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Source of Vegetation: RECON 2014, Revised by HELIX 2016

Potential CDFW Jurisdiction

THE VILLAGES

the type of protection required. In common practice, the MBTA is now used to place restrictions on disturbance of active bird nests during the nesting season (generally February 1 to August 31). In addition, the USFWS commonly places restrictions on disturbances allowed near active raptor nests.

5.2 STATE

California Environmental Quality Act

Primary environmental legislation in California is found in CEQA and its implementing guidelines (State CEQA Guidelines), which require that projects with potential adverse effects (or impacts) on the environment undergo environmental review. Adverse environmental impacts are typically mitigated as a result of the environmental review process in accordance with existing laws and regulations.

California Fish and Game Code

The CFG Code provides specific protection and listing for several types of biological resources. Sections 1600 *et seq.* of CFG Code require notification and, if required, a Streambed Alteration Agreement (SAA) for any activity that would alter the flow, change or use any material from the bed, channel, or bank of any perennial, intermittent, or ephemeral river, stream, and/or lake. Typical activities that require notification include excavation or fill placed within a channel, vegetation clearing, structures for diversion of water, installation of culverts and bridge supports, cofferdams for construction dewatering, and bank reinforcement.

Pursuant to CFG Code Section 3503, 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. Raptors and owls and their active nests are protected by CFG Code Section 3503.5, which states that it is unlawful to take, possess, or destroy any birds of prey or to take, possess, or destroy the nest or eggs of any such bird unless authorized by the CDFW. Section 3513 states that it is unlawful to take or possess any migratory non-game bird as designated in the MBTA. These regulations could require that construction activities (particularly vegetation removal or construction near nests) be reduced or eliminated during critical phases of the nesting cycle unless surveys by a qualified biologist demonstrate that nests, eggs, or nesting birds will not be disturbed, subject to approval by CDFW and/or USFWS.

Porter-Cologne Water Quality Control Act

The State Water Resources Control Board (SWRCB) and RWQCB regulate the discharge of waste into waters of the State via the 1969 Porter-Cologne Water Quality Control Act (Porter-Cologne) as described in the California Water Code (SWRCB 2008). The California Water Code is the State's version of the federal CWA. Waste, according to the California Water Code, includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

State waters that are not federal waters may be regulated under Porter-Cologne. A Report of Waste Discharge must be filed with the RWQCB for projects that result in discharge of waste into waters of the State. The RWQCB will issue Waste Discharge Requirements (WDRs) or a waiver. The WDRs are the Porter-Cologne version of a CWA Section 401 Water Quality Certification.

5.3 LOCAL

City of Escondido – Mature and Protected Tree Ordinance

The City establishes regulations and standards for the preservation, protection, and selected removal of mature and protected trees. A City issued vegetation removal permit is required prior to clearing, pruning, or destroying vegetation and prior to any encroachments by construction activities that disturb the root system within the dripline (e.g., the outer extent margin of a tree's canopy) of any mature and protected trees. Issuance of a vegetation removal permit requires the submittal of a tree survey and, as applicable, a tree protection and/or replacement mitigation plan. Tree protection, removal, and replacement standards are outlined in the City's General Plan and in Chapter 33 (Zoning), Article 55 (Grading and Erosion Control) of the City's Municipal Code (Ordinance 2001-21). The City's General Plan recognizes any oak tree species and other mature trees, as defined below, as significant aesthetic and ecological resources deserving protection within the boundaries of the City. Section 33-1052 and 33-1068 of the City's Municipal Code sets forth rules and standards related to mature tree removal, protection, and replacement.

Section 33-1502 (Definitions)

A mature tree is any self-supporting woody perennial plant, native or ornamental, with a single well-defined stem or multiple stems supporting a crown of branches. The single stem, or one of multiple stems of any mature oak tree (genus *Quercus*), shall have a diameter four (4) inches or greater when measured at four and one-half (4 ½) feet (DBH [diameter at breast height]) above the tree's natural grade. All other mature trees shall have a DBH of eight (8) inches, or greater, for a single stem or one of the multiple stems.

A protected tree is any oak that has a ten (10) inch or greater DBH, or any other tree species or individual specimen listed on the historic register, or determined to substantially contribute to the historic character of a property or structure listed on the local historic register, pursuant to Article 40 of the Escondido Zoning Code.

Section 33-1068 (Vegetation Clearing and Protection)

Pursuant to this section regulations and standards are established to safeguard life and property and the public welfare concerning the preservation, protection, and selected removal of mature trees, protected trees, and historically significant trees which are located within the boundaries of the City.

