

## STAFF REPORT

**SUBJECT:** MacArthur Industrial Park Project, Plan Participation and Buffer Reduction

**RECOMMENDED ACTION:** Motion to Allow for 1) A Minor Revision to allow the MacArthur Industrial Park Project to Utilize the Unmapped Land Use Process for Coverage under the SJMSCP; and 2) Allow a Revision to the Incidental Take Minimization Measures for Giant Garter Snake (GGS) and Western Pond Turtle (WPT) Buffers

### DISCUSSION:

#### SUMMARY:

The project applicant, Greenlaw Development, is requesting a minor revision to allow the MacArthur Industrial Park Project to utilize the Unmapped Land Use Process for coverage under the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) through the City of Tracy's permits. The MacArthur Industrial Park project is in an unmapped area of the Plan and consists of a total of 147.47 acres to be developed on the northern boundary of the City of Tracy, east of MacArthur Drive and north of Arbor Road in the Central Zone (attachments 1 & 2).



#### RECOMMENDATION:

SJCOG, Inc. staff and HTAC recommend to the SJCOG, Inc. Board to:

- 1) Allow the minor revision to utilize the Unmapped Land Use Process under the SJMSCP to provide biological coverage for the project impacts to the habitat types under the federal and state permits; and
- 2) Allow a revision to the Incidental Take Minimization Measures for Giant Garter Snake (GGS) and Western Pond Turtle (WPT) buffers.

## **FISCAL IMPACT:**

If the project is approved, SJCOG, Inc. will be provided mitigation for the project impacts as required under the SJMSCP for approximately 147.47 acres. The impacts for this project would consist of 147.47 acres of Agricultural (C34) habitat impacts at the appropriate rate of disturbance under the Plan.

## **BACKGROUND:**



This project is located within the "Unmapped" area of the Plan as 147.47 acres of Agricultural (C34) habitat land which will be annexed into the City of Tracy. The project will consist of an industrial park complex to support the City of Tracy's growing industrial needs. The project will include several relatively large industrial buildings for warehouse and distribution enterprises; with loading docks and offices.

The project includes five buildings ranging in size from 460,00 to 1,100,000 square feet with 36-foot high ceilings. The site also includes areas of trailer, automobile and accessible parking stalls, and landscaping around the parking lots and new buildings. Access to the site will be from North MacArthur Drive, Arbor Avenue and Laurel Road (attachment 3).

To grant coverage under the SJMSCP, the project was subject to the Unmapped Land Use process as an annexation not on the SJMSCP Tracy Compensation Map. A project proponent seeking coverage for a project in this category shall comply with the following procedure (Section 8.2.10(10)) Unmapped Project Process:

- The project proponent completed, at its sole cost and expense, the "Section 8.2.1(10) Checklist for Unmapped SJMSCP Projects" (the "Checklist") and provided the completed Checklist to SJCOG for review. Completion of the Checklist shall include documentation necessary to determine the proposed project is consistent with the SJMSCP and the Biological Opinion (Attachment 4).
- Upon SJCOG's determination that the Checklist was completed, SJCOG conducted a Peer Review of the Checklist. Monk & Associates was hired by SJCOG, a firm not currently employed by the project proponent, to review the completed Checklist and confirm the finding that the proposed project is consistent with the SJMSCP and the Biological Opinion. A biologist from Monk & Associates conducted the peer review and signed off on the checklist.
- The project proponent is responsible for reimbursing SJCOG for all costs associated with the Peer Review, including but not limited to consultant and attorney's fees.

SJMSCP coverage for a project in this category shall only be granted if the HTAC, with the concurrence of the representatives of the Permitting Agencies, is able to determine the project is consistent with the SJMSCP and the Biological Opinion when considering the following:

1. Coverage for the proposed project is consistent with the overall SJMSCP biological intent and conservation program.
2. Coverage for the proposed project is consistent with the SJMSCP Biological Opinion.
3. Biological impacts and Incidental Take associated with the proposed project are within the scope of the environmental analyses adopted in conjunction with the SJMSCP.
4. The project does not introduce significant new biological conditions into the Plan Area (i.e., impacts of the proposed project are less than or equal to those described in the SJMSCP and its supporting environmental documents).
5. The project acres have been analyzed based on habitat type (e.g., Natural Land, Agricultural Habitat Land or Multi-Purpose Open Space Land) and sufficient take acres remain for each habitat type to allow coverage of the proposed project as permitted under the SJMSCP.
6. The project meets at least one of the following criteria:
  - The project is adjacent to existing city limits; or
  - The project is adjacent to the boundaries of defined communities; or
  - The project is adjacent to existing airport facilities; or
  - The project is within an area designated as Freeway Service Commercial; or
  - The project is an expansion of an existing industrial or urbanized area in the unincorporated area in the unincorporated county; or
  - The project is proposed for annexation to a jurisdiction
7. The project is not one of the projects specifically exempted from SJMSCP Coverage as identified in SJMSCP Section 8.2.2.
8. The project does not disrupt a corridor used by the giant garter snake, riparian brush rabbit, riparian woodrat, the San Joaquin kit fox or fisheries as identified in the SJMSCP.
9. The project does not interfere with the San Joaquin River Wildlife Corridor as established in Section 5.5.2.3.
10. The project does not include installation of a linear barrier to species dispersal as defined in Section 5.5.8.
11. The HTAC may consider and make additional findings for an individual project to determine if SJMSCP coverage for a project in this category is consistent with the overall biological intent of the SJMSCP and is consistent with the Biological Opinion.

