



Western Riverside County MSHCP Biology Report Review/Intake

PDB180062 Revised 1-080118

TR37377

Date Report Received	Date Report Given to Reviewer	Reviewer
8/13/18	8/23/18 Given to Ecological Resource Specialist for review	
APN(s)		
APN(s) in Report: 964-160-001, 964-160-002, 964-160-004 APN(s) to TR37377 project: 964-160-004, 964-160-007, 964-160-009		
Consulting Firm:		Agreement?
Helix Environmental Planning		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Report Summary:		
Report Type:	<input checked="" type="checkbox"/> Determination of Biological Equivalent or Superior Preservation (DBESP Section 6.1.2)	<input type="checkbox"/> Riparian/Riverine/Vernal Pools (Section 6.1.2)
	<input type="checkbox"/> Jurisdictional Delineation	<input type="checkbox"/> MSHCP Consistency and Analysis:
	<input type="checkbox"/> Biological Resources Assessment	<input type="checkbox"/> Habitat Assessment(s):
	<input type="checkbox"/> Focused Survey :	<input type="checkbox"/> Other:
Case:	TR37377 (SET ID #)	BBID:
Project Size/ Acres Surveyed:	631 APPROX. ACRES / ACRES SURVEYED	
Survey Date:		
Report Date:	8/1/18	
Notes regarding: <input checked="" type="checkbox"/> Emailed confirmation of submittal of the report to the consultant <input checked="" type="checkbox"/> PDB Scanned in Laserfiche Date: 8/23/18 By: TH		
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12 Oaks Winery Resort

Determination of Biologically Equivalent or Superior Preservation

August 2018

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**12 Oaks Winery Resort
Determination of Biologically Equivalent or Superior Preservation**

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EXECUTIVE SUMMARY

At the request of Standard Portfolio Temecula, LLC (Applicant), HELIX Environmental Planning, Inc. (HELIX) has prepared this Determination of Biologically Equivalent or Superior Preservation (DBESP) analysis to address consistency of the proposed 12 Oaks Winery Resort (Project) with Section 6.1.2 “Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools” of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The Project requires a DBESP because unavoidable impacts would occur to Riparian/Riverine Areas.

This approximately 631-acre project site is generally located in the Wine Country Community Plan (WCCP) portion of unincorporated western Riverside County, approximately 1.0 mile south of Lake Skinner and approximately 2.0 miles east of the City of Temecula. Specifically, the project site is located south of Borel Road (State Route [SR-] 79), north of Buck Road and west of Warren Road. Within the boundaries of the MSHCP, the site occurs within Subunit 4, Cactus Valley/SWRC-MSR/Johnson Ranch in the Southwest Area Plan. The project site was assessed under the approved Owner Initiated Habitat Acquisition and Negotiation Strategy (HANS) No. 00408 as part of a larger study area. The HANS determination resulted in approximately 575 acres of conservation occurring north and west of the project site, including Riparian/Riverine Areas, to contribute to the extension of proposed Core 6. The entirety of the project site addressed herein is located within the HANS-approved development footprint.

Riparian/Riverine Areas within the project site amount to approximately 4.05 acres and were field-verified with California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) staff on September 1, 2016. The project has undergone multiple design iterations, with the proposed design centered around maximum avoidance of the existing Riparian/Riverine Areas on the site. Impacts are limited to ephemeral streambed and round-bottom swale only; no permanent or temporary impacts would occur to riparian/wetland-vegetated streambed. In total, 0.02 acre of temporary impacts and 0.29 acre of permanent impacts to Riparian/Riverine Areas would occur.

Of the total approximately 4.05 acres of existing Riparian/Riverine Areas, 3.74 acres will be avoided and preserved, of which, 2.36 acres will be subject to active restoration. This represents a conservation percentage of 92 percent. An additional 0.02 acre of temporary impact area will be restored and preserved, and an additional 0.68 acre will be established/re-established and preserved, for a total of 4.44 acres that will be avoided, established/re-established, and/or restored and preserved. Specific restoration actions conceptually addressed in this document include: (1) re-establishment of Riparian/Riverine Areas through the removal of an undergrounded pipeline to daylight and restore a historic reach of Santa Gertrudis Creek; (2) re-establishment of Riparian/Riverine Areas through removal of a section of Warren Road and adjacent uplands to restore an unnamed tributary to Santa Gertrudis Creek; and (3) restoration and rehabilitation of existing Riparian/Riverine Areas through removal of non-natives and planting native riparian and wetland habitat. The avoided and restored Riparian/Riverine Areas on the site will be preserved in perpetuity. Successful implementation of these measures in light of project impacts would result in biologically equivalent or superior preservation of Riparian/Riverine Areas.

I. INTRODUCTION

At the request of Standard Portfolio Temecula, LLC (Applicant), HELIX Environmental Planning, Inc. (HELIX) has prepared this Determination of Biologically Equivalent or Superior Preservation (DBESP) analysis to address consistency of the proposed 12 Oaks Winery Resort (project) with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP; Dudek and Associates [Dudek] 2003), and specifically, with MSHCP Section 6.1.2 “Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools”. The Project site consists of Assessor Parcel Numbers 964-160-001, -002, and -004. The site occurs within Subunit 4, Cactus Valley/SWRC-MSR/Johnson Ranch in the Southwest Area Plan of the MSHCP. The project site occurs within independent Cell 6088, the southern edge of the Cell 6083 that is the southern cell of the 2-cell Cell Group I, Cell 6186 the northern cell of the 2-cell Cell Group F and Cell 6189 of the 3-cell Cell Group E. The site has already undergone HANS No. 00408, resulting in a HANS-approved development footprint, within which the proposed project has been planned, in addition to approximately 575 acres of conserved lands to the north and west of the site.

This DBESP analysis provides information necessary for the County of Riverside (County), as the MSHCP Permittee and California Environmental Quality Act (CEQA) lead agency, to find that the project, with mitigation and conservation measures incorporated, would result in a biologically equivalent or superior MSHCP Conservation Area design and configuration compared to the baseline condition.

This DBESP focuses on demonstrating project consistency and conservation with respect to MSHCP Section 6.1.2 due to unavoidable impacts to Riparian/Riverine Areas. MSHCP Section 6.1.2 states the following:

“The purpose of the procedures described in this section is to ensure that the biological functions and values of these areas throughout the MSHCP Plan Area are maintained such that Habitat values for species inside the MSHCP Conservation Area are maintained.”

The emphasis is on conservation of habitats capable of supporting MSHCP Covered Species, particularly within an identified MSHCP Conservation Area. For projects that propose impacts to Riparian/Riverine Areas, a DBESP assessment must be completed to ensure that the proposed alternative provides for “replacement of any lost functions and values of Habitat as it relates to Covered Species.” This DBESP analysis provides information necessary for the County to find that the project meets these objectives.

II. PROJECT SITE LOCATION AND DESCRIPTION

This approximately 631-acre project site is located in the Southwest Area Plan portion of western Riverside County, approximately 1.0 mile south of Lake Skinner and approximately 2.0 miles east of the City of Temecula (Figure 1). The project site is located on the U.S. Geological Survey 7.5-minute Bachelor Mountain quadrangle map in Sections 13 and 14, Township 7 South, Range 2 West (Figure 2). Specifically, the project site is located south of Borel Road (State Route [SR-] 79), north of Buck Road and west of Warren Road (Figure 3).

The project site occurs within portions of Criteria Cells 6088, 6083, 6186, and 6189 of Subunit 4, Cactus Valley/SWRC-MSR/Johnson Ranch in the Southwest Area Plan of the MSHCP. The site has already undergone HANS No. 00408, resulting in a HANS-approved development footprint and approximately 575 acres of conserved lands (Figure 4).

