

Screening Form

Low-Effect Incidental Take Permit Determination and National Environmental Policy Act (NEPA) Environmental Action Statement

I. HCP Information

A. HCP Name: Draft Low-Effect Habitat Conservation Plan for the Issuance of an Incidental Take Permit Under Section 10(a)(1)(B) of the Endangered Species Act for Coastal California Gnatcatcher on the **Rancho Vista Seniors Project**, City of Oceanside, California

B. Affected Species: Coastal California gnatcatcher (*Polioptila c. californica*)

C. HCP Size (in stream miles and/or acres): 7.95 acres of Biological Open Space on a 16.87-acre Project Development Site

D. Brief Project Description (including minimization and mitigation plans):

The proposed HCP

The Rancho Vista Senior Center Project (Project) proposes to develop senior housing on a 16.87-acre parcel (Assessor's Parcel Number 160-020-55-00) located in the City of Oceanside, California. The Project would consist of 29 single-family, detached senior housing residences, three community recreation areas, and open space areas. Water, sewer, stormwater drainage, and all other infrastructure improvements are incorporated into the proposed development project. A prior geotechnical study determined that a 60-foot-wide shear key must be constructed through the designated open space on the north-facing slope to stabilize the site. Since that time, the geological improvements have been redesigned to remove the shear key entirely and replace it with an approximately 20-foot reinforced soil slope that would only occur within the Project's development footprint, eliminating all temporary impacts. The Project would permanently impact 2.88 acres of Diegan coastal sage scrub (CSS) occupied by coastal California gnatcatcher (*Polioptila californica californica*, CAGN) and 3.30 acres of non-native grassland. Mitigation for the Project consists of the onsite revegetation of 2.43 acres of CSS, preservation of 5.52 acres of CSS, the in-perpetuity management of both the preserved and revegetated CSS, and purchase of 2.34 acres of CAGN-occupied CSS at a location approved by the City and Carlsbad Fish and Wildlife Office (CFWO). A conservation easement will be placed over the revegetated and preserved CSS totaling 7.95 acres.

The duration (term requested for permit)

Rancho Vista 2018, LLC (Applicant) is seeking a 3-year permit to allow disturbances to CSS associated with implementation of the Project. The proposed Project would permanently impact 2.88 acres of CAGN-occupied CSS and 3.30 acres of non-native grassland onsite.

The lands covered under the HCP (the HCP Permit Area)

The HCP applies to revegetated and preserved coastal sage scrub on the development project site, APN 160-020-55-00, that will be placed in Biological Open Space.

Species occupation and baseline (including habitat that is occupied temporarily (breeding, feeding, sheltering, wintering habitat and designated Critical Habitat)

Two pair of CAGN were documented in onsite CSS during 2018 protocol surveys. Please see the report provided by Cummings Environmental, Inc. for details. The parcel is located within California gnatcatcher Critical Habitat. The 8.40 acres of CSS currently onsite support breeding, feeding, sheltering and wintering habitat for the CAGN on the site.

Goals and objectives for covered species

The goals and objectives for CAGN are to offset loss of CSS and non-native grassland in Critical Habitat on the Project site by preserving CSS, converting non-CSS habitats to CSS, as well as purchasing CSS offsite at an approved mitigation bank. The specific goals for onsite mitigation are:

1. Maintain 7.95 Acres of Diegan Coastal Sage Scrub Habitat for CAGN and Other Sensitive Species Within the Biological Open Space
2. Maintain Physical Conditions of the Open Space for the Benefit of CAGN and Other Sensitive Species Through Appropriate Access Controls, Trash Removal and Related Measures
3. Plan and Report on the HMP Implementation in a Consistent and Efficient Manner

These are discussed in greater detail in the Resource Management Plan (RMP) provided in Appendix D of the HCP.

Land and benefiting management activities (including avoidance, minimization and mitigation measures)

The Project has demonstrated minimization of disturbance to CAGN habitat in the design process by limiting development to the portion of the site nearest to other development and permanently impacting only 2.88 acres of the 8.40 acres of CSS present onsite. It has also minimized disturbance of CAGN Critical Habitat by redesigning the project to eliminate all temporary on- and offsite habitat impacts.

