

4.3 Biological Resources

This section describes the existing biological resources of the project site and off-site improvement areas, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the Pacifica Project (project or proposed project). The following analysis is based on the Biological Technical Report prepared for the proposed project by Dudek in November 2022. The Biological Technical Report is included as Appendix D of this environmental impact report (EIR).

4.3.1 Existing Conditions

The approximately 14.55-acre project site encompasses the former Pacifica Elementary School site. The buildings were ultimately demolished in 2004 after the buildings were found to be unsafe to withstand an earthquake and modular structures were used until the school closed in 2007. The site is not currently being used for any other functions. Although no walled structures remain, the site now includes remnant pavement, a parking lot, playground areas, curbs, an overgrown sandbox, a shade structure, and a large field regularly mowed (for fire abatement) about every 2.5 months per the school district facilities department. There are scattered, mature, non-native ornamental trees throughout this area. The edges of the project site are bounded by approximately 20-foot to 30-foot slopes that climb gradually to existing single-family homes on the north, south, east, and northwest perimeters. The site slopes downward slightly in the southwest towards an adjacent open space area. The field and the slopes are predominantly composed of non-native, invasive plant species. In total, two vegetation communities/land covers were mapped within the project site, disturbed habitat and urban/developed, which are discussed in more detail below. Elevations on site range from approximately 80 above mean sea level (amsl) to 120 feet amsl.

Four soil map units occur within the overall project site; however, only three soil types are mapped within the proposed development footprint: Grangeville fine sandy loam, 0% to 2% slopes; Las Flores sandy loam, 2% to 9% slopes; and Las Flores loamy fine sand, 15% to 30% slopes, eroded (USDA 2022a). The other soil type is located on the extreme southern perimeter of the site where no impacts are proposed. Las Flores soils are usually slightly acidic, loamy sands on gentle to strong slopes; they are found on marine terraces at elevations of less than 700 feet amsl. Grangeville soils are on alluvial fans and floodplains at elevations of 0 to 1,800 feet. They are formed in moderately coarse-textured alluvium dominantly derived from granitic rock sources (USDA 2022a).

The entire project site is within the Carlsbad Hydrological Unit (904.00) Loma Alta Hydrological Area (904.10). A very small section of the northwestern edge of the project site is within the San Luis Rey Hydrologic Unit (903.00) Lower San Luis Hydrological Area (903.11). Hydrology within the review area is typical of other developed and disturbed environs in northern San Diego County (County). Water falling as precipitation throughout the project site likely percolates into the ground. There is also a small in-ground drainage grate in the extreme southwest corner of the site, which likely catches water in this localized area before it leaves the site. This area was reviewed for potential wetlands or non-wetland waters (jurisdictional aquatic features), and none were observed.

4.3.1.1 Methodology

The biological report prepared for the project was based on a review of pertinent literature, aerial photographs, and a field investigation.

Literature Review

Special-status plant and wildlife species present or potentially present in the project site were identified through a desktop literature search using the following sources: California Natural Diversity Database occurrence data¹ (CDFW 2022a), the Rare Plant Inventory² (CNPS 2022), U.S. Fish and Wildlife Service (USFWS) occurrence data and critical habitat (USFWS 2022), and the San Diego Geographic Information Source (SanGIS 2022). Additionally, the U.S. Department of Agriculture's Natural Resources Conservation Service Web Soil Survey (USDA 2022a) was reviewed to determine soil types that exist within the boundary of the project site, and a review of current and historical aerial photography was conducted to identify any potentially jurisdictional aquatic resources based on aerial signatures.

General information regarding wildlife species present in the region was obtained from Unitt (2004) for birds, Tremor et al. (2017) for mammals, and Stebbins (2003) and California Herps (CaliforniaHerps.com 2022) for reptiles and amphibians.

Site Reconnaissance Survey

The reconnaissance survey and vegetation mapping were completed in 2021 by Dudek biologists, and the site was visited again in 2022 to review the conditions. Dudek biologists traversed the entire project site by foot and performed a general inventory of plant and animal species detected by sight, calls, tracks, scat, or other signs. If detected during the reconnaissance survey, plant and wildlife species commonly accepted as regionally sensitive by the California Native Plant Society (CNPS), the California Department of Fish and Wildlife (CDFW), and USFWS were recorded.

Vegetation Mapping

Vegetation communities were evaluated within the biological study area on an aerial map at a 200 scale (1 inch equals 200 feet). These boundaries and locations were digitized and downloaded by Dudek geographic information system technicians using ArcGIS software. Vegetation communities and land covers were mapped using the Preliminary Descriptions of the Terrestrial Natural Communities of California (Holland 1986) as modified by the County and noted in Vegetation Communities of San Diego County (Appendix D).

Plants

All native and naturalized plant species encountered during field surveys were identified and recorded. Scientific and common names for plant species with a California Rare Plant Rank (CRPR; formerly CNPS List) follow the CNPS Inventory of Rare, Threatened, and Endangered Plants of California (CNPS 2022). For plant species without a California Rare Plant Rank, scientific names follow the Jepson Interchange List of Currently Accepted Names of Native and Naturalized Plants of California (Jepson Flora Project 2022), and common names follow the U.S. Department of Agriculture Natural Resources Conservation Service Plants Database (USDA 2022b). A cumulative list of plant species observed in the project site is presented in Appendix D. This list is not all-inclusive in that it does not include a comprehensive list of all the ornamental species observed.