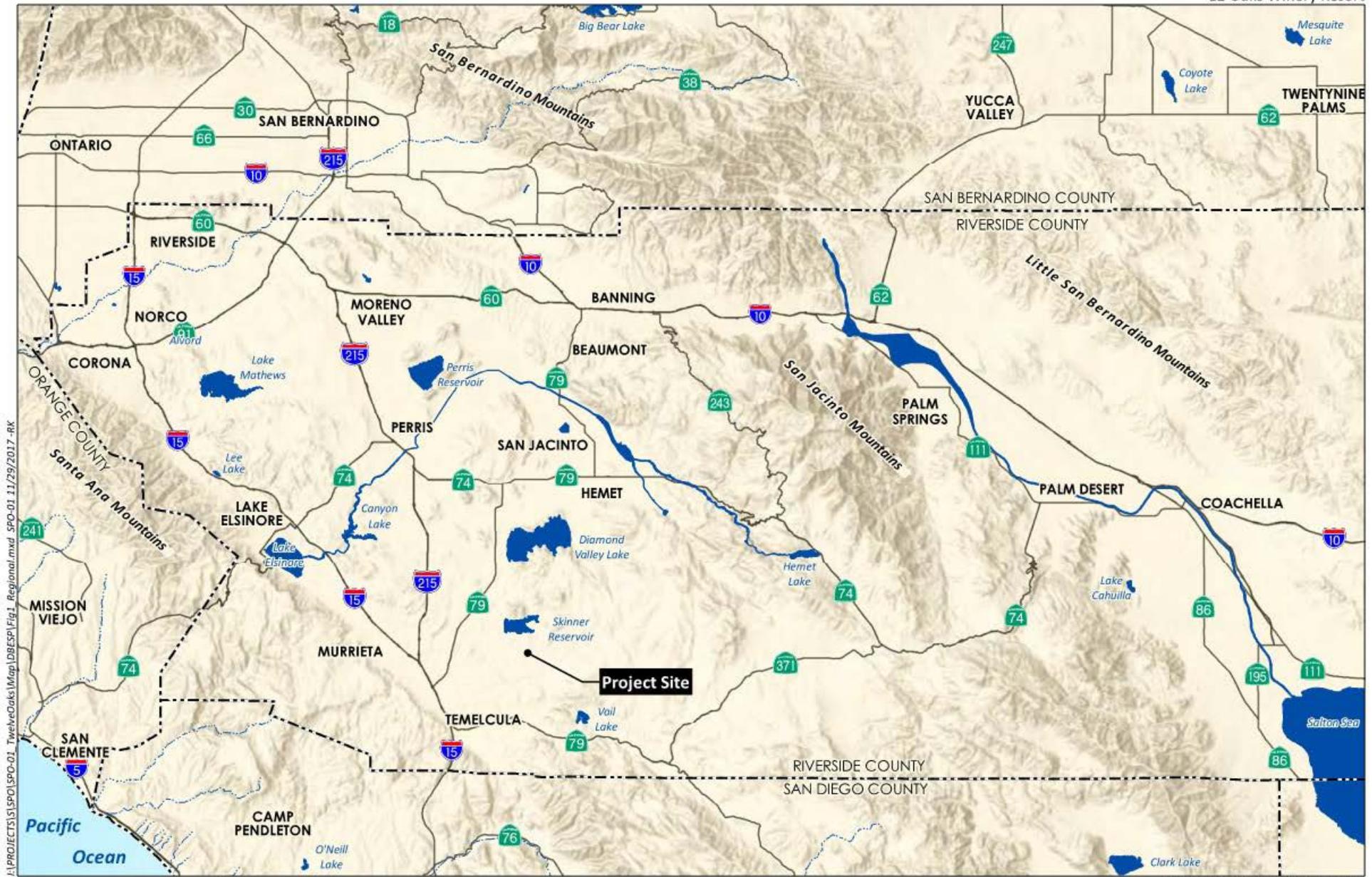
The project site is generally comprised of a mix of agricultural land, non-native grassland (previous agriculture), and Riversidean sage scrub. Site topography consists of rolling terrain that generally slopes from northeast to southwest. Elevations range from 1,600 feet above mean sea level (amsl) in the northeast to 1,440 feet amsl in the north. A historic reach of Santa Gertrudis Creek and several unnamed tributaries traverse the site. Adjacent land uses include active agriculture to the south and east; undeveloped land to the north and west; and rural residential to the north, east and south.

III. PROJECT DESCRIPTION

The project proposes to develop a winery resort and residences in three construction phases (Figure 5). The first phase consists of a full-service hotel and winery. The proposed winery is considered a large-scale winery in terms of the WCCP and would be similar in size to the existing South Coast Winery. The winery would consist of a tasting room, wedding pavilion and event barn, administrative offices, wine production barn, and two barrel storage buildings. The resort hotel would contain 251 rooms in a three-story building. The hotel would also offer additional amenities such as a spa, restaurant, pools, fitness center and an event center for weddings and events.

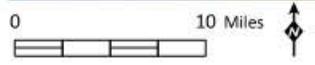
The second phase would develop the Wine Village Estate, a 224.3-acre site with 21 residential lots. This phase would include a winery and community clubhouse, and would be located directly west of the winery resort. Each lot is approximately 10 acres. The third phase would develop the Wine Country Residential Subdivision, consisting of 76 single-family residences in the 172.4-acre western portion of the site.

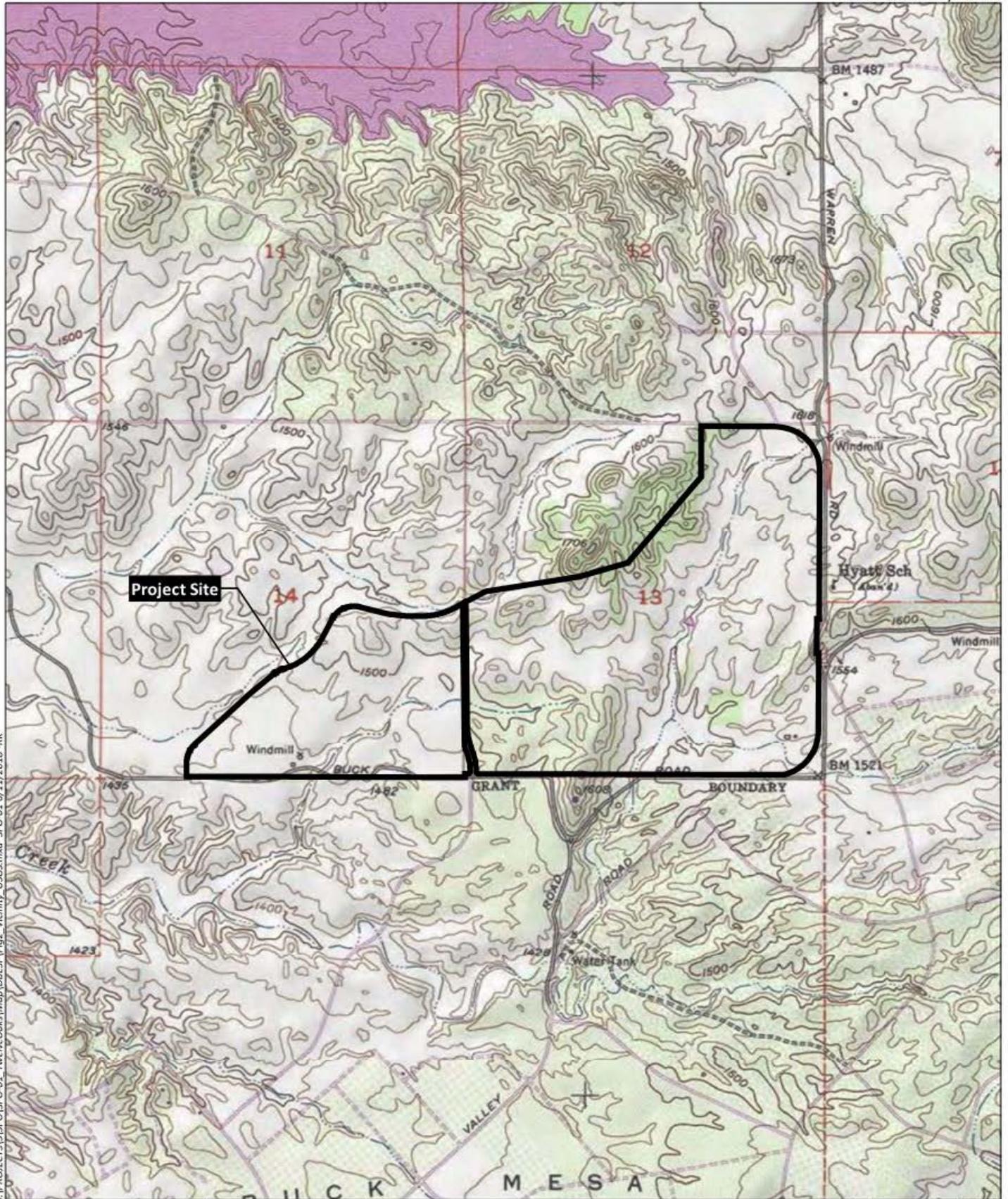
Several roadway improvements are proposed as part of project. This includes the realignment and extension of the General Plan Circulation Element road, Rancho California Road, between Buck Road and Warren Road. Off-site road improvements include the realignment of Buck Road and Camino El Vino to accommodate environmental restoration and connection to existing roads adjacent to the site.