Avoidance and minimization of impacts to CAGN on the Project site will be accomplished through implementation of the following conservation measures (CM):

- CM 1. The Permittee will temporarily fence (including downslope silt barriers) the limits of project impacts (including construction staging areas and access routes) and install other appropriate sediment trapping devices to prevent additional impacts to, and the spread of silt from the construction zone into, adjacent habitat to be avoided. Fencing and sediment trapping devices will be installed in a manner that does not impact habitats to be avoided. The Permittee will submit to the Carlsbad Fish and Wildlife Office (CFWO) for approval, at least 5 working days prior to initiating soil disturbing project impacts, the final plans for initial vegetation clearing/grubbing and project construction. These final plans will include

photographs that show the fenced limits of impact, sediment trapping devices installed prior to grading, and all areas to be avoided. If work occurs beyond the fenced limits of impact, all work will cease until the problem has been remedied to the satisfaction of the CFWO. Any habitat impacts that occur beyond the authorized work will be offset as approved by the CFWO. Temporary construction fencing and sediment trapping devices will be removed upon project completion.

CM 2. Initial clearing/grubbing of vegetation, and to the maximum extent practicable project construction within 500 feet of avoided CAGN habitat, will occur from September 1 (or sooner if an Agency approved biologist¹ demonstrates to the satisfaction of the CFWO that all nesting is complete) to February 14 to avoid the CAGN breeding season. If project construction within 500 feet of avoided CAGN habitat must occur during the CAGN breeding season, CM 3.c will be followed.

CM 3. A CFWO-approved biologist will be on site during initial clearing/grubbing, and project construction within 500 feet, of CAGN habitat, to ensure compliance with all CMs. The contract of the biologist will allow direct communication with the CFWO at any time regarding the proposed project. The biologist will be provided with a copy of this consultation, and will be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the Resident Engineer to ensure that issues relating to the CAGN and its habitat are appropriately and lawfully managed. The biologist will perform the following duties:

- a. For initial clearing/grubbing of vegetation outside the CAGN breeding season, perform a minimum of three focused surveys, on separate days, to determine the presence of CAGN in the project impact footprint. Surveys will begin a maximum of 7 days prior to performing initial clearing/grubbing, and one survey will be conducted the day immediately prior to the initiation of clearing/grubbing. If any CAGN are found in the project impact footprint, the biologist will direct construction personnel to begin clearing/grubbing in an area away from the CAGN and attempt to flush CAGN away from clearing/grubbing so that CAGN will not be injured or killed by clearing/grubbing. The biologist will also record the number and location of CAGN disturbed by clearing/grubbing. The Permittee will notify

¹ The biologist for CM 2 and CM 3 will be a trained ornithologist with at least 40 hours in the field observing CAGN and documented experience locating and monitoring CAGN nests. In order to receive approval, the Permittee will provide the biologist's name, address, telephone number, permit numbers, resumes (including at least three references of people who are familiar with the relevant qualifications of the proposed biologist), work schedule on the project, and evidence of an executed contract with the biologist to the CFWO at least 5 working days prior to initiating project impacts.

the CFWO at least 7 days prior to the initiation of surveys and within 24 hours of locating any CAGN.

- b. Perform a minimum of three focused surveys, on separate days, to determine the presence of CAGN nests within 500 feet of any project construction during the CAGN breeding season. The surveys will begin a maximum of 7 days prior to project construction (including temporary fence installation required by CM 1) and one survey will be conducted the day immediately prior to the initiation of work. Additional surveys will be done once a week during project construction in the breeding season. Through coordination with, and concurrence of, the CFWO, these additional surveys may be suspended. The Permittee will notify the CFWO at least 7 days prior to the initiation of surveys and within 24 hours of locating any CAGN nest.
- c. If an active CAGN nest is found within 500 feet of project construction, the biologist will postpone work within 500 feet of the nest and contact the CFWO to discuss: (i) the best approach to avoid/minimize impacts to nesting CAGN (e.g., sound walls, noise monitoring); and (ii) a nest monitoring program acceptable to the CFWO. Subsequent to these discussions, work may be initiated subject to implementation of the agreed upon avoidance/minimization approach and nest monitoring program. Nest monitoring will occur according to a schedule approved by the CFWO. The biologist will determine whether CAGN are being disrupted. If the biologist determines that CAGN are being disrupted, the Permittee will stop work and coordinate with the CFWO to review the avoidance/minimization approach. Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued nest monitoring. Nest monitoring will continue until fledglings have dispersed or the nest is no longer active, as approved by the CFWO.
- d. Oversee installation of and inspect temporary fencing and erosion control measures within or up-slope of avoided and/or preserved areas a minimum of once per week during installation and daily during all rain events until established to ensure that any breaks in the fence or erosion control measures are repaired immediately.
- e. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
- f. Train all contractors and construction personnel a maximum of 14 days prior to project construction on the biological resources associated with the projects and ensure that training is implemented by construction personnel. At a minimum, training will include: (i) the purpose for resource protection; (ii) a description of the CAGN and its habitat; (iii) the conservation measures given in the biological opinion that should be implemented during

project construction to conserve the sensitive resource, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); (iv) environmentally responsible construction practices; (v) the protocol to resolve conflicts that may arise at any time during the construction process; and (vi) the general provisions of the Act, the need to adhere to the provisions of the Act, and the penalties associated with violating the Act.