For the proponents to construct the MacArthur Industrial Park Project at full buildout, the project will impact potential Giant Garter Snake (GGS) habitat within the suggested 200-foot buffer and Wester Pond Turtle (WPT) within the 300-foot buffer. As identified in Section 5.59 of the Plan, HTAC, on a case by case review, can establish a setback and buffer zone to be used by the project in place of the 200 and 300 feet suggested.



Because construction of portions of the project will be within the suggested 200-foot and 300-foot buffer areas, the project proponent has requested a reduction in the buffer to a 0' setback at the detention or water quality treatment infrastructure to be built along the northern edge of the site at a specified location and a +/- 35' setback from the above point along the remainder of the canal for buildout and construction of the MacArthur Industrial Park Project on a canal for site impacts. The reduction of these buffers is necessary for the construction of this project. All other ITMM measures for GGS (*e.g. construction window between May and October and required survey work*) and WPT will remain standard including no take of GGS is allowed. Reducing the buffer for GGS and WPT will allow the project to construct up to 0' feet of the banks of the canal during the species' active period.

The SJMSCP GIS habitat layer classifies the project as Agricultural (C34) Habitat.

If allowed to participate in the SJMSCP, the total disturbed area will consist of 147.47 acres of Agricultural (C34) impacts. The project applicant will be responsible for mitigating for the habitat impacts that is consumed by this project by either paying the appropriate fees at the time of ground disturbance or dedicating land in lieu of a fee at the appropriate SJMSCP ratio.

#### **Adjacent Vegetation and Land Use**

<b>Location</b>	<b>SJMSCP Vegetation Map Classification</b>	<b>Habitat Type Category</b>	<b>Actual Use Of Property</b>
<b>Site</b>	Agriculture (C34)	Agriculture (C34)	Agriculture (C34)
<b>North</b>	Natural (W9), Agriculture (C34)	Natural (W9), Agriculture (C34)	Natural (W9), Agriculture (C34)
<b>South</b>	Urban (U), Agriculture (C34)	Urban (U), Agriculture (C34)	Urban (U), Agriculture (C34)
<b>East</b>	Agriculture (C34)	Agriculture (C34)	Agriculture (C34)
<b>West</b>	Natural (W6)	Natural (W6)	Natural (W6)

#### **COMMITTEE ACTIONS:**

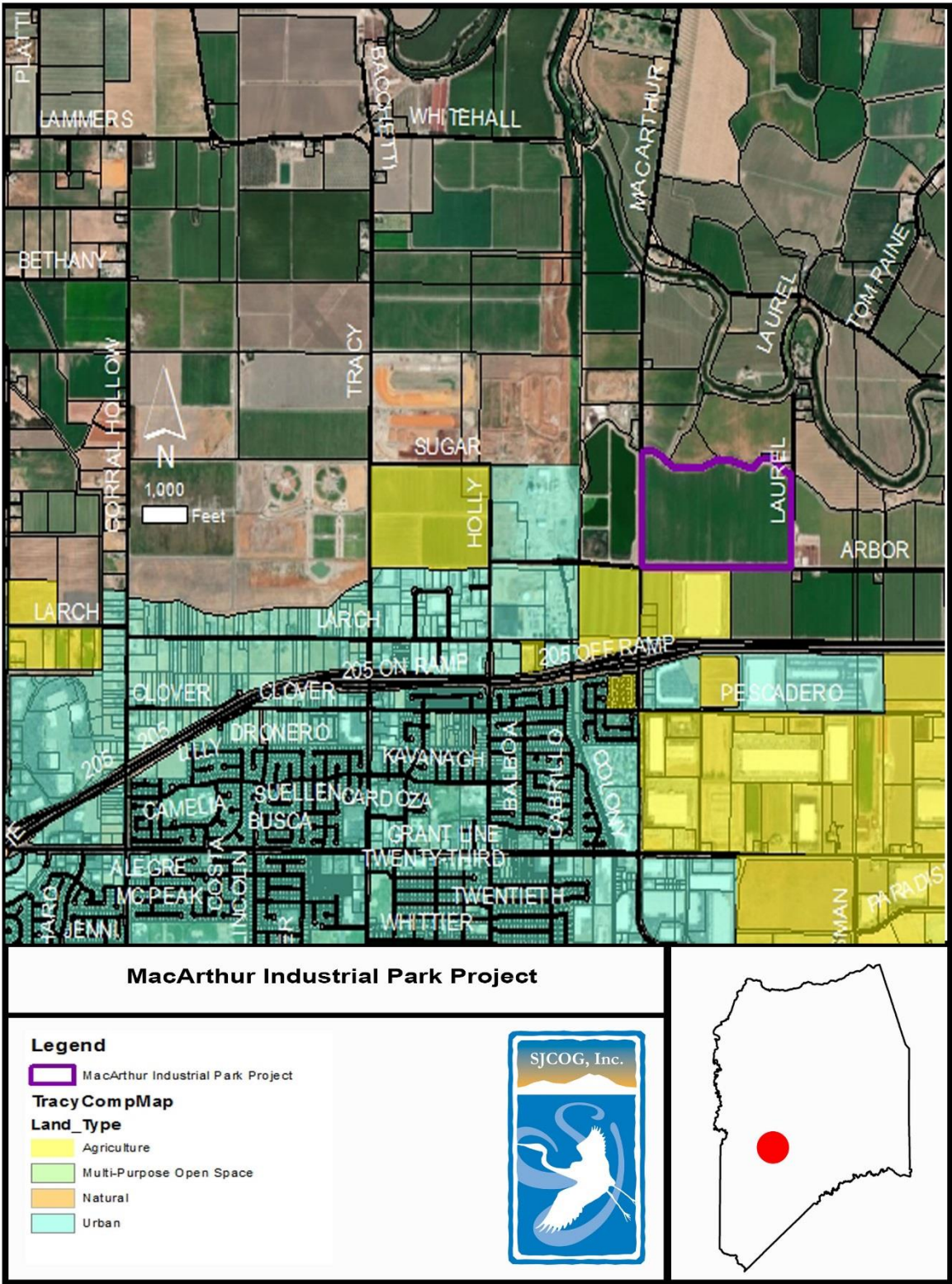
- Habitat Technical Advisory Committee: Recommended for Approval
- SJCOG, Inc. Board: Action Required