¹ U.S. Geological Survey 7.5-minute Morro Hill quadrangle and surrounding eight quadrangles: Bonsall, Fallbrook, Temecula, San Luis Rey, San Marcos, Oceanside, Las Pulgas Canyon, and Margarita Creek.
² U.S. Geological Survey 7.5-minute Morro Hill quadrangle and surrounding eight quadrangles: Bonsall, Fallbrook, Temecula, San Luis Rey, San Marcos, Oceanside, Las Pulgas Canyon, and Margarita Creek.

Wildlife

The entire site was surveyed to identify and record all wildlife species, as detected by sight, calls, tracks, scat, or other signs. Binoculars (7×50 power) were used to aid in the identification of observed wildlife. In addition to species observed, expected wildlife use of the site was determined according to known habitat preferences of regional wildlife species and knowledge of their relative distributions in the area. No trapping or focused surveys for special-status or nocturnal species were conducted. Latin and common names of animals follow Crother (2017) for reptiles and amphibians, American Ornithological Society (AOS 2018) for birds, Wilson and Reeder (2005) for mammals, and North American Butterfly Association (NABA 2016) or San Diego Natural History Museum (SDNHM 2002) for butterflies. A cumulative list of wildlife species observed within the site is presented in Appendix D.

Special-Status Species

Special-status biological resources are defined as follows: (1) species that have been given special recognition by federal, state, or local conservation agencies and organizations due to limited, declining, or threatened population sizes; (2) species and habitat types recognized by local and regional resource agencies as special status; (3) habitat areas or vegetation communities that are unique, are of relatively limited distribution, or are of particular value to wildlife; (4) wildlife corridors and habitat linkages; or (5) biological resources that may or may not be considered special status but are regulated under local, state, and/or federal laws.

Special-status plant species considered in this report are those that are (1) species listed by federal and/or state agencies, proposed for listing as threatened or endangered, or are candidate species (CDFW 2022a); (2) species with a CRPR (CNPS 2022); or (3) species listed on the Oceanside Subarea Plan Proposed Covered Species list (City of Oceanside 2010).

No focused surveys for special-status plants or wildlife were conducted as the proposed development footprint, site conditions (existing habitat, soils, and elevation), and site surroundings did not warrant them. There were no incidental detections of any sensitive plant or wildlife species, either through sight, calls, tracks, scat, or other signs.

4.3.1.2 Existing Biological Resources

Vegetation Communities

One vegetation community and one land cover type were identified within the project site. As shown in Table 4.3-1 below, disturbed habitat makes up the majority of the site and includes the field area and slopes along the edges of the site. Developed land is the next largest land cover type and consists mainly of the remnant paved areas associated with the old elementary school. Figure 4.3-1, Vegetation Communities and Land Cover Types, also shows these vegetation communities and land covers.

Table 4.3-1. Vegetation Communities and Land Covers

Vegetation/Land Cover Type	Total Acreage
Disturbed Habitat	9.28
Urban/Developed	5.27
Total:	14.55

Source: Appendix D.

Disturbed Habitat

Disturbed habitat are areas that have been physically disturbed and are no longer recognizable as a native or naturalized vegetation association; however, these areas may continue to retain soil substrate. If vegetation is present, it is almost entirely composed of non-native vegetation, such as ornamentals or ruderal exotic species (Oberbauer et al. 2008). Examples of these areas may include graded landscapes, graded firebreaks, graded construction pads, temporary construction staging areas, off-road-vehicle trails, areas repeatedly cleared for fuel management, or areas that are repeatedly used in ways that prevent revegetation (e.g., parking lots, trails that have persisted for years).

Disturbed areas occupy 9.09 acres on site and are predominantly located within western half of the project site as well as along the northern, southern, and eastern slopes. The large field that is regularly mowed along the western side is dominated by Russian thistle (*Salsola tragus*), Bermuda grass (*Cynodon dactylon*), telegraph weed (*Heterotheca grandiflora*), and various species of bromes (*Bromus* sp.). Also present to a lesser extent is Australian saltbush (*Atriplex semibaccata*), prickly lettuce (*Lactuca serriola*), and Menzies' golden bush (*Isocoma menziesii*). Along the slopes, the dominant species include hottentot fig (*Carpobrotus edulis*), wild oat (*Avena barbata*), Russian thistle, and various bromes and mustards (*Brassica* sp. and *Hirschfeldia* sp.). There were several scattered native coyote brush (*Baccharis pilularis*) individuals along the perimeter slopes as well. Several non-native trees, such as Brazilian peppertree (*Schinus terebinthifolius*), liquid amber (*Liquidambar styraciflua*), Mexican fan palm (*Washingtonia robusta*), and eucalyptus, are also located along the slopes and edges of the disturbed habitat areas that were planted for ornamental landscaping.

One small patch of disturbed, flat-topped buckwheat (*Eriogonum fasciculatum*) occupies a portion of the disturbed habitat, growing within the project site's western slope, interspersed within a larger swath of hottentot fig. Flat-topped buckwheat is a near monoculture community that usually results from disturbance and often occurs in the coastal and foothill area of the County (Oberbauer et al. 2008). Within the project site, this vegetation is not functioning as a native vegetation community due to the high disturbance, patchy cover, and small size. Therefore, this 0.19-acre area is identified on Figure 4.3-1, but the area is included as disturbed habitat.

