

MULTIPLE SPECIES CONSERVATION PROGRAM CONFORMANCE STATEMENT
For Rancho Guejito Wine Tasting and Event Venue
PDS2020-MUP-20-001
APN(s) 272-070-11-00

December 29, 2022

I. Introduction

The Rancho Guejito project is the application for a Major Use Permit (MUP) to allow a tasting room and event venue on 403.10 acres in Rockwood Canyon on the north side of San Pasqual Valley Road in central San Diego County. The project will include a full commercial kitchen and an event center, along with associated parking lots, outdoor areas, fire protection water storage, and storm water infiltration facilities. 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. The project is located within the County's Multiple Species Conservation Program (MSCP) within Pre-Approved Mitigation Area (PAMA) and qualifies as a Biological Resources Core Area (BRCA).

Biological resources on the site were evaluated in a Biological Resources Letter Report (Everett and Associates; April 8, 2020). The project site is located within arroyo toad critical habitat and contains 219.66 acres of orchards and vineyards, 29.47 acres of southern cottonwood willow riparian forest, 1.15 Arundo dominated riparian, 128.66 acres of Diegan coastal sage scrub, 15.49 acres of coast live oak woodland, 3.67 non-native grassland, and 2.47 urban/developed habitat. Sensitive wildlife species identified on site were red-shouldered hawks (*Buteo lineatus*) and yellow warblers (*Setophaga petechia*). No sensitive plant species were identified onsite. The project will impact 5.6 acres of orchard/vineyard habitat.

Impacts orchard/vineyard habitats do not require mitigation per the Biological Mitigation Ordinance. Potential impacts to arroyo toad will be avoided through implementation of conservation measures and breeding season avoidance will also be implemented to ensure project consistency with the Migratory Bird Treaty Act (MBTA).

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier Level	Existing On-site (ac.)	Proposed Impacts (ac.)	Mitigation Ratio	Required Mitigation
Orchards and Vineyards	IV	219.66	5.6	--	--
Diegan Coastal Sage Scrub	II	128.66	0.0	1.5:1	--
Southern Cottonwood-Willow Riparian Forest	I	29.47	0.0	2:1	--
Arundo-Dominated Riparian	I	1.15	0.0	2:1	--
Non-Native Grassland	III	3.67	0.0	1:1	--
Coast Live Oak Woodland	I	15.49	0.0	2:1	--
Urban/Developed	IV	2.47	0.0	--	--
Total:	--	403.10	5.6	--	--

The findings contained within this document are based on County records and a Biological Resources Letter Report dated April 8, 2020, prepared by Everett and Associates. The information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance shall need to have new findings completed based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Wildlife and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The proposed impact area is located within the County's Multiple Species Conservation Program (MSCP) in land designated as a Pre-Approved Mitigation Area (PAMA). Therefore, the site qualifies as a Biological Resources Core Area (BRCA).

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

The project proposes to impact 5.6 acres of orchard/vineyard habitat. This habitat type does not require mitigation under the Biological Mitigation Ordinance (BMO).

III. Biological Mitigation Ordinance Findings

A. Project Design Criteria (Section 86.505(a))

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant

Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List), or within a Biological Resource Core Area.

1. Project development shall be sited in areas to minimize impact to habitat.

Project development will take place within 5.6 acres of orchard/vineyard habitat, at the south end of the site, adjacent to an existing road. Orchard/vineyard habitat is not considered a sensitive habitat under the Biological Mitigation Ordinance (BMO). Therefore, the project has been designed to minimize impacts to sensitive habitats.

2. Clustering to the maximum extent permitted by County regulations shall be considered where necessary as a means of achieving avoidance.

The project proposes development within the southern portion of the site, adjacent to an existing road, and limits impacts to 5.6 acres of orchard/vineyard habitat. This allows for the avoidance of sensitive species and an existing wildlife corridor.

3. Notwithstanding the requirements of the slope encroachment regulations contained within the Resource Protection Ordinance, effective October 10, 1991, projects shall be allowed to utilize design that may encroach into steep slopes to avoid impacts to habitat.

The project will develop a flatter portion of the land on the southern end of the property and will avoid the steep slope areas. Therefore, slope encroachment is not necessary to avoid habitat impacts.

4. The County shall consider reduction in road standards to the maximum extent consistent with public safety considerations.