#### **ATTACHMENTS:**

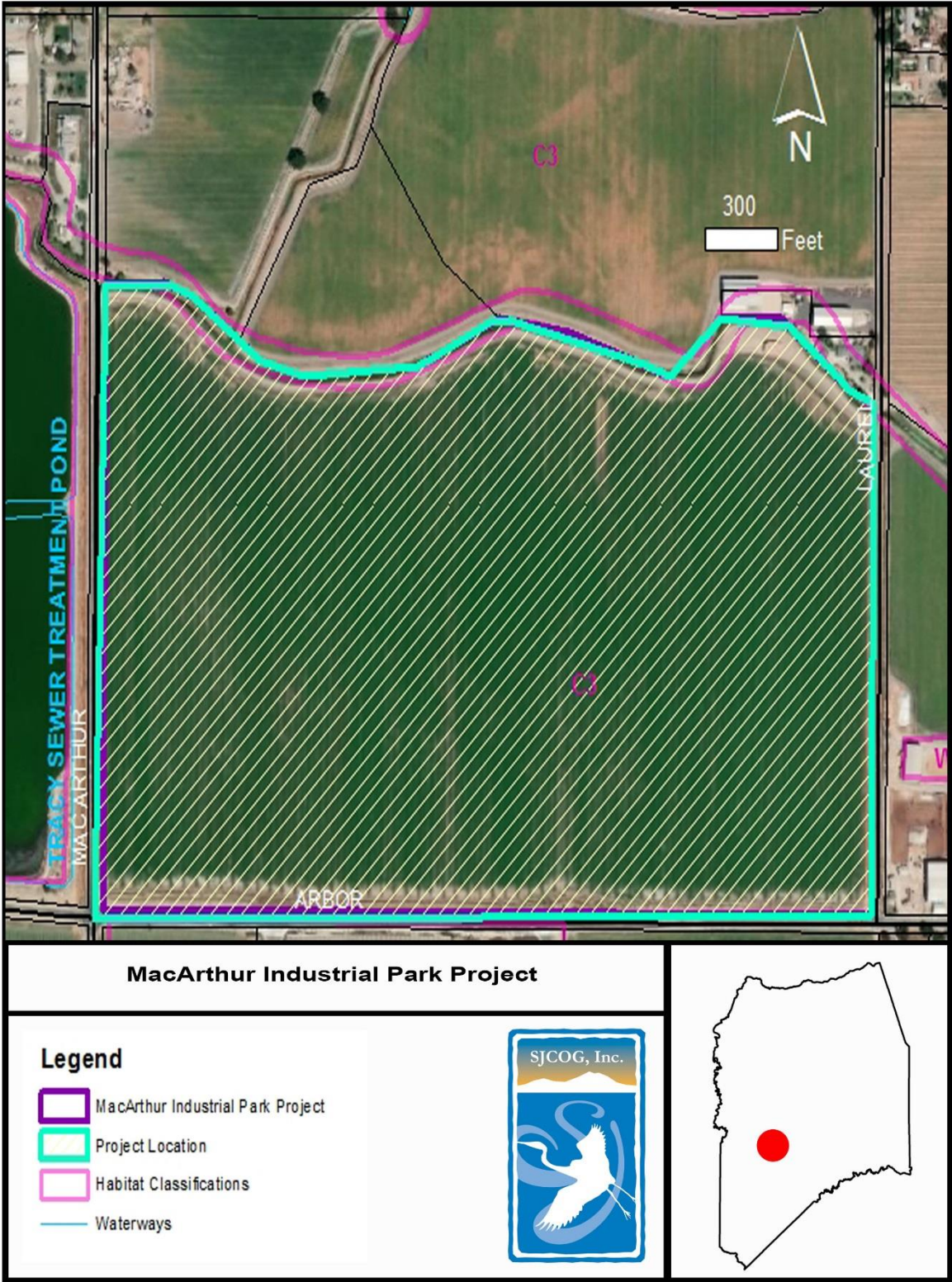
1. General Location Map
2. Project Location Map
3. Project Site Map
4. Checklist for Unmapped SJMSCP Projects