Urban/Developed Land

Urban or developed land covers refer to areas that have been constructed on or otherwise physically altered to the point where vegetation is no longer present. Urban or developed areas are characterized by permanent or semi-permanent structures, hardscapes, and landscaped areas that require irrigation (Oberbauer et al. 2008).

Developed areas occupy 5.27 acres on site and are predominantly located within eastern half of the project site and include the remnant paved areas associated with the old Pacifica Elementary School, including the parking lot playground areas, curbs, sandbox, and four-post shade structure. There are several non-native shrubs and trees, including junipers (*Juniperus* sp.), pines (*Pinus* sp.), and Japanese elm (*Ulmus parvifolia*), in this area that were planted for ornamental landscaping.

Flora and Fauna

A total of 31 plants were observed during 2021 and 2022 surveys, including 6 native (19%) and 25 non-native (81%) species. A cumulative list of plant species observed by Dudek is presented in Appendix D. Latin and common names for plant species with a CRPR follow the CNPS Inventory of Rare, Threatened, and Endangered Plants of California. For plant species without a CRPR, Latin names follow the Jepson Interchange List of Currently Accepted

Names of Native and Naturalized Plants of California (Jepson Flora Project 2022), and common names follow the California Natural Community list.

A total of eight wildlife species were observed during 2021 and 2022 surveys, all of which were birds commonly found in the region. All wildlife species observed or detected during the surveys were recorded and are presented in Appendix D. Latin and common names of animals follow Crother (2017) for reptiles and amphibians, American Ornithological Society (AOS 2018) for birds, Wilson and Reeder (2005) for mammals, and North American Butterfly Association (NABA 2016) or San Diego Natural History Museum for butterflies.

Special-Status Plants

No special-status plants were observed during surveys in 2021 or 2022. No special-status plants are expected to occur within the project site. Out of an abundance of caution, a search of CDFW and USFWS databases was conducted for the following species as they are known to occur in disturbed soils.

This search indicated that the nearest known occurrence of thread-leaved brodiaea (*Brodiaea filifolia*), listed as a California endangered 1B.1 rare plant, is approximately 1.5 miles away near Windmill Canyon within the Marine Corps Base Camp Pendleton. The nearest known occurrence of Orcutt's brodiaea (*Brodiaea orcuttii*), also listed as a California endangered 1B.1 rare plant, is approximately 3.8 miles northwest, also within Camp Pendleton. In addition, the site does not contain clay soils, so the likelihood of brodiaea occupation is not expected. Lastly, the site has a long history of disturbance and repeated mowing. Cumulatively, all of these factors create an environment on site that is not likely to support these species, and therefore they are not expected to occur on site.

A search of the California Natural Diversity Database occurrences shows a record of Parry's tetracoccus (*Tetracoccus dioicus*), listed as a California endangered 1B.2 rare plant, overlapping the site in 1966. Parry's tetracoccus typically occurs in coastal sage scrub and chaparral; this habitat type does not currently exist on the site but may have been present historically as the elementary school was opened in 1980. Due to the large span of time since the species was documented on site (over 50 years), coupled with the repeated disturbance and regular mowing, the project site is not likely to support this species, and therefore it is not expected to occur on site.

There is no federally designated critical habitat for special-status plants located within the project site.

Special-Status Wildlife

No special-status wildlife were observed during surveys in 2021 or 2022. No special-status wildlife species are expected to occur within the project site. A discussion of sensitive species that have either been documented in the vicinity or have historically been present in the vicinity is included below.

A search of the California Natural Diversity Database shows records of two different sensitive wildlife species overlapping the site: tricolored blackbird (*Agelaius tricolor*) and Stephens' kangaroo rat (*Dipodomys stephensi*). The Stephens' kangaroo rat record overlapping the site is from 1988. It is highly unlikely that this species remains in the area due to the nature of the heavy residential development and disturbance in the area and on the site, which has greatly reduced the species' habitat. The tricolored blackbird was recorded in the area most recently in 2014, likely due to the close proximity of the marsh and Little Libby Lake. The species may seldomly fly over or land on the site but is not expected to remain on site as there is no suitable habitat for breeding or foraging.

Additionally, there is no federally designated critical habitat for special-status wildlife located within the project site or in the immediate vicinity.

Jurisdictional Resources

No potential wetland or non-wetland waters, jurisdictional aquatic features, or associated riparian habitat were documented within the project site.

Wildlife Corridors/Habitat Linkages

The project site is located outside of the Wildlife Corridor Planning Zone designated by the Oceanside Subarea Plan (City of Oceanside 2010). The site is almost completely surrounded by development, which limits movement of larger mammals. The project site is also relatively isolated from large undeveloped areas as well as habitat preserves and does not support habitat essential for the movement of wildlife species.

Urban-adapted species that could commonly occur in the disturbed areas within the project site include California ground squirrel (*Spermophilus [Otospermophilus] beecheyi*), desert cottontail (*Sylvilagus audubonii*), coyote (*Canis latrans*), western fence lizard (*Sceloporus occidentalis*), common side-blotched lizard (*Uta stansburiana*), horned lark (*Eremophila alpestris*), American crow (*Corvus brachyrhynchos*), house finch (*Haemorhous mexicanus*), and killdeer (*Charadrius vociferus*). These species may use the project site as a local foraging location while utilizing the adjacent park and lake.

