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San Benito County Resource Management Agency
2301 Technology Parkway
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RE: Biological survey report for the Panoche Inn Property, 29960 Panoche Road, Paicines, San Benito County, California. APN 027-280-011-000.

Dear Mr. Felsing:

I conducted my biological survey of the Panoche Inn Property on August 28, 2019. The purpose of this biological assessment is to record the biological resources present on the property and to evaluate the potential for impacts to sensitive plant species, sensitive animal species and sensitive habitats as a result of the proposed development.

PROPERTY AND PROJECT

The Panoche Inn Property is 6.52 acres in size. The property is rectangular in shape and its long axis is oriented north to south. The northern boundary of the property is Panoche Road. The property is generally level, with a gentle slope towards the northeast.

The existing developments on the property are on its northern half. They consist of The Panoche Inn, close to Panoche Road, which is a single-story, wood covered brick building functioning as a restaurant and bar. It has a footprint of approximately 2100 square feet. There is a wooden two-story living quarters attached to the back of the restaurant and there is a covered patio, picnic area and sunroom. These cover approximately 1870 square feet. Other structures on the northern half of the property are a residential mobile home at its southeast corner and two sheds, one at its northwest corner and one at its northeast corner. All of these structures as well as the existing paved parking areas will remain.

The proposed developments will add a recreational vehicle park component to the Panoche Inn Property. They include 21 recreational vehicle parking stalls, a new driveway off of Panoche Road, a new driveway to the mobile home and for secondary access to the recreational vehicle park, 24 foot wide aggregate base drive aisles, a new septic system for the 21 parking stalls, a storm water runoff mitigation swale, water system upgrades for the 21 stalls and landscaping with trees for shade, windbreaks and aesthetic screening. These new developments will cover around 40 percent of the currently undeveloped portion of the property.

METHOD OF SURVEY

I received a detailed site plan and a copy of the Phase 1 Environmental Assessment Report, which contains aerial photographs of the property. Owner, Frank Saunders met me on the property and showed me relevant features and areas of proposed development.

I conducted my visual survey entirely on foot, using 10x binoculars when necessary. I carefully surveyed the entire property and the immediate area around it by walking transects. I identified plant and wildlife species and assessed possible use of the property by wildlife and possible impacts to biological values from the proposed project.

The latest California Department of Fish and Wildlife Natural Diversity Data Base records for the Llanada and Panoche Quadrangles and surrounding areas were used for background information on sensitive plant and animal species and sensitive habitats that have been found on or around the Panoche Inn Property.

ENVIRONMENTAL OVERVIEW

One plant community is present on the Panoche Inn Property. Using the terminology of the California Department of Fish and Wildlife's Preliminary Descriptions of the Terrestrial Natural Communities of California by Robert F. Holland, 1986, and A Manual of California Vegetation, Second Edition by Sawyer, Keeler-Wolf and Evans, 2009, this community is non-native grassland. The non-native grassland plant community is dominated by naturalized, non-native annual grasses and other naturalized, non-native annual plants.

Any direct disturbance to the currently undeveloped portions of the property that would occur from the proposed project would be to non-native grassland habitat. All of the observed natural vegetation present on the property is herbaceous, highly disturbed and ruderal. This is indicative of previous disturbances to the biological conditions on the property, most likely at least in part from ongoing disking and former grazing of cattle. All of the woody perennial plants observed on my survey are not native to the property and were likely planted. Most of the plants observed on the property are naturalized, non-native species. The only naturally occurring plants observed on my survey are: soft chess grass (*Bromus hordaceus*), ripgut grass (*Bromus rigidus*), vinegar weed (*Trichostemma lanceolatum*), western jimson weed (*Datura wrightii*), dove weed (*Croton setiger*) and tumbleweed (*Amaranthus albus*). They are listed here in order of abundance. Soft chess grass is by far the most abundant plant on the property. There are more individuals of this plant than all of the other plants together. Vinegar weed, western jimson weed and dove weed are the only native plants observed. The low diversity of plants observed is indicative of a highly disturbed plant community. Of course, it is currently the dry season when only difficult to identify dried remains are all that are present for most winter-growing annual plants. A somewhat larger number of plants may be identifiable in springtime. Because of the low number of plant species observed to be present, a separate plant list is not included in this report.

