



Appendix B

BIOLOGICAL RESOURCES LETTER REPORT



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October 21, 2015

QIC-03

Stephan Vance
San Diego Association of Governments
401 B Street, Suite 800
San Diego, CA 92101

**Subject: Biological Resources Letter Report for the San Diego River Trail
Qualcomm Stadium Segment Project**

Dear Mr. Vance:

HELIX Environmental Planning, Inc. (HELIX) has prepared this letter report to document the findings of a biological resources technical study for the proposed San Diego River Trail (SDRT) Qualcomm Stadium Segment Project (project) located in San Diego, California. This letter briefly summarizes the methods, results, and recommendations from a general biological survey and includes a concise impact analysis for the proposed project.

INTRODUCTION

Project Location

The project site is located in the Mission Valley community in the City of San Diego primarily just south of Qualcomm Stadium and Friars Road, northwest of the Interstate 15 (I-15)/I-8 interchange and adjacent to the San Diego River. The site is located within an unsectioned portion of Township 16 South, Range 2 West, on the U.S. Geological Survey (USGS) 7.5' La Mesa and La Jolla quadrangles (Figures 1 and 2).

Project Description

The San Diego Association of Governments (SANDAG) proposes to construct an approximately 0.8-mile segment of SDRT through Qualcomm Stadium in the Mission Valley community of the City of San Diego. The proposed Qualcomm Segment of the SDRT would extend eastward from the terminus of Fenton Parkway along a vegetated slope behind the Fenton Marketplace shopping center and through the southern portion of the Qualcomm Stadium parking lot to connect with Rancho Mission Road. The proposed trail would be constructed as a Class I

bikeway, which is a path that provides a separated right-of-way for the exclusive use of people walking and riding bikes. Most of the trail would occur on existing paved surfaces within the stadium parking lot. A barrier, such as portable concrete barriers or chain-link fencing) would be installed along the trail within the stadium parking area to separate trail users from other activities at the stadium. Some grading would be required along the vegetated slope behind the shopping center in the western extent of the trail. This slope is covered primarily with ornamental vegetation. The San Diego River is located adjacent to the trail on the south; however, the trail would not encroach into the river corridor, but would be entirely within developed areas north of the river.

METHODS

Prior to conducting fieldwork, HELIX performed a review of aerial imagery (Google 2015), topographic maps (USGS 1996), soils maps (USDA 2015), and maps from the San Diego Subarea Plan (SAP) (City of San Diego Public Utilities 2013) and SanGIS/SANDAG (SANDAG 2013). Database applications reviewed included the California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDDB; CDFW 2015), California Native Plant Society (CNPS) Inventory of Endangered and Rare Plants (CNPS 2010), and the United States Fish and Wildlife Service (USFWS) Critical Habitat Portal (USFWS 2015a, 2015b). The pre-survey investigation also included a review of the SanGIS/SANDAG Parcel Lookup map (SanGIS 2015), in addition to a vegetation communities map compiled by City of San Diego Public Utilities (City of San Diego PUD 2013, SANDAG 2013).

HELIX's biologist Benjamin Rosenbaum performed an initial general biological resources survey of the project site on July 14, 2015 in order to assess existing vegetation communities and habitat types; evaluate the potential for sensitive plant and animal species to occur; and identify other sensitive biological resource constraints associated with the project site and the immediate vicinity, such as potential jurisdictional waterways and wetlands. HELIX biologist Karl Osmundson performed a follow-up general biological survey on August 19, 2015, which specifically targeted portions of the site being considered for a potential construction staging area. All plant and animal species observed or otherwise detected during the surveys were recorded in a field notebook. Vegetation communities were generally classified according to Holland (1986) and Oberbauer *et al.* (2008). Plant species names generally follow Baldwin *et al.* (2012). Animal species names follow nomenclature from the CDFW (CDFW 2008).

APPLICABLE REGULATIONS

Based on the findings of this report, activities affecting the biological resources determined to exist or have the potential to exist within the project site could be subject to the federal, State, and local regulations discussed below.