4.3.2 Regulatory Setting

Federal

Endangered Species Act

The federal Endangered Species Act (ESA) of 1973 (16 USC 1531 et seq.), as amended, is administered by USFWS for most plant and animal species and by the National Oceanic and Atmospheric Administration National Marine Fisheries Service for certain marine species. This legislation is intended to provide a means to conserve the ecosystems upon which endangered and threatened species depend and to provide programs for the conservation of those species, thus preventing extinction of plants and wildlife. The ESA defines an endangered species as “any species that is in danger of extinction throughout all or a significant portion of its range.” A threatened species is defined as “any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” Under the ESA, it is unlawful to “take” any listed species; “take” is defined as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.”

The ESA allows for the issuance of incidental take permits for listed species under Section 7, which is generally available for projects that also require other federal agency permits or other approvals, and under Section 10, which provides for the approval of habitat conservation plans on private property without any other federal agency involvement. Upon development of a habitat conservation plan, USFWS can issue incidental take permits for listed species.

Clean Water Act

Pursuant to Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers regulates the discharge of dredged and/or fill material into waters of the United States. The term “adjacent wetlands” (a subset of waters of the United States) is defined in Title 33 of the Code of Federal Regulations, Section 328.3(c)(16), as “areas that

are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.” In the absence of wetlands, the limits of U.S. Army Corps of Engineers jurisdiction in non-tidal waters, such as intermittent streams, extend to the ordinary high water mark, which is defined in Title 33 of the Code of Federal Regulations, Section 328.3(c)(7) as “that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) was originally passed in 1918 as four bilateral treaties, or conventions, for the protection of a shared migratory bird resource. The primary motivation for the international negotiations was to stop the “indiscriminate slaughter” of migratory birds by market hunters and others. Each of the treaties protects selected species of birds and provides for closed and open seasons for hunting game birds. The MBTA protects over 800 species of birds and prohibits the take of any migratory bird or any part, nest, or eggs of any such bird. Under the MBTA, “take” is defined as pursuing, hunting, shooting, capturing, collecting, or killing, or attempting to do so (16 USC 703 et seq.). In December 2017, Department of the Interior Principal Deputy Solicitor Jorjani issued a memorandum (M-37050) that interprets the MBTA to prohibit only intentional take. Unintentional or accidental take is not prohibited (DOI 2017). Additionally, Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, requires that any project with federal involvement address impacts of federal actions on migratory birds with the purpose of promoting conservation of migratory bird populations (66 FR 3853–3856). The Executive Order requires federal agencies to work with USFWS to develop a memorandum of understanding. USFWS reviews actions that might affect these species.

Two species of eagles that are native to the United States, bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*), were granted additional protection within the United States under the Bald and Golden Eagle Protection Act (16 USC 668–668d) to prevent the species from becoming extinct.

State

California Department of Fish and Game Code

Section 3511, Birds; Section 4700, Mammals; Section 5050, Reptiles and Amphibians; and Section 5515, Fish, of the California Fish and Game Code provide that designated fully protected species may not be taken or possessed without a permit. Incidental take of these species is not authorized by law.

Pursuant to Section 3503.5 of the California Fish and Game Code, it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy any nest or eggs of such birds. Birds of prey refer to species in the orders Falconiformes and Strigiformes.

Nests of all other birds (except English sparrow [*Passer domesticus*] and European starling [*Sturnus vulgaris*]) are protected under Sections 3503 and 3513 of the California Fish and Game Code.

Pursuant to Section 1602 of the California Fish and Game Code, CDFW regulates all diversions, obstructions, and changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife.

Diversion, obstruction, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife requires authorization from CDFW by means of entering into an agreement pursuant to Section 1602 of the California Fish and Game Code.

California Endangered Species Act

CDFW administers the California Endangered Species Act (CESA), which prohibits the “take” of plant and animal species designated by the California Fish and Game Commission as endangered or threatened in the state of California. Under CESA Section 86, take is defined as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” CESA Section 2053 stipulates that state agencies may not approve projects that will “jeopardize the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat which would prevent jeopardy.”

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.” CESA 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 [California Fish and Game] Commission as rare on or before January 1, 1985, is a threatened species.” A candidate species is 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.” CESA does not list invertebrate species.

CESA authorizes the taking of threatened, endangered, or candidate species if take is incidental to otherwise lawful activity and if specific criteria are met. These provisions also require CDFW to coordinate consultations with USFWS for actions involving federally listed species that are also state-listed species. In certain circumstances, CESA allows CDFW to adopt a CESA incidental take authorization as satisfactory for California Environmental Quality Act (CEQA) purposes based on a finding that the federal permit adequately protects the species and is consistent with state law.

A CESA permit may not authorize the take of “fully protected” species that are protected in other provisions of the California Fish and Game Code, discussed further below.

Porter–Cologne Water Quality Control Act

The Porter–Cologne Water Quality Control Act (Porter–Cologne Act) protects water quality and the beneficial uses of water. It applies to surface water and groundwater. Under this law, the State Water Resources Control Board develops statewide water quality plans and the Regional Water Quality Control Boards develop regional basin plans that identify beneficial uses, water quality objectives, and implementation plans. The Regional Water Quality Control Boards have the primary responsibility to implement the provisions of statewide plans and basin plans. Waters regulated under the Porter–Cologne Act include isolated waters that are not regulated by the U.S. Army Corps of Engineers. Regional Water Quality Control Boards regulate discharging waste, or proposing to discharge waste, within any region that could affect waters of the state (California Water Code, Section 13260[a]). Waters of the state are defined as “any surface water or groundwater, including saline waters, within the boundaries of the state”

(California Water Code, Section 13050[e]). Developments with impacts on jurisdictional waters must demonstrate compliance with the goals of the Porter–Cologne Act by developing stormwater pollution prevention plans, standard urban stormwater mitigation plans, and other measures to obtain a Clean Water Act Section 401 certification. If a Clean Water Act Section 404 permit is not required for the project, the Regional Water Quality Control Board may still require a permit (i.e., Waste Discharge Requirement) for impacts to waters of the state under the Porter–Cologne Act.