A vegetation removal permit and appropriate standards for the replacement of vegetation approved for removal is required prior to clearing, pruning, or destroying City regulated vegetation, and prior to any encroachments by construction activities that destroy or disturb the root system within the dripline of regulated trees. Issuance of a vegetation removal permit requires the submittal of a tree survey and possible a tree replacement and/or protection plan.

Section 33-1069 (Vegetation Protection and Replacement)

Pursuant to this section, every feasible effort and measure to avoid damage to existing trees to remain on site shall be taken by the owner and developer during clearing, grading, and construction activity, including the placement of City approved tree protection barriers. If mature trees cannot be preserved on site, they shall be replaced at a minimum ratio of one to one (1:1). If protected trees cannot be preserved on site they shall be replaced at a minimum ratio of two to one (2:1). However, the number, size, and species of replacement trees can be determined on a case-by-case basis by the City's Director of Planning and Building.

6.0 ANALYSIS OF PROJECT IMPACTS AND MITIGATION

6.1 SUMMARY OF PROJECT EFFECTS

Direct Impacts

Direct impacts are immediate, physical impacts resulting from disturbance and removal of resources. Direct impacts were quantified by overlaying the limits of ground disturbance from the project (i.e., grading and fuel modification) on the biological resources mapped as occurring within the site.

In summary, the project will result in direct impacts to the majority of the site for the construction of The Villages Specific Plan Area, including approximately 64 acres of residential development and 46 acres of open space (42 percent of the site), 32 acres of which will comprise of greenbelt and 14 acres of retention basins, established/re-established natural channels, and enhanced natural channels. No off-site impacts are proposed.

Direct impacts to many of the on-site channels will be temporary in nature, as many of them will be widened and re-established along the same linear path, or within immediately-adjacent paths, and restored with native riparian/wetland habitat. The total area of sensitive wetland and riparian habitat to be established/re-established, enhanced, and preserved within the on-site open space will be 8.08 acres (6,704 linear feet)

In summary, the project has been specifically designed to:

- Avoid and minimize impacts to waters and wetlands consistent with the no-net-loss-standard;
- Establish, re-establish, and enhance waters and wetlands on site where impacts cannot be avoided, thereby compensating the spatial and linear feet loss at a minimum 1:1 ratio;
- Manage and treat all on-site runoff within water quality treatment and retention facilities, thereby conserving pre-project flows and delivering clean water into the established/re-established and enhanced channels;
- Create a linear preserve composed of riparian and wetland habitat that is biologically superior to the existing condition;
- Consolidate development to reduce edge effects and maximize the ratio of surface area to the perimeter of on-site preserve areas; and
- Buffer on-site preserve areas with additional greenspace and water quality features.

Indirect Impacts

Indirect impacts are actions that are not direct removal of habitat, but affect the surrounding biological resources either as a secondary effect of the direct impacts (e.g., construction noise, runoff, nighttime lighting, fugitive dust, etc.) or as the cause of degradation of a biological resource over time (e.g., edge effects and adjacency issues). Indirect impact issues for the project are summarized below.

Noise

Short-term noise from operating heavy equipment during construction could temporarily and adversely affect certain wildlife during breeding activities. For the proposed project, construction noise is not expected to adversely and indirectly affect sensitive wildlife species due to the fact that none have potential to use the site for breeding activities. At best, some of the mature trees could be used for nesting by raptor species that are common to the area, such as red-tailed hawk. Mitigation measures are proposed herein to ensure that activities affecting potential nesting habitat are restricted to periods outside of the raptor breeding season or, where activities must occur, pre-activity surveys and avoidance measures are implemented. Therefore, noise-related impacts would be less than significant with implementation of the mitigation measures proposed herein.

Human Activity

The project would introduce new residential uses to the site; however, the site and surrounding areas is already subject to human activity. The project's contribution is not considerable given the amount of human activity that already exists. If measures aren't taken to prevent humans from entering sensitive areas within project open space, the activities could result in degradation of habitat and indirect impacts on sensitive species. In addition, illegal dumping of lawn and

garden clippings, trash, and other refuse could occur. The project would protect sensitive areas within open space from unauthorized uses by installing fencing and signage, and actively managing the open space, in perpetuity, including regular patrols and reporting. Therefore, impacts would be less than significant.