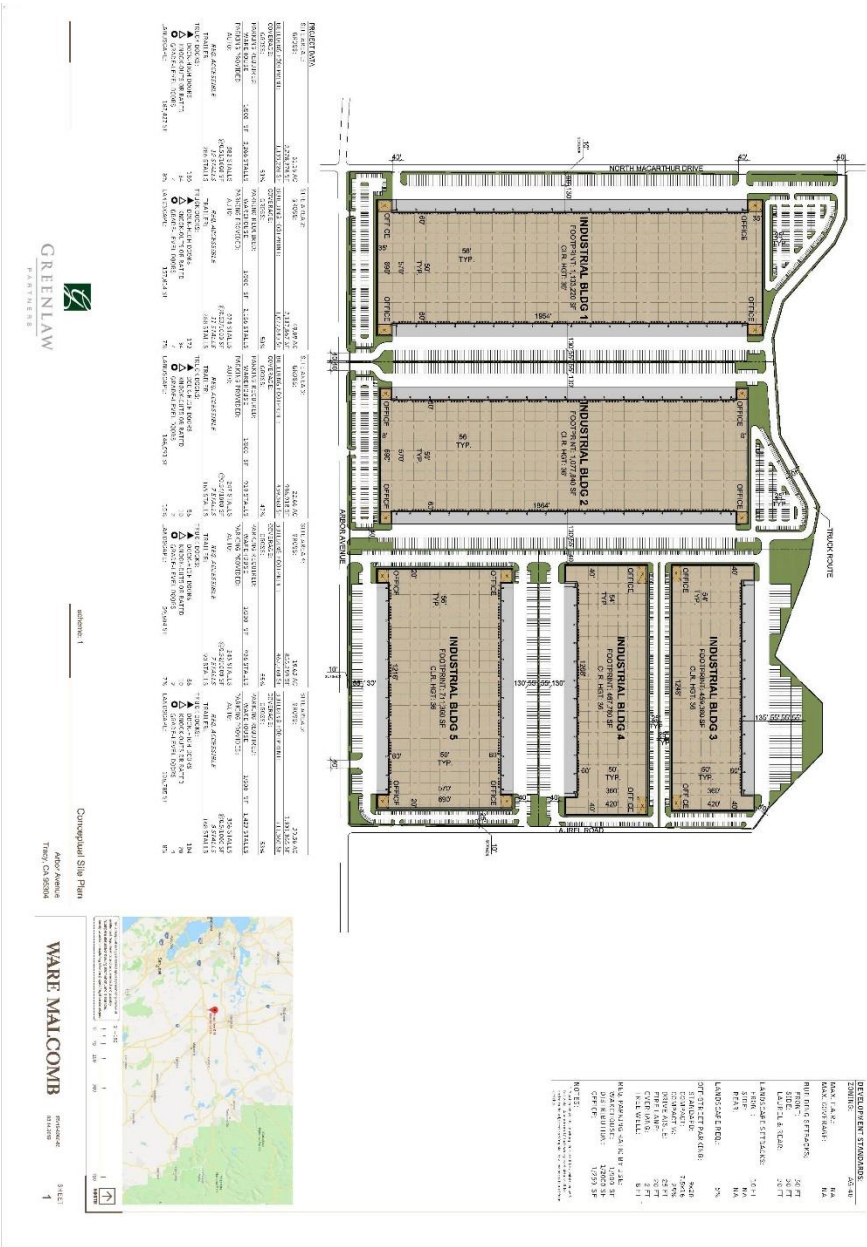
*Prepared by: Laurel Boyd, Associate Habitat Planner*











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MONK & ASSOCIATES  
Environmental Consultants

November 6, 2019

San Joaquin Council of Governments  
555 East Weber Street  
Stockton, California 95202

Attention: Ms. Laurel Boyd, Assistant Habitat Planner

**RE: Peer Review of Biological Support Document and Checklist for  
MacArthur Industrial Park Project  
Assessor Parcel Number(s): 213-050-07  
Tracy, California**

Dear Ms. Boyd:

Monk & Associates, Inc. (M&A) has completed a peer review of Moore Biological Consultants' biological support document for the MacArthur Industrial Park project including the completed San Joaquin Council of Government's (SJCOG) checklist for Unmapped SJMSCP Projects (Section 8.2.1(10)). By completing the Unmapped Project Process, the MacArthur Industrial Park Project applicant is seeking annexation into the coverage area allowed for the Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). M&A's peer review of Moore Biological Consultant's report and completed checklist are part of the Unmapped Project Process (Section 8.2.1(10)). Below we provide M&A's review of these documents.

The Moore Biological report was prepared on October 15, 2019 after they surveyed the project site on September 9, 2019. A peer-review survey of the MacArthur Industrial Park project site was conducted by M&A biologists Ms. Sarah Lynch and Ms. Monica Matthews on October 29, 2019. The project site was ground-truthed to verify the habitat designations and results found during Moore Biological's field study. During this survey, M&A confirmed that the project site consists of a fallow alfalfa (*Medicago sativa*) field, with some ruderal herbaceous habitat along the edges, and is adjacent to other agricultural properties. A primary irrigation ditch runs along the project site's northern boundary. This ditch would likely meet the U.S. Army Corps of Engineers (Corps) jurisdiction as a water of the United States pursuant to Section 404 of the Clean Water Act. M&A is unaware if the project would impact this primary irrigation ditch. This primary irrigation ditch connects to an approximately northeast-southwest oriented secondary irrigation ditch which connects to a "ponded area" next to Tom Paine Slough. This "ponded area" is on the U.S. Geological Survey map (Union Island 7.5 minute quadrangle) and is likely a seep or spillover area of Tom Paine Slough.