- g. Halt work, if necessary, and confer with the CFWO to ensure the proper implementation of CAGN and habitat protection measures. The project biologist will report any violation to the CFWO within 24 hours of its occurrence.
- h. Submit weekly letter reports (including photographs of impact areas) via regular or electronic mail (email) to the CFWO during initial clearing/grubbing of vegetation and/or project construction within 500 feet of avoided CAGN habitat, or unless otherwise authorized by the CFWO if requested by the Permittee to cease weekly monitoring prior to completion of project construction. The weekly reports will document that authorized impacts were not exceeded, work did not occur within the 500-foot buffer or otherwise Agency approved setback, and general compliance with all conditions. The reports will also outline the duration of CAGN monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports will specify numbers and locations of CAGN and nests, sex of CAGN, observed CAGN behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to CAGN and nests. Raw field notes should be available upon request by the CFWO.
- i. Submit a final report to the CFWO within 60 days of project completion that includes: (i) as-built construction drawings with an overlay of habitat that was impacted and avoided, (ii) photographs of habitat areas that were to be avoided, and (iii) summary of all CAGN and nest observations, and (iv) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all CMs was achieved.

CM 4. Project construction will occur during daylight hours. However, if temporary night work is required, night lighting will be of the lowest illumination necessary for human safety, selectively placed, shielded, and directed away from natural habitats.

CM 5. The Permittee will ensure that the following conditions are implemented during project construction in order to minimize potential impacts to the CAGN and its habitat:

- a. Employees will strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint and designated staging areas and routes of travel. The construction area(s) will be the minimal area necessary to complete the project and will be specified in construction plans;
- b. To avoid attracting predators of the CAGN, the project site will be kept as clean of debris as possible. All food related trash items will be enclosed in sealed containers and regularly removed from the site;
- c. Disposal or temporary placement of excess fill, brush or other debris will not be allowed in waters of the United States or their banks;
- d. Pets of project personnel will not be allowed on the project site; and
- e. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures.

CM 6. Any planting stock to be brought onto the project site for landscape will be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (*Linepithema humile*), fire ants (*Solenopsis invicta*) and other insect pests. Any planting stock found to be infested with such pests will not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the CFWO that these pests already occur in natural areas around the project site. The stock will be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. The Permittee will ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape or habitat creation/restoration/enhancement.

CM 7. The Permittee will install permanent protective fencing along any interface with developed areas and/or use other measures approved by the CFWO to deter human and pet entrance into on- or off-site habitat. Fencing should have no gates (except to allow access for maintenance and monitoring of the biological conservation easement area) and be designed to prevent intrusion by pets, especially cats. Signage for the biological conservation easement area will be posted and maintained at conspicuous locations. Plans for fencing, signage and/or other preventative measures will be submitted to the CFWO for approval at least 30 days prior to initiating project impacts. Fencing signage and/or other preventative measures will be installed prior to completion of project construction.

CM 8. The Permittee will develop a resident education program in coordination with the CFWO. The program will advise residents of the potential impacts to the listed species and the potential penalties for taking such species. The program will include, but not be limited to, information pamphlets and signage of the fencing between the development and the biological conservation easement. Pamphlets

will be distributed to all residences. At a minimum, the program will include the following topics: occurrence of the CAGN in the area; general ecology of the CAGN and its sensitivity to human activities; legal protection afforded the CAGN under the Act and penalties for violations of the Act; how to prevent the spreading of nonnative ants and other insect pests from developed areas into the onsite preserve; impacts from free-roaming pets (particularly cats); and project features designed to reduce the impacts to the CAGN and promote continued successful occupation of the preserve. The Permittee will submit the program to the CFWO at least CAGN 30 days prior to initiating project impacts. The Permittee will submit the final program to the CFWO within 60 days of receiving approval of the draft program.