Federal

Federal Endangered Species Act

The Federal Endangered Species Act (ESA) (7 United States Code (USC) 136; 16 USC 460 et seq. [1973]) extends legal protection to plants and animals listed as endangered or threatened and gives authorization to the USFWS to review proposed federal actions to assess potential impacts to species listed as endangered or threatened. The ESA prohibits the unauthorized “taking” of a federally listed species.

“Taking” of a threatened or endangered species is deemed to occur when an intentional or negligent act or omission results in any of the following actions: “to harass, harm, pursue, hunt, shoot, kill, trap, capture, or collect, or attempt to engage in any such conduct.” Such acts may include significant habitat modification or degradation if it results in death or injury. Likewise, import, export, interstate, and foreign commerce of listed species are all prohibited. Sections 7 and 10 of the ESA permit “incidental take” of a listed species via a federal or private action, respectively, through formal consultation with the USFWS. In lieu of a separate Section 10a Permit, an applicant may be included in a local Habitat Conservation Plan (HCP).

Clean Water Act

The Federal Water Pollution Control Act, more commonly known as the Clean Water Act (CWA) (33 USC ss/1251 et seq. [1977]), establishes the basic structure for regulating discharges of pollutants into the waters of the United States and is the primary regulatory body affecting wetlands. The objective of the CWA is to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters. The CWA gives the United States Environmental Protection Agency (USEPA) authority to implement pollution control programs, set water quality standards for all contaminants in surface waters, and to address nonpoint source pollution. The CWA makes it illegal for any person to discharge pollutants into navigable waters, unless a permit is first obtained.

Section 404 of the CWA regulates the discharge of dredged or fill material into navigable waters and defines standards under which these types of activities may be permitted. The U.S. Army Corps of Engineers (USACE) regulates impacts to Waters of the U.S. (WUS) under Section 404 of the Clean Water Act (CWA; 33 U.S.C. 401 et seq.; 33 U.S.C. 1344; U.S.C. 1413; and Department of Defense, Department of the Army, Corps of Engineers 33 CFR Part 323). The purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of all WUS. A federal CWA Section 404 Permit would be required for a project to place fill in WUS. A CWA Section 401 Water Quality Certification administered by the Regional Water Quality Control Board (RWQCB) must be issued prior to issuance of a Section 404 Permit.

Migratory Bird Treaty Act

All migratory bird species that are native to the United States or its territories are protected under the federal Migratory Bird Treaty Act (MBTA) as amended under the Migratory Bird Treaty

Reform Act of 2004 (FR Doc. 05-5127). The MBTA is generally protective of migratory birds but does not actually stipulate the type of protection required. Under the MBTA, it is illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations.

State

California Endangered Species Act

Similar to the federal ESA, the California Endangered Species Act (CESA) along with the Native Plant Protection Act authorizes the CDFW to designate, protect, and regulate the taking of special-status species in the State of California. Special-status species are those designated by the State as endangered, threatened or species of concern. CESA defines endangered as those species whose continued existence in California is jeopardized. State-listed threatened species are those not presently threatened with extinction, but which may become endangered if their environments change or deteriorate. Most “species of concern” are species whose breeding populations in California may face local extirpation. To avoid the future need to list these species as endangered or threatened, the CDFW recommends consideration of these species, which do not as yet have any legal status, during analysis of the impacts of proposed projects.

California Environmental Quality Act

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

Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines Section 15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definition in ESA and the section of the California Fish and Game Code dealing with rare or endangered plants and animals. CEQA Guideline Section 15380(d) allows a public agency to undertake a review to determine if a significant effect would occur on species that have not yet been listed by either the USFWS or CDFW (i.e., species of concern). Thus, if warranted under special circumstances, CEQA provides an agency with the ability to protect a species from a project’s potential impacts until the respective government agencies have an opportunity to designate the species as formally protected.