Domestic Pets

Domestic pets (e.g., dogs and cats) may also be brought onto the site as a result of new residential uses. Such introductions have potential to harm native wildlife species. However, it is noted that the site is adjacent to existing residential uses and is already subject to use by domestic pets. The project would protect open space with fencing and would actively manage the areas in perpetuity, thereby reducing potential impacts as a result of domestic pets to less than significant.

Non-Native Plants

Non-native plants are already prevalent throughout the site under current conditions. The project's contribution is not considerable given the amount of non-native plants that already exist. During operation, if measures aren't taken to control non-native plants from entering sensitive areas within project open space, the activities could result in degradation of habitat over time. Project landscaping is required to prevent the use of non-native, invasive plants and the open space areas would be actively managed with regular weed removal to control non-natives.

Night Lighting

The project site is already subject to night lighting from the adjacent residences under current conditions. The project's contribution is not considerable given the night lighting that already exists. The project is required to direct all lighting that must occur adjacent to open space areas in a downward direction with appropriate shielding and illumination technology to prevent adverse spillover of light.

6.1 SPECIAL-STATUS SPECIES

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 CDFW or USFWS?

ISSUE 1 Impact Analysis

Special-Status Plant and Wildlife Species

Special-status plant and wildlife species that are known to the region would not be expected to occur within the project due to general lack of suitable habitat. Therefore, no impacts on special-status species are anticipated.

Raptor Foraging

Surveys for raptors, potential nests, and other sign were conducted concurrent with the March 23 and November 11, 21 and 23, 2016 general biological and tree surveys. In its current state, the project site provides marginal and relatively low quality foraging opportunities for common raptors that are resident and migratory to the region. The ornamental trees provide suitable perching habitat and the remnant golf course fairways provide open habitat for hunting. There is likely the presence of prey items for certain raptor species. Taller, weedy species cover a good portion of the ground and would likely make foraging more difficult. Although the project site provides some function and value for raptor foraging, it has been a golf course for decades and has likely not functioned as a local or regional foraging resource of importance for raptors. The fragmented and urbanized nature of the site and surrounding area limits the potential for raptors to occur given the proximity to existing developments and related disturbances, such as ongoing human activity, noise, and lighting. Other more expansive areas occur in the local area and region that provide foraging habitat, such as Daley Ranch, which is a 3,058-acre conservation area located in the City approximately 2.5 miles east of the site. The project will incorporate open space elements that will function as foraging habitat for raptors and other species, including perimeter green belt areas and riparian corridors. Impacts are expected to be less than significant.

Nesting Birds

The project site contains trees, shrubs, and other vegetation that provide suitable nesting habitat for common birds, including raptors, protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFG Code). Significant impacts could occur to nesting birds if suitable nesting habitat is removed during the general bird breeding season (January 15 to September 15).

Implementation of mitigation measure **BIO-1** would ensure compliance with the MBTA and CFG Code, and that impacts on nesting birds are reduced to a less than significant level.

ISSUE 1 Mitigation Measures

BIO-1 Nesting Bird and Raptor Avoidance. If initial grading and vegetation removal activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird breeding season for migratory birds and raptors (January 15 and September 15), the project applicant shall retain a qualified biologist to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the MBTA and CFG Code. The pre-construction survey shall be performed no more than 7 days prior to the commencement of the activities. The results of the pre-construction survey shall be documented by the qualified biologist and submitted to the City of Escondido (City). If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no impacts shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist. Confirmation that the nest is no longer active shall

be documented by the qualified biologist and submitted to the City prior to commencement of the activities.

6.2 SENSITIVE NATURAL COMMUNITIES

Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS?

The project site is characterized by disturbed and developed land associated with the old Escondido Country Club and golf course. Native and naturalized habitat is largely absent from the site, with the exception of the small stands of freshwater marsh, disturbed wetland, and non-native riparian in the eastern and southeastern portions of the site, which are considered sensitive natural communities.

Project impacts on sensitive natural communities are depicted on Figure 9 and summarized below within Table 5.

Sensitive Natural Community	Existing (acres)	Impacts (acres)	Required Ratio	Mitigation Required (acres)	Provided On Site ¹ (acres)
Wetland/Riparian					
Freshwater Marsh	0.04	0.04	3:1	0.12	0.12
Disturbed Wetland	0.04	0.04		0.12	0.12
Non-Native Riparian	0.21	0.21		0.63	0.63
TOTAL	0.29	0.29	--	0.87	0.87

*Wetland/riparian acres rounded to the nearest 0.01 acre and upland acres rounded to the nearest 0.1 acre.