California Environmental Quality Act

CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) require identification of a project’s potentially significant impacts on biological resources and feasible mitigation measures and alternatives that could avoid or reduce significant impacts. CEQA Guidelines Section 15380(b)(1) defines endangered animals or plants as species or subspecies whose “survival and reproduction in the wild are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, disease, or other factors.” A rare animal or plant is defined in CEQA Guidelines Section 15380(b)(2) as a species that, although not currently threatened with extinction, exists “in such small numbers throughout all or a significant portion of its range that it may become endangered if its environment worsens; or ... [t]he species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range and may be considered ‘threatened’ as that term is used in the federal Endangered Species Act.” Additionally, an animal or plant may be presumed to be endangered, rare, or threatened if it meets the criteria for listing, as defined further in CEQA Guidelines Section 15380(c). CEQA also requires identification of a project’s potentially significant impacts on riparian habitats (such as wetlands, bays, estuaries, and marshes) and other sensitive natural communities, including habitats occupied by endangered, rare, and threatened species.

In Title 14 of the California Code of Regulations, Section 1.72, CDFW defines a “stream” (including creeks and rivers) as “a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation.”

In Title 14 of the California Code of Regulations, Section 1.56, CDFW’s definition of “lake” includes “natural lakes or man-made reservoirs.” Diversion, obstruction, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife requires authorization from CDFW by means of entering into an agreement pursuant to Section 1602 of the California Fish and Game Code.

CDFW recognizes that all plants with a CRPR of 1A, 1B, and 2, and some ranked 3, of the CNPS Inventory of Rare and Endangered Plants in California (CNPS 2022) may meet the criteria for listing as threatened or endangered and should be considered under CEQA (CDFW 2022a). Some of the CRPR 3 and 4 plants meet the criteria for determination as “rare” or “endangered” as defined in Section 1901, Chapter 10 (Native Plant Protection Act), Division 2, of the California Fish and Game Code, as well as Section 2062 and Section 2067, Chapter 1.5 (CESA), Division 3. Therefore, consideration under CEQA for these CRPR 3 and 4 species is strongly recommended by CNPS (CNPS 2022). For purposes of this analysis, animals considered “rare” under CEQA include endangered or threatened species, Birds of Conservation Concern (USFWS 2021), California Species of Special Concern (CDFW 2022b), and fully protected species.

Section IV, Appendix G (Environmental Checklist Form) of the CEQA Guidelines (14 CCR 15000 et seq.) requires an evaluation of impacts to “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.”

The criteria used to determine the significance of impacts to biological resources under CEQA are provided in Section 4.3.3, Thresholds of Significance.

Local

North County Multiple Habitat Conservation Program

The North County Multiple Habitat Conservation Program (MHCP) is a long-term regional conservation plan established to protect sensitive species and habitats in northern San Diego County. The MHCP is divided into seven subarea plans—one for each jurisdiction within the MHCP—that are permitted and implemented separately from one another. The City of Oceanside Subarea Plan has been prepared and is used as a guidance document for development projects in the City of Oceanside, but it has not been approved or permitted (City of Oceanside 2010).

The small area designated as conserved lands west and southwest of the project site encompasses open space, and a small portion of Libby Lake and Libby Lake Park. These lands are conserved for the purpose of protecting the open space and natural habitats including lands inside and outside of Natural Community Conservation Plan areas. Conserved lands are those lands that are legally conserved to protect natural habitats, species, and open space; contribute to the existing and planned regional habitat preserve system; and are managed to protect the open space or natural resources in the future (SANDAG 2022).

Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan

The overall goal of the Oceanside Subarea Plan is to contribute to regional biodiversity and the viability of rare, unique, or sensitive biological resources throughout Oceanside and the larger region while allowing public and private development to occur consistent with the City's General Plan and Capital Improvement Program. In addition, the Oceanside Subarea Plan calls for the conservation of 90% to 100% of all hardline conservation areas; conservation of a minimum of 2,511 acres of existing native habitats as a biological preserve in Oceanside; conservation of a minimum of 95% of rare and narrow endemic species populations within the preserve and a minimum of 80% throughout Oceanside as a whole; and restoration of a minimum of 164 acres of coastal sage scrub habitat within Oceanside, of which 145 acres will be within a Wildlife Corridor Planning Zone. Parcels within the Wildlife Corridor Planning Zone contribute to the north-south regional gnatcatcher steppingstone corridor (City of Oceanside 2010). Although the Oceanside Subarea Plan is used as a guidance document for development projects in Oceanside, the Subarea Plan has yet to be approved by the Oceanside City Council, and incidental take authority has therefore not been transferred to the City of Oceanside from USFWS and CDFW.