Pursuant to the requirements of CEQA, an agency reviewing a proposed project within its jurisdiction must determine whether any state-listed endangered or threatened species may be present in the project area and determine whether the proposed project will have a potentially significant impact on such species.

California Fish and Game Code

The California Fish and Game (CFG) Code regulates the taking or possession of birds, mammals, fish, amphibians, and reptiles, as well as natural resources such as wetlands and waters of the state. 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 the code or any regulation made pursuant thereto. Raptors (birds of prey) 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. In common practice, CDFW places timing restrictions on clearing of potential nesting habitat (e.g., vegetation), as well as restrictions on disturbances allowed near active raptor nests.

Local

San Diego Multiple Species Conservation Program Subarea Plan

In July 1997, the United States Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG; currently known as CDFW), and City adopted the Multiple Species Conservation Program (MSCP) Implementing Agreement (City 1997), which allows incidental take of threatened and endangered species as well as other sensitive species conserved by the MSCP (covered species). The City's MSCP covers 85 plant and animal species, 15 of which are also listed as narrow endemic species that have restricted geographic distributions, soil affinities, and/or habitats. Under the MSCP, impacts to Narrow Endemic Species are to be avoided to the maximum extent practicable.

The MSCP designates regional preserves (MHPAs) that are intended to be mostly void of development activities while allowing development of other areas subject to program requirements. The project site is located outside the MHPA; however, it is adjacent to the MHPA, south of the proposed project site along the San Diego River. SANDAG is not a signatory to the MSCP.

RESULTS

HELIX's qualified biologist Benjamin Rosenbaum performed a general biological survey within accessible portions of the Biological Study Area (BSA) on July 14, 2015. A follow-up survey targeting a potential staging area was conducted by HELIX biologist Karl Osmundson on August 19, 2015. The portion of the BSA on private property owned by Lowes (on a portion of the vegetated slope in the western extent of the BSA) was not accessed because permission to enter this area was not granted by the property owner. Assessment of this area was conducted from the adjacent parcel and from aerial imagery. Physical access to the portion of the BSA within the stadium, including the recycling center and parking lot, were not physically accessed because these areas are entirely developed and lack vegetation. Assessment of this developed area of the BSA was conducted from adjacent areas and from aerial imagery. In addition, a potential staging area is located just east of the project site underneath an I-15 overpass (refer to Figure 2). This staging area is a Caltrans yard that has been graded in the past and could not be

directly accessed due to a chain link fence and locked gate. Assessment of the potential staging areas was conducted from the sidewalk (at the fence) and from aerial imagery. The BSA encompasses approximately 54.9 acres and includes the proposed alignment and a buffer of generally approximately 100 feet to the north within the Qualcomm Stadium parking lot and the San Diego River corridor adjacent to the proposed alignment. Table 1 below provides a summary of the conditions encountered during the survey.

Table 1 SURVEY TIMES AND CONDITIONS				
DATE	TIME	SURVEYOR	CONDITIONS	SURVEY
7/14/15	1100-1300	Benjamin Rosenbaum	Clear, 72°F-75°F, wind 0-1 mph	General Biological Survey
8/19/15	1130-1230	Karl Osmundson	Clear, 76°F, wind 0-1 mph	General Biological Survey of the potential staging area

*F = Fahrenheit, mph = miles per hour

Vegetation Communities/Habitat Types

In addition to developed land, the BSA is characterized by southern riparian woodland and non-native vegetation (Figure 3). A description of each vegetation community or land use type is provided below, which includes a discussion of plant species observed during the general biological survey. Table 2 provides a summary of the existing vegetation communities found to occur within the BSA, as well as project impacts (temporary and permanent) to these vegetation communities.