I:\PROJECTS\151\SPO1\SPO-01_TwelveOaks\Map\DBESP\Fig1_Regional.mxd SPO-01 11/29/2017 -RK

Source: Base Map Layers (ESRI, 2013)

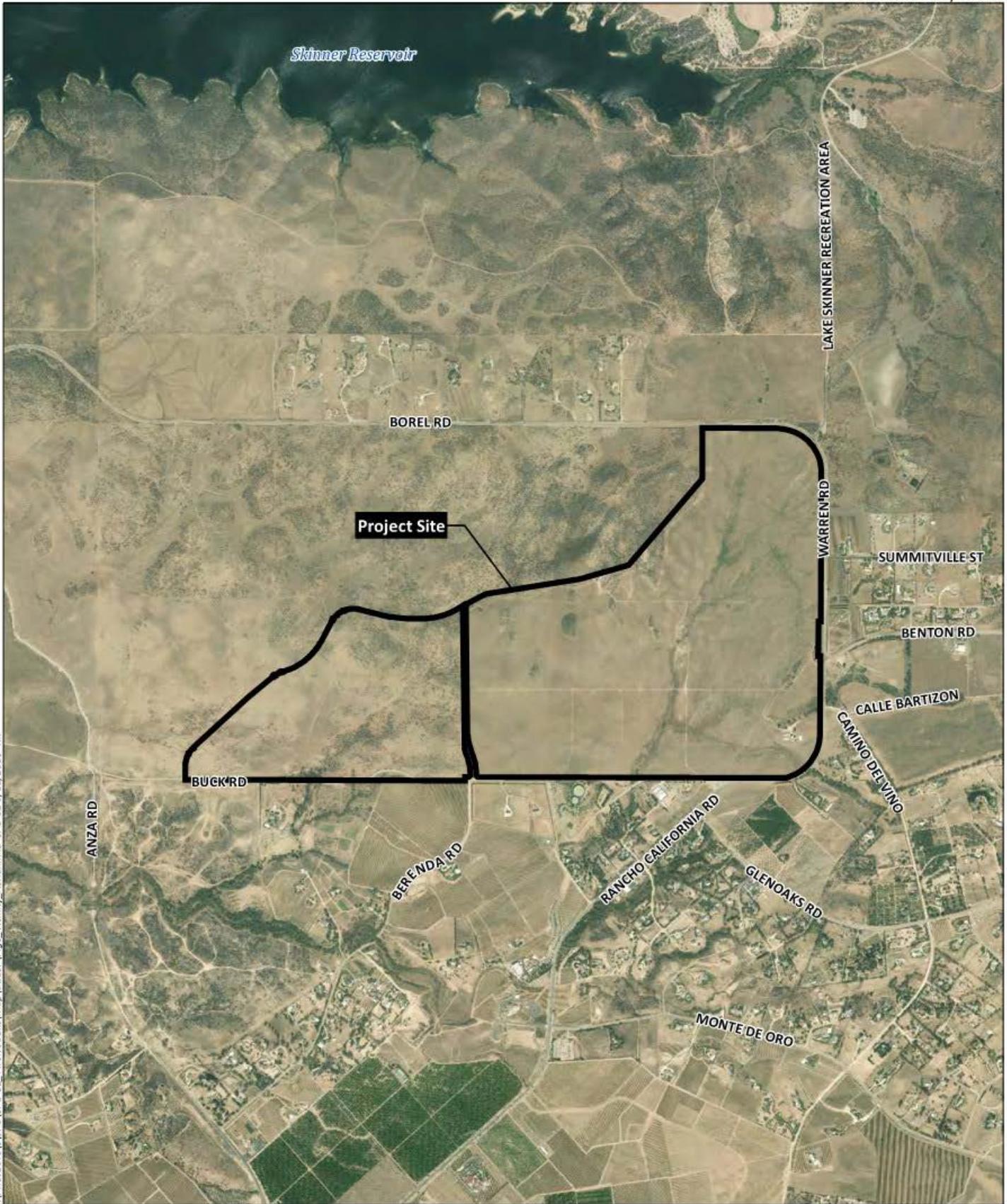




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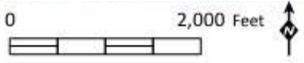
Source: Bachelor Mtn 7.5' Quad (USGS)

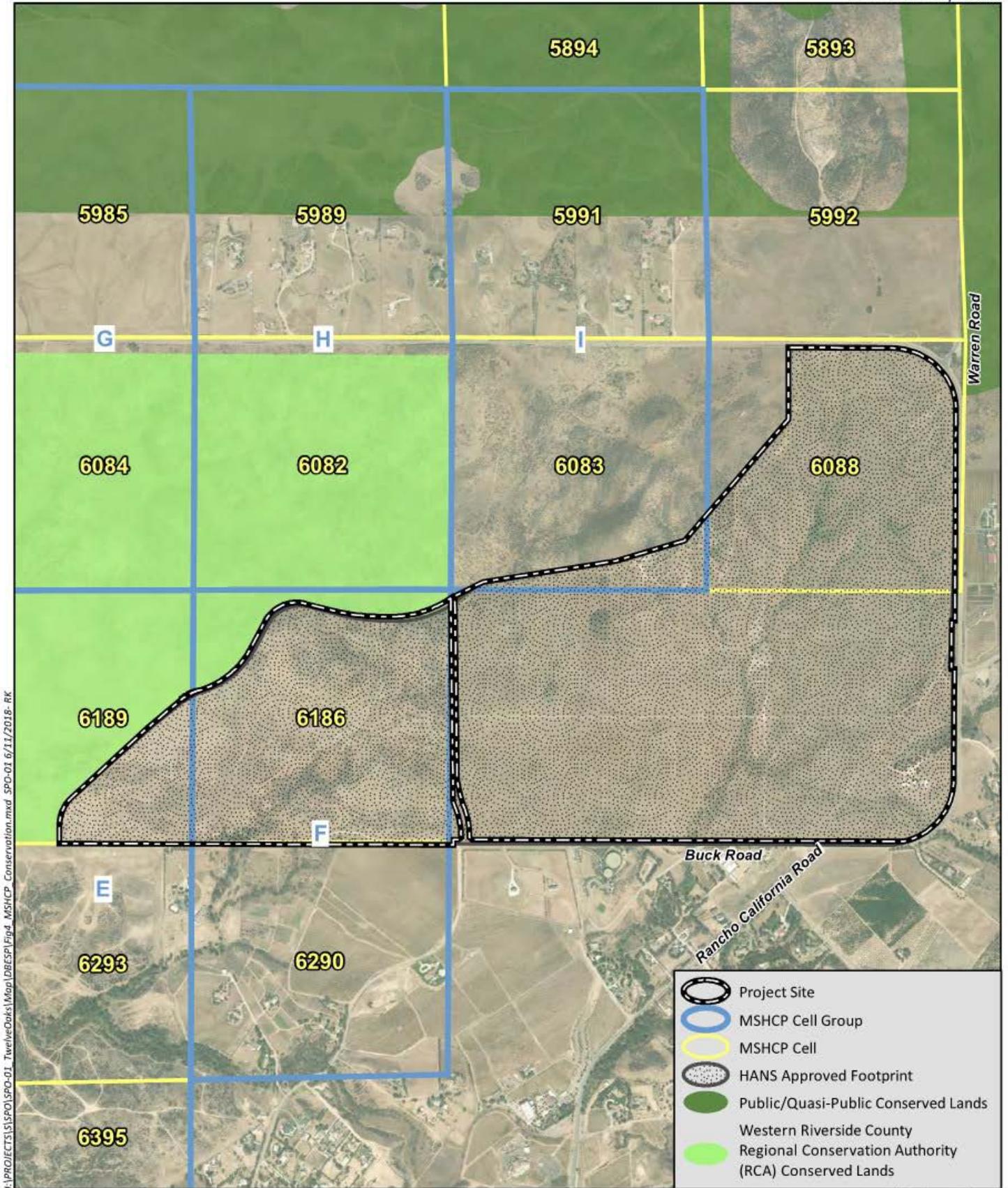




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Source: Aerial (Eagle Aerial 2014)





