020)

0.1	Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
0.2	Fairly threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
0.3	Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

LOCAL PROTECTION AND CLASSIFICATIONS

The City of El Cajon’s Municipal Code (Ord. No. 1126, § 1, 8-16-94) requires the preservation and protection of heritage trees. As stated by the City of El Cajon:

“A. The city council may designate as a “landmark tree” any tree on city property for the purpose of protecting trees of historic value or unusual qualities from damage or destruction. B. A tree may qualify for the designation of landmark tree if it meets one or more of the following criteria; species rarity, old age, association with a historical event or person, abnormality or scenic enhancement. C. Landmark trees shall be removed only after approval of the council based upon, but not limited to, the following considerations: 1. The condition of the landmark tree with respect to its general health, status as a public nuisance, danger of falling, proximity to existing or proposed structures, interference with utility services, and potential for endangering the health of human and plant life; 2. The necessity of removal to allow construction of improvements or otherwise allow economic or other reasonable enjoyment of property; 3. The topography of the land and the effect of the proposed action on soil retention, water retention, and diversion or increased surface water; 4. The number, species, size and location of existing trees in the area and the effect of the proposed action on shade areas, air pollution, historic values, scenic beauty, and the general welfare of the city; 5. Good forestry practices such as the number of healthy trees a given parcel may support. D. The council may impose reasonable conditions on the removal of landmark trees such as: 1. On-site or off-site replacement to offset any negative impacts; 2. A maintenance and care program for the purpose of preserving the health or other landmark trees on the property; 3. A donation of planting stock or the payment of an in lieu fee for possible on-site or off-site tree replacement.” (City of El Cajon, Ord. No. 9.56.150 Landmark trees)

SENSITIVE HABITATS

As stated by CDFW:

“One purpose of the vegetation classification is to assist in determining the level of rarity and imperilment of vegetation types. Ranking of alliances according to their degree of imperilment (as measured by rarity, trends, and threats) follows NatureServe’s Heritage Methodology, in which all alliances are listed with a G (global) and S (state) rank. For alliances with State ranks of S1-S3, all associations within them are also considered to be highly imperiled”. (CDFW 2017c)

No sensitive or undisturbed native habitats were documented within the Project Site. The Project Site is characterized as heavily disturbed.

SENSITIVE PLANTS

Based on a review of the CNDDDB, a total of thirty-four (34) sensitive plant species were listed in the State database as potentially occurring within the vicinity of the Project Site and within the El Cajon quadrangle. As noted below, a total of one (1) sensitive plant species was documented onsite. No additional sensitive plants are expected to be occur onsite based on the disturbed conditions which include annual clearing activities.

San Diego Ambrosia

A total of approximately 2000 stems of the federally endangered plant and MSCP narrow endemic species, San Diego ambrosia was documented in the central region of the Project Site in a 0.03 area as shown in Figure 7, *San Diego Ambrosia Distribution Map*. This occurrence is located in close proximity to a 1997 record of the species west of the Project Site within Caltrans property. As stated by the USFWS:

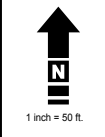
“Mowing is known to occur regularly in two occurrences: EO 43 (in unincorporated northern San Diego County, adjacent to State Route 76 near Calle de la Vuelta) and EO 29 (near 3rd Street and Oakdale Avenue, south of Interstate Highway 8, in the City of El Cajon) (CNDDDB 2010, pp. 26 and 38).” (USFWS 1997)

As stated by the USFWS:

“Two existing occurrences remain within the City of El Cajon. The City of El Cajon submitted a draft MSCP Subarea Plan dated January 2, 1997 (City of El Cajon 1997). Neither of the two occurrences is included within the 100 percent habitat preserve areas. The draft plan notes that the plant is considered a narrow endemic species by MSCP and the intention of the City of El Cajon to address species and habitat protection through the CEQA process. The City of El Cajon has not yet completed their MSCP subarea plan. The last time this plan was an agenda item at a meeting with the City of El Cajon was on May 20, 1999.” (USFWS 2002)



Figure 7 - San Diego Ambrosia Distribution Map
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SENSITIVE WILDLIFE

Based on a review of the CNDDDB a total of forty-seven (47) sensitive wildlife species are listed in the State database as potentially occurring within the vicinity of the Project Site and within the El Cajon quadrangle. No suitable habitat for species listed as federal or state threatened/endorsed or sensitive was documented within the Project Site. No sensitive wildlife species or undisturbed native habitats were documented within the Project Site. The Project Site is characterized as heavily disturbed.