Table 2 VEGETATION COMMUNITIES WITHIN THE BSA AND PROJECT IMPACTS			
VEGETATION COMMUNITY (HOLLAND CODE)	BSA (acres)	IMPACTS (acres)	
		Temporary	Permanent
Wetland Habitats			
Southern Riparian Woodland (SRW)	32.2	0	0
Upland Habitats			
Non-Native Vegetation (NNV)	1.4	0	0.3
Disturbed Habitat	0.5	0	0.5
Urban/Developed	20.8	0.1	1.6
TOTAL	54.9	0.1	2.4

Southern Riparian Woodland

Southern riparian woodland is a sensitive habitat type, and includes areas in which there are dense riparian forests that cannot be differentiated from other riparian categories. Typical vegetation within southern riparian forests includes a high predominance of sycamore (*Platanus racemosa*), cottonwood (*Populus* spp.), and many other wetland plants.

Southern riparian woodland is the predominant habitat type within the BSA and occurs primarily within the adjacent San Diego River corridor. Southern riparian woodland also occurs in a small patch on the slope north of the bike trail adjacent to the Ikea parking lot, and has an acreage of 0.18. Plant species observed within the southern riparian forest within the BSA included a predominance of cottonwood, red willow (*Salix laevigata*), arroyo willow (*Salix lasiolepis*), and mule fat (*Baccharis salicifolia*). Non-native plants such as eucalyptus (*Eucalyptus* spp.), fennel (*Foeniculum vulgare*), castor bean (*Ricinus communis*), and Mexican fan palm (*Washingtonia robusta*) were also present, but in a lower percent cover than the dominant native plants.

As identified in Table 2, no impacts to southern riparian habitat would occur. Refer also to Figure 3 for project impacts.

Non-Native Vegetation

Non-native vegetation includes areas dominated by one or few naturalized, non-native (usually invasive) species and is not considered a sensitive vegetation community. Typical species forming patches of non-native vegetation include hottentot fig (*Carpobrotus edulis*), Peruvian pepper (*Shinus molle*), Brazilian pepper (*Schinus terebinthifolius*), acacia (*Acacia* spp.), and pampass grass (*Cortaderia selloana*).

Non-native vegetation is a secondary habitat type within the BSA and occurs primarily on the vegetated slope behind the Fenton Marketplace shopping center, although a small area occurs on the south side of the San Diego River corridor. The areas consist of upland habitat characterized by ornamental landscaping. Disturbance from regular maintenance, foot traffic, trash and debris, and use by domestic pets was also evident. Plant species observed within the non-native vegetation community included acacia, wild oat (*Avena* spp.), pampass grass, weedy cudweed (*Gnaphalium luteo-album*), and Japanese honeysuckle (*Lonicera japonica*).

The areas characterized by non-native vegetation within the BSA provide very low biological function and value. They do not support the vegetative composition of a typical non-native grassland or provide the biological functions of a grassland habitat type. They do not provide suitable habitat for rare plants due to lack of suitable soils, high levels of disturbance, and strong predominance of non-native species.

As identified in Table 2, the project would permanently impact a total of 0.3 acre of non-native vegetation. Refer also to Figure 3.

Disturbed Habitat

Disturbed habitat is a non-native upland habitat type that includes areas in which there is sparse vegetative cover and where there is evidence of soil surface disturbance and compaction from previous human activity and/or the presence of building foundations and debris. Vegetation within disturbed habitat has a high predominance of non-native plant species, including exotic species recruited to the area from adjacent ornamental landscaped areas and/or ruderal (weedy) annual species that are indicators of disturbance, such as Russian thistle (*Salsola tragus*), filaree (*Erodium* sp.), garland daisy (*Glebionis coronaria*), telegraph weed (*Heterotheca grandiflora*), horehound (*Marrubium vulgare*), and sow-thistle (*Sonchus oleraceus*), among others.

Disturbed habitat within the BSA occurs in the potential staging just east of the project site and under I-15 structures and consists of mostly bare areas used for parking and staging areas supporting a preponderance of non-native weedy vegetation.

As identified in Table 2, the project would permanently impact a total of 0.5 acre of disturbed habitat. Refer also to Figure 3.