-  Project Site
-  Grading Areas
-  Potential Vineyard Areas/Private Lot/Brush Management Zone
-  Winery Resort/Potential Vineyard Areas
-  Proposed Road
-  Arch Culvert at Drainage Crossing
-  Proposed On-site Conservation Area
-  Proposed Off-site Conservation Area



Source: Aerial (Eagle Aerial 2014), Site Plan (Fusco Engineering 2018)

The hotel resort would be accessed from the extension of Rancho California Road while the winery access driveway would connect to the reconfigured intersection of Warren Road, Benton Road, and Rancho California Road. The Wine Village Estate Lots at the center of the project would access the site from the east via Warren Road and from the south via Buck Road. The Wine Village Estate Lot at the east end of the project would access from the east via Buck Road and from the west via a driveway off the realigned Rancho California Road. The single-family homes would have two access points from Buck Road with additional emergency access through the estate lots. The project would also include six internal roadways within the residential portions of the site. These roadways would connect to the realigned and paved Buck Road to the south, and Warren Road to the east.

IV. METHODS

A. HABITAT ASSESSMENT SURVEYS

Riparian/Riverine Areas and Vernal Pools

The project site was assessed for the presence of Riparian/Riverine Areas and Vernal Pools during a formal jurisdictional delineation on August 14, 2014 by Larry Sward and Amy Mattson.

Riparian/Riverine Areas are defined in MSHCP Section 6.1.2 as:

- Riparian/riverine areas are lands that contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or depend upon soil moisture from a nearby freshwater source; or areas with freshwater flow during all or a portion of the year.

Vernal Pools are defined in MSHCP Section 6.1.2 as:

- Vernal pools are seasonal wetlands that occur in depression areas that have wetland indicators of all three parameters (soils, vegetation, and hydrology) during the wetter portion of the growing season but normally lack wetland indicators of hydrology and/or vegetation during the drier portion of the growing season. Obligate hydrophytes and facultative wetlands plant species are normally dominant during the wetter portion of the growing season, while upland species (annuals) may be dominant during the drier portion of the growing season. The determination that an area exhibits vernal pool characteristics and the definition of the watershed supporting vernal pool hydrology must be made on a case-by-case basis. Such determinations should consider the length of time the area exhibits upland and wetland characteristics and the manner in which the area fits into the overall ecological system as a wetland. Evidence concerning the persistence of an area's wetness can be obtained from its history, vegetation, soils, and drainage characteristics, uses to which it has been subjected, and weather and hydrologic records.

Aerial photographs, topographic maps, and soils maps were reviewed for signs of flowing or ponded water, topographic depressions, and drainage features. The evaluation consisted of a directed search for field characteristics indicative of Riparian/Riverine Areas or Vernal Pools. Field

indicators include certain plants, drainage courses, drainage patterns, ponded water, changes in soil character, changes in vegetation character, and deposits of water-borne debris. Habitats that could be considered Riparian/Riverine under the MSHCP were assessed.

The habitat assessment survey confirmed the presence of Riparian/Riverine Areas, but not Vernal Pools.

Relevant survey efforts to this DBESP are summarized in Table 1.

Survey	Date	Company*
Fairy shrimp surveys (Principe 2004)	N/A	ERS
Jurisdictional Delineation, Habitat Assessment, Focused Burrow Survey	8/14/14	HELIX
Riparian/ Riverine and Vernal Pool assessments	8/18/14	HELIX
General Biological Survey, Vegetation Mapping, Riparian/ Riverine and Vernal Pool assessments (including presence of riparian-associated species)	5/7/15	HELIX
General Biological Survey, Vegetation Mapping, Riparian/ Riverine and Vernal Pool assessments (including presence of riparian-associated species)	7/9/15	HELIX
Riparian/ Riverine assessment (including presence of riparian-associated species)	7/20/15	HELIX
Updated Jurisdictional Delineation	1/21/16	HELIX
Focused Least Bell's Vireo Survey, 1 of 8	5/10/18	HELIX
Focused Least Bell's Vireo Survey, 2 of 8	5/21/18	HELIX
Focused Least Bell's Vireo Survey, 3 of 8	6/1/18	HELIX
Focused Least Bell's Vireo Survey, 4 of 8	6/11/18	HELIX
Focused Least Bell's Vireo Survey, 5 of 8	6/21/18	HELIX
Focused Least Bell's Vireo Survey, 6 of 8	7/2/18	HELIX
Focused Least Bell's Vireo Survey, 7 of 8	7/13/18	HELIX
Focused Least Bell's Vireo Survey, 8 of 8	7/24/18	HELIX

* ERS=Ecological Restoration Service, HELIX=HELIX Environmental Planning, Inc.

B. FORMAL JURISDICTIONAL DELINEATION SURVEYS

HELIX completed an initial, formal jurisdictional delineation on August 14, 2014, which entailed formal mapping, delineation, and classification of aquatic resources within the project site, including Riparian/Riverine Areas. Additional Riparian/Riverine Area delineations were conducted by Larry Sward on August 18, 2014, Rob Hogenauer and Katie Bellon on May 7, 2015, again by Mr. Hogenauer on July 9, 2015 and January 21, 2016, and during field verifications with the USACE on January 14, 2016 and USFWS and CDFW on September 1, 2016.

C. OTHER NOTABLE SURVEYS

Least Bell's Vireo

Marginal habitat for least Bell's vireo was also confirmed to be present within the Riparian/Riverine Areas during the habitat assessment survey. HELIX conducted three directed assessments of the on-site riparian habitat in 2015, which included non-protocol surveys, to determine the presence or absence of LBV and other riparian-associated species (Table 3). The survey covered potential least Bell's vireo habitat located on and within 500 feet of the site. Habitat types targeted for the survey effort included southern willow scrub, southern riparian woodland, and southern riparian woodland-disturbed. The 2015 surveys and 2018 surveys were negative.

Table 2		
2015 AND 2018 LEAST BELL'S VIREO SURVEYS		
DATE	TIME	CONDITIONS
2015		
5/7/2015	0815-0845	58°F-60°F, cloudy, wind 4-8 mph
7/9/2015	0730-0830	63°F-65°F, clear, wind 1-4 mph
7/20/2015	0910-0930	73°F, cloudy, wind 1-2 mph
2018		
5/10/2018	0825-1015	67°F-73°F, clear, wind 0-3 mph
5/21/2018	0920-1020	51°F-52°F, cloudy, wind 1-5 mph
6/1/2018	0920-1005	63°F-69°F, clear, wind 2-5 mph
6/11/2018	0815-0935	70°F-77°F, clear, wind 0-2 mph
6/21/2018	0815-0945	66°F-71°F, clear, wind 1-3 mph
7/2/2018	0910-1010	68°F-73°F, clear, wind 1-2 mph
7/13/2018	0915-1015	80°F-82°F, clear, wind 1-4 mph
7/24/2018	0925-1025	90°F-96°F, clear, wind 0-3 mph

D. MSHCP CONSISTENCY ANALYSIS

Alhadeff & Solar prepared an initial MSHCP consistency analysis for the project that supported the HANS 00408 determination (Alhadeff 2005). HELIX completed habitat assessments and focused species surveys in 2014 through 2018 and prepared an MSHCP Consistency Analysis and General Biological Resources Assessment Report for approval by the County (HELIX 2018).