M&A observed one California ground squirrel (*Otospermophilus beechyi*) across an agricultural ditch on a neighboring property but did not observe any ground squirrels onsite. M&A biologists used binoculars to look for western burrowing owls (*Athene cunicularia hypuga*) that may be perched near a burrow or on top of a fence and did not note any. All wildlife observed during this field visit were noted; no covered species were observed during our half-day October survey.



Peer Review of Biological Support Document and Checklist for MacArthur Industrial Park Project

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As part of the peer review, M&A biologists also conducted a search of the California Natural Diversity Database (CNDDDB) records to see what special-status species have been recorded either on the project site or in the immediate area. The CNDDDB has records for Swainson's hawks (*Buteo swainsoni*), western burrowing owl, and the tricolored blackbird (*Agelaius tricolor*) within two miles of the project site.

Based on M&A's site survey and CNDDDB review, we conclude that suitable foraging habitat for the Swainson's hawk and nesting habitat for western burrowing owl are present and preconstruction surveys (Incidental Take and Minimization Measures) are warranted prior to site development. Below are comments on the Checklist for this project.

E(1) in Moore Biological's checklist is answered with "Yes" but should be answered with "No." Surveys conducted greater than 90 days prior to project implementation, while occurring prior to construction, do not qualify as true preconstruction surveys since construction is not imminent at that point. A true "preconstruction survey" is one that is conducted 30 or 60 days prior to project site earth-work or construction. These preconstruction surveys should be repeated at the time vegetation removal is imminent to assess the project's impact on Covered Species such as the western burrowing owl.

G(10), answered in Moore Biological's report as a 'yes', should be an 'undetermined'. No tricolored blackbirds were observed at the site during the peer review survey conducted by M&A biologists, but suitable nesting habitat including cattails (*Typha latifolia*) was present in the primary irrigation ditch on the project site. Thus, it is possible that tricolored blackbirds could inhabit the project site at some point in the future and any impact to the irrigation ditch's cattail habitat (loss of potential nesting habitat) would increase distance between sites with tricolored blackbird habitat. Preconstruction surveys for tricolored blackbirds could be part of the ITMMs issued for this project.

M&A was in agreement with all other items in the Moore Biological Consultant's checklist and has no other comments on the checklist. Our peer review checklist is attached.

This concludes M&A's comments on the proposal to annex the MacArthur Industrial Park project site into the coverage area of the SJMSCP. Should you have any questions on our peer review please do not hesitate to call me or Ms. Sarah Lynch at (925) 947-4867.