- CM 9. The Permittee will ensure that development lighting adjacent to all on- or off-site habitat will be directed away from and/or shielded so as not to illuminate native habitats. The Permittee will submit a lighting plan to the CFWO at least 30 days prior to initiating project impacts.

Mitigation for unavoidable impacts to CAGN-occupied CSS will be achieved through implementation of the following measures:

- CM 10. Permanent impacts to 2.88 acres of CSS will be partially offset through onsite preservation of 5.52 acres of CSS and restoration of 2.43 acres (1.65 acres of non-native grassland, 0.07 acre of non-native vegetation, 0.14 acre of eucalyptus woodland, and 0.57 acre of disturbed vegetation) to CSS (HCP, Figure 5). An additional 2.34 acres of occupied CAGN habitat credits will be purchased offsite at a location approved by the City and the CFWO. Mitigation within the City of Oceanside is preferred. If suitable mitigation cannot be found within the City of Oceanside, mitigation credits would be purchased at a City and CFWO approved mitigation bank as near to the project site as possible, such as Buena Creek Conservation Bank or Red Mountain Conservation Bank. Proof that this mitigation has been implemented would be provided to the City and CFWO prior to issuance of a certificate of occupancy for the development project.
- CM 11. The Permittee will submit a draft performance bond or escrow account that will provide sufficient funding to ensure completion of onsite restoration (and offsite restoration) to the CFWO for review and approval at least 30 days prior to initiating project impacts. The Permittee will submit evidence of establishment of the final performance bond or escrow account to the CFWO within 60 days of receiving approval of the draft performance bond or escrow account.
- CM 12. The Permittee will submit a draft restoration plan(s) for onsite restoration (and offsite restoration as needed) to the CFWO for review and approval at least 30 days prior to initiating project impacts. The Permittee will submit the final

restoration plan to the CFWO within 60 days of receiving approval of the draft plan. The draft plan will include the following information and conditions:

- a. All final specifications and topographic-based grading, planting and irrigation plans (with 10-foot contours). All upland habitat restoration sites will be prepared for planting by decompacting the top soil in a way that mimics natural upland habitat top soil to the maximum extent practicable while maintaining slope stability. Topsoil and plant materials salvaged from the upland habitat areas to be impacted will be transplanted to, and/or used as a seed/cutting source for, the upland habitat restoration/creation areas to the maximum extent practicable as approved by the CFWO. Planting and irrigation will not be installed until the CFWO have approved of upland habitat restoration/creation site grading. All planting will be installed in a way that mimics natural plant distribution, and not in rows;
- b. Planting palettes (plant species, size and number/acre) and seed mix (plant species and pounds/acre). The upland plant palette proposed in the plan will include native species specifically associated with the habitat type(s). Unless otherwise approved by the CFWO, only locally native species (no cultivars) obtained from as close to the project area as possible will be used. The source and proof of local origin of all plant material and seed will be provided;
- c. Container plant survival will be 80 percent of the initial plantings for the first 5 years. At the first and second anniversary of plant installation, all dead plants will be replaced unless their function has been replaced by natural recruitment;
- d. A final implementation schedule that indicates when all upland habitat impacts, as well as restoration/enhancement grading, planting and irrigation will begin and end. Upland habitat restoration/enhancement grading, planting and irrigation will be completed during the concurrent or next planting season (i.e., late fall to early spring) after finishing grading within the creation/restoration/enhancement area. Any temporal loss of upland habitat caused by delays in creation/restoration/enhancement will be mitigated through upland habitat preservation/creation/restoration/enhancement at a 0.5:1 ratio for every 6 months of delay (i.e., 1:1 for 12 months delay, 1.5:1 for 18 months delay, etc.). In the event that the Permittee is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault or negligence of the Permittee, the Permittee will be excused by such unforeseeable cause(s);
- e. Five years of success criteria for upland creation/restoration/enhancement areas including: a total of 40-65 percent absolute cover; evidence of natural

recruitment of multiple species; 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species;

- f. A qualitative and quantitative vegetation monitoring plan with a map of proposed sampling locations. Photo points will be used for qualitative monitoring and stratified-random sampling will be used for all quantitative;
- g. Contingency measures in the event of creation/restoration/enhancement failure; and
- h. Annual mitigation maintenance and monitoring reports will be submitted to the CFWO after the maintenance and monitoring period and no later than December 1 of each year.