Urban/Developed

Urban/developed or developed land generally includes areas that have been permanently altered due to the construction of aboveground developments such as buildings, roads, and golf courses. Developed land is characterized by a high percentage of unvegetated bare earth or asphalt, concrete, and other permanent structures. For the purposes of this assessment, developed land may include small isolated stands of non-native ornamental vegetation planted for landscaping improvements. Areas characterized as developed within the BSA provide extremely limited biological function or value.

Urban/developed land within the BSA is comprised mostly of paved surfaces within Qualcomm Stadium, but also includes other surrounding development and roadways. Ornamental vegetation associated with the developed land was not observed in the majority of the BSA. Species observed were non-native, and included castor-bean (*Ricinus communis*), acacia, and red brome (*Bromus madritensis* spp. *rubens*). Ornamental vegetation within the BSA appeared to have been planted or was made up of escaped landscaping and provides very low biological function and value.

As identified in Table 2, the project would result in temporary impacts to 0.1 acre of urban/developed land (associated with installation of a retaining wall adjacent to the Fenton Marketplace service drive and trenching for installation of drainage pipelines between the bio-swale along the bikeway and the proposed detention basin) and permanent impacts to 1.6 acres of urban/developed land. Refer also to Figure 3.

Special-Status Plant and Animal Species

Special-Status Plant Species

Special-status plant species are those listed as federally threatened or endangered by the USFWS; State listed as threatened or endangered or considered sensitive by the CDFW; and/or, are CNPS List 1A, 1B, or 2 species, as recognized in the CNPS's Inventory of Rare and Endangered Vascular Plants of California and consistent with the CEQA Guidelines.

A search of the USFWS, CNDDDB, and CNPS species records reported in the project vicinity (within five miles) did not result in any point records for sensitive plant species on or immediately adjacent to the project impact limits.

No sensitive plants were observed during the July 14, 2015 and August 19, 2015 general biological surveys. The majority of the impact limit is characterized by non-native vegetation and developed areas. No sensitive plant species have a high potential to occur within the project impact limits due to lack of suitable habitat; inappropriate soil conditions; inappropriate elevations; existing disturbances; and prevalence of non-native plant species.

Special-Status Animal Species

Special-status animal species are those listed as threatened or endangered, proposed for listing, or candidates for listing by the USFWS and considered sensitive animals by the CDFW. A search of the USFWS and CNDDDB species records reported in the project vicinity (within five miles) did not result in any point records for sensitive animal species on or immediately adjacent the project site.

Special-status animal species were not observed during the general biological resources surveys on July 14, 2015 and August 19, 2015. The federally- and state-endangered least Bell's vireo (*Vireo bellii pusillus*) has the potential to occur within the BSA in habitat located in the immediate vicinity (i.e., at locations within 500 feet) but outside the proposed bike path impact limits. Least Bell's vireo has the potential to nest outside the impact limits within southern riparian forest habitat associated with the San Diego River located south of the proposed bike path. Surveys for least Bell's vireo were previously conducted along the San Diego River for United States Geological Survey in 2012 (USGS 2012) and for the City of San Diego Public Utilities Department in 2013 (Dudek 2013). Both surveys results were negative; least Bell's vireo was not observed along the San Diego River or within the proposed project impact boundary.

Potential indirect effects on least Bell's vireo from project construction could include those resulting from temporary increases in noise during the species breeding season, as well as from nighttime lighting used during construction activities. Adverse indirect effects could occur if construction noise exceeds 60 dBA during the breeding season of March 15 to September 15. Inadvertent intrusions of construction equipment and personnel into off-site habitat potentially supporting this species is not expected because (1) the San Diego Trolley separates potentially

suitable habitat from the proposed bike path impact limits in the western extent of the bikeway alignment and (2) no encroachment into the adjacent San Diego River would occur. In addition, lighting may be installed along the proposed bike path to provide security, which could potentially result in indirect effects on sensitive species within adjacent habitat.