Sincerely,



Monica Matthews  
Project Biologist I

Attachments: Figures 1-3; Peer Review Checklist

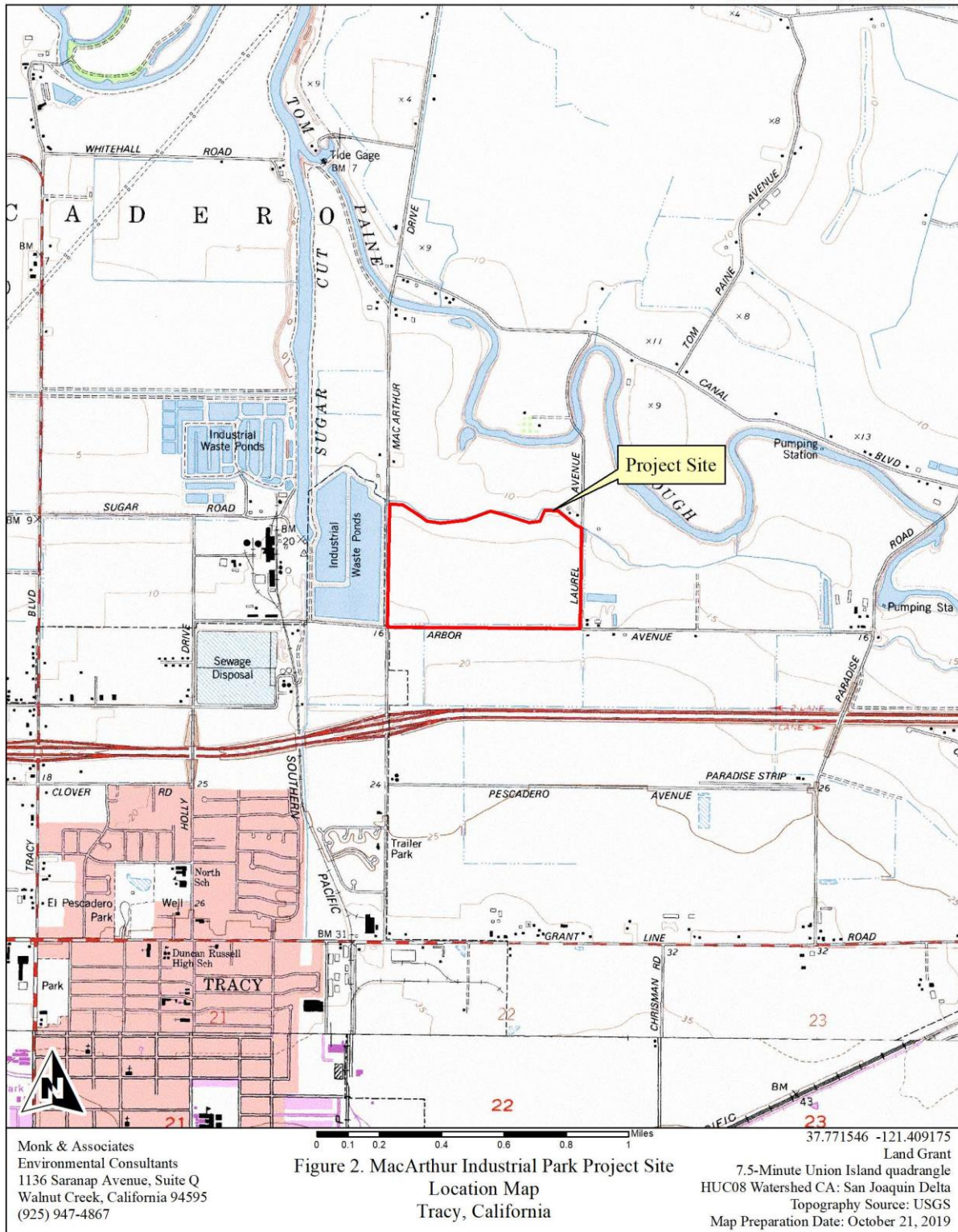


Monk & Associates  
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1136 Saranap Avenue, Suite Q  
Walnut Creek, California 94595  
(925) 947-4867

Figure 1. MacArthur Industrial Park Project Site  
Regional Map  
Tracy, California

County: San Joaquin  
Map Preparation Date: October 21, 2019









**Section 8.2.1(10) CHECKLIST for UNMAPPED SJMSCP Projects Subject to TAC Review**

**Project Title:** MacArthur Industrial Park

**Project Description:** *(Attach additional information if needed)*

MacArthur Industrial Park is a proposed industrial development project in north Tracy.

Project Title: MacArthur Industrial Park						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<b>A. SJMSCP General Findings (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
1. <b>SJMSCP Consistency.</b> Coverage for the proposed project is consistent with the overall SJMSCP biological intent and conservation program.				X	X	
2. Coverage for the proposed project does not introduce significant new <b>biological conditions</b> into the Plan area or result in significant new or different environmental impacts or--for land uses which have impacts--introduces impacts that are <b>equal to or are less than</b> those described in the SJMSCP as originally adopted [Section 8.8.3(45)].				X	X	
3. <b>Biological Opinion.</b> Coverage for the proposed project is consistent with the SJMSCP Biological Opinion				X	X	
4. <b>Incidental Take Minimization Measures.</b> The project can and will comply with the SJMSCP's Incidental Take Minimization Measures as specified in Section 5.2 including any modifications to those measures as authorized by the TAC pursuant to the SJMSCP.				X	X	
5. Mitigation pursuant to the SJMSCP is appropriate for the impacts on the Covered Species. (SJMSCP 8.2.4)				X	X	
<b>B. NEPA, CEQA, FESA, CESA Consistency (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
1. <b>Biological impacts</b> associated with the proposed project are within the scope of the environmental analyses adopted in conjunction with the SJMSCP pursuant to the National Environmental Policy Act, federal Endangered Species Act, California Environmental Quality Act and California Endangered Species Act.				X	X	

Project Title: MacArthur Industrial Park						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<b>2. Incidental take</b> associated with the proposed project is within the scope of the environmental analyses adopted in conjunction with the SJMSCP pursuant to the National Environmental Policy Act, Endangered Species Act, California Environmental Quality Act and California Endangered Species Act.				X	X	
<b>C. Incidental Take Acreage Limits (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
<b>1.</b> The project acres have been analyzed based on habitat type (e.g., Natural Land, Agricultural Habitat Land or Multi-Purpose Open Space Land) and <b>sufficient take acres</b> remain for each habitat type to allow coverage of the proposed project as permitted under the SJMSCP.				X	X	
<b>2. Natural Lands.</b> The project will not result in exceeding 9,202 acres of conversion of Natural Lands by SJMSCP Permitted Activities (this excludes 5,000 acres for vernal pool grasslands), nor 15% of the total acres of open space conversion for SJMSCP Permitted Activities within any five year period, whichever is less. (BO, page 18)				X	X	
<b>3. Agricultural Habitat Lands.</b> The project will not result in exceeding 57,635 acres of conversion of Agricultural Habitat Lands by SJMSCP Permitted Activities (BO, page 18)				X	X	
<b>4. Vernal Pool Grasslands.</b> The project does not include coverage for take of SJMSCP Covered Species associated with conversion of vernal pool grasslands (excluded in unmapped areas per BO, page 15).				X	X	
<b>5. Riparian Brush Rabbit Potential Habitat.</b> The proposed project does not exceed the incidental take limit of 3 total acres of potential riparian brush rabbit habitat meeting all of the following criteria: <ul style="list-style-type: none"> <li>✓ The project is a Permitted Activity excluding residential, commercial, industrial development or aggregate mining</li> <li>✓ Impacts less than 0.25 on a per project basis</li> <li>✓ Results in no harm, injury or harassment of individual brush rabbits.</li> </ul>				X	X	

[SJMSCP 5.2.4.23 (C)]

