

SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS

I. Project Information

A. Project name: Pauma Estates

B. Affected species: Arroyo toad [*Anaxyrus californicus* (*Bufo microscaphus* c.)]

C. Project size (in acres): 26.37 acres (including offsite improvements)

D. Brief project description including minimization and mitigation plans:

The Pauma Estates Tentative Map (TM) 5545 (Pauma Estates) project proposes to grade 16 new residential lots, construct the associated initial infrastructure (private road and utilities installation), and improve 3.8 acres of public road. The Pauma Estates project occurs within arroyo toad habitat. A single, subadult arroyo toad was observed at the eastern boundary of the Plan Area, adjacent to the San Luis Rey River and within the limits of an onsite agricultural area.

Pauma Estates, Inc. (Applicant) is seeking a 5-year permit to allow disturbances to arroyo toad habitat associated with the implementation of the Pauma Estates project. The project will impact 10.74 acres of arroyo toad upland aestivation habitat (feeding and sheltering habitat) permanently as a result of residential construction activities.

Pauma Estates, Inc. has developed a Habitat Conservation Plan (HCP) so the project can avoid, minimize, and mitigate impacts to the arroyo toad. The project was designed to avoid and minimize impacts to as much arroyo toad habitat as possible. To mitigate the permanent loss of occupied arroyo toad habitat, 9.43 acres that includes approximately 8.0 acres of arroyo toad upland aestivation/foraging habitat and a 1.4 acre buffer area will be preserved onsite in perpetuity through a dedicated conservation easement. The area supporting row crops will be fallowed and managed to provide functioning upland aestivation habitat for arroyo toad, pursuant to an approved Resource Management Plan. In addition, the Applicant's proposed HCP also contains the following measures to minimize the effects of activities on arroyo toad: 1) grading and construction within arroyo toad upland aestivation habitat will only take place during the arroyo toad breeding season (defined as March 15-July 31) when arroyo toads are less likely to occupy the upland aestivation habitat; and 2) a permanent arroyo toad barrier wall will be constructed between the development area and the proposed onsite biological open space area.

II. Does the HCP fit the following low-effect criteria?

Yes.

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of the minimization and mitigation measures?

Yes. Coverage under the HCP would be limited to the arroyo toad. A maximum of 10.74 acres of low quality arroyo toad habitat would be permanently impacted by construction activities. The

overall habitat is considered to be of low quality due to habitat degradation from active agriculture and ongoing human use, as well as the small size of existing habitat on and adjacent to the project site. Therefore, the number of individual arroyo toads occurring within the impact areas is expected to be low, and the project will have negligible effects on the overall population of arroyo toads within the San Luis Rey River.

B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the minimization and mitigation measures?

Yes. Implementation of the HCP will not result in significant effects to soils within the Plan Area. The project will not result in substantial long-term impacts associated with soil erosion. Impacts to soils within the Plan Area will be limited to those resulting from grading for onsite infrastructure.

Water quality of the area should not be affected by implementation of the HCP because the project will comply with all storm water permit requirements, a Storm Water Management Plan will be developed and implemented, and standard pre- and post-construction Best Management Practices will be put into place during and after construction. Implementation of the HCP will not result in increased use of groundwater and will not significantly alter established drainage patterns or increase the amount of runoff from the project site into adjacent waterways.

Air quality will not be significantly impacted by implementation of the HCP due to the small size of the Plan Area and the limited duration of construction. Emissions from construction-related activities would be minimal, temporary and localized and dust control measures will be implemented during all construction activities.

Based on an analysis of records and a survey of the Plan Area, it was determined that the Plan Area does not contain any significant cultural or archaeological resources.

No significant changes in the land use or socio-economic environment are expected to occur as a result of this project. Although there has been small-scale agricultural use on the property in the past, the Plan Area is not considered Prime Farmland or Unique Farmland. In addition, the portion of the site that will be converted to residential development in the future is adjacent to existing development and is currently disturbed land, not active agriculture. The portions of the property that were used for small-scale agriculture will be revegetated and will remain in biological open space.

Implementation of the HCP is not likely to affect any recreational activities in the area. No regional parks are located in the immediate vicinity of the Plan Area. In addition, the HCP does not include recreational facilities or require the construction or expansion of existing recreational facilities.

Visual resources of the area will not be affected because the new homes and road will be constructed adjacent to existing development and thus will blend with the surrounding area. The

Plan Area is not located near a scenic vista and will not have any adverse effect on scenic resources. In addition, the project does not propose any landform modifications.

C. Would the impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant?

Yes. The Plan Area consists of disturbed and agricultural land adjacent to existing development to the south, east, and west, and the San Luis Rey River to the north. Little arroyo toad upland aestivation habitat currently occurs within the Plan Area, and what does exist is very low quality due to current and past land uses. In addition, the project site is not located adjacent to suitable arroyo toad breeding habitat.

Portions of the Plan Area not impacted by the project will be conserved in perpetuity. The quality of arroyo toad upland aestivation habitat within the conserved area will be improved from its current condition by ceasing agricultural operations and managed in-perpetuity for the benefit of the arroyo toad pursuant to an approved Resource Management Plan.

Therefore, although the project will impact a small amount of very low quality arroyo toad upland aestivation habitat, the mitigation measures associated with implementation of the HCP will result in a long-term benefit to arroyo toads within the Plan Area. Furthermore, we would not expect any future projects of a similar scale and with similar habitat quality/characteristics to result in adverse cumulative effects to arroyo toads and/or arroyo toad habitat.