¹Represents the minimum amount of each sensitive natural community type to be preserved on site in combination with establishment/re-establishment and enhancement actions. The total area of wetland/riparian sensitive natural communities to be established/re-established, enhanced, and preserved within the on-site open space will be 8.08 acres (6,704 linear feet).

As conceptually depicted on Figure 12 and also summarized above within Table 5, impacts to sensitive natural communities will be mitigated on site, at a 3:1 ratio, through establishment/re-establishment, enhancement, and preservation actions within the project's open space. The total area of wetland/riparian sensitive natural communities to be established/re-established, enhanced, and preserved within the on-site open space will be 8.08 acres (6,704 linear feet), which far exceeds the mitigation obligation for each sensitive community type to be impacted. Further, impacts on many of the on-site channels will be temporary in nature, as many of them will be widened and re-established along the same linear path, or within immediately-adjacent paths, and restored with native riparian and wetland habitat.

The project applicant will be required to prepare a mitigation plan identifying the impacts, mitigation obligation, responsible parties, mitigation methods, native plant palettes, and success criteria. The plan will be submitted to the City for approval, and as applicable, other responsible agencies of the project, such as the RWQCB and CDFW. There would be a substantial net gain in wetland/riparian sensitive natural communities on the site and the project would result in a biologically superior condition compared to the baseline.

With the implementation of the conceptual plan actions in mitigation measure **BIO-2**, impacts on sensitive natural communities would be reduced to less than significant.

ISSUE 2 Mitigation Measures

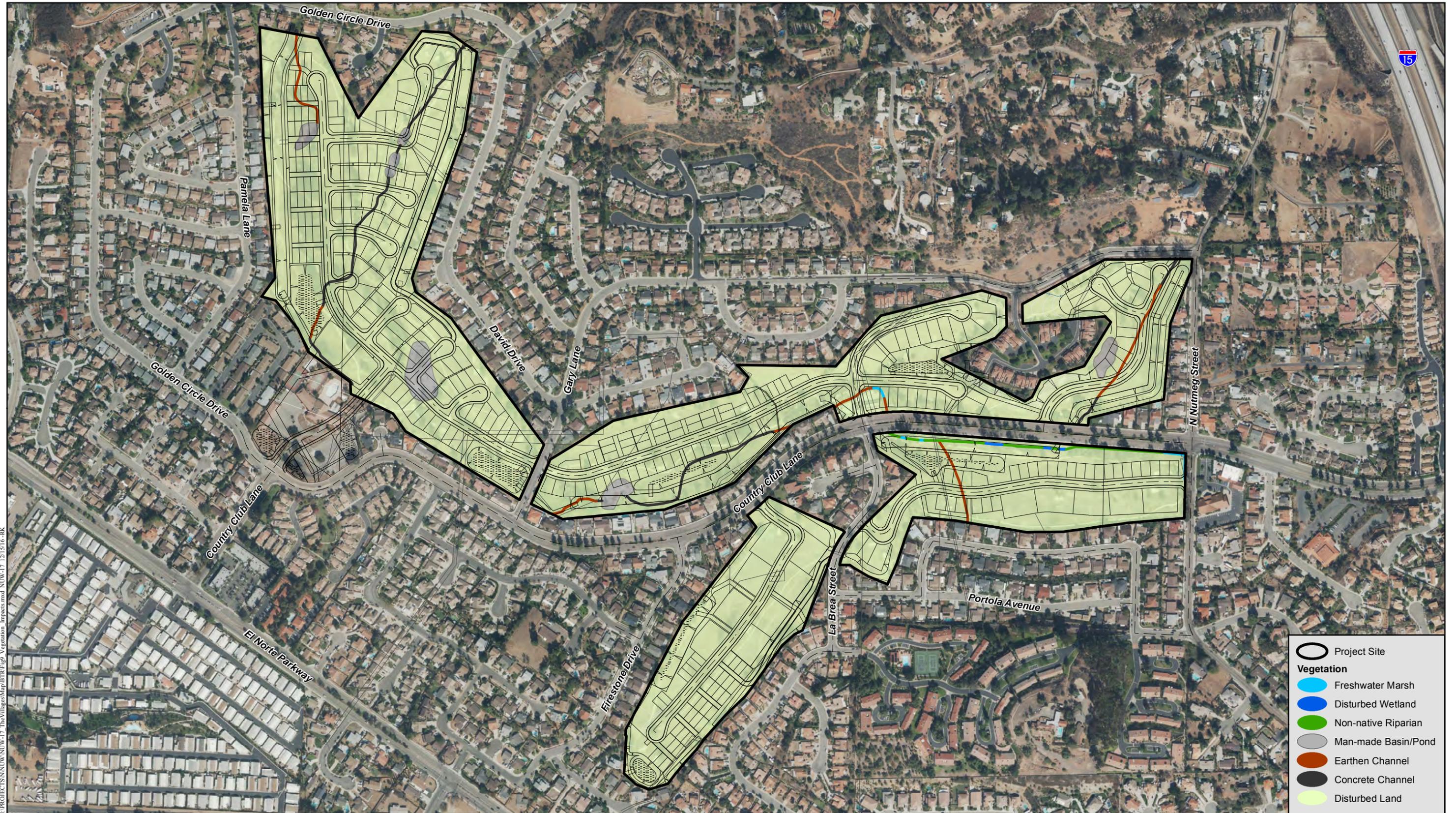
BIO-2 Restoration, Preservation and Management of On-Site Open Space. The project applicant shall prepare and submit for approval to the City of Escondido (City) and/or other responsible agencies of the project, including the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW), unless otherwise determined during regulatory permitting of the project, a Restoration Plan for the establishment/re-establishment and enhancement of sensitive habitat within the project's open space. The Restoration Plan shall include five years of maintenance and monitoring to ensure the restoration effort is successful.