Project Title: MacArthur Industrial Park						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<p><b>6. Riparian Woodrat Potential Habitat.</b> The proposed project does not exceed the incidental take limit of 3 total acres of potential riparian woodrat habitat meeting all of the following criteria:</p> <ul style="list-style-type: none"> <li>✓ Permitted Activity excluding residential, commercial, industrial development or aggregate mining</li> <li>✓ Impacts less than 0.25 on a per project basis</li> <li>✓ Results in no harm, injury or harassment of individual brush rabbits.</li> </ul> <p>[SJMSCP 5.2.4.23 (C)]</p>				X	X	
<b>D. Project Coverage (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
<p><b>1.</b> The project is <b>not</b> one of the following specifically exempted from SJMSCP Coverage per Section 8.2.2</p> <ul style="list-style-type: none"> <li>✓ Ag activities except as provided in 8.2.1</li> <li>✓ Dredging except as provided in 8.2.1</li> <li>✓ Streambed alteration subject to CDFG review</li> <li>✓ Water diversion , water conveyance, water releases (1.4.9)</li> <li>✓ Activities covered by preexisting biological opinion</li> <li>✓ Pesticide use</li> <li>✓ Section 404 activities until coverage is obtained pursuant to the SJMSCP</li> <li>✓ Tracy Hills</li> <li>✓ American River Water Resources Investigation Project</li> <li>✓ Folsom South Canal Connection of EBMUD supplemental water supply program</li> <li>✓ South County Surface Water Supply Program</li> <li>✓ Private activities federally authorized, funded or carried out by federal agencies and projects on federally-owned land (2.1)</li> </ul>				X	X	
<b>E. Preconstruction Survey (Projects with Natural Lands, Potential SJMSCP Covered Species)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
<p><b>1.</b> The project site includes <b>Natural Lands or potential habitat for an SJMSCP Covered Species</b> and a <b>preconstruction survey</b> has been conducted. Or, the project site does not include Natural Lands or potential habitat for an SJMSCP Covered Species and a preconstruction survey was not required by the JPA.</p>			X		No; see text	

Project Title: MacArthur Industrial Park						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<p>2. For projects requiring a preconstruction survey (i.e., with Natural Lands or with the potential for SJMSCP Covered Species):</p> <p>Based on the preconstruction surveys conducted for the proposed project, direct take of an SJMSCP Covered Species will not occur or incidental take minimization measures can be undertaken in compliance with the SJMSCP that sufficient minimize or avoid impacts to the species consistent with the SJMSCP and Biological Opinion as determined by the TAC</p>				X	X	
<b>F. Corridors/Species Movement (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
<p>1. <b>San Joaquin kit fox.</b> The project does not disrupt a continuous corridor for the San Joaquin kit fox defined as follows:</p> <p>Continuous corridor of less than 15% slope with a length to width ratio of no more than 4:1 and no narrower than 0.35 mile connecting the kit fox range from Stanislaus Co. to Alameda Co. through the Southwest Zone with highest priority to land within 3 miles of the Delta Mendota Canal.</p> <p>Development in low slope occupied SJ kit fox habitat sw of I-580 is configured to provide a continuous corridor to support resident kit fox/</p> <p>In <i>SW/Central Transition Zones</i>, development is situated to allow stepping stone refugia west of the Delta Mendota Canal between that canal and the CA aqueduct.</p> <p>AND maintains an east-west dispersal habitat through the kit fox corridor such as along transmission lines and RR tracks west of the Delta Mendota Canal where practicable.</p> <p>(SJMSCP Section 5.5.3)</p>				X	X	
<p>2. The project does not interfere with the 1200' <b>San Joaquin River Wildlife Corridor:</b> 600 feet from the mean high water mark of the San Joaquin River on both sides of the river from Stewart Tract to the Stanislaus/San Joaquin County line except as follows:</p> <p>A. For the area west of the river bordering Stewart Tract, the corridor extends west from the river to the top of the levee on the water side of the levee and excludes Stewart Tract itself</p> <p>B. For the area east of the river bordering land in Lathrop and Manteca as indicated on the SJMSCP Planned Land Use Map, setbacks to be determined based on surveys for riparian brush rabbit.</p> <p>(SJMSCP Section 5.5.2.3)</p>				X	X	