CM 13. If maintenance of a CSS restoration/enhancement area is necessary between February 15 and August 31, a biologist permitted by the Service will survey for CAGN within the restoration/enhancement area, access paths to it, and other areas susceptible to disturbances by site maintenance. Surveys will consist of three visits separated by two weeks starting March 1 of each maintenance/monitoring year. Work will be allowed to continue on the site during the survey period. However, if CAGN are found during any of the visits, the Permittee will notify and coordinate with the CFWO to identify measures to avoid and/or minimize effects to the CAGN (e.g., nests and an appropriate buffer will be flagged by the biologist and avoided by the maintenance work).

CM 14. The Permittee will execute and record a perpetual biological conservation easement over the approximately 7.95 acres to be preserved and restored onsite by the project. If offsite mitigation is purchased other than at an approved conservation bank, the Permittee will also execute and record a perpetual biological conservation easement over the area purchased to fulfill the mitigation requirements of this HCP. The easement will be in favor of an agent approved by the CFWO. The CFWO will be named as third party beneficiary. The easement will be approved by the CFWO prior to its execution and should follow a template approved by the CFWO. There should be no other easements, active trails or fuel modification zones in the biological conservation easement area. The Permittee will submit a draft easement to the CFWO for review and approval at least 30 days prior to initiating project impacts. The Permittee will submit the final easement and evidence of its recordation to the CFWO within 60 days of receiving approval of the draft easement.

CM 15. The Permittee will prepare and implement a perpetual management, maintenance and monitoring plan for all onsite biological conservation easement area. The Permittee will also establish a non-wasting endowment for an amount approved by the CFWO based on a Property Analysis Record (PAR; Center for Natural Lands Management ©1998) or similar cost estimation method to secure the

ongoing funding for the perpetual management, maintenance and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the CFWO. The Permittee will submit a draft plan including: (a) a description of perpetual management, maintenance and monitoring actions (including annual reporting) and the PAR or other cost estimation results for the non-wasting endowment; (b) proposed land manager's name, qualifications, business address, and contact information, to the CFWO for approval at least 30 days prior to initiating project impacts. The Permittee will submit the final plan to the CFWO 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, within 60 days of receiving approval of the draft plan.

Monitoring (include timing)

A CFWO-approved biologist will be on site during initial clearing/grubbing, and project construction within 500 feet, of CAGN habitat, to ensure compliance with all CMs.

The restoration area will be monitored for at least 5 years according to a plan approved the CFWO. Regular monitoring of the restoration areas will allow the progress of the restoration effort to be assessed and adjusted to ensure success.

In addition, the onsite preserve will be managed, maintained and monitored in perpetuity according to a plan approved by the CFWO.

Monitoring of the Biological Open Space will include a one-time start-up general biological survey (a comprehensive monitoring of vegetation and wildlife conditions), monitoring of invasive plant species to support at least one treatment/removal of invasive plants per year, and monitoring for trash/dumping on the site to support at least one trash removal per year. Each year's monitoring will be summarized in an annual report prepared by the long-term Resource Manager. Project-related monitoring will also include biological monitoring during clearing and grading, as applicable based on the mitigation measures provided above (e.g. monitoring of active nests during the avian breeding season) as well as monitoring for the 5-year revegetation project by the project biologist prior to the transition to long-term maintenance and monitoring by the Resource Manager.

II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP? [516 DM 8.5(C)(2); HCP Handbook]

Yes. Coverage under the HCP would be limited to CAGN. No direct mortality is anticipated and the above minimization and mitigation measures will ensure they do not occur. A maximum of 2.88 acres of CSS occupied by two pair of CAGN would be permanently

impacted by the Rancho Vista Seniors Project. The loss is minor compared to the overall acreage of CSS known to support the species, on both a local scale and a regional scale. The 2.88 acres of CSS do provide high quality CAGN habitat and the impact is within designated Critical Habitat. However, the revegetation and preservation of 7.95 acres of CSS onsite would result in the in-perpetuity protection and management of high quality CSS within Critical Habitat and the City's gnatcatcher corridor and an additional 2.34 acres of CAGN-occupied CSS credits would be purchased offsite at a location approved by the City and CFWO. Therefore, Project impacts will have minor effects on the overall population of gnatcatchers range-wide.