The Oceanside Subarea Plan identifies undeveloped lands within Oceanside where conservation and management will achieve the Oceanside Subarea Plan's biological goals while minimizing adverse effects on lands uses, economics, or private property rights. In addition, the Oceanside Subarea Plan establishes preserve planning zones, the existing biological conditions and goals of which were used as foundations for their designation. The zones are defined for effective implementation of the Subarea Plan. Brief descriptions of the preserve planning zones are provided below (City of Oceanside 2010):

- **Wildlife Corridor Planning Zone.** The Wildlife Corridor Planning Zone extends from U.S. Marine Corps Base Camp Pendleton south to Buena Vista Creek. This zone varies in width from 1 to 2 miles along most of its length and is centered roughly on El Camino Real and the associated San Diego Gas & Electric Company electric transmission corridor. It encompasses those habitat parcels that potentially contribute to the north-south regional gnatcatcher steppingstone corridor, recognizing that existing preserve lands north of

the San Luis Rey River complete the steppingstone corridor connection to U.S. Marine Corps Base Camp Pendleton. The project site is not within the Wildlife Corridor Planning Zone.

- **Pre-approved Mitigation Areas.** These areas represent land areas that have significant resource value and therefore qualify for on-site mitigation credit. Development is allowed in Pre-approved Mitigation Areas, subject to planning guidelines to avoid, minimize, and fully mitigate impacts. The project site is not within a Pre-approved Mitigation Area.
- **Agricultural Exclusion Zone.** This zone includes lands north of San Luis Rey River that are planned for agricultural uses under the Oceanside General Plan. Ongoing agricultural practices may continue in this area as long as they do not remove existing natural habitats. The project site is not within an Agricultural Exclusion Zone.
- **Off-Site Mitigation Zone.** This zone includes all other parcels within Oceanside that support natural vegetation outside of the Wildlife Corridor Planning Zone, Agricultural Exclusion Zone, and Coastal Zone. The Off-Site Mitigation Zone includes several Pre-approved Mitigation Areas. In addition, there is less emphasis on impact avoidance within this zone as long as off-site mitigation is directed to the Wildlife Corridor Planning Zone or Pre-approved Mitigation Areas. The project site is within the Off-Site Mitigation Zone.
- **Coastal Zone.** This zone is all areas within Oceanside's coastal zone where the federal Coastal Zone Management Act and California Coastal Act policies apply. The project site is not within the Coastal Zone.

In addition to preserve planning zones, the Subarea Plan also identifies specific “hardline” and “softline” preserves. Generally, the Oceanside Subarea Plan describes hardline preserves as areas that are already preserved to Subarea Plan standards and softline preserves as areas specifically targeted for preservation through application of Subarea Plan standards and policies. Hardline preserves are also considered part of Focused Planning Areas. Preserve areas within the Subarea Plan area prohibit the following land uses: all forms of development, agricultural uses, active recreation, mineral extraction, landfills, itinerant worker camps, roads or other transportation facilities, most flood control projects, and brush control or fuel management, except for existing firebreaks that must be maintained for safety reasons within 100 feet of existing buildings (City of Oceanside 2010). Any implementation of these prohibited land uses within the preserve would require written concurrence from the City and CDFW and USFWS (the wildlife agencies) through an amendment process. Conditionally allowed land uses in preserve areas include passive recreation (i.e., hiking, birdwatching, and fishing); utility projects that include full restoration of temporarily impacted habitat, flood control, or siltation basins that support natural vegetation and habitat value; and maintenance of existing firebreaks adjacent to existing buildings. The project site is not located within a hardline or softline preserve.

City of Oceanside General Plan

The City's General Plan Land Use Element contains environmental resource management objectives and policies pertaining to biological resources (City of Oceanside 2002a). Applicable objectives and policies include the following:

Vegetation and Wildlife Habitats, Objective: Recognition and preservation of significant areas with regard to vegetation and wildlife habitats.

Policy 3.11A: A biological survey report, including a field survey, shall be required for a proposed project site if the site is largely or totally in a natural state or if high interest species of plants or animals have been found on nearby properties.

Policy 3.11B: Where appropriate, the City shall apply open space land use designations and open space zoning to areas of significant scenic, ecological, or recreational value.

Policy 3.11C: In areas where vegetation or wildlife habitat modification is inevitable, mitigation and/or compensatory measures such as native plant restoration, land reclamation, habitat replacement, or land interest donation would be considered.

Policy 3.11D: Areas containing unique vegetation or wildlife habitats shall receive a high priority for preservation.

Policy 3.11E: Specific plans shall be developed in conjunction with regional and County agencies where appropriate, for areas where there is occurrence of endangered or threatened species.

The Environmental Resource Management Element of the City's General Plan also contains long-range policy directions and action programs with respect to biological resources. The Environmental Resource Management Element contains a workable program designed to conserve natural resources and preserve open space. The long-range policy direction for biological resources is as follows (City of Oceanside 2002b):

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

4.3.3 Thresholds of Significance

The significance criteria used to evaluate the project impacts to biological resources are based on Appendix G of the CEQA Guidelines. According to Appendix G of the CEQA Guidelines, a significant impact related to biological resources would occur if the proposed project 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 Game 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, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
3. Have a substantial adverse effect on state or federally protected wetlands (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.

4.3.4 Impacts Analysis

For the purposes of biological resources impact analysis, direct, indirect, and cumulative impacts are defined as the following:

Direct impacts are those that result in the direct removal of a biological resource through clearing, grubbing, and/or grading. These impacts are further classified as temporary or permanent: temporary impacts primarily result from staging or work areas outside of the permanent footprint that will be restored to their pre-project conditions, and permanent impacts refer to the buildings, roads, and other permanent structures. As shown in Figure 4.3-2, Impacts to Vegetation Communities and Land Cover Types, no temporary impacts are proposed; however, permanent impacts would occur in the proposed development footprint (i.e., impact area).