The project applicant shall record a conservation easement, restrictive covenant, or other protective mechanism approved by the City and/or other responsible agencies of the project over the establishment/re-establishment and enhancement areas. The conservation easement shall be included on final project plans.

The project applicant shall prepare and submit to the City and/or other responsible agencies of the project a Long-Term Management Plan for the on-site biological conservation easement areas. The Long-Term Management Plan shall include area specific management directives for maintenance, monitoring, and management of the conservation easement areas in perpetuity.

The applicant shall also establish a non-wasting endowment for an amount approved by the City based on a Property Analysis Record (PAR) or similar cost estimation method to secure the ongoing funding for the perpetual maintenance, monitoring, and management of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the City. Upon approval of the draft Long-Term Management Plan, the applicant shall submit the final Long-Term Management Plan to the City and/or other responsible agencies of the project and a contract with the approved land manager, as well as transfer the funds for the non-wasting endowment to a non-profit conservation entity.

The project applicant shall install appropriate permanent fencing along the boundary of the open space to discourage human access. The project applicant shall also install



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Vegetation/Impacts

THE VILLAGES

Figure 9

signage on the fence to educate and inform the public about the open space and to prohibit access. The fencing shall be shown on all final project plans.

6.3 WETLANDS

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

Several man-made drainage features and basins occur throughout portions of the project site that were previously created for conveyance of stormwater and irrigation, as well as aesthetic water features for the former golf course. Water that flows through the network of these man-made features is largely controlled with small dikes, dams, pipes, and holding basins, all of which either terminate within uplands on the site or discharge into the existing storm drain or MS4 for the site and surrounding developments. The features on the site are geographically isolated with no downstream connectivity to a navigable waterway due to their termination within uplands on site or the existing MS4. As such, the features would not qualify as waters of the U.S. as regulated by the USACE pursuant to CWA Section 404. Therefore, no impacts on federally-protected wetlands would occur.

The isolated features would, however, qualify as isolated waters of the State subject to RWQCB jurisdiction and streambed and riparian habitat subject to CDFW jurisdiction. As depicted on Figures 10 and 11, the project would result in impacts to the man-made drainage features and basins, but would fully offset the impacts through establishment/re-establishment of new waters and wetlands, and placing the new waters and wetlands into open space, as depicted on Figure 12 and summarized within Tables 6 and 7.