The Project Site does not occur within or adjacent to a USFWS designated critical habitat for any federally listed threatened or endangered species.

JURISDICTIONAL WETLAND RESOURCES

No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within or immediately adjacent to the Project Site.

No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within or immediately adjacent to the Project Site. Impacts to water quality would be less than significant during both construction and operation as a result of compliance with NPDES permit Order No, R9-2007-0001, CAS0108758 issued to the San Diego County.

ENVIRONMENTAL IMPACTS

The following section includes an analysis of the direct and/or indirect impacts of the proposed action on sensitive biological resources. This analysis characterizes the project related activities that are anticipated to adversely impact the species, and when feasible, quantifies such impacts. Direct effects are defined as actions that may cause an immediate effect on the species or its habitat, including the effects of interrelated actions and interdependent actions. Indirect effects are caused by or result from the proposed actions, are later in time, and are reasonably certain to occur. Indirect effects may occur outside of the area directly affected by the proposed action.

THRESHOLD OF SIGNIFICANCE

The environmental impacts relative to biological resources are assessed using impact significance criteria which mirror the policy statement contained in the CEQA at Section 21001 (c) of the Public Resources Code. This section reflects that the legislature has established it to be the policy of the state to:

“Prevent the elimination of fish and wildlife species due to man’s activities, ensure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities...”

The following definitions apply to the significance criteria for biological resources:

- “*Endangered*” means that the species is listed as endangered under state or federal law.
- “*Threatened*” means that the species is listed as threatened under state or federal law.
- “*Rare*” means that the species exists in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens.
- “*Region*” refers to the area within southern California that is within the range of the individual species.
- “*Sensitive habitat*” refers to habitat for plants and animals (1) which plays a special role in perpetuating species utilizing the habitat on the property, and (2) without which there would be substantial danger that the population of that species would drop below self-perpetuating levels.
- “*Substantial effect*” means significance loss or harm of a magnitude which, based on current scientific data and knowledge, (1) would cause a species or a native plant or animal community to drop below self-perpetuating levels on a statewide or regional basis or (2) would cause a species to become threatened or endangered.

Also, the determination of impacts has been made according to the federal definition of “*take*”. FESA prohibits the “*taking*” of a member of an endangered or threatened wildlife species or removing, damaging, or destroying a listed plant species by any person (including private individuals and private or government entities). FESA defines “*take*” as “*to harass, harm, pursue, hunt, shoot, would, kill, trap, capture or collect*” an endangered or threatened species, or to attempt to engage in these activities.

DIRECT IMPACTS

Specifically, the biological resources assessment report addresses the following CEQA Environmental Checklist items.

Environmental Issues	Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant Impact	No Impact
Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modification, 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?		X		

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 U.S. Fish and Wildlife Service?				X
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?				X
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?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Native Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		X		

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 CDFW or USFWS?*

Less than Significant with Mitigation. The proposed action would impact a total of approximate 2000 stems of the federally endangered and, MSCP narrow endemic plant, San Diego ambrosia within a 0.03-acre area. Impacts to San Diego ambrosia would be considered a significant impact. Direct impacts would be minimized by payment of an in-lieu fee to manage a local San Diego ambrosia at risk; alternatively, the population shall be translocated. Direct impact to San Diego Ambrosia would be mitigated to a level of less than significant following implementation of MM BIO-1 San Diego Ambrosia Mitigation Plan.

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 CDFW or USFWS?*

No Impact. No riparian, sensitive or undisturbed native/natural habitats were documented within or adjacent to the Project Site as outlined in Table 2, *Project Site Vegetation Community Impacts*, and Figure 8, *Project Site Impact Map*.

