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In Reply Refer To:
FWS/CDFW-18B0017-18CPA0014

October 25, 2017
Sent by Email

Mr. Frank Santana
County of San Diego
Planning and Development Services
5510 Overland Avenue, Suite 310
San Diego, California 92123

Subject: Request for a *de minimus* Habitat Loss Permit Exemption for the Rancho Sueños Project (PDS2017-AD-17-009), San Diego County, California

Dear Mr. Santana:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the letter from the County of San Diego (County) dated October 17, 2017, requesting a *de minimus* Habitat Loss Permit (HLP) exemption for the above-referenced project. Our determination whether issuance of a *de minimus* exemption for the loss of coastal sage scrub (CSS) under the 4(d) Special Rule of the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), is appropriate is based on the following: (1) information provided in the request for *de minimus* exemption and associated documentation; (2) a discussion with County staff on September 21, 2017; (3) the Wildlife Agencies' knowledge of sensitive and declining vegetation communities in San Diego County; and (4) our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Act. The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381, respectively. The Department is responsible for the conservation, protection, and management of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning Program (NCCP).

The project site is located at 7270 Rancho Sueños Drive in unincorporated San Diego County. The proposed project is the installation of a vineyard with associated driveway and parking pad on the 4.3-acre site.

The Wildlife Agencies concur that issuance of a *de minimus* exemption for the take of CSS under the 4(d) Special Rule of the Act is appropriate for the proposed project because the project is

consistent with the interim *de minimus* coastal sage scrub loss criteria established in the NCCP, as discussed below:


1. **Habitat loss will occur in low- or medium-value habitat.**
There is 0.4 acre of CSS on the project site. The project proposes removal of 0.07 acre of CSS. The CSS to be removed is surrounded by rural residential development and agriculture to the north, south, east, and west. The CSS on site is not biologically connected to areas of higher value habitat. Although the North County Multiple Species Conservation Program (NCMSCP) Habitat Evaluation map indicates that a portion of the project site is mapped as very high value habitat, onsite evaluation shows that this area is non-native grassland and low value in the context of this analysis. The project site is outside of the proposed Pre-Approved Mitigation Area (PAMA). Therefore, the habitat value of the CSS to be removed is considered to be low.
2. **Habitat loss will be limited to less than 1.0 acre of coastal sage scrub habitat.**
The proposed project would result in the loss of 0.07 acre of CSS habitat.
3. **The impacted coastal sage scrub habitat is not occupied by the California gnatcatcher.**
Due to the small size and fragmented nature of the onsite CSS habitat, California gnatcatchers are not expected to be on site and no protocol-level surveys were conducted or deemed necessary.
4. **Habitat loss will not preclude preserve design.**
The loss of up to 0.07 acre of CSS would not preclude the preserve design of the County's draft NCMSCP because it would not preclude connectivity between areas of high habitat value and is located outside of the PAMA.
5. **Impacts to coastal sage scrub will be appropriately mitigated.**
Impacts to CSS for the proposed project will be mitigated through the conservation of a minimum of 0.14 acre of CSS off site.

The *de minimus* exemption only allows for the loss of 0.07 acre of CSS associated with the proposed project and expires within 1 year of issuance by the County. Any future proposed impacts to the remaining 0.33 acres of CSS onsite will require a separate HLP application process. The total acreage of coastal sage scrub (0.07 acre) impacted by the project should be included in the coastal sage scrub regional tracking system. Please provide us with copies of any notification regarding the expiration of this permit.

If you have questions or comments regarding this letter, please contact Carol Williams of the Department at 858-637-5511, or Eric Porter of the Service at 760-431-9440 (extension 285).

Sincerely,

for Karen A. Goebel
Assistant Field Supervisor
U.S. Fish and Wildlife Service


Gail K. Sevens
Environmental Program Manager
California Department of Fish and Wildlife