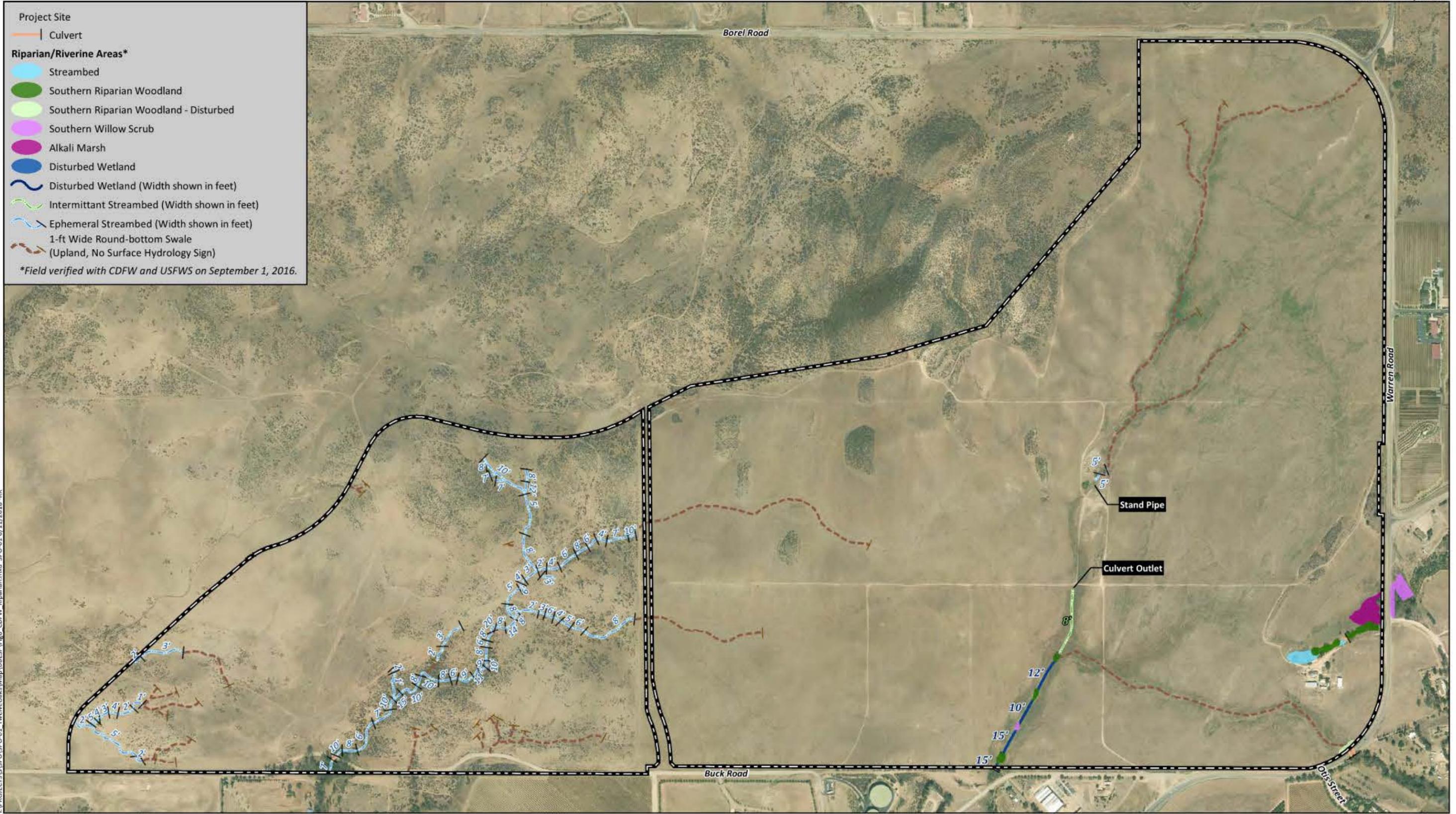
E. PRE-APPLICATION MEETINGS

HELIX attended an initial Santa Margarita Watershed Pre-Application Meeting on January 13, 2016 with representatives from the project team, City of Temecula, Western Riverside County Regional Conservation Authority (RCA), U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW). A second meeting was held on July 13, 2016 between the project team, RCA, USFWS, USACE, RWQCB, and CDFW. Subsequent site visits were completed with USACE on January 14, 2016 and USFWS and CDFW on September 1, 2016.

V. EXISTING CONDITIONS

A. RIPARIAN/RIVERINE AREAS

Approximately 4.05 acres of Riparian/Riverine Areas have been delineated on the project site and within off-site conservation areas for the project (Figure 6). The Riparian/Riverine Areas are comprised of 0.49 acre southern willow scrub, 0.69 acre southern riparian woodland (including 0.10 acre disturbed), 0.71 acre alkali marsh, 0.18 acre disturbed wetland, 1.62 acres streambed (including 1.16 acres ephemeral and 0.09 acre intermittent), and 0.36 acre round-bottom swale. No vernal pool habitat occurs in the project area.



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Source: Aerial (Eagle Aerial 2014)

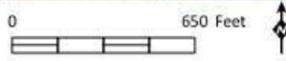


Table 3 summarizes the existing Riparian/Riverine Areas determined to occur within the project site.

Table 3 EXISTING RIPARIAN/RIVERINE AREAS	
RIPARIAN/RIVERINE AREA TYPE	ACRES¹
Southern willow scrub	0.49
Southern riparian woodland	0.69
Alkali Marsh	0.71
Disturbed Wetland	0.18
Streambed	1.62
Round-Bottom Swale ²	0.36
TOTAL	4.05

¹Rounded to nearest one-hundredth.

²Round-bottom swale is conservatively categorized here as a potential Riparian/Riverine Area

The Riparian/Riverine drainage courses are tributary to Santa Gertrudis Creek. Riparian habitat occurs in scattered stands along the drainage on the western edge of the site, along with occurring in patches in the southeast quarter of the site. The functions of the streambed (riverine habitat) are primarily water conveyance, sediment transport, and energy dissipation (hydrologic regime and flood attenuation). The vegetated drainages (riparian habitat; southern willow scrub, disturbed wetland, and southern riparian woodland) and associated habitats (alkali meadow and tamarisk scrub) also provide the same functions as the streambed, along with toxin trapping and filtering, and live-in habitat for various animal species.

The project site has been used for agricultural purposes since as early as 1947. Evidence of previous agricultural uses is apparent throughout the site, especially within the Riparian/Riverine habitat. The drainage features supporting Riparian/Riverine habitat on the site have been substantially modified from their natural course and width. The westernmost drainage has been straightened and modified to have a relatively uniform width that is much larger than would be expected based on the hydrology and vegetation observed during surveys. The easternmost drainage has been artificially extended, diked, and dammed on the downstream end, presumably as part of a historic stock pond that no longer exists. Previous agricultural activities have resulted in substantial modification to these features and permanent changes to the hydrology of the site.

B. SPECIES ASSOCIATED WITH RIPARIAN/RIVERINE AREAS AND VERNAL POOLS

The definition of Riparian/Riverine Areas is based on potential for the habitat to support associated species, which are identified in MSHCP Section 6.1.2 and described below.

1. Plants

General botanical surveys were conducted on site during HELIX vegetation mapping and jurisdictional delineation, and no sensitive plant species were observed. Riparian/Riverine and vernal pool plant surveys were conducted by on August 14, 2014, May 7, 2015, and July 9, 2015. Narrow Endemic Plant Species Survey Area and Criteria Area Species Survey Area surveys are not required for the site.

Twenty-three plant species are identified as potentially occurring in Riparian/Riverine Areas and Vernal Pools. A number of the species have distributions well above or below the elevations at the project, and/or well outside the area of the project. Species in this group include lemon lily (*Lilium parryi*), Mojave tarplant (*Deinandra mohavensis*), Parish's meadowfoam (*Limnanthes gracilis* var. *parishii*), Santa Ana River woolly-star (*Eriastrum densifolium* spp. *sanctorum*), and Brand's phacelia (*Phacelia stellaris*).

The remaining species have a distribution that encompasses the project site or that occur in vegetation communities/habitats found on or near the project site. The non-herbaceous species (e.g., trees and shrubs) are identifiable regardless of the time of year. The herbaceous species would also have been in flower at the time of the surveys. Species in this category include Engelmann oak (*Quercus engelmannii*), California black walnut (*Juglans californica* var. *californica*), San Miguel savory (*Satureja chandleri*), Coulter's matilija poppy (*Romneya coulteri*), and Fish's milkwort (*Polygala cornuta* var. *fishiae*).

California black walnut is restricted to woodlands and forests below 900 meters (m) and may be found in riparian or non-riparian areas (Dudek 2003). It has been documented in several locations within western Riverside County, with the majority of stands documented to occur on the eastern and western subregions of the Santa Rosa Plateau of the Santa Ana Mountains. No oak habitat occurs on site.

San Miguel savory is primarily restricted to rocky, gabbroic, and metavolcanic substrates in coastal sage scrub, chaparral, cismontane woodland, riparian woodland, and valley and foothill grasslands (between 120 and 1,005 m; Dudek 2003). The majority of the populations/individuals are associated with the Santa Rosa Plateau and the Santa Ana Mountains. Minimal suitable habitat occurs on site; however, this species was not observed during biological surveys conducted on the project site.