Forester Creek

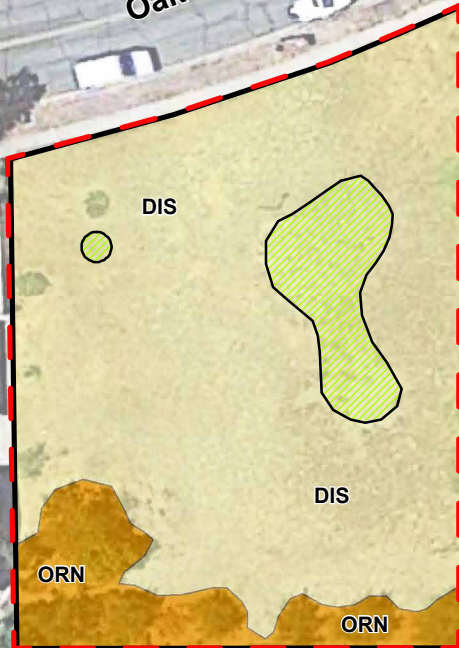
Vegetation Communities

DIS Disturbed

ORN Disturbed (Ornamental)

Oakdale Avenue

Durham Street



San Diego Ambrosia (2000+ stems) (*Ambrosia pumila* (Nutt.) Gray) Federally Endangered
California Rare Plant Ranking 1B.1

 Project Site Impact Boundary

Figure 8 - Project Site Impact Map

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The Project Site is characterized as heavily disturbed (Tier IV), no natural habitats occur onsite, and the property is completely surrounded by existing development and existing roads. Therefore, no mitigation is required or proposed.

**Table 2.
Project Site Vegetation Community Impacts**

Vegetation Community	Total Acres	Impacts Acres
Disturbed (Ornamental)	0.40	0.40
TOTAL	0.40	0.40

Source: Cadre Environmental 2020.

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

No Impact. No wetlands or jurisdictional resources regulated by the USACE, CDFW, or RWQCB were documented within or immediately adjacent to the Project Site. Therefore, no mitigation is required or proposed.

- 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?*

No Impact. The 0.40-acre Project Site is heavily disturbed, surrounded by existing residential development and does not represent a wildlife movement corridor or route between open space habitats. However, the ornamental vegetation documented within and adjacent to the Project Site represents potential nesting habitat for bird species.

Loss of an active nest would conflict with CDFG Codes 3503 & 3513 and MBTA. Implementation of Conservation Measure CM BIO-2 will ensure compliance with the CDFG Codes and MBTA.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

No Impact. No heritage trees were documented onsite. The proposed action will not conflict with the City's Municipal Code (Ord. No. 1126, § 1, 8-16-94). Therefore, no mitigation is required or proposed.

- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Native Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The Project Site is located within the Draft El Cajon MSCP Subarea Plan boundary which has not been adopted and outside of the Final County of San Diego Biological Resources Core Area. As stated by the USFWS:

“Narrow endemic plants, including A. pumila, are conserved under the Biological Mitigation Ordinance using a process that: (1) requires avoidance to the maximum extent feasible; (2) allows for a maximum 20 percent encroachment into a population not already conserved if total avoidance is not feasible; and (3) requires in-kind mitigation at 1-to-1 to 3-to-1 ratios for impacts if avoidance and minimization of impacts would preclude reasonable use of the property (County of San Diego 1997, p. 11; USFWS 1998, p. 12).” (USFWS 2010)

The proposed action would impact a total of approximate 2000 stems of the federally endangered and MSCP narrow endemic plant, San Diego ambrosia within a 0.03-acre area. As stated by the USFWS:

“Ambrosia pumila is a covered species under the MSCP (MSCP 1998, Table 3-5). To protect A. pumila habitat, the City and County of San Diego MSCP Subarea Plans require that development be configured in a manner that minimizes impacts to sensitive biological resources and species covered by those plans (USFWS 1997, p. 10; USFWS 1998, p. 7). The City of San Diego’s preserve and two segments (Lake Hodges and South County) of the County’s preserve are delineated by mapped preserve boundaries referred to as “hardline” boundaries (the Multi-Habitat Planning Area). The remainder of the County of San Diego preserve areas does not have “hardline” boundaries, but the County’s subarea plan identifies areas where mitigation activities should be focused to assemble its preserve areas (the Pre-Approved Mitigation Areas).”