The project site and immediate vicinity contain trees that could provide suitable nesting habitat for raptors and/or a variety of common (non-sensitive) bird species that occur in urban environments. Species observed during the survey included common raven, lesser goldfinch, acorn woodpecker, Anna's hummingbird, mourning dove, bushtit, song sparrow, spotted towhee, house finch, and black phoebe. No nests or nesting activity was observed during the July 14, 2015 and August 19, 2015 surveys.

Project effects on federally listed species and migratory birds protected under the MBTA would be avoided with the following recommendations:

1. To avoid any direct impacts to federally listed species and migratory birds protected under the MBTA, removal of habitat that supports active nests on the project site should occur outside of the breeding season for these species. The general bird nesting season is defined as January 15 through September 15. If removal of habitat must occur during the breeding season, the project applicant shall retain a qualified biologist to conduct a pre-construction survey to determine the presence or absence of nesting birds. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction, and the results must be submitted to SANDAG for review and approval prior to initiating any construction activities. If nesting birds are detected within or adjacent to the impact area, a letter report or mitigation plan, as deemed appropriate by SANDAG, shall be prepared and include proposed measures to be implemented to ensure that disturbance of breeding activities are avoided. The report or mitigation plan shall be submitted to SANDAG for review and approval.
2. Lighting used for nighttime construction activities should be shielded and directed away from habitat along the San Diego River.
3. Project lighting should be selectively placed, shielded, and directed away from the habitat along the San Diego River.

Jurisdictional Waters and Wetlands

In the context of this assessment, jurisdictional waters and wetlands include those resources subject to the regulatory jurisdiction of the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the federal Clean Water Act (CWA), the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the CWA and State Porter-Cologne Water Quality Control Act, CDFW pursuant to Sections 1600 *et seq.* of California Fish and Game Code (CFG Code), or protection by the City of San Diego through their Wetlands Protection Program.

Areas mapped as southern riparian woodland have potential to be classified as jurisdictional habitat under USACE and CDFW. In addition to Southern riparian woodland mapped along the San Diego River, an additional potential jurisdictional habitat was mapped north of the proposed trail in the western portion of the BSA, but outside the impact footprint of the proposed trail. This area is situated in upland, is not directly connected to the San Diego River, and consists mainly of cottonwood trees leading downhill to a patch of willow trees. A storm drain from the Ikea parking lot likely feeds into this habitat patch. There are additional cottonwood tree individuals among the non-native vegetation behind the Ikea parking lot, but they are not connected to any drainage and would not constitute a jurisdictional habitat under USACE or CDFW. Therefore, project implementation is not expected to impact potential jurisdictional areas.

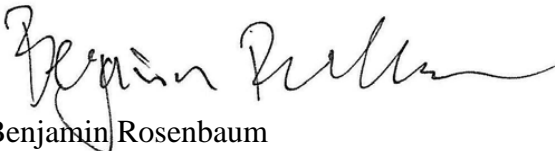
Wildlife Corridors and Linkages

No known wildlife corridors or linkages occur on the project site, but the site is located adjacent to the San Diego River, which is a wildlife corridor and part of the City of San Diego's Multi-Habitat Planning Area (MHPA) biological preserve. The project, however, would not interfere with the function of this wildlife corridor because no impacts would occur within the river corridor and the project would not encroach into the MHPA. The proposed bike path would be constructed on the north side of the river within developed areas and does not support habitat that would contribute substantially to the assembly and function of any local or regional wildlife corridors or linkages.

CLOSING

We appreciate the opportunity to provide you with this information. If you have any questions concerning this letter, please call me or Tim Belzman at (619) 462-1515.