No wetland plants or biological community structure were observed anywhere on or close to the Panoche Inn Property. A shallow drainage barely touches the southeastern corner of the property. The Llanada USGS topographic map shows this drainage as an intermittent stream. In the area of the property, this drainage is shallow with sides that are rounded and soil covered and do not show any bedrock. The vegetation in all parts of this drainage in the vicinity of the property is the same as outside of the drainage.

SENSITIVE HABITAT

No sensitive habitats were observed on my biological survey of the Panoche Inn Property and adjacent surrounding areas. No occurrences for sensitive habitats are shown on the project site

and adjacent surrounding areas on the latest California Department of Fish and Wildlife Natural Diversity Data Base records for the Llanada and Panoche Quadrangles and surrounding areas.

The closest areas of sensitive habitat to the project area of the Panoche Inn Property are riparian vegetation habitats along Panoche Creek approximately 3.2 miles to the west and approximately 4.4 miles to the east-southeast of the property. There are also some small farm reservoirs on nearby properties within a 3-mile radius of the Panoche Inn Property. They all appeared to be dry at the time of my survey and appeared to have little or no wetland vegetation associated with them. This was also verified with the most recent Google Earth. The shallow drainage at the southeastern corner of the property does not contain any riparian vegetation within at least a 2-mile radius of the property.

The required setbacks of developments from sensitive habitats, such as riparian and wetland resources, is 100 feet unless a biotic study determines that the development will not have significant adverse impact on the habitats. The nearest riparian and wetland resources to the project area of the Panoche Inn Property are all well over 100 feet away.

SENSITIVE PLANT SPECIES

No sensitive plant species were observed on my survey of the and surrounding area.

The most recent California Department of Fish and Wildlife Natural Diversity Data Base records for the Llanada and Panoche Quadrangles and surrounding areas do not show any records for occurrences for sensitive plant species on or within a three-mile radius of the Panoche Inn Property.

Three sensitive plant species of the sunflower family with occurrences on California Department of Fish and Wildlife Natural Diversity Data Base records for the Llanada and Panoche Quadrangles and surrounding areas could potentially occur in the types of non-native grassland habitat present on and around the Panoche Inn Property. These three annual plant species are often blooming and identifiable well into the summer season. Photographs of them are available at calflora.org. They are the following:

1. Showy golden madia (*Madia radiata*), an annual herb that grows in valley grassland habitat. It is on California Native Plant Society's List 1B.1, which is for plants that are very endangered. The closest occurrences are in the Diablo Mountains approximately 4.2 miles to the southeast and approximately 5.9 miles to the southwest.
2. Hall's tarplant (*Deinandra halliana*), another annual herb that grows in valley grassland habitat. It is on California Native Plant Society's List 1B.2, which is for plants that are moderately endangered. The closest occurrence is in the Diablo Mountains approximately 4.2 miles to the southeast
3. Pale yellow layia (*Layia heterotricha*), another annual herb that grows in valley grassland habitat. It is also on California Native Plant Society's List 1B.1. The closest occurrence is in the Diablo Mountains approximately 5.75 miles to the south-southeast.

These plants as well as other local sensitive plant species were thoroughly searched for on my survey of the Panoche Inn Property and none were found.

SENSITIVE ANIMAL SPECIES

No sensitive animal species were observed on my survey of the Panoche Inn Property and surrounding area.

The most recent California Department of Fish and Wildlife Natural Diversity Data Base records for the Llanada and Panoche Quadrangles and surrounding areas do not show any records for occurrences for sensitive animal species on or very close to the Panoche Inn Property.

There are Natural Diversity Data Base records for five sensitive animal species within a three-mile radius of the project site. They are:

blunt-nosed leopard lizard (*Gambelia sila*)
prairie falcon (*Falco mexicanus*)
San Joaquin kit fox (*Vulpes macrotis mutica*)
Townsend's big-eared bat (*Corynorhinus townsendii*)
Tulare grasshopper mouse (*Onchomys torridus tularensis*)

The habitat present on the Panoche Inn Property is either of poor quality or non-supportive for these sensitive animal species.

The natural habitat on the Panoche Inