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BIOLOGICAL RESOURCES LETTER REPORT

Project Name: Rancho Guejito Major Use Permit - Wine Tasting and Event Venue: PDS2016-LDGRMN-20080 PDS2016-MPA-16-003

Prepared for the County of San Diego by William T. Everett

Dear Hank,

SUMMARY

The Rancho Guejito project is the application for a Major Use Permit (MUP) to allow a tasting room and event venue on 408.10 acres in Rockwood Canyon on the north side of San Pasqual Valley Road in central San Diego County. Although the MUP area is large, construction activities will take place only on 5.6 acres at the south end of the site, on land currently in active agriculture. No sensitive biological resources will be impacted by project implementation. The endangered Arroyo Toad is known to occur near the Project Site, but recommended mitigation measures will reduce the potential for impact to this species to a level below significant.

INTRODUCTION, PROJECT DESCRIPTION, LOCATION, AND SETTING

I have prepared this Biological Resources Letter Report at your request and in response to the scoping letter addressed to you dated June 20th, 2018, and the biological scoping memo from Kimberly Smith dated August 2, 2018.

The Rancho Guejito project is the construction of a wine tasting facility complete with a full commercial kitchen and an event center, along with associated parking lots, outdoor areas, fire protection water storage and storm water infiltration facilities. The establishment of a permanent wine tasting facility is required by Condition 4 of the Director's Decision for an Administrative Permit, PDS 2012-3000-12-032. The existing Administrative Permit for the property covers 10 assessor's parcel numbers - which is reflected in the boundaries of this Major Use Permit (MUP) application. While the area covered in the existing Administrative Permit is quite large, the actual proposed wine tasting facility and event venue will only impact 5.6 acres (hereinafter Project Site), all of which is currently in active agriculture or existing structures. No

other portion of the area covered in the Administrative Permit will be disturbed. The need for a Major Use Permit instead of an amendment to the existing Administrative Permit is caused by the inclusion of a commercial kitchen in the wine tasting facility.

The MUP area is located at 17224 San Pasqual Valley Road, within unincorporated San Diego County (Figures 1 and 2). The area incorporates almost all of Rockwood Canyon. This MUP includes all or portions of 12 assessor parcel numbers (See Biological Resources Map) that total 408.10 acres. The two additional assessor parcel numbers being added total 144.5 acres and are within the area covered by the existing State of California Winegrowers License. These two parcels were inadvertently left out of the original Administrative Permit. The intent is to include the entirety of Rockwood Canyon, which may be used for hayrides, picnicking, or future uses associated with the wine tasting operations, subject to any permitting requirements that might be in effect at that time.

The MUP area is bordered on the east and south by existing agriculture. Areas to the west and north contain undisturbed Diegan Coastal Sage Scrub (CSS). The approximate USGS coordinates of the site are 33°06'N, 116°58'W as determined by Global Positioning System (GPS) receiver (San Pasqual 7.5 minute series quadrangle, see Figure 3). The elevation of the Project Site is approximately 450 feet msl.

REGIONAL CONTEXT

The MUP area and Project Site are situated in the center of San Pasqual Valley in the North County Metro Subregional Plan area. The area is subject to the General Plan Regional Category Rural Lands, Land Use Designation RL-40. Zoning for the area is A70 (Limited Agriculture) and A72 (General Agriculture). The area falls within the South County Subarea Plan of the Multiple Species Conservation Program (MSCP).

METHODS AND LIMITATIONS

To conduct an assessment of biological resources in the MUP area I visited the area on 19 September 2018. The conditions for observation during the visit were excellent, with no cloud cover, no impediments to visibility, temperatures in the mid 70s, and no wind. The visit lasted from 0815 to 1700. During my visit, I was able to examine the MUP area as well as adjacent areas. My observations on-site were recorded as they were made and form the basis of this report and the project Biological Resources Map. Animals were identified using scat, tracks, burrows, vocalizations, or by direct observation with the aid of 10X42 Leica binoculars.

Vegetation mapping was conducted in accordance with vegetation community definitions as described in Oberbauer, *et al*. (2008). In addition, vegetation mapping on-site was aided by the use of a digital color satellite photograph. It should be noted that all vegetation community mapping is verified on the ground to the greatest degree possible in the absence of a systematic land survey. All vegetation areas and boundaries are best estimates subject to final delineation by a licensed professional Land Surveyor.

Because the MUP area reconnaissance was conducted in the Fall of 2018 (See below), certain annual plants species and migratory birds that could occur in the MUP area might not have been observed.

Sensitive Species and Habitats

Prior to a site visit, a variety of sources are reviewed to ascertain the possible occurrence of sensitive species at the Project Site. First, soil types (Bowman 1973) are checked to determine if the site contains soils known to support sensitive plant species. Records searches for the USGS quadrangle and surrounding quads are done of the California Natural Diversity Data Base (CNDDB) and California Native Plant Society (CNPS) On-Line Inventory of Rare and Endangered Plants. Any sensitive species known to occur in the vicinity are given special attention, and available natural history information is reviewed. Seasonal occurrence patterns (*e.g.*, annual plants, migratory birds) are factored into survey plans in the event that site visits are made during time periods when certain species are not present or conspicuous. Information sources include the Jepson Manual (2012), Rare Plants of San Diego (Reiser 1994), A Flora of San Diego County, California (Beauchamp 1986), San Diego Native Plants (Lightner 2011), U.S. Fish and Wildlife Service Recovery Plans for Threatened/Endangered Species, the San Diego County Bird Atlas (Unitt 2004), and numerous other references, publications, and on-line resources.

A list of sensitive species with potential to occur in the MUP area was also reviewed prior to field work (See Appendix D). All species on the list were reviewed, and those species requiring directed or focused protocol surveys were noted and given appropriate attention.

During site visits, all habitats are assessed for their suitability for occupation by any sensitive species with potential to occur.

RESULTS[1]

Soils

Based on soil conservation service maps (Bowman 1973), the soil types for the MUP area include Tujunga sand, 0-5%slopes (Tub), Cienaba-Fallbrook rocky sandy loams, 30-65% slopes, eroded (CnG2), Visalia sandy loam, 0-2% slopes (VaA), and Ramona sandy loam, 9-15% slopes, eroded (RaD2). Although a detailed soil analysis is beyond the scope of this report, on-site examination appeared to verify these principal soil types. The area to be disturbed for construction of the facility is entirely Tujunga sand.

[1] Scientific and common names for plant species are derived from The Jepson Manual, 2012; scientific and common names for birds from the A.O.U. Check-list of North American Birds, 1998, and Supplements to date; scientific and common names for mammals from the San Diego County Mammal Atlas, 2017.

Botany

A total of 65 species of plants were observed within the MUP area (Appendix A). As the survey was conducted in the Fall, many common annual species were likely not observed. Species observed commonly occur in the vegetation communities examined. Of the species observed, 25 (38%) were non-native.

Habitats / Vegetation Communities (See Biological Resources Map)

Orchards and Vineyards (Holland Code 18100 - 224.66 acres) MSCP Tier IV

The majority of the MUP area, and all of the Project Site, falls within this vegetation community designation. Crops include grapes, citrus, and avocados.

Diegan Coastal Sage Scrub (Holland Code 32500 - 128.66 acres) MSCP Tier II

This habitat type occupies very steep east and west facing slopes at the north end of the MUP area. These areas contain typical CSS species, including California sagebrush *Artemesia californica*, saw-toothed goldenbush *Isocoma menziesii*, California buckwheat *Eriogonum fasciculatum* ssp. *fasciculatum*, black sage *Salvia mellifera*, laurel sumac *Malosma laurina*, and other common CSS species. None of these areas will be impacted by project implementation.

Southern Cottonwood-Willow Riparian Forest (Holland Code 61330 - 29.47 acres) MSCP Tier I

Guejito Creek is dominated by giant reed *Arundo donax*, red willow *Salix laevigata*, western sycamore *Platanus racemosa*, Fremont's cottonwood *Populus fremontii*, tamarisk *Tamarisk* sp., wild grape *Vitis girdiana*, and coast live oak *Quercus agrifolia*. Other non-native species common in Guejito Creek include tree tobacco *Nicotiana glauca* and castor bean *Ricinus communis*.

Arundo-dominated Riparian (Holland Code 65100 - 1.15 acres) - MSCP Tier I

Approximately 4,500 feet north of the Project Site a narrow drainage bisects the agricultural area. During significant rain events it drains a small canyon offsite and east of the MUP area. This drainage is choked with a monoculture of giant reed.

Non-Native Grassland Holland Code 42200 - 3.67 acres) MSCP Tier III

Near the northern end of the MUP area are three small areas dominated by this vegetation community. A variety of non-native invasive grasses (*e.g.*, the genera *Avena* and *Bromus*) occur in these areas. These areas appear to be frequently mowed to reduce fire danger.

Coast Live Oak Woodland (Holland Code 61161 - 15.49 acres) MSCP Tier I

Within the flat, northern portion of the MUP area are several groves of coast live oak trees. Understory in these areas consists entirely of non-native grasses.

Urban / Developed (Holland Code 12000 - 2.47 acres) - MSCP Tier IV

This area includes existing structures on the Project Site, including storage buildings and other agricultural facilities.

Wildlife

During the reconnaissance visit 21 species of common resident and migratory bird species were observed. These included Anna's Hummingbird *Calypte anna,* Western Scrub Jay *Aphelocoma californica,* Mourning Dove *Zenaida macroura,* Northern Mockingbird *Mimus polyglottos,* and other common resident bird species. Mammals recorded from the site include Botta's Pocket Gopher *Thomomys bottae,* California Ground Squirrel *Spermophilus beecheyi,* Coyote *Canis latrans,* and other common species. The only reptile or amphibian recorded was Western Fence Lizard *Sceloporus occidentalis*. Additional common animal species likely occur on-site. A complete list of wildlife species detected is provided in Appendix B.

Special Status Species

Directed surveys and habitat assessments for sensitive species with potential to occur were conducted. The Project Site lacks appropriate habitat for sensitive species. The MUP area (outside of the area impacted) has a higher potential for sensitive species. The County has requested that the following potentially occurring species, only two of which were detected in the MUP area, be addressed:

The **San Diego Fairy Shrimp** *Branchinecta lindahli* is a small aquatic crustacean in the family *Branchinectidae.* They have been found in Santa Barbara, Los Angeles, Riverside, and San Diego counties and northwestern Baja California, Mexico. This species is restricted to vernal pools and other nonvegetated ephemeral pools from 2 to 12 inches in depth. The life cycle of San Diego fairy shrimp is dependent on the changing hydrologic conditions of the vernal pool. The species cannot persist in perennial water bodies because the rewetting of the dried cysts is one component of a set of environmental stimuli that trigger hatching.

San Diego fairy shrimp are usually observed January through March when seasonal rainfall fills vernal pools and initiates cyst hatching. Individuals hatch and mature within 7 to 14 days of rainfall filling a pool, depending on water temperature. This hatching period may be extended in years with early or late rainfall.

San Diego fairy shrimp was federally listed as endangered on February 3, 1997, primarily due to the threat of development throughout the range of the species. At the time of listing, it was estimated that 90 to 97% of its historical habitat in San Diego County had been destroyed. Critical habitat for the San Diego fairy shrimp was designated by USFWS on December 12, 2007 This final rule designated five Critical Habitat units (with 29 subunits) for San Diego fairy shrimp on 3,082 acres of land in Orange and San Diego counties. San Diego fairy shrimp are found in 132 vernal pool complexes in San Diego County. These pool complexes are located in Del Mar Mesa, Kearny Mesa, Mira Mesa, Chollas Heights, Mission Trails Regional Park,

Marron Valley, Otay Mesa, MCAS Miramar, Marine Corps Base (MCB) Camp Pendleton, Poway, Carlsbad, San Marcos, Santee, Ramona, Santa Fe Valley, Naval Base Coronado, Sweetwater Reservoir, and the Tijuana Slough.

No vernal pools occur on the Project Site, within the MUP area, or in the vicinity. The MUP area is not within critical habitat for this species. Impacts to this species are not anticipated.

The **Quino Checkerspot Butterfly** *Euphydryas editha quino* was listed as endangered on January 16, 1997. The Quino is best thought of as a two-phase insect: the larvae (caterpillar) and the flying adult (butterfly). The larvae feed virtually exclusively on a small ephemeral annual plant; dot-seed Plantain *Plantago erecta*. The plantain competes poorly with other plants and tends, therefore, to be found on open soils, frequently on clays. A closed canopy of either shrubs or weedy annuals and perennials will preclude the plantain from a location. In the laboratory, the larvae also feed on a small suite of plant species from the Monkey-flower Family (*Scrophulariaceae*), but they have not been found on these plants in the wild (with one or two rare exceptions). The adult Quino can be found in association with the larval food plants - it is here that the adult hatches from its pupal case and it is here that the female lays her eggs - but they also exhibit a behavior known as “hilltopping.” When they hatch from their pupa, adult males fly to the nearest hilltop (local topographic high point) where they patrol awaiting the arrival of female Quino. Mating occurs on these hilltops with the males then continuing their patrols and the females returning to the areas of larval food plants where they lay their eggs.

Given the life history outlined above, it can be logically concluded that a survey for the Quino Checkerspot Butterfly would also be in two phases: monitoring of stands of the food plant and monitoring hilltopping locations, both during the flight season of the butterfly (Fish and Wildlife Service Protocol, 2002).

Because of a lack of suitable habitat and the absence of larval host plant species, focused protocol surveys for this species are not recommended. Impacts to this species are not anticipated.

The **California Gnatcatcher** *Polioptila californica* is known to occur in the vicinity thus special attention to this species is warranted. The California Gnatcatcher is a federal threatened species, a state species of concern, and is a "target species" of the NCCP process. This species is a non-migratory resident whose range covers the coastal plains and foothills of Southern California and Baja California. In San Diego County, it is widespread in coastal lowlands below about 2,000 feet elevation and typically occurs in or near CSS. The California Gnatcatcher is seriously declining due to loss of habitat. Between 85% and 90% of this species’ habitat has been lost to urban or agricultural development. It is almost extirpated from Ventura, San Bernadino, and Los Angeles counties. The population is estimated to be just under 5000 pairs. San Diego County appears to be the center of abundance within the United States for this species.

California Gnatcatchers are known to occur in the vicinity (CNDDB), but only in areas of appropriate habitat (CSS). No suitable habitat occurs on or near the Project Site. Impacts to this species are not anticipated.

The **Golden Eagle** *Aquila chrysaetos*, is a protected species known to be declining in San Diego County but it is widespread and abundant throughout the Northern Hemisphere, including the western United States and Mexico. The nesting location nearest to the Project Site is a well-known annually occupied nest located on the extremely steep north-facing slopes of upper Bandy Canyon, approximately 2.5 miles from the Project Site. Given the abundance of ideal foraging habitat elsewhere in the vicinity, and the developed nature (agriculture) of the Project Site, impacts to this species resulting from project implementation are not anticipated.

The **Burrowing Owl** *Athene cunicularia* is the bird species most likely threatened with extirpation in San Diego County. Its distribution is extremely limited, with the largest local population occurring on North Island Naval Air Station in Coronado. The species has declined dramatically in the County in the last 20 years. This species is colonial and is highly dependent on burrows created by ground squirrels. It is a conspicuous species and could be readily detected by site surveys.

No Burrowing owls, and no signs of Burrowing Owls, were detected during the survey or are considered likely to occur. No impacts to this species are anticipated as a result of project implementation.

Turkey Vultures *Cathartes aura* forage for carrion over a variety of habitats. They are common migrants and winter residents in San Diego County and were a formerly more common breeding species. Turkey Vultures occur throughout the Americas, with an estimated population of 4,500,000 individuals occupying at least 11,000,000 square miles. The MUP area may be occasionally used as foraging habitat for this species. Turkey Vultures do not build nests as they prefer crevices in cliff faces or very steep densely vegetated slopes where they nest on the ground. Turkey vultures are only highly sensitive to disturbance at their nests. No suitable nesting habitat occurs within the areas impacted. No impacts to this species are anticipated.

Red-shouldered Hawks *Buteo lineatus* are common and widespread residents and migrants in San Diego County, occurring in a wide variety of habitats including orchards and residential areas. Their population has increased dramatically in the last 100 years, and they are now extremely common in urban settings. It can be stated with a high degree of certainty that urbanization and agriculture have been beneficial for this species. The species was recorded during the survey. Red-shouldered Hawks are not included in the U.S. Fish and Wildlife Service's comprehensive list of Birds of Conservation Concern for the Southern California Bird Conservation Region (USFWS 2002). The areas impacted are unlikely to have any adverse impacts because this species has a high degree of adaptability to human-altered habitats and human disturbance, especially in Southern California (Bloom, *et al.* 1993).

Cooper's Hawks *Accipiter cooperi*, a state species of special concern, often forage in search of small birds over a variety of habitats. This urban-adapted species also occurs in oak woodlands and developed/residential areas. They are a common resident and migratory species in San Diego County. Although this species has apparently declined throughout much of California, there is no evidence for a breeding population decline in San Diego County (Unitt 204). This species is not included in the U.S. Fish and Wildlife Service's comprehensive list of Birds of Conservation Concern for the Southern California Bird Conservation Region (USFWS

2002). No Cooper's Hawks were seen during the survey, but their occasional occurrence would not be surprising. No significant impacts to this species are anticipated.

The **San Diego Cactus Wren** *Campylorhynchus brunneicapillus sandiegensis* is a subspecies of the widely distributed Cactus Wren, which occurs through the southwestern United States and northern Mexico. The San Diego subspecies is considered a sensitive animal whose population has been declining due to removal of extensive cactus patches. The wrens use extensive cactus patches almost exclusively as protected nesting sites. Frequently, the wrens occupy large stands of coast prickly pear *Opuntia littoralis* or coast Cholla *Cylindropuntia prolifera*, both native cactus species.

San Diego Cactus Wrens are known to occupy the large cactus stands to the west near the San Diego Zoo Safari Park. No stands of cactus occur on or near the Project Site or MUP area. No impacts to this species are anticipated.

Yellow Warblers *Setophaga petechia* are a fairly common breeding summer resident in mature riparian woodlands in San Diego County. Though the Yellow Warbler is recognized by the California Department of Fish and Wildlife as a species of special concern, since the late 1980s the county's population has increased, evidently in response to the widespread trapping of Brown-headed Cowbirds *Molothrus ater* (Unitt 2004). A single Yellow Warbler was recorded within the MUP area in 2002 (CNDDB). The occurrence of this species within Guejito Creek during the breeding season is to be expected. No impacts to this species are anticipated.

The **Arroyo Toad** *Bufo microscaphus californicus* was listed as endangered by the U.S. Fish and Wildlife Service in December 1994. Reasons for this species decline include habitat loss and predation by introduced bullfrogs. In 1994 there were only 22 known populations of this species. The arroyo toad is restricted to rivers that have shallow, gravelly pools adjacent to sandy terraces. Breeding occurs on large streams with persistent water from late March until mid-June. Eggs are deposited and larvae develop in shallow pools with minimal current and little or no emergent vegetation and with sand or pea gravel substrate overlain with flocculent silt. After metamorphosis (June or July), the juvenile toads remain on the bordering gravel bars until the pool no longer persists (3 to 8 weeks, depending on site and year). Juveniles and adults forage for insects on sandy stream terraces that have nearly complete closure of cottonwoods (*Populus* spp.), oaks (*Quercus* spp.), or willows (*Salix* spp.), and almost no grass and herbaceous cover at ground level. Adult toads excavate shallow burrows on the terraces where they shelter during the day when the surface is damp or during longer intervals in the dry season.

The CNDDB shows a known occurrence of this species in Sant Maria Creek on the north side of Bandy Canyon Road. A habitat assessment was conducted at the Project Site by Ruben Ramirez of Cadre Environmental (Appendix F). He concluded that portions of Guejito Creek provide suitable habitat for this species. Ramirez recommends several mitigation measures intended to reduce potential impacts to this species to below a level of significance. No impacts to this species are anticipated as a result of project implementation.

The **Least Bell's Vireo** *Vireo belli pusillus* is listed as endangered by both the state and federal governments. Available census data indicate that the Least Bell's Vireo population in Southern California increased from an estimated 300 pairs in 1986 to 1,346 pairs in 1996. Its

breeding habitat is restricted to mature willow riparian woodland. Most frequently, it occupies extensive areas that combine an understory of dense young willows or mulefat with a canopy of tall willows. The most critical structural component is a dense shrub layer 0.6-3.0 meters above ground. The vireo's decline was due to loss of riparian habitat combined with nest parasitism by the Brown-headed Cowbird, which lays its eggs in vireo nests thereby reducing the vireo's reproductive success.

Nesting adults are relatively tolerant of human interference at the nest and minor habitat modifications near the nest; nest abandonment due to these factors is low (Brown 1993). The nearest site occupied by this species is on the San Dieguito River three miles west of the site near Lake Hodges. No impacts to this species are anticipated.

The **Southwestern Willow Flycatcher** *Empidonax traillii extimus* is a small insectivorous bird that breeds in dense riparian habitats across the southwestern United States. Once locally common and widely distributed, the Southwestern Willow Flycatcher has suffered dramatic population declines during the 20th century, primarily due to hydrologic and habitat alteration of rivers and streams and brood parasitism by the Brown-headed Cowbird. It was listed as Federally Endangered in 1995, State Endangered in 1990.

Southwestern Willow Flycatchers measure about 5.75 inches (15 cm) in length, and weigh only about 0.4 ounces (12 g). Overall, it is roughly the size of a small sparrow. Both sexes look alike. The flycatcher's appearance is overall greenish or brownish gray above, with a white throat that contrasts with a pale olive breast. The belly is pale yellow. Two white wing bars are visible, but the eye ring is faint or absent. The upper mandible is dark, and the lower mandible light. It closely resembles the other races of Willow Flycatcher, and several other species of the *Empidonax* genus, particularly the closely-related Alder Flycatcher (*Empidonax alnorum*). The *Empidonax* flycatchers are renowned as one of the most difficult groups of birds to distinguish by sight alone.

Prior to being listed as an endangered species, the Southwestern Willow Flycatcher was seldom studied, and as a result there was a dearth of information on the bird’s basic ecology, natural history, distribution, and status.

The Southwestern Willow Flycatcher is a neotropical migrant, which means it breeds in North America and spends the winter in Central America. Its breeding range includes Southern California (from the Santa Ynez River south), Arizona, New Mexico, extreme southern portions of Nevada and Utah, extreme southwest Colorado, and western Texas.

Almost all Southwestern Willow Flycatcher breeding habitats are within close proximity (less than 20 yards) of water or very saturated soil. This water may be in the form of large rivers, smaller streams, springs, or marshes. At some sites, surface water is present early in the nesting season, but gradually dries up as the season progresses. Ultimately, the breeding site must have a water table high enough to support riparian vegetation.

Southwestern Willow Flycatchers are communal breeders, meaning that most known breeding locations support a number of pairs. Solitary breeding pairs are rare. This pattern is

likely the result of the species' philopatric nesting habits; they return each year to the same nesting locale. Dispersing young seem to also return to the natal breeding grounds. This behavior tends to slow the process of range expansion, even when suitable habitat is available.

In San Diego County, Southwestern Willow Flycatchers are rare, and primarily occur only along major riparian corridors or in areas of extensive riparian habitat adjacent to large reservoirs. The largest local breeding population is on the extreme upper San Luis Rey River, very close to Lake Henshaw. At this locale, they occupy Oak Riparian Woodland, an unusual behavior that is suspected to be a habitat "artifact" as the result of water management practices that have significantly altered vegetation communities over the last century (Bill Haas, Pers. Comm.). Nesting of this species is known (CNDDB) in suitable riparian habitat above Lake Hodges, three miles west of the MUP area. No impacts to this species are anticipated.

Until the last few years, the federal endangered and state threatened **Stephens' Kangaroo Rat** *Dipodomys stephensi* (SKR) was known to occur only in suitable relatively open habitat in northern San Diego and in Riverside Counties. Until relatively recently, the southernmost of the known occupied sites were in the San Luis Rey USGS quadrangle, west of Guajome Lake, south of the San Luis Rey River, and north of Miracosta College (O'Farrell and Uptain 1989). At the time of the O'Farrell and Uptain studies, there were 132 known sites in the two counties. Since then, more sites have been discovered, but most of these have been in Riverside County. Of note have been two disparate and unexpected populations, the first located near the Ramona airport, and another in flatlands of the upper reaches of the Guejito river valley (Art Davenport, USFWS, pers. comm.).

According to O'Farrell and Uptain (1989), "SKR can exist in extremely linear configurations and is capable of surviving along dirt roads in marginal and, in some cases, unsuitable habitat. This widespread trace occurrence is ideal for rapid colonization of areas that achieve the appropriate seral stage. Such an intermediate seral grassland will be colonized by SKR, but the eventual succession to shrubs would render the habitat no longer optimal or even suitable for SKR." SKR prefer drier or well-drained areas with adequate burrow and seed food supplies.

Although it is known to occur elsewhere on Guejito Rancho, the potential for occurrence of SKR on the Project Site or within the MUP area is low. A close examination of the MUP area for signs of SKR inhabitation and habitat (characteristic burrow entrances, runways, and scats) was made during the reconnaissance visits, and no such signs were detected.

In the absence of suitable habitat within the Project Site or MUP area further field effort to search for or live trap SKRs would be unwarranted. Considering all of the above, impacts to this species from project implementation are not anticipated.

No other sensitive species are considered likely to occur on the Project Site.

JURISDICTIONAL WETLANDS AND WATERWAYS

Resource Protection Ordinance

The County of San Diego requires that wetland surveys be completed using the wetlands definition within the County's Resource Protection Ordinance (RPO). This definition includes:

> All lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or where the land is covered by water. All lands having one or more of the following attributes are "wetlands":
>
> > a. At least periodically, the land supports predominantly hydrophytes (plants whose habitat is water or very wet places);
> >
> > b. The substratum is predominantly undrained hydric soil; or
> >
> > c. The substratum is nonsoil and is saturated with water or covered by water at some time during the growing season each year.

Other pertinent definitions from the RPO include:

> Mature Riparian Woodland - A grouping of sycamores, cottonwoods and/or oak trees having substantial biological value, where at least ten of the trees have a diameter of six inches or greater.
>
> Riparian Habitat - An environment associated with the banks and other land adjacent to freshwater bodies, rivers, streams, creeks, estuaries, and surface-emergent aquifers (such as springs, seeps, and oases). Riparian habitat is characterized by plant and animal communities which require high soil moisture conditions maintained by transported freshwater in excess of that otherwise available through local precipitation.

U.S Army Corps of Engineers

The County's definition of wetlands varies from the U.S. Army Corps of Engineers' (ACOE) definition. The ACOE requires that formal or informal wetland delineations be conducted under guidelines set forth in the 1987 Corps of Engineers Wetland Delineation Manual. The ACOE defines a wetland as "an area… inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." Typically, ACOE wetlands are characterized by the presence of hydrophytic vegetation, hydric soils, and wetland hydrology. The absence of any one of these three characteristics precludes the presence of a ACOE wetland.

The ACOE also has jurisdiction over "Waters of the United States". A determination of whether or not "Waters" occur on a site is based on the Corp's *Final Summary Report: Guidelines for Jurisdictional Determinations for Waters of the United States in the Arid*

Southwest, June 2001. A variety of indicators are considered, including (but not limited to) the presence of an Ordinary High Water Mark (OHWM), absence of vegetation, interruption of upland vegetation, presence of hydrophytic vegetation, and litter, debris, or clay deposits. In the absence of these indicators, especially where upland vegetation dominates in a drainage feature, there are no "Waters of the United States".

California Regional Water Quality Control Board

Jurisdiction of the Regional Water Quality Control Board (RWQCB) is most often concurrent with ACOE jurisdiction under the federal Clean Water Act (CWA). In cases where a wetland resource is determined to be isolated from navigable waters of the United States the RWQCB may assert jurisdiction under the Porter-Cologne Act.

California Department of Fish and Wildlife

Typically, the extent of CDFW wetlands is determined by the limits of riparian vegetation as it extends from a stream, creek, river, pond, lake, or other water feature. Often, CDFW and RPO wetlands have identical boundaries.

On the MUP area, a wetland survey was conducted in the drainage of Guejito Creek, which runs from north to south along the west edge of the Project Site. It was determined that all areas of Guejito Creek fall under RPO, Army Corps, and CDFW Jurisdiction. No impacts to jurisdictional wetlands/waters are anticipated as a result of project implementation.

OTHER UNIQUE FEATURES / RESOURCES

Wildlife Movement Corridors and Nursery Sites

A wildlife corridor can be defined as a linear landscape feature allowing animal movement between two larger patches of habitat. Connections between extensive areas of open space are integral to maintaining regional biodiversity and population viability. In the absence of corridors, habitats become isolated islands surrounded by development. Fragmented habitats support significantly lower numbers of species and increase the likelihood of local extinction for select species when they are restricted to small isolated areas of habitat. Areas that serve as wildlife movement corridors are considered biologically sensitive.

Wildlife corridors can be defined in two categories: regional wildlife corridors and local corridors. Regional corridors link large sections of undeveloped land and serve to maintain genetic diversity among wide-ranging populations. Local corridors permit movement between smaller patches of habitat. These linkages effectively allow a series of small, connected patches to function as a larger block of habitat and perhaps result in the occurrence of higher species diversity or numbers of individuals than would otherwise occur in isolation. Target species for wildlife corridor assessment typically include species such as Bobcat *Lynx rufus*, Mountain *Lion Puma concolor*, and Mule Deer *Odocoileus hemionus*.

To assess the function and value of a particular site as a wildlife corridor, it is necessary to determine what areas of larger habitats it connects, and to examine the quality of the corridor as it passes through a variety of settings. High quality corridors connect extensive areas of native habitat and are not degraded to the point where free movement of wildlife is significantly constrained. Typically, high quality corridors consist of an unbroken stretch of undisturbed native habitat.

Guejito Creek is an important local wildlife corridor that allows animal movement between the expansive Rancho Guejito and the Cleveland Natural forest and the San Dieguito River, immediately south of the MUP area. Because none of these resources will be impacted by project implementation, no impacts to wildlife movement corridors are anticipated.

Large mammals, such as Mule Deer and Mountain Lion prefer large unfragmented natural areas that offer extensive adequate forage or hunting opportunities as well as the opportunity for movement across long distances.

Large mammal species likely use Guejito Creek as a movement corridor between Guejito Ranch and the Cleveland National Forest and the San Dieguito River.

Native Wildlife Nursery Sites

Native Wildlife Nursery Sites, which are considered sensitive resources that require protection, are defined in the County of San Diego Guidelines for Determining Significance - Biological Resources as “sites where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas, and bat colonies”. Features such as individual raptor or woodrat nests do not constitute places where wildlife *concentrate,* thus they do not meet this definition and are therefore not considered Native Wildlife Nursery Sites. No Native Wildlife Nursery Sites occur on or near the MUP area.

MSCP COMPATIBILITY

The conversion of natural habitats in the unincorporated County of San Diego is currently regulated through Subarea Planning efforts in compliance with the Natural Community Conservation Program (NCCP) process, and in accordance with County Guidelines based on the California Environmental Quality Act (CEQA). The MUP area is within the South County MSCP Subarea Plan and is designated as a Pre-Approved Mitigation Area (PAMA).

The intent of MSCP and CEQA efforts is to retain large, connected areas of native vegetation in order to preserve habitat values and reduce the threat of endangerment to "covered" species through the retention of essential biotic variability and long term population viability. Because the County has adopted a Subarea Plan in compliance with the NCCP, clearing and grading activities are subject to regulation in conformance with the NCCP’s Conservation Guidelines and the County’s Biological Mitigation Ordinance (BMO).

In order to approve a project the County, as Lead Agency, must make determinations and publish certain necessary “Findings” of NCCP and BMO conformance, based primarily on the

data presented in this report. These "Findings" include legally-binding statements with respect to the following: (1) The project's consistency with the "Take Authorization" identified in the County's Section 10 (a) Recovery Permit and Habitat Conservation Plan (HCP); (2) Statements and quantification regarding the project's contribution to the regional "Take"; (3) Statements with respect to how approval of the project will not preclude connectivity between areas of high biological habitat values; (4) Statements with respect to how approval of the project is consistent with the Subregional NCCP for this area and the County's Subarea Plan; (5) Statements with respect to how approval of the project will minimize and mitigate to the maximum extent practicable impacts to habitat in accordance with Section 4.3 of the NCCP Guidelines; (6) Statements with respect to how approval of the project will not appreciably reduce the likelihood of the survival and recovery of the California Gnatcatcher or any of the other "covered" species in the wild, and; (7) Statements with respect to how approval of the project and the subsequent removal of habitat is incidental to otherwise lawful activities. The intent of these "Findings" is to ensure that the subject project will comply with the requirements of third-party beneficiary status afforded under the County's 10(a) permit under the federal Endangered Species Act.

Because the project will not impact any sensitive natural habitats, and potential impacts to sensitive species (Arroyo Toad) will be mitigated to below a level of significant, project implementation will be consistent with the MSCP.

PROJECT IMPACTS

The California Environmental Quality Act (CEQA) also requires that projects avoid or adequately mitigate for the loss of sensitive species and habitats. Such avoidance or mitigation enables County staff to make a finding that all project impacts are below or will be reduced to a level below significant and to issue a Negative Declaration or Mitigated Negative Declaration for the proposed project.

Indirect Impacts

There is the potential for indirect impacts to occur as a result of implementation of the proposed project. The areas where indirect impacts have the potential to occur could extend from the development areas into sensitive habitat due to such activities as excessive landscape irrigation, vegetation trampling outside developed areas, and introduction of non-native species (*e.g.*, argentine ants, cats, non-native invasive plant species). These indirect impacts are referred to as "edge effects." There is the potential for indirect impacts on animals as a result of an increase in noise, dust, and light during permitted activities and from vehicle use. These indirect impacts are considered unavoidable due to the nature of the project and existing surrounding land uses.

Indirect impacts from edge effects are considered adverse, but not significant, because BMPs and other conditions imposed on the project mitigate indirect impacts, and existing edge effects and disturbance are already impacting the Project Site. Additional effects, if any, would be incremental and less than significant.

Direct Impacts

Direct impacts occur when biological resources are altered or destroyed during the course of, or as a result of, project implementation. Examples of such impacts include removal or grading of native vegetation, filling wetland habitats, or severing or physically restricting the width of wildlife corridors. Other direct impacts may include loss of foraging or nesting habitat and loss of individual species as a result of habitat clearing. Permanent impacts may result in irreversible damage to biological resources. Temporary impacts are interim changes in the local environment due to construction and would not extend beyond project-associated construction, including revegetation of temporarily disturbed areas adjacent to native habitats.

The CEQA Guidelines define "significant effect on the environment" as a "substantial, or potentially substantial adverse change in the environment." The CEQA Guidelines further indicate that there may be a significant effect on biological resources if the project will:

A. Substantially affect an endangered, rare or threatened species of animal or plant or the habitat of the species.

B. Interfere substantially with the movement of any resident or migratory fish or wildlife species to the extent that it adversely affects the population dynamics of the species.

C. Substantially diminish habitat for fish, wildlife, or plants.

The project as proposed will not impact sensitive vegetation communities. A tabulation of project impacts is presented in Table 1.

Table 1. Impacted and mitigated vegetation communities in the MUP area.

PLANT COMMUNITY	ACREAGE ON-SITE	IMPACTED ACREAGE ON-SITE	IMPACTED OFF-SITE	IMPACT NEUTRAL	ACREAGE PRESERVED ON-SITE	MITIGATION REQUIRED
Orchards and Vineyards	224.66	N /A	0	0	0	0
Southern Cottonwood-Willow Riparian Forest	29.47	0	0	0	0	0
Arundo-dominated Riparian	1.15	0	0	0	0	0
Diegan Coastal Sage Scrub	128.66	0	0	0	0	0
Coast Live Oak Woodland	15.49	0	0	0	0	0
Non-Native Grassland	3.67	0	0	0	0	0
Urban/Developed	2.47	N / A	0	0		
TOTAL	408.10		0	0	0	0

N / A = Not Applicable

No off-site impacts will result from project implementation.

Cumulative Impacts

Cumulative impacts consider the potential regional effects of a project and how a project may affect an ecosystem or one of its sensitive components beyond the project limits and on a regional scale. Section 15064 of the State CEQA Guidelines governs the determination of significant environmental impacts caused by a project. The evaluation of a project's cumulative impacts is discussed in Section 15064(h) of the CEQA Guidelines. Cumulative impacts must be discussed when project impacts, although individually limited, may be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects affecting the same resource (CEQA Guidelines §15064(h)(1)).

A lead agency may determine in an initial study that "a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant". When a project might contribute to a significant cumulative impact, but the contribution will be rendered less than cumulatively considerable through mitigation measures set forth in a mitigated negative declaration, the initial study shall briefly indicate and explain how the contribution has been rendered less than "cumulatively considerable" (CEQA Guidelines §15064(h)(2)). The mere existence of significant cumulative impacts caused by other projects alone shall not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable (CEQA Guidelines §15064 (h)(4)).

In the absence of adequate mitigation, project implementation would have the potential to significantly impact the Arroyo Toad. With the proposed mitigation measures, all impacts will be mitigated to a level that is less than significant, and project implementation will not result in impacts that are cumulatively considerable.

CONCLUSIONS, MITIGATION, AND RECOMMENDATIONS

Impacts resulting from the implementation of the Rancho Guejito Wine Tasting and Event Venue project will not impact any sensitive species known or potentially occurring within the MUP area or on the Project Site. The only exception to this is for potential impacts to the Arroyo Toad, which will be mitigated to a level below significant by the following Recommendations and Conservation Measures (from Ramirez Report - Appendix E):

Project Planning

CM1 Request informal consultation with the USFWS for the arroyo toad. Although this will not provide coverage for impacts or permit the translocation of species, if detected, project specific conservation measures and contingencies should be developed and approved by the USFWS. The arroyo toads are unlikely (low potential) to occur within

the Project Site during the non-breeding season and implementation of the following conservation measures are expected to ensure compliance with the federal ESA.

CM2 If arroyo toads are detected during implementation of the following conservation measures, all work will cease, and formal consultation will be initiated with the USFWS.

Pre- and Post-Construction Conservation Measures

CM3 Prior to project initiation and during the non-breeding season, temporary arroyo toad exclusionary fencing shall be installed in a manner that prevents individuals from entering work areas during the breeding season and for the duration of project construction. The fenced areas shall include room for all staging and stockpiling, as warranted. The fencing will prevent potential arroyo toad movement into the Project Site from Guejito Creek in the event work extends into the breeding season. This would require the installation of temporary exclusionary fencing around the perimeter of the Project Site boundaries including the water tank and temporary trench which would extend south to the Project Site. Based on final project design features, temporary wire mesh may also be warranted and installed across the existing box culvert located adjacent to the southern boundary to prevent potential movements of the arroyo toad north toward the Project Site during the breeding season. A qualified arroyo toad biological monitor will oversee the location and installation of the temporary exclusionary fencing.

CM4 Conduct at least six (6) consecutive night surveys for the arroyo toad within the Project Site following installation of the temporary exclusionary fencing and active irrigation. If no arroyo toads are detected, construction activities will proceed. If an arroyo toad is detected, all work will cease, temporary exclusionary fencing will be breached, and formal consultation will be initiated with the USFWS.

CM5 A qualified arroyo toad biological monitor will provide an environmental briefing for all construction workers. The briefing will focus on presenting how to identify the arroyo toad, implications for non-compliance with the federal ESA, a card handout including a species photograph and measures to implement in the event an individual is detected.

CM6 A qualified arroyo toad biological monitor will be present during initial ground disturbing activities to ensure that no arroyo toads are directly or potentially indirectly impacted as a result of project implementation.

CM7 A qualified arroyo toad biological monitor will assess the temporary exclusionary fencing at least once a week during project construction to ensure that fencing is secure and devoid of breaches.

CM8 A final letter report will be prepared summarizing the results of the monitoring efforts and compliance with the federal ESA.

CM9 If arroyo toads are detected at any time within the temporary exclusionary fenced work area or during implementation of the preceding conservation measures, all work will

cease, temporary exclusionary fencing will be breached, and formal consultation will be initiated with the USFWS.

Implementation of Best Management Practices (BMPs) during construction, such as erosion and sediment control and the diversion of runoff water to detention basins, will reduce impacts from temporary construction activities to a level less than significant.

Impacts to sensitive biological resources will be mitigated to below a level of significance as defined by CEQA.

Thank you very much for the opportunity to conduct this work and prepare this report. Please contact me if I can provide any additional information or provide clarification.

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

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San Diego County Approved Biological Consultant

LITERATURE CITED

American Ornithologists' Union. 1998. Check-list of North American Birds. 7th edition and Supplements to date. American Ornithologists' Union, Washington, D.C. 829 pp.

Beauchamp, R.M. 1986. A Flora of San Diego County, California. Sweetwater Press, National City, California. 241 pp.

Bloom, P.H., M.D. McCrary, and M.J. Gibson. 1993. Red-shouldered Hawk home range and habitat use in Southern California. J. Wildlife Management 57:258-265.

Bowman, R.H. 1973. Soil Survey, San Diego Area, California. U.S. Department of Agriculture Soil Conservation Service.

Brown, B.T. 1993. Bell's Vireo. The Birds of North America - Life Histories for the 21st Century. A. Poole and F. Gill (eds.). Academy of Natural Sciences. Philadelphia. 17pp.

California Department of Fish and Game. 1993. Southern California Coastal Sage Scrub NCCP Conservation Guidelines. California Resources Agency, Sacramento, CA. 24pp.

CNPS 2019. Inventory of Rare and Endangered Vascular Plants of California. California Native Plant Society Special Publication No. 1 (Internet Edition).

Holland, R.F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. California Department of Fish and Game, Sacramento, California. iii + 155 pp.

The Jepson Manual: Vascular Plants of California, second edition. 2012. Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti and D.H. Wilken, editors. University of California Press, Berkeley.

Lightner, J. 2011. San Diego County Native Plants. 3rd Edition. San Diego Flora, San Diego, California. 428 pp.

Oberbauer, T., M. Kelly, and J. Buegge. March 2008. Draft Vegetation Communities of San Diego County. Based on "Preliminary Descriptions of the Terrestrial Natural Communities of California", Robert F. Holland, Ph.D., October 1986. 74 pp.

O'Farrell, M.J., and C. Uptain. 1989. Assessment of population and habitat status of the Stephen's Kangaroo Rat (Dipodomys stephensi). California Department of Fish and Game, Nongame Bird and Mammal Section report. iv + 19 pp + appendices.

Reiser, C.H. 1994. Rare Plants of San Diego County. Aquifer Press, Imperial Beach, California. Sierra Club, San Diego Chapter. http://sandiego.sierraclub.org/rareplants/

Tremor, S., D, Stokes, W. Spencer, J. Diffendorfer, H. Thomas, S. Chivers, and P. Unitt (editors). 2017. San Diego County Mammal Atlas. Proceedings of the San Diego Society of Natural History No. 46. 432 pp.

Unitt, P. 2004. San Diego County Bird Atlas. Proceedings of the San Diego Society of Natural History No. 39. 645 pp.

U.S. Fish and Wildlife Service. 2002. Birds of Conservation Concern 2002. Division of Migratory Bird Management, Arlington, Virginia. 99 pp. [Online version available at <http://migratorybirds.fws.gov/reports/bcc2002.pdf>]

U.S. Geologic Survey. 1967. 1975 Photo Revised. San Pasqual Quadrangle 7.5 minute topographical map.

PREPARER AND PERSONS/ORGANIZATIONS CONTACTED

This report was prepared solely by William T. Everett. Appendix E, the Arroyo Toad Habitat Assessment, was prepared by Ruben Ramirez.

ATTACHEMENTS

Figures
Appendix A - Plant Species List
Appendix B - Animal Species List
Appendix C - Site Photographs
Appendix D - Potential Sensitive Species List
Appendix E - Arroyo Toad Habitat Assessment
Appendix F - Biological Resources Map