San Jacinto Valley crownscale (*Atriplex coronata* var. *notatior*) primarily occurs in floodplains and is associated with alkali playas, alkali scrub, vernal pools and alkali grasslands at elevations above 2,500 feet AMSL. This species is endemic to western Riverside and is restricted to San Jacinto, Menifee, and Elsinore Valleys (Dudek 2003). This species is not known to occur in

French Valley and the project site is at or below 1,600 feet AMSL; therefore, the species is not expected to occur on the project site.

Coulter's matilija poppy occurs in dry washes and canyons below 3,900 feet AMSL in open, mildly disturbed sage scrub, chaparral, and along rocky drainages (Dudek 2003). The majority of known occurrences for this species are in the Santa Ana Mountains and east to Temescal Canyon. Typical habitat for this species does not occur on the project site, and it was not observed during the various biological surveys conducted.

Fish's milkwort is restricted to the eastern slopes of the Santa Ana Mountains and possibly the northern slopes of the Agua Tibia Mountains (Dudek 2003). It is associated with shaded areas within cismontane oak woodlands and riparian woodlands, although it also occurs in xeric and mesic chaparral habitat. Suitable habitat does not occur on the project site and this species was not observed during biological surveys conducted on the project site.

All of the herbaceous species potentially occurring on site would have been in flower and readily identifiable during one or more of the surveys conducted in the project area. These species are discussed in greater detail below and include specific habitat information that greatly decreases their probability of occurrence on site.

Several of the species are associated with vernal pools, mesic clay substrate, saline flats and depressions, mesic grasslands, playas, or similar habitats. These species are spreading navarretia (*Navarretia fossalis*), California Orcutt grass (*Orcuttia californica*), prostrate navarretia (*Navarretia prostrate*), San Diego button-celery (*Eryngium aristulatum* var. *parishii*), thread-leaved brodiaea (*Brodiaea filifolia*), Orcutt's brodiaea (*Brodiaea orcuttii*), vernal barley (*Hordeum intercedens*), and smooth tarplant (*Centromadia pungens*). None of these species were found during the Riparian/Riverine and Vernal Pool Habitat Assessments or other surveys on the project site, and they are not expected to occur.

Mud nama (*Nama stenocarpum*) is restricted to muddy embankments of marshes and swamps and within lake margins and riverbanks. Three populations are known from Riverside County, with 2 occurring along the San Jacinto River (Dudek 2003). Habitat for this species is absent from the project site.

Graceful tarplant (*Holocarpha virgata* ssp. *elongata*) has a fairly scattered distribution, with known occurrences concentrated within the Santa Ana Mountains and Foothills, primarily within U.S. Forest Service lands (Dudek 2003). Within the Plan Area, graceful tarplant is restricted to coastal scrub, chaparral, cismontane woodland, lower montane coniferous forest, and valley and foothill grasslands at elevations below 2,000 feet AMSL within western Riverside County (Dudek 2003). Minimal amounts of suitable habitat occur on the project site; however, this species was not observed during biological surveys conducted on the project site.

Ocellated Humboldt lily (*L. humboldtii* ssp. *ocellatum*) occurs in openings in oak canyons, chaparral, and yellow pine forest. Within western Riverside County, this species is restricted to canyons along the east slope of the Santa Ana Mountains and the north slope of the Palomar

Mountains (Dudek 2003). Habitat for this species does not occur on the project site. This species was not observed during biological surveys conducted on the project site.

Slender-horned spineflower (*Dodecahema leptoceras*) occurs in chaparral and coastal sage scrub on alluvial fans. This habitat does not occur on the project site. This species was not observed during biological surveys conducted on the project site.

2. Animals

Invertebrates

Vernal pool fairy shrimp occurs throughout the Central Valley and in several disjunct populations in Riverside County. This species exists in vernal pools and other ephemeral basins often located in patches of grassland and agriculture interspersed in Diegan coastal sage scrub and chaparral. Riverside fairy shrimp occurs in Riverside, Orange, and San Diego counties, as well as in northern Baja. This species is typically found in deeper vernal pools and other ephemeral basins that hold water for long periods of time (30 or more days). Santa Rosa Plateau fairy shrimp are limited to the Santa Rosa Plateau.

No suitable habitat with potential to support sensitive fairy shrimp occurs on the project site itself. No vernal pools or suitable non-vernal pool features (e.g., depressions, road ruts, etc.) occur on site. Where the landscape and topography might appear to be conducive to support such features, the underlying soils are not suitable and there is no indication of a hard pan that would promote prolonged and suitable periods of inundation or ponding to support fairy shrimp.

The project site includes several drainage features, including a streambed in the eastern portion that was created from grading activities related to previous agricultural operations. The streambed appears to have been dammed and created from the grading that occurred sometime between 1967 and 1978 as indicated from a review of historical aerial photographs (NETR 2013). The review of aerial photographs did not show any water pooling in the streambed. There is a subterranean drainage pipe located at the western end of the streambed. Any flow in the streambed appears to have been redirected to this pipe that may have been used for agricultural purposes. Localized flows appear to percolate into the sandy loam soils and there is no evidence of standing water. Aerial photograph review includes those taken during both the rainy and dry seasons during both wet and dry years. Therefore, the streambed does not constitute fairy shrimp habitat.

Last, the fairy shrimp surveys conducted by Dr. Chuck Black covered the project site along with a much larger area to the west. No fairy shrimp or fairy shrimp cysts (sensitive or common) were found on the project site. Dr. Black's survey found Riverside fairy shrimp cysts at a stock pond that occurs off-site to the north of the western half of the project site. The CNDDDB records show that Dr. Black observed the Riverside fairy shrimp at a location that is approximately 100 feet north of the project site. No fairy shrimp were found to occur within the site by Dr. Black, and there are no CNDDDB records of sensitive fairy shrimp occurring within the site.

In conclusion, no suitable habitat for fairy shrimp occurs on the project site due to lack of vernal pools, non-vernal pool features (e.g., depressions, road ruts, etc.), evidence of prolonged standing water (e.g., soil cracks, water marks, hydrophytic vegetation, etc.), associated soils mapped in flat landscape positions (e.g., clay soils on flat land that does not drain), and evidence of underlying hard pan.

Fishes

The Santa Ana sucker (*Catostomus santaanae*) is restricted to the Santa Ana River watershed with year-round flows. No appropriate habitat occurs within the project area; therefore, no survey is required.

Amphibians

No appropriate habitat for the three amphibian species (arroyo toad [*Bufo californicus*], mountain yellow-legged frog [*Rana muscosa*], or California red-legged frog [*Rana aurora draytonii*]) occurs on site, and none of these species has any potential to occur on site.

Birds

The LBV, WIFL, and YBCU are found in riparian habitats such as southern willow scrub, cottonwood forest, mule fat scrub, sycamore alluvial woodland, and arroyo willow riparian forest habitats that typically feature dense cover. The MSHCP requires surveys to be conducted for projects that have impacts to suitable habitat for the aforementioned riparian birds.

The project site includes a couple sparse patches of southern willow scrub, southern riparian woodland, and riparian scrub comprised of one to a few trees per stand that do not constitute potential habitat for LBV. There is a larger patch of southern willow scrub on the eastern side of Warren Road that has some potential to support LBV. The proximity of the southern willow scrub (moderate potential for LBV) located east of Warren Road, to the southern riparian woodland on the project site results in the southern riparian woodland having low potential to be used by LBV. CNDDDB records show LBV occurring less than 1.0 mile north of the project site near Lake Skinner and less than 1.0 mile southwest of the site along Santa Gertrudis Creek.

The project does not propose to directly impact the habitat with potential to support LBV; however, the area is being considered for re-establishment mitigation through the removal of the existing Warren Road crossing. Under the MSHCP, protocol surveys for LBV are not required in avoidance areas. The initial abbreviated LBV survey conducted by Mr. Hogenauer did not detect any LBV on the project site or in the off-site southern willow scrub east of Warren Road. The species was not detected during any of the other biological surveys conducted in 2014 through 2017.