B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.), after implementation of the minimization and mitigation measures? [40 CFR 1508.14; 43CFR 46.205; HCP Handbook]

Yes. A Final Environmental Impact Report (FEIR) was prepared for the Rancho Vista Seniors Project. Environmental factors potentially affected by the Project are Biological Resources, Geology and Soils, and Aesthetics. Per the FEIR, neither Geology and Soils nor Aesthetics required mitigation measures. The Biological Resources mitigation requirements in the FEIR are replaced by the CMs listed above. After implementation of these measures, the Project would have environmental impacts determined to be less than significant impacts under CEQA, and therefore minor or negligible. No cultural resources, recreation, socio-economic, environmental justice, or other impacts are anticipated as a result of the Project and HCP.

C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) not result, over time, in cumulative effects to the human environment (the natural and physical environment) which would be considered significant? [40 CFR 1508.7; 43CFR 46.205; HCP Handbook]

Yes. CEQA cumulative impacts, equivalent to incremental impacts, were evaluated as part of the FEIR. Given the small scale of the Project's impacts and the mitigation measures that will be implemented, the Project and the HCP are not anticipated to result in any significant cumulative impacts. Cumulative projects within the region would have the potential to result in impacts to environmental resources. However, cumulative projects would be required to demonstrate compliance with CEQA and/or NEPA prior to project approval and are therefore not expected to result in significant cumulative impacts. Although cumulative projects may be under construction at the same time as the Project, the proposed Project's potential direct and indirect impacts to Biological Resources would be less than significant with implementation of the CMs listed above. No mitigation measures are required for Geology and Soils or Aesthetics.

III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP?

Would implementation of the HCP:

A. Have significant impacts on public health or safety?

No. The HCP would not have any known impacts on public health and safety.

B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources?

No. There are no known historic or cultural resources; parks, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands or floodplains; or national monuments on the property, so the HCP cannot have a significant impact upon any such resources.

C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [see NEPA section 102(2)(E)]?

No. The Project and HCP are not anticipated to have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.

D. Have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks?

No. The Project and HCP would not have uncertain and potentially significant environmental effects or unique or unknown environmental risks.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. The Project and HCP would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?

No. The Project and HCP do not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.

G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?

No. The Project and HCP would not have any significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places.

H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species? *Consider the degree or amount of take and the impact of the take on the species. Although take may occur under project implementation, it must be so minor as to result in negligible species effects after minimization and mitigation measures have been completed. The same concept applies when considering effects to critical habitat.*

No. The HCP has been prepared to mitigate for unavoidable permanent impacts to 2.88 acres of CSS occupied by CAGN from project construction through the implementation of onsite minimization measures. The revegetation and preservation of 7.95 acres of CSS onsite will result in the in-perpetuity protection and management of CSS within Critical Habitat and the purchase of 2.34 acres of CAGN-occupied CSS offsite at a location approved by the City and CFWO would serve as further mitigation. The Project has demonstrated minimization of disturbance to CAGN habitat in the design process by limiting development to the portion of the site closest to existing development and restoring and preserving all land onsite outside of the project footprint to maximize the amount of CSS within Critical Habitat. Other minimization and mitigation measures (detailed above) would also be incorporated. Therefore, the HCP would not have significant impacts on any listed species, candidate species, or Critical Habitat for such species.

I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.

No. Implementation of the Project and HCP would not violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment. Additionally, all other Federal, State and local regulations would be adhered to.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

No. The Project and HCP would not have a disproportionately high and adverse effect on low income or minority populations.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

No. The Project and HCP would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.

L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

No. The Project and HCP would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species that may promote the introduction, growth, or expansion of the range of such species.

IV. ENVIRONMENTAL ACTION STATEMENT [This may be placed elsewhere in a case file according to Regional procedures.]

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the information and analysis above, I determine that the proposed Incidental Take Permit for the Rancho Vista Seniors Project qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the Rancho Vista Seniors Project. Therefore, the Service's permit action for the Rancho Vista Seniors Project is categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents:

1. Draft Low-Effect Habitat Conservation Plan for the Issuance of an Incidental Take Permit Under Section 10(a)(1)(B) of the Endangered Species Act for Coastal California Gnatcatcher on the Rancho Vista Seniors Project, City of Oceanside, California (August 2020)
2. Rancho Vista Amendment Final Environmental Impact Report (June 2008)
3. Notice of Determination (October 2008)
4. Results of a Cultural Resources Assessment (CRA) of a 1± acre Encroachment Area into the City of Oceanside and a 1.56± acre Encroachment Area into CalTrans Right-of-Way that will Occur During Construction of the Rancho Vista Senior Housing Project (August 2006)

Signature Approval:

[name]

Date

Field Supervisor or as appropriate per Regional procedures

[Field Office name]