The Project Site is not located within a hardline or pre-approved mitigation area. Impacts to San Diego ambrosia would be considered a significant impact and would be mitigated to a level of less than significant following implementation of MM BIO-1 San Diego Ambrosia Mitigation Plan.

INDIRECT IMPACTS

Potential indirect impacts include hydrological modification, discharges, lighting, and construction noise. Compliance with all the following guidelines will ensure that the proposed project will not result in significant indirect impacts to habitats and associated floral and faunal species outside of the Project Site.

Water Quality

Impacts to water quality would be less than significant during both construction and operation, i.e., compliance with NPDES permit and MS4 code provisions, as warranted, would ensure no impacts to species, and compliance with NPDES permit Order No, R9-2007-0001, CAS0108758 issued to the San Diego County.

Toxics

Toxic sources within the Project Site would be limited to those commonly associated with residential developments such as pesticides, insecticides, herbicides, fertilizers,

and vehicle emissions. In order to mitigate for the potential effects of these toxics, the project will incorporate structural BMPs, as required in association with compliance with the NPDES permit system as warranted, in order to reduce the level of toxins introduced into the drainage system. Water quality measures will be implemented and no significant impacts are anticipated.

Lighting

Impacts related to lighting would be less than significant during both construction and operation. No native habitat is located adjacent to the Project Site and no indirect impacts to wildlife species will occur. No significant impacts are anticipated.

Noise

Indirect temporal noise impacts may occur to nesting bird species located adjacent to the Project Site during project construction (ornamental landscaping shrubs and trees). Noise and vibration associated with the use of heavy equipment during project construction has the potential to disrupt bird nesting, foraging and breeding behavior within and adjacent to sensitive receptor sites. Conservation Measure CM BIO-2 has been incorporated into the project to collectively contribute to reducing potential indirect noise impacts to nesting bird species located within and adjacent to the Project Site during construction. No impact anticipated.

MITIGATION & CONSERVATION MEASURES

The following biological mitigation and conservation measures are relevant to the protection of biological resources to ensure all potential impacts to sensitive or regulated biological resources are in compliance with CEQA and San Diego County MSCP.

MM BIO-1 San Diego Ambrosia Mitigation Plan

A San Diego ambrosia mitigation plan (Plan) will be developed and approved by the City of El Cajon. The Plan will be prepared by a biologist or botanist with experience with this plant species. The Plan will include a description of translocation of the species to a suitable receiver site and conservation in perpetuity, including the payment of an in-lieu fee to fund the management of a local San Diego ambrosia population at risk. The in-lieu fee payment for the long-term management of San Diego ambrosia would be calculated using a management cost evaluation tool (e.g., Property Record Analysis Record (PAR) or similar.

CM BIO-2 Nesting Bird Preconstruction Surveys

To avoid impacts to nesting birds and to comply with the CDFG Codes 3503 & 3513, and MBTA, clearing should occur between non-nesting (or non-breeding) season for birds (generally, September 1 to January 31). If this avoidance schedule is not feasible, the alternative is to carry out such activities under the supervision of a qualified biologist. This shall entail the following:

A qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to initiating ground disturbance activities. The survey will consist of full coverage of the proposed disturbance limits and up to a 500-foot buffer area, determined by the biologist and taking into account the species nesting in the area and the habitat present.

If no active nests are found, no additional measures are required.

If "occupied" nests are found, their locations shall be mapped, species documented, and, to the degree feasible, the status of the nest (e.g., incubation of eggs, feeding of young, near fledging) recorded. The biologist shall establish a no-disturbance buffer around each active nest. The buffer area will be determined by the biologist based on the species present, surrounding habitat, and type of construction activities proposed in the area. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the construction supervisor that activities may resume.

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Certification *"I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge"*.

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