Indirect impacts primarily result from adverse “edge effects” as either short-term indirect impacts related to construction activities or long-term indirect impacts associated with the proximity of the proposed development footprint (i.e., impact area).

Cumulative impacts refer to incremental individual environmental effects of two or more projects when considered together. These impacts taken individually may be minor but collectively significant as they occur over a period of time. Cumulative biological impacts are discussed in Section 4.3.5, Cumulative Analysis.

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

As described in Section 4.3.1.1, Methodology, potential project impacts were evaluated based on examination of the proposed project plans within the context of the biological resources documented during the field surveys and those biological resources known to occur or assessed as having a likely potential to occur in the project area.

Direct and Indirect Impacts

Habitats and Vegetation Communities

Implementation of the proposed project would result in permanent direct impacts to disturbed Diegan coastal sage scrub, non-native grassland, ornamental vegetation, and disturbed habitat, due to vegetation clearing, grubbing, and grading construction activities. The impacts are summarized in Table 4.3-2.

Table 4.3-2. Habitat/Vegetation Community Project Direct Impacts and Proposed Mitigation

Vegetation/Land Cover Type	Acreages			
	Total	Impact	Ratio	Mitigation Required
Disturbed Habitat	9.28	4.96	n/a	n/a
Urban/Developed	5.27	5.21	n/a	n/a
Total	14.55	10.17	n/a	0.00

Notes: n/a = not applicable.

The project is expected to permanently impact 4.96 acres of disturbed habitat and 5.21 acres of urban/developed land. Per Table 5-2, Mitigation Standards for Impacts to Natural Vegetation and Habitat, in the Subarea Plan (City of

Oceanside 2010), no mitigation is required for impacts to disturbed habitat or urban/developed land. Therefore, impacts to land covers and vegetation communities are considered **less than significant** and no mitigation is required.

Special-Status Plant Species

No special-status plants were observed during the focused surveys. The project is not expected to directly or indirectly impact populations of special-status plant species since none have the potential to occur within the project site. Therefore, the project would have **no impact** to special-status plant species.

Special-Status Wildlife Species

No special-status wildlife were observed during the focused surveys. The project is not expected to directly or indirectly impact populations of special-status wildlife species since none have the potential to occur within the project site.

However, the California Fish and Game Code protects bird nests, and the MBTA prohibits the intentional take of any migratory bird or any part, nest, or eggs of any such bird. If clearing, grubbing, or other activities that result in the removal of vegetation occur during the nesting bird season, any impacts to active nests or the young of nesting bird species would be a **potentially significant impact (Impact BIO-1)**. This impact would be mitigated to less than significant through nesting bird surveys and establishment of appropriate buffers, as described in **Mitigation Measure (MM)-BIO-1 (Nesting Bird Surveys)**.

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

As outlined in Appendix D to this EIR, the project site is not within a preserve, nor does it include any wetlands or riparian areas on site. Therefore, project implementation would not result in substantial adverse effects on any riparian habitat, and impacts would be **less than significant**.

Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No potential waters or jurisdictional features were mapped within the project site. Therefore, **no impacts** to jurisdictional resources would occur as a result of the project.

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

The project site is located outside of the Wildlife Corridor Planning Zone designated by the Oceanside Subarea Plan (City of Oceanside 2010). The site is almost completely surrounded by development, which limits movement of larger mammals. The project site is also relatively isolated from large undeveloped areas as well as habitat preserves and does not support habitat essential for the movement of wildlife species. Therefore, impacts associated with the movement of wildlife species or wildlife corridors would be **less than significant**.

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

The City's General Plan biological policies are identified in Section 4.3.2, Regulatory Setting. In accordance with General Plan Policy 3.11A, a biological survey report was completed for the project (Appendix D), and the results of its analysis has been incorporated into this EIR. Appendix D includes field surveys and a literature review to assess potential impacts to sensitive biological resources that would result from implementation of the proposed project. The report and associated surveys were performed in accordance with applicable plans, policies, and ordinances set forth by the wildlife agencies and the City of Oceanside, as well as current industry standards. Thus, the project is in compliance with General Plan Policy 3.11A.

General Plan Policy 3.11C requires the preservation of biological resources or, where vegetation and habitat modification is inevitable, appropriate mitigation for potential impacts. As described above, the proposed project would not have potentially significant impacts to sensitive biological resources. Therefore, the project would be in compliance with General Plan Policy 3.11C.

The site does not constitute unique vegetation or wildlife habitats; hold significant scenic, ecological, or recreational value; or contain endangered or threatened species that are addressed in the General Plan Policies 3.11B, 3.11D, and 3.11E. Therefore, the project would not conflict with General Plan Policies 3.11B, 3.11D, and 3.11E.

The City of Oceanside landscape regulations require a tree survey showing all existing trees on a project site to be relocated or removed, labeled with tree type, quantities, and diameter at breast height for canopy trees and/or brown trunk height for palms. This survey is provided in the landscape plan prepared for the proposed project and can also be viewed in Figure 4.3-3, Tree Survey. As shown in Figure 4.3-3, there are a total of 37 trees on site and 16 trees are proposed for removal. The other 21 trees would remain in place. The City requires a 1:1 replacement ratio for all diameter at breast height and brown trunk height removed. As also shown in Figure 4.3-3, the total diameter of all 16 trees to be removed is 358 inches, and the total diameter of all 248 proposed new trees to be planted is 744 inches. Therefore, the trees would be replaced at a ratio greater than 1:1.