Based on the lack of suitable habitat on the project site itself, LBV is not likely to occur and no on-site direct or indirect impacts are anticipated. Based on the marginal quality of the off-site southern willow scrub habitat east of Warren Road, LBV have only a low potential to occur and no off-site direct impacts are anticipated. In the unexpected event that LBV utilize the off-site habitat in the

future, potential indirect impacts could occur if demolition and removal of the existing Warren Road crossing is conducted during the LBV breeding season (March 15 to September 15). Out of an abundance of caution and at the specific request of the County, updated 2018 protocol-level surveys for LBV are planned to occur in April through June 2018 to confirm the presumed absence of the species in the off-site habitat.

The Riparian/Riverine habitat assessment determined that the riparian habitat present on site is not sufficiently developed to support WIFL or YBCU. The southern willow scrub and riparian woodland occurs in small patches (described above) and lack the appropriate canopy layers and understory to support these species; therefore, focused surveys are not required.

The proposed project will not impact habitat with potential to support bald eagle or peregrine falcon. There is potential for these species to occur nearby to the north at Lake Skinner, but it is not likely for either of these species to utilize the habitats that occur on the project site.

VI. IMPACTS

A. IMPACTS TO RIPARIAN/RIVERINE AREAS

The project will result in unavoidable impacts to Riparian/Riverine Areas, primarily as a result of temporary construction of arch culverts at drainage crossings, and permanent vineyard and private lot impacts to ephemeral swales (Figure 7).

In total, unavoidable impacts include temporary impacts to 0.02 acre unvegetated streambed as a result of arch culvert construction and permanent impacts to 0.29 acre unvegetated streambed as a result of graded pads for individual lots. If left unmitigated, these impacts would be considered significant.

Project avoidance, minimization, and mitigation for Riparian/Riverine resources are addressed in Section VII below.

B. IMPACTS TO SPECIES ASSOCIATED WITH RIPARIAN/RIVERINE AREAS

No impacts would occur to any MSHCP Section 6.1.2 species associated with Riparian/Riverine Areas or Vernal Pools. Marginal habitat for the least Bell's vireo was determined to occur within the Riparian/Riverine Areas on and immediately adjacent to the project site; however, protocol-level surveys completed in 2015 and 2018 demonstrated that the species is absent from the on-site habitat. As such, no impacts are expected to occur to least Bell's vireo. None of the other MSHCP Section 6.1.2 species associated with Riparian/Riverine Areas and Vernal Pools are expected to occur; none would be impacted by the project.

- Project Site
- Permanent Impacts
- Temporary Impacts
- Avoided Areas
- Culvert
- Potential CDFW Jurisdiction and Riparian/Riverine Areas***
- Streambed
- Southern Riparian Woodland
- Southern Riparian Woodland - Disturbed
- Southern Willow Scrub
- Alkali Marsh
- Disturbed Wetland
- Disturbed Wetland (Width shown in feet)
- Intermittent Streambed (Width shown in feet)
- Ephemeral Streambed (Width shown in feet)
- 1-ft Wide Round-bottom Swale (Upland, No Surface Hydrology Sign)

*Field verified with CDFW and USFWS on September 1, 2016.



Source: Aerial (Eagle Aerial 2014), Site Plan (Fusco Engineering 2018)

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VII. AVOIDANCE, MINIMIZATION, AND MITIGATION

A. AVOIDANCE

Riparian/Riverine Areas

Emphasis of the MSHCP Riparian/Riverine Area and Vernal Pool policy is on conservation of habitats capable of supporting MSHCP Covered Species. Furthermore, the goal of the DBESP process is to determine if the project has in fact provided for a project alternative that results in biologically equivalent or superior preservation. The first priority for Riparian/Riverine Areas that have potential to contribute to the biological values of the MSHCP preserve is avoidance of direct impacts.

MSHCP Section 6.1.2 states:

“The purpose of the procedures described in this section is to ensure that the biological functions and values of these areas throughout the MSHCP Plan Area are maintained such that Habitat values for species inside MSHCP Conservation Areas are maintained.”

The MSHCP also states that:

“[f]or identified and mapped resources not necessary for inclusion in the MSHCP Conservation Area, applicable mitigation under CEQA, which may include federal and state regulatory standards related to wetland functions and values, will be imposed by the Permittees. To ensure that these standards are met, Permittees shall ensure that, through the CEQA process, project applicants develop project alternatives demonstrating efforts that first avoid, and then minimize direct and indirect effects to the mapped wetlands and shall review these alternatives with the Permittee. An avoidance alternative shall be selected, if feasible. If an avoidance alternative is selected, measures shall be incorporated into the project design to ensure the long-term conservation of the areas to be avoided.

If an avoidance alternative is not feasible, a practicable alternative that minimizes direct and indirect effects to riparian/riverine areas and vernal pools and associated functions and values to the greatest extent possible shall be selected. Those impacts that are unavoidable shall be mitigated such that the lost functions and values as they relate to Covered Species are replaced as set forth below under the Determination of Biologically Equivalent or Superior Preservation.”

Figure 8 depicts the post-project conditions with respect to Riparian/Riverine Areas to be avoided, established/re-established, and/or restored and preserved. The project has undergone multiple design iterations, with the current design centered around maximum avoidance of the existing Riparian/Riverine Areas on the site. The project has been designed to avoid impacts to riparian and wetland-vegetated habitat, with the only impacts occurring to unvegetated streambed and swales. Of the total approximately 4.05 acres of existing Riparian/Riverine Areas, 3.74 acres will be avoided and preserved, of which, 2.36 acres will be subject to active

restoration. This represents a conservation percentage of 92 percent. An additional 0.02 acre of temporary impact area will be restored and preserved, and an additional 0.68 acre will be established/re-established and preserved, for a total of 4.44 acres that will be avoided, established/re-established, and/or restored and preserved.

The project also incorporates adequate setbacks from Riparian/Riverine Areas that will be avoided, with buffers measuring 50 feet to over 200 feet. These buffers will retain their existing biological properties, including upland transition and wetland buffer areas for water quality beneficial uses, biophysical processes, and breeding, live-in, migratory, and dispersal habitat for wildlife.

Prior to construction, the avoided Riparian/Riverine Areas and their associated buffers will be delineated on construction drawings as environmentally sensitive areas with notes for restricting construction activities from the areas. Temporary construction snow fence, and where applicable in accordance with the project's SWPPP, silt fence, will be placed around the perimeter of the avoided Riparian/Riverine Areas and buffers. The temporary fencing will remain in place during the construction of the arched culverts and the planting of vineyards, unless otherwise replaced by permanent fencing in the case of vineyards.

B. MINIMIZATION

Riparian/Riverine Areas

The project incorporates the following minimization measures to reduce the overall impact on Riparian/Riverine Areas to the maximum extent:

- Implementation of standard Best Management Practices (BMPs) to minimize the impacts during construction, such as erosion control measures, stabilized construction entrances, silt fencing, sump catch basin protection, and gravel bag velocity reducer in street;
- Construction equipment shall be stored in upland areas, outside of drainages;
- The avoidance area will not be impacted by grading, construction access, storage, staging, or any other activities during construction.

Source control and treatment control BMPs will be implemented to minimize the potential contaminants that are generated during and after construction. Source control BMPs include components such as marking storm drain inlets, landscape planning, trash storage areas, sweeping paved areas, and education of future tenants. Treatment-control BMPs include bio-retention basins. Water quality BMPs will be implemented throughout the project in accordance with a Stormwater Pollution Prevention Plan (SWPPP) to be prepared to capture and treat all pollutants of concern before they are discharged from the site.



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In conformance with MSHCP Section 6.1.4, the project will reduce edge effects at urban/wildland interface areas through the following measures:

- BMPs will be implemented to maintain water quality. Runoff from the development area will be treated prior to exiting the site to reduce pollutants of concern. The project's hydrology report concluded that the proposed development will not adversely affect the existing drainage pattern in the area.
- The project will not drain into any MSHCP Conservation Area.
- The project will not discharge toxics into any MSHCP Conservation Area.
- The project will not direct night lighting into any MSHCP Conservation Areas.
- No manufactured slope associated with the project will extend into any MSHCP conservation area.
- No plants included on the California Invasive Plant Council's list of invasive species or in Table 6-2 of the MSHCP will be used in any project landscape anywhere on the site, and only native species will be planted adjacent to open space areas.