Project Title: MacArthur Industrial Park						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<b>3. Giant Garter Snake.</b> The project will not impact land between the Mid-Valley GGS recovery unit and the San Joaquin Recovery Unit nor disrupt connectivity of this habitat. (BO, pg. 109)				X	X	
<b>4. The project does not include installation of a linear barrier to species dispersal</b> as defined in SJMSCP Section 5.5.8 (e.g., median barriers along a highway)				X	X	
<b>G. Species Specific (All Unmapped Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
<b>1. Plants.</b> The project will not result in the loss of individuation plants or conversion of occupied habitat for the <b>large-flowered fiddleneck, succulent owl's clover, Greene's tuctoria, Delta button celery, diamond-petaled California poppy, showy madia, slough thistle, legenere, Hospital Canyon larkspur or Sanford's arrowhead</b> or the provisions of Section 5.5.2.1 have been implemented and limited take has been authorized pursuant to that section and the findings contained in 5.5.2.1 (B) have been made by the TAC.  The project will not result in conversion of occupied habitat for <b>California hibiscus</b> (BO, p. 151), <b>Delta mudwort</b> (BO, p. 152), <b>Delta tule pea</b> (BO p. 153), <b>Mason's lilaeoposis</b> (BO, p. 154), <b>Suisun Marsh Aster</b> (BO, p. 156).				X	X	
<b>2. Burrowing Owl.</b> The project will not result in exceeding 19,533 acres of conversion of potential and occupied habitat for the burrowing owl unless the provisions of Section 5.5.2.4 have been met. (SJMSCP Section 5.5.2.4)  The project does not encompass known locations of <b>burrowing owls</b> . (BO, p. 145)				X	X	
<b>3. Giant Garter Snake.</b> The project will not result in mortality or harm of individuals or conversion of occupied habitat for the giant garter snake unless the provisions of Section 5.5.2.2 have been implemented and authorized pursuant to that Section 5.5.2.2 and the findings provided in that Section have been made by the TAC. Occupied habitat is: area west of I-5 on Terminous Tract, Shin Kee Tract, White Slough Wildlife Area, Rio Blanco Tract. W2, W3, W4 and D habitat surrounding a documented finding of GGS by a qualified person, and the Caldoni Marsh area.				X	X	
<b>4. Ring-tailed cat.</b> The project will not result in mortality or direct harm to individual ring-tailed cats. (SJMSCP Section 5.5.2.6)				X	X	
<b>5. Riparian brush rabbit.</b> The project will not result in mortality or direct or indirect harm to individual riparian brush rabbits or conversion of known occupied habitat				X	X	

Project Title: MacArthur Industrial Park						
Findings	Not Applicable	Undetermined	No	Yes	Peer Review	SJMSCP Staff
<p>unless the provisions of Section 5.5.2.7 have been met (SJMSCP 5.2.4.23 as modified by BO).</p> <p>Direct or indirect impacts on occupied habitat are assumed with:</p> <ul style="list-style-type: none"> <li>✓ Projects with potential to introduce domestic pets on project site</li> <li>✓ Projects including sewage or other outfall structures discharging into occupied or potential habitat</li> <li>✓ Projects directly or indirectly introducing human intrusion into occupied or potential habitat (residential and recreational development)</li> </ul> <p>Any other project with direct or indirect effects exceeding the criteria in 5.2.4.23.C. (Biological opinion)</p>				X	X	
<p><b>6. Riparian woodrat.</b> The project will not result in mortality or direct or indirect harm to individual riparian woodrats or conversion of known occupied habitat unless the provisions of Section 5.5.2.7 have been met (SJMSCP 5.2.4.24, as modified by Biological Opinion).</p> <p>Direct or indirect impacts on occupied habitat are assumed with:</p> <ul style="list-style-type: none"> <li>✓ Projects with potential to introduce domestic pets on project site</li> <li>✓ Projects including sewage or other outfall structures discharging into occupied or potential habitat</li> <li>✓ Projects directly or indirectly introducing human intrusion into occupied or potential habitat (residential and recreational development)</li> <li>✓ Any other project with direct or indirect effects exceeding the criteria in 5.2.4.24.C. (Biological Opinion)</li> </ul>				X	X	
<p><b>7. Conservancy/Longhorn Fairy Shrimp.</b> The project will not result in mortality or harm to individual conservancy and/or longhorn fairy shrimp (SJMSCP Section 5.5.2.7)</p>				X	X	
<p><b>8. Yellow-legged frog.</b> The project does not encompass occupied foothill yellow-legged frog habitat. (BO, p. 128)</p>				X	X	
<p><b>9. Spadefoot toad.</b> The project does not encompass occupied spadefoot toad habitat. (BO, p. 130)</p>				X	X	
<p><b>10. Tricolored Blackbird.</b> The project does not increase the distance between tricolored blackbird nesting colonies and the closest suitable foraging habitat (BO, p. 135)</p>		X			X	
<p><b>11. Swainson's hawk.</b> The project does not impact any of the five primary population centers for the Swainson's hawk (BO, pg. 120).</p>				X	X	
<p><b>12. California tiger salamander.</b> The project does not encompass any known breeding ponds for the California tiger salamander (BO, pg. 125)</p>				X	X	

Project Title: MacArthur Industrial Park						
<b>Findings</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
<b>H. Unmapped Land Use Projects (Unmapped Land Use Projects)</b>	<b>Not Applicable</b>	<b>Undetermined</b>	<b>No</b>	<b>Yes</b>	<b>Peer Review</b>	<b>SJMSCP Staff</b>
<p>1. The project meets <b>at least one</b> of the following criteria:</p> <ul style="list-style-type: none"> <li>✓ is adjacent to existing city limits,</li> <li>✓ is adjacent to the boundaries of defined communities (as defined in the San Joaquin County General Plan),</li> <li>✓ is adjacent to existing airport facilities,</li> <li>✓ is within an area designated as Freeway Service Commercial,</li> <li>✓ is an expansion of an existing industrial area in the unincorporated county</li> </ul> <p>[SJMSCP Section 8.2.1(10)]</p>				X	X	

**SJMSCP TAC Comments:**

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☐ Approved by the SJMSCP Technical Advisory Committee based on findings A-H.

☐ Denied by the SJMSCP Technical Advisory Committee based on finding \_\_\_\_.

☐ Referred back to staff for additional information by SJMSCP TAC

➤ Signed \_\_\_\_\_  
(Chair, SJMSCP TAC) (Date)