As previously described, the project site as it exists is heavily disturbed. Several non-native trees, such as Brazilian peppertree, liquid amber, Mexican fan palm, and eucalyptus, are also located along the slopes and edges of the disturbed habitat areas that were planted for ornamental landscaping. As shown in Figure 4.3-3, the project proposes a detailed landscape plan for the site, including trees along the entire site boundary and throughout the development. The project would not conflict with the City's landscape regulations.

In summary, the proposed project would not conflict with any local policies or ordinances protecting biological resources, and impacts would be **less than significant**.

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

The proposed project was assessed to ensure consistency with the Oceanside Subarea Plan by reviewing the applicable Subarea Plan standards against the proposed project. The project site is not within a preserve, nor does it include any wetlands or riparian areas on site. Therefore, project implementation would not conflict with an applicable conservation plan, and impacts would be **less than significant**.

4.3.5 Cumulative Analysis

The cumulative biological study area is the area covered by the Oceanside Subarea Plan (City of Oceanside 2010). Direct impacts to special-status plant species would not occur as a result of the proposed project. However, due to the presence of on-site trees, potential impacts to special-status wildlife, specifically nesting birds, could occur due to project implementation. Nesting bird surveys as outlined in **MM-BIO-1** are required in order to avoid direct impacts to raptors and/or migratory birds and therefore would not contribute to cumulative impacts to sensitive wildlife species. In addition to mitigation measure **MM-BIO-1**, the project would implement standard best management practices, which would avoid contributions toward a cumulative indirect impact to special-status wildlife species and sensitive habitats.

There are no riparian areas or jurisdictional features on site. The site is not considered to be a wildlife corridor as designated by the Oceanside Subarea Plan. Furthermore, the project proposes to remove 16 trees, but plant 248 new trees. Thus, the number of trees the project would plant exceeds the City's replacement requirements of 1:1. All other cumulative projects would be required to analyze potential impacts to biological resources; provide mitigation if needed; and comply with local, state, and federal laws and regulations, which would help avoid cumulative impacts from occurring. Therefore, the project, in combination with other cumulative projects, is not anticipated to result in significant cumulative impacts to biological resources. Cumulative impacts related to biological resources would be **less than significant**.

4.3.6 Mitigation Measures

The project would have potential direct and/or indirect significant impacts to migratory birds (**Impact BIO-1**). The following mitigation measure (**MM-BIO-1**) would be implemented to reduce potential direct and indirect impacts to less than significant.

MM-BIO-1 Nesting Bird Survey. To avoid any direct impacts to raptors and/or any migratory birds protected under the Migratory Bird Treaty Act (16 USC 703 et seq.) and California Fish and Game Code (3503 and 3503.5), removal of habitat shall occur outside of the nesting season for these species (i.e., outside of February 15 through August 31, annually). If, however, removal of habitat must occur during the nesting period, the proposed project applicant or its designee shall retain a biologist to conduct a pre-construction survey to determine the presence or absence of nesting birds in the proposed area of disturbance, as well as a 500-foot buffer around the project site, to the extent the applicant has access within the buffer. The pre-construction survey must be conducted within 72 hours prior to the start of construction and shall be repeated if construction activities discontinue for more than 3 consecutive days.

Impacts to active nests are typically avoided as follows. Clearing and construction shall be postponed or halted within the following buffers to be established by the biologist: (1) no work within 50 feet of a non-listed and non-raptor avifauna nest; and (2) no work within 500 feet of a raptor nest. Raptor nests are not anticipated within the immediate project site due to lack of suitable nesting habitat; however, trees within 500 feet of the project boundary could support raptor nesting. The construction avoidance area shall be clearly demarcated in the field with highly visible construction fencing or flagging, and construction personnel shall be instructed on the sensitivity of nest areas. To the extent possible, the no-construction buffer zones shall be avoided until the nesting cycle is complete. If construction-related activities must take place within an active

nest buffer area, the proposed project applicant or its designee shall present a plan to the City with measures to monitor and minimize impacts to nesting birds. No ground-disturbance activities shall occur within the avoidance buffer zone until the qualified biologist has determined that the nest is no longer active and the young are not dependent on the nest.

4.3.7 Level of Significance After Mitigation

With incorporation of **MM-BIO-1** outlined above, potentially significant impacts to biological resources would be reduced to a level of **less than significant**.

INTENTIONALLY LEFT BLANK



SOURCE: SANGIS 2020



FIGURE 4.3-1
Vegetation Communities and Land Cover Types
Pacifica Project EIR



SOURCE: SANGIS 2020



FIGURE 4.3-2
Impacts to Vegetation Communities and Land Cover Types

Table of Contents

SECTION	PAGE NO.
4.3 Biological Resources	4.3-1
4.3.1 Existing Conditions.....	4.3-1
4.3.2 Regulatory Setting	4.3-6
4.3.3 Thresholds of Significance	4.3-12
4.3.4 Impacts Analysis	4.3-13
4.3.5 Cumulative Analysis.....	4.3-16
4.3.6 Mitigation Measures.....	4.3-16
4.3.7 Level of Significance After Mitigation	4.3-17

TABLES

4.3-1 Vegetation Communities and Land Covers	4.3-3
4.3-2 Habitat/Vegetation Community Project Direct Impacts and Proposed Mitigation.....	4.3-13