C. MITIGATION

Riparian/Riverine Areas

The project Applicant shall implement the following mitigation measures to offset the temporary loss of 0.02 acre and permanent loss of 0.29 acre of Riparian/Riverine Areas on the site and provide for biologically equivalent or superior preservation:

- (1) Preservation of project open space, which includes a total of 4.44 acres of Riparian/Riverine Areas and adjacent uplands;
- (2) Establishment of a protective instrument, such as a restrictive covenant or conservation easement, over the open space containing the Riparian/Riverine Areas;
- (3) Installation of fencing and signage to protect the open space containing the Riparian/Riverine Areas;
- (4) Restoration of 0.02 acre temporarily impacted Riparian/Riverine Areas at proposed roadway crossings through the construction of arched culverts to retain earthen streambed functions equivalent or superior to the existing earthen streambeds;
- (5) Re-establishment of a minimum 0.29 acre of Riparian/Riverine Areas through the removal of an undergrounded pipeline to daylight and restore a historic reach of Santa Gertrudis Creek;

- (6) Re-establishment of a minimum 0.29 acre of Riparian/Riverine Areas through removal of a section of Warren Road and adjacent uplands to restore an unnamed tributary to Santa Gertrudis Creek;
- (7) Restoration and rehabilitation of a minimum 0.29 acre of existing Riparian/Riverine Areas through removal of non-natives and planting native riparian and wetland habitat within existing Riparian/Riverine Areas;
- (8) Preparation of a Habitat Mitigation and Monitoring Plan (HMMP) for CDFW approval, which is forthcoming, outlining the proposed treatments for re-establishment, restoration, and rehabilitation, success criteria, and maintenance and monitoring requirements;
- (9) Active management of the open space containing the Riparian/Riverine Areas in perpetuity, including preparation of a Property Analysis Record (PAR) or PAR-like cost estimate for CDFW approval, Long-term Management Plan for CDFW approval, and annual monitoring and reporting to CDFW – alternatively, the open space shall be conveyed to the RCA and managed in conjunction with the existing conserved lands to the immediate north and west of the project site; and
- (10) Provision of a non-wasting endowment to fund long-term management according to the CDFW-approved PAR and Long-term Management Plan – alternatively, if open space conveyance to the RCA is selected, funding shall be provided to the RCA in a reasonable amount necessary determined in consultation with RCA and CDFW to supplement existing funding for the management of the conserved lands to the immediate north and west of the site.

VIII. CONCLUSION

This DBESP assessment demonstrates that the proposed project is consistent with MSHCP Section 6.1.2 “Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools”:

- The project site has been the subject of approved HANS No. 00408 resulting in approximately 575 acres of conservation occurring north and west of the project site, including Riparian/Riverine Areas, to contribute to the extension of proposed Core 6. The entirety of the project site addressed herein is located within the HANS-approved development footprint. As such, in combination with the additional conservation being implemented on site, a superior preserve and conservation design has been implemented and there are no additional requirements for MSHCP Biological Issues and Considerations.
- In conformance with the stated goals of the MSHCP, impacts to Riparian/Riverine Areas have been avoided to the maximum extent practicable through project design. The project has implemented avoidance through siting project components outside of existing Riparian/Riverine Areas, with setbacks and buffers ranging from 50 feet to more than 250 feet between proposed project components and Riparian/Riverine resources. Further

avoidance is demonstrated by restricting unavoidable impacts to Riparian/Riverine Areas characterized by unvegetated streambed and swales that lack riparian and wetland vegetation.

- Also, in conformance with the stated goals of the MSHCP, impacts to Riparian/Riverine Areas have been minimized to the maximum extent practicable through implementation of source control, treatment control, and other BMPs. Potential edge effects have been minimized by incorporating setbacks and buffers, signage and fencing, and restrictions on project runoff, drainage, toxics, night lighting, and invasives.
- Mitigation for unavoidable impacts to Riparian/Riverine Areas ensure no net loss and are in conformance with the goals of the MSHCP. Mitigation will occur at a 1:1 ratio for temporary impacts and a 3:1 ratio for permanent impacts, including a minimum 1:1 establishment/re-establishment component, in accordance with a CDFW-approved HMMP, which is forthcoming, as described in Section VII.C.
- Preservation of project open space, which includes the avoided and restored 4.44 acres of Riparian/Riverine Areas and adjacent uplands. Preservation shall include long-term management in perpetuity, preparation of a CDFW-approved PAR and Long-Term Management Plan, and endowment funding – alternatively, the open space shall be conveyed to the RCA, with funding contribution, for long-term management in conjunction with the adjoining conservation lands to the immediately north and west of the site.

IX. CERTIFICATION/QUALIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the 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.

DATE: August 13, 2018

SIGNED:  _____

Karl Osmundson
Principal Biologist

X. REFERENCES

- Alhadeff & Solar, LLP. 2005. Western Riverside County Multiple Species Habitat Conservation Plan Supplemental Submittal in Support of MSHCP Consistency Analysis. Tentative Tract No. 31947. February 3.
- Dudek and Associates (Dudek). 2003. Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Final MSHCP, Volume I. Prepared for the County of Riverside Transportation and Land Management Agency. Approved June 17.
- HELIX Environmental Planning, Inc. (HELIX). 2018. 12 Oaks Winery Resort General Biological Resources Assessment Report. March.
- Nationwide Environmental Title Research (NETR). 2013. Historic Aerials online. www.historicaerials.com
- Principe and Associates. 2004. General Biological Assessment Tentative Tract Map 31947 (Eastern Portion). July 30.
- U.S. Fish and Wildlife Service (USFWS). 2001. Least Bell's Vireo Survey Guidelines. January 19.

Harness, Teresa

From: Karl Osmundson <KarlO@helixepi.com>
Sent: Monday, August 13, 2018 5:36 PM
To: Harness, Teresa
Cc: Andrea Arcilla; Jeremy Krout; Poonamallee, Matthew
Subject: Confirming DBESP Upload - "2nd Draft DBESP_12 Oaks TTM 37377_081318" - 12 Oaks Winery Resort (APN 964-160-001,-004,-005; EPD Case No. TR37377)

Hi Teresa,

The 2nd Draft DBESP for the 12 Oaks Winery Resort Project (APN 964-160-001,-004,-005; EPD Case No. TR37377) has been successfully uploaded.

I have included Matthew Poonamallee for his information.

Matthew, thank you in advance for your review/approval and forwarding to the Wildlife Agencies.

Please let me know if I can provide any additional information or support.

Thanks,
Karl

Karl L. Osmundson
Principal Biologist / Biology Group Manager

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Please consider the environment before printing this email.

Harness, Teresa

From: Harness, Teresa
Sent: Thursday, August 23, 2018 12:43 PM
To: 'ShelbyH@helixepi.com'
Subject: Planning Department has received a biological report

This email is to inform you that the Planning Department has received a biological report regarding the below referenced case:

Report Name: Determination of Biological Equivalent or Superior Preservation
Report Date: 8/1/18
Case Number: TR37377
Assessor's Parcel Number(s): 964-160-001, 964-160-002, 964-160-004
PDB Number: PDB180062 Revised 1-080118
Biologist Assigned: Given to Ecological Resource Specialist staff for review.

Submit along with proper identification title of report and case number, assessor parcel numbers to be viewed in PDF format through:

The County of Riverside; RCIT Secure File Transfer
Server located at website: <https://ftp.co.riverside.ca.us/>
Public: Log in using the username of: rivcodocs
Password is: P@ssw0rd (the "0" is zero)
In search (it's labeled "Filter") box type in: Biology
Check the box: Find
It will bring up a folder: BB_Planning/Biology

- **It is important to submit directly to: BB_Planning/Biology**
- **If not then it cannot be confirmed that the report has been submitted correctly.**

Upload each biological report individual with a Title name of report.
(Use same title in the email subject line; one at a time: see below)

NO ZIP files or locked files accepted.

Select Green button to: "Add Files" from your computer; select your file(s) to be added, hit "Open."
Select Gray button (labeled "Start") to upload your report.
Hit the "Logout" button in the top right when completed with the upload.

Once report has been submitted then please notify me: THarness@RIVCO.org

Place the report's title and case number in the SUBJECT line of your email

****** Please call the RCIT-Helpdesk for any assistance (951) 955-9900.**

*Thank you,
Teresa Harness, Office Assistant III*



County of Riverside

*Planning Department
4080 Lemon Street, 12th Floor
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Email: tharness@rivco.org

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