**Table 6
WATERS OF THE STATE IMPACTS AND MITIGATION**

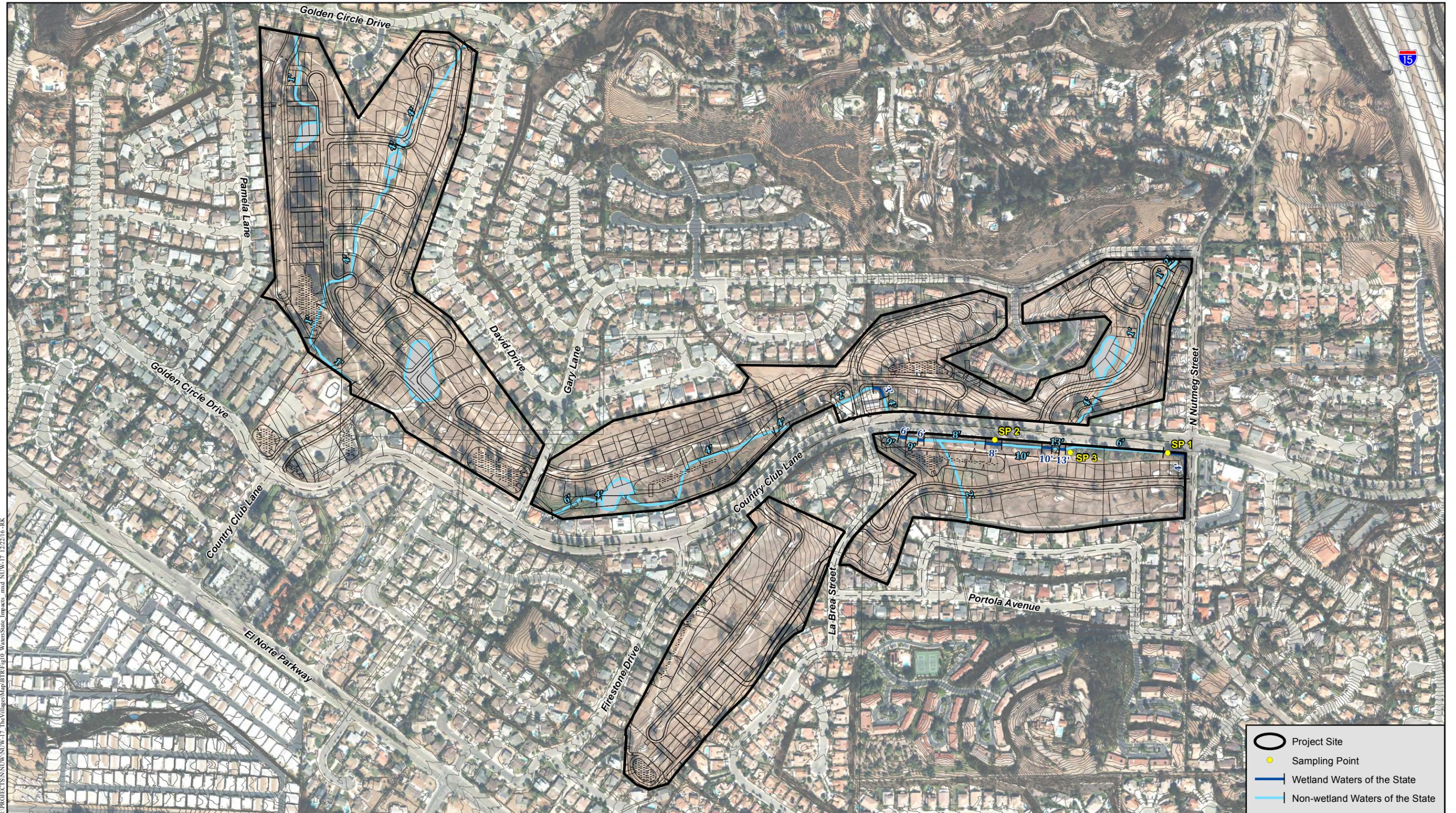
Jurisdictional Resource	Existing Acres (Feet)	Impact Acres (Feet)	Required Ratio (Method)	Mitigation Required Acres (Feet)	Provided On Site¹ Acres (Feet)
Waters of the State					
Wetland	0.08 (550)	0.08 (550)	1:1 (Establishment / Re-Establishment) + 2:1 (Restoration / Rehabilitation and/or Enhancement)	0.08 (550) + 0.16	0.08 (550) + 0.16
Non-Wetland	2.48 (7,615) ²	2.48 (7,615) ²	1:1 (Establishment / Re-Establishment)	2.48 (7,615)	2.48 (6,154)
TOTAL	2.56 (8,165)²	2.56 (8,165)²	--	2.72 (8,165)	2.72 (6,704)³

*Acres rounded to the nearest 0.01, linear feet rounded to the nearest foot.

¹Represents the minimum amount of each jurisdictional resource type to be preserved on site in combination with establishment/re-establishment and enhancement actions. The total area of jurisdictional resources to be established/re-established, enhanced, and preserved within the on-site open space will be 8.08 acres (6,704 linear feet).

²Of the 7,615 linear feet of non-wetland waters to be impacted, 4,062 linear feet (53.3 percent) represent concrete channels and ditches whose only function and service is to convey and detain storm water and nuisance irrigation flows.

³The project will compensate 82 percent of the linear feet loss of waters.



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