A proposed access driveway will serve the proposed winery. Minimum private road standards have been applied to the proposed access driveway. No reduction in road standards are necessary.

5. Projects shall be required to comply with applicable design criteria in the County MSCP Subarea Plan, attached hereto as Attachment G (Preserve Design Criteria) and Attachment H (Design Criteria for Linkages and Corridors).

The project complies with the applicable design criteria, including the Preserve Design Criteria (Attachment G) and Design Criteria for Linkages and Corridors (Attachment H), in the County MSCP Subarea Plan. Compliance with design criteria is outlined in sections III.B and III.C of this document.

B. Preserve Design Criteria (Attachment G)

In order to ensure the overall goals for the conservation of critical core and linkage areas are met, the findings contained within Attachment G shall be required for all projects located within Pre-Approved Mitigation Areas or areas designated as Preserved as identified on the Subarea Plan Map.

- 1. Acknowledge the “no net loss” of wetlands standard that individual projects must meet to satisfy State and Federal wetland goals, policies, and standards, and implement applicable County ordinances with regard to wetland mitigation.**

Guejito Creek, which is located along the west edge of the project site, falls under RPO, Army Corps, and CDFW jurisdiction. No impacts to jurisdictional wetlands/waters are anticipated as a result of project implementation. Therefore, the project meets the no-net loss of wetlands standards.

- 2. Include measures to maximize the habitat structural diversity of conserved habitat areas, including conservation of unique habitats and habitat features.**

The project will maximize habitat structural diversity by limiting impacts to 5.6 acres of orchard/vineyard habitat and avoiding impacts to all sensitive habitats and jurisdictional features.

- 3. Provide for the conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological value by the MSCP habitat evaluation model.**

The MSCP habitat evaluation model ranks the site as very high, high, and moderate value habitat. While the project proposes development within an area ranked as having high value, the project will only impact 5.6 acres of orchard/vineyard habitat. All sensitive habitats will be avoided, including other areas of high and very high habitat value. These avoided habitats are connected to offsite habitat and contribute to large undeveloped areas of habitat with significant biological value.

- 4. Create significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats. Subsequently, using criteria set out in Chapter 6, Section 6.2.3 of the MSCP Plan, potential impacts from new development on biological resources within the preserve that should be considered in the design of any project include access, non-native predators, non-native species, illumination, drain water (point source), urban runoff (non-point source) and noise.**

The project proposes development within 5.6 acres of orchard/vineyard habitat and will avoid areas of sensitive habitat. These avoided areas connect to undeveloped land to the west, north, and east.

5. Provide incentives for development in the least sensitive habitat areas.

Project development will take place within 5.6 acres at the south end of the site, in orchard/vineyard habitat, which is not considered sensitive per the Biological Mitigation Ordinance (BMO). All other areas of sensitive habitats will be avoided.

6. Minimize impacts to narrow endemic species and avoid impacts to core populations of narrow endemic species.

No narrow endemic species or core populations of narrow endemic species have been identified on the project site. Sensitive wildlife species identified on site were red-shouldered hawks (*Buteo lineatus*) and yellow warblers (*Setophaga petechia*). No sensitive plant species were identified onsite. Although some birds may occasionally forage in the impact area, the remaining agricultural and surrounding undeveloped areas lands provide significant additional areas for foraging. Raptors may use the eucalyptus and coast live oak trees associated with Guejito Creek for nesting. With avoidance of sensitive habitats and implementation of breeding season avoidance measures, the project will minimize impacts to sensitive wildlife species. The project site is also located within arroyo toad critical habitat and will avoid potential impacts to this species with implementation of conservation measures.

7. Preserve the biological integrity of linkages between BRCAs.

The site is a Biological Resources Core Area and is adjacent to undeveloped land to the west, north, and east. There is an existing road to the south of the project site. The project will limit development to the southern portion of the land, adjacent to the existing road, and will avoid areas that allow for wildlife movement and habitat connections to the larger undeveloped areas to the west, north, and east that are also Biological Resource Core Areas.

8. Achieve the conservation goals for covered species and habitats (refer to Table 3-5 of the MSCP Plan).

The project site contains habitats for covered species under the MSCP Plan, as well as critical habitat for arroyo toad. The area to be impacted by project implementation consists entirely of existing vineyard and orchard habitat. Because these areas are routinely maintained it is unlikely that any covered species would use the site for nesting. Although some birds may occasionally forage in the area to be impacted, the remaining agricultural and surrounding undeveloped areas lands provide significant additional areas for foraging. The project also proposes conservation measures to avoid potential impacts to arroyo toad. Therefore, the project will contribute to achieving the conservation goals for covered species and habitats contained in MSCP Plan.

C. Design Criteria for Linkages and Corridors (Attachment H)

For project sites located within a regional linkage and/or that support one or more potential local corridors, the following findings shall be required to protect the biological value of these resources:

1. Habitat linkages as defined by the BMO, rather than just corridors, will be maintained.

The project site contains a local wildlife corridor but is not part of a habitat linkage.

2. Existing movement corridors within linkages will be identified and maintained.

Guejito Creek, which is located along the west edge of the project site, is an existing corridor for wildlife movement. No impacts to this feature are anticipated as a result of project implementation. Therefore, the project will preserve the existing wildlife movement corridor.

3. Corridors with good vegetative and/or topographic cover will be protected.

The project proposes complete avoidance of Guejito Creek, which is a wildlife movement corridor, located along the west edge of the project.

4. Regional linkages that accommodate travel for a wide range of wildlife species, especially those linkages that support resident populations of wildlife, will be selected.

The avoidance of sensitive habitats and Guejito Creek will contribute to preserving a local wildlife corridor. However, the site is not part of a regional linkage.

5. The width of a linkage will be based on the biological information for the target species, the quality of the habitat within and adjacent to the corridor, topography, and adjacent land uses. Where there is limited topographic relief, the corridor must be well vegetated and adequately buffered from adjacent development.

The site is not part of a regional linkage. The local wildlife corridor, located along the west edge of the site, will be avoided and the development will be located 220 feet to the east of the corridor. Therefore, no impacts will occur due to project development.

6. If a corridor is relatively long, it must be wide enough for animals to hide in during the day. Generally, wide linkages are better than narrow ones. If narrow corridors are unavoidable, they should be relatively short. If the minimum width of a corridor is 400 feet, it should be no longer than 500

feet. A width of greater than 1,000 feet is recommended for large mammals and birds. Corridors for bobcats, deer, and other large animals should reach rim-to-rim along drainages, especially if the topography is steep.

The wildlife corridor, located along the west edge of the site, provides hiding opportunities for small and large wildlife. The topography of the existing creek will remain unchanged upon implementation of the project, as the project does not propose any impacts and the development will be located 220 feet east of the creek.

- 7. Visual continuity (i.e., long lines-of-site) will be provided within movement corridors. This makes it more likely that animals will keep moving through it. Developments along the rim of a canyon used as a corridor should be set back from the canyon rim and screened to minimize their visual impact.**

Guejito Creek, located along the west side of the site, is an important wildlife corridor that allows for visual continuity to offsite areas of undeveloped land. No impacts are proposed to this feature and the proposed development will be located 220 feet to the east of the creek. Therefore, visual continuity will be maintained.

- 8. Corridors with low levels of human disturbance, especially at night, will be selected. This includes maintaining low noise levels and limiting artificial lighting.**

A wildlife movement corridor, Guejito Creek, is located along the west edge of the project site, adjacent to existing orchard and vineyard habitat, which is routinely maintained. The project development will avoid impacts to the corridor and will be located 220 feet east of the corridor.

- 9. Barriers, such as roads, will be minimized. Roads that cross corridors should have ten-foot-high fencing that channels wildlife to underpasses located away from interchanges. The length-to-width ratio for wildlife underpasses is less than 2, although this restriction can be relaxed for underpasses with a height of greater than 30 feet.**

The project contains one proposed driveway that will not cross any corridors. The project will avoid impacts to the corridor and will be located 220 feet east of the corridor.

- 10. Where possible at wildlife crossings, road bridges for vehicular traffic rather than tunnels for wildlife use will be employed. Box culverts will only be used when they can achieve the wildlife crossing/movement goals for a specific location. Crossings will be designed as follows: sound insulation materials will be provided; the substrate will be left in a natural condition, and vegetated with native vegetation if possible; a line-of-site to the other**

end will be provided; and if necessary, low-level illumination will be installed in the tunnel.

The project contains one proposed driveway that will not cross any corridors. Therefore, no wildlife crossings, including road bridges, box culverts, or other crossing, are necessary.

11. If continuous corridors do not exist, archipelago (or stepping-stone) corridors may be used for short distances. For example, the gnatcatcher may use disjunct patches of sage scrub for dispersal if the distance involved is less than 1-2 miles.

A continuous corridor, Guejito Creek, is located along the west edge of the site. No project impacts are proposed to occur within the corridor and development will be located 220 feet east of the corridor.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

Guejito Creek, which is located along the west edge of the project site, falls under RPO, Army Corps, and CDFW jurisdiction. No impacts to jurisdictional wetlands/waters are anticipated as a result of project implementation. Therefore, the project meets the no-net loss of wetlands standards.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

The project will maximize habitat structural diversity by limiting impacts to 5.6 acres of orchard/vineyard habitat and avoiding impacts to all sensitive habitats and jurisdictional features.

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

The MSCP habitat evaluation model ranks the site as very high, high, and moderate value habitat. While the project proposes development within an area ranked as having high value, the project will only impact 5.6 acres of orchard/vineyard habitat. All sensitive habitat will be avoided, including other areas of high and very high habitat value. These avoided habitats are connected to offsite habitat and contribute to large undeveloped areas of habitat with significant biological value.

- 4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.**

The project proposes development within 5.6 acres of orchard/vineyard habitat and will avoid areas of sensitive habitat. These avoided areas connect to undeveloped land to the west, north, and east.

- 5. The project provides for the development of the least sensitive habitat areas.**

The project proposes development within 5.6 acres of orchard/vineyard habitat, which is not a sensitive habitat per the Biological Mitigation Ordinance (BMO). The project does not propose impacts to sensitive habitats.

- 6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.**

No threatened, endangered, narrow endemic species were detected on the project site. The project proposes to limit development within 5.6 acres of orchard/vineyard habitat on the southern portion of the site. The project also proposes to implement conservation measures to avoid any potential impacts to arroyo toad. Therefore, the development will not eliminate highly sensitive habitat or impact key populations of covered species.

- 7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.**

Project development will occur in the southern portion of the site, adjacent to an existing road, and will limit impacts to 5.6 acres of orchard/vineyard habitat. All other areas of the project site, which include sensitive habitats and are adjacent to other undeveloped land, will be avoided. This will allow for the conservation of large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species

- 8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.**

No critical or narrow endemic species were detected on the site. Sensitive wildlife species identified on site were red-shouldered hawks (*Buteo lineatus*) and yellow warblers (*Setophaga petechia*). No sensitive plant species were identified onsite. Impacts to these species will be minimized by avoidance of sensitive habitats and implementation breeding season avoidance measures. The site is also located

within arroyo toad critical habitat. Potential impacts to this species will be avoided with the implementation of conservation measures.

9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

The majority of the project site is designated as Pre-Approved Mitigation Area. However, the project development is limited to 5.6 acres of orchard/vineyard habitat and avoids all sensitive habitats. Therefore, the project will not jeopardize the possible assembly of a preserve system within the Subarea Plan.

10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.

The project does not propose to count onsite preservation toward their mitigation. Therefore, the project does not require provisions to reduce edge effects.

11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

The site is located within a Biological Resources Core Area and includes an important local wildlife corridor, Guejito Creek, and critical habitat for arroyo toad. The project design limits development to 5.6 acres of orchard/vineyard habitat in the southern portion of the site, located adjacent to an existing road. The project development is also located 220 feet to the east of the wildlife movement corridor. Sensitive wildlife species identified on site were red-shouldered hawks (*Buteo lineatus*) and yellow warblers (*Setophaga petechia*). No sensitive plant species were identified onsite. Impacts to these species will be minimized due to the avoidance of the remaining agricultural and sensitive habitat onsite that provide significant additional areas for foraging and nesting, as well as implementation of breeding season avoidance measures. The project will avoid potential impacts to arroyo toad with the implementation of conservation measures. Therefore, through project design and mitigation measures, the project has made every effort to avoid impacts to BRCAs, sensitive resources, and sensitive species.

Kendalyn White, Planning & Development Services
December 29, 2022

MSCP Designation