Sincerely,



Benjamin Rosenbaum
Biologist

Enclosures:

- Figure 1 – Regional Location Map
- Figure 2 – Project Vicinity Map (Aerial Photograph)
- Figure 3 – Vegetation/Impacts

REFERENCES

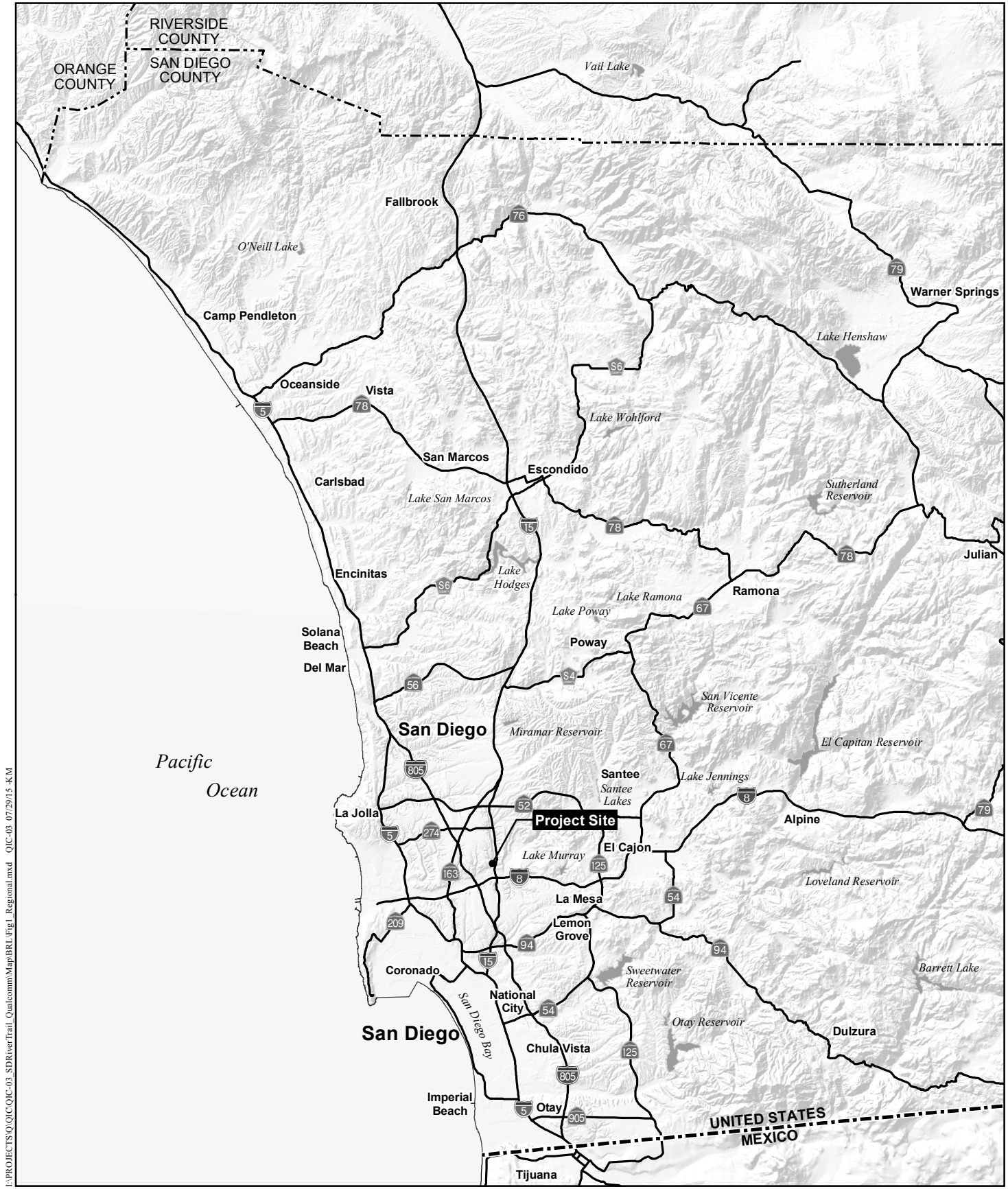
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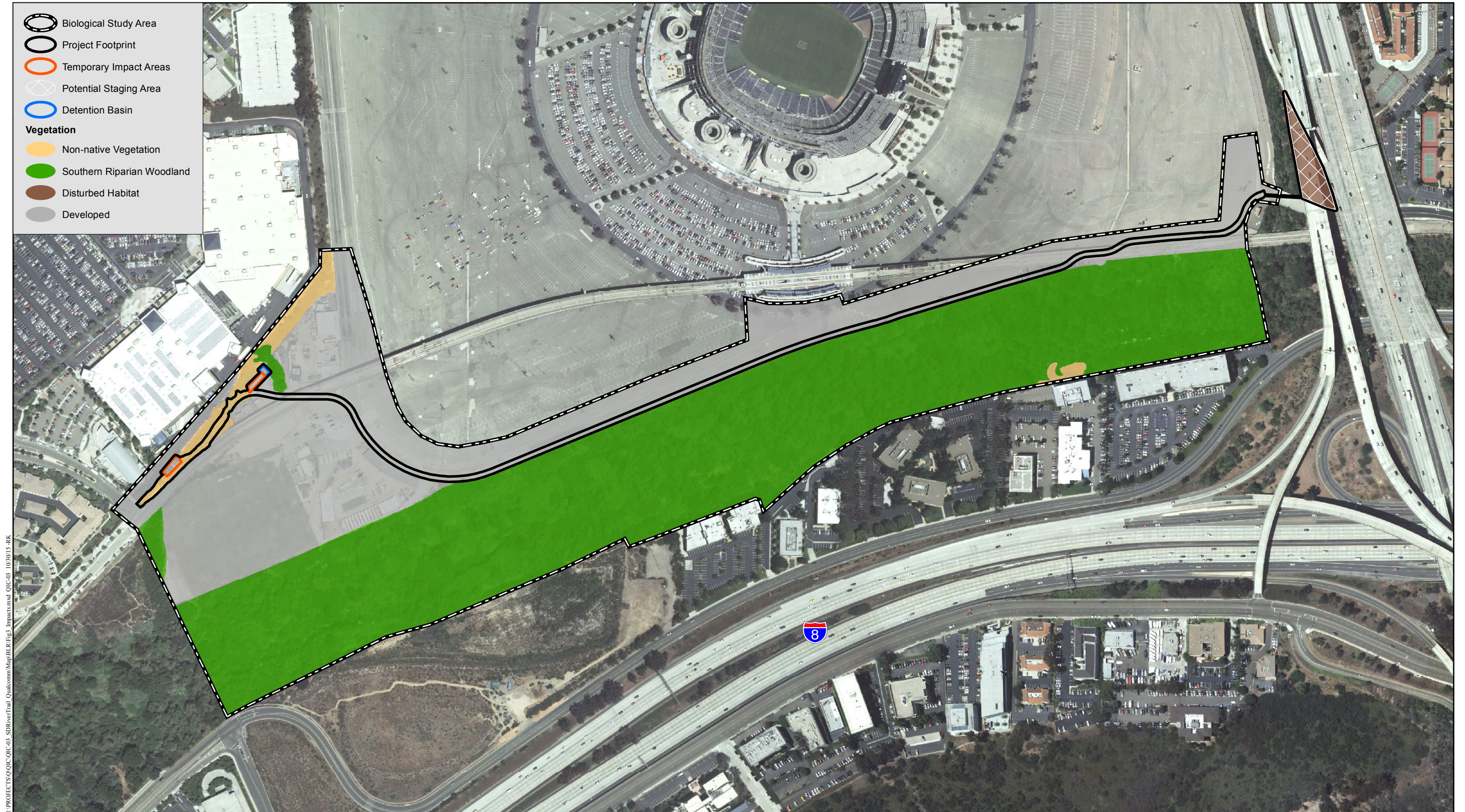
Regional Location Map

SAN DIEGO RIVER TRAIL - QUALCOMM SEGMENT



Project Vicinity Map (Aerial Photograph)

SAN DIEGO RIVER TRAIL - QUALCOMM SEGMENT



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Vegetation/Impacts

SAN DIEGO RIVER TRAIL - QUALCOMM SEGMENT