III. Do any of the exceptions to categorical exclusions apply to this HCP? (form 516 DM 2, Appendix 2)

No.

Would implementation of the HCP:

A. Have significant adverse effects on public health or safety?

No. The size and scope of the proposed project are relatively small, and implementation of the HCP will not affect resources such as air and water quality. Thus, the project will not have significant adverse effects on public health or safety.

B. Have adverse effects on such 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 (EO 11990); floodplains (EO 11988); national monuments; migratory birds, and other ecologically significant or critical areas?

No. Based on an analysis of records and a survey of the Plan Area, it was determined that the Plan Area does not contain any significant historic, cultural or archaeological resources. Therefore, no intact cultural/historical resources will be affected by the project.

No adverse effects are expected on park, recreation, refuge lands, wetlands, floodplains, or ecologically significant or critical areas.

The project site is located adjacent to the San Luis Rey River, which supports jurisdictional wetlands, and a portion of the floodplain crosses the site. However, the San Luis Rey River will not be impacted by the proposed project, as it is either protected by, or adjacent to, the proposed onsite biological open space area. Furthermore, standard best management practices will be put into place during and after construction in order to protect the river, and ground-disturbing activities will not be conducted in the river.

No wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmland, or registered National landmarks are located in the vicinity of the project.

C. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102(2)(E)]?

No. The project would have negligible and non-controversial environmental impacts.

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

No. No uncertain and potentially significant environmental effects or unique or unknown environmental risks are associated proposed project.

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

No. Future actions would be reviewed on their own merits. Thus, the proposed HCP and permit 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 proposed project is not directly related to any other known actions.

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

No. No properties listed, or eligible for listing, on the National Register of Historic Places will be affected by activities covered by the HCP.

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?

No. The Plan Area is located within designated arroyo toad critical habitat Unit 14. Unit 14 contains approximately 10,115 acres of designated arroyo toad critical habitat and supports one of the largest contiguous river reaches occupied by arroyo toads. Implementation of the HCP would result in permanent impacts to 10.74 acres of designated arroyo toad critical habitat with primary constituent elements (PCEs). PCEs of critical habitat include the physical and biological features essential to the conservation of species that may require special management considerations or protection. A full description of the PCEs for the arroyo toad can be found in the *Revised Critical Habitat for the Arroyo Toad Final Rule* (76 FR 7246). The Plan Area contains the following PCEs for arroyo toad critical habitat: 1) upland habitats with areas of loose soil where toads can burrow underground, and which provide foraging and living areas for juvenile and adult toads; and 2) upland habitats that allow for movement to foraging areas, overwintering sites, upstream and downstream dispersal, and connectivity to areas that contain suitable habitat (76 FR 7246).

Although the project will impact designated arroyo toad critical habitat with PCEs, the PCEs currently within the Plan Area are of very low quality and contribute minimally to the long term viability of arroyo toads in the Plan Area due to the disturbed nature of the PCEs from ongoing agricultural operations and previous disturbance. Impacts to designated arroyo toad critical habitat will be mitigated through the onsite dedication of a conservation easement over 9.43 acres, also within the designation. The open space area will remain contiguous with offsite areas of designated arroyo toad critical habitat both upstream and downstream of the Plan Area, thereby providing for movement to foraging areas, upstream and downstream dispersal, and connectivity to other areas containing suitable arroyo toad habitat. In addition, the quality of designated arroyo critical habitat within the 9.43-acre open space area will be improved from its current condition by ceasing agricultural operations and managing the open space in perpetuity for the benefit of the arroyo toad pursuant to an approved Resource Management Plan.

Although the project will reduce the overall amount of PCEs within arroyo toad critical habitat in the Plan Area and rangewide, the impact affects less than 0.01 percent of the designation within Unit 14 and an even smaller percentage of the total acreage of critical habitat designated for this species. Moreover, the proposed management of the open space within the Plan Area will enhance the remaining PCEs within the Plan Area for long-term use by arroyo toad. For the reasons stated above, we have determined that this impact will not have a significant impact on designated critical habitat for the arroyo toad.

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

No. Implementation of the proposed project does not threaten to violate any Federal, State, local or tribal law or requirement imposed for the protection of the environment. All other Federal and State regulations shall be adhered to.

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

No. No communities or populations outside the Pauma Estates project would be affected.

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 (EO 13007).

No. Pauma Estates will be a private residential community. Access to and ceremonial use of Indian sacred sites on Federal lands would not be affected.

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 EO 13112).

No. The biological open space within the Plan Area will be managed and monitored in perpetuity per the approved Resource Management Plan. The Resource Management Plan includes requirements for invasive/exotic plant species removal, as well as invasive/exotic animal control within the biological open space area.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Pauma Estates project qualifies for a categorical exclusion as defined in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1; 516 DM 6, Appendix 1; and 516 DM 8.5(C)(2).

Other supporting documents:

1. Habitat Conservation Plan for the Pauma Estate Project, TM 5545
2. Intra-Service Consultation on the Issuance of a Section 10(a)(1)(B) Permit for the Incidental Take of Arroyo Toad in conjunction with the Pauma Estate Project, TM 5545 (FWS-SD-10B0070-15F0232)

Concurrence:



Field Supervisor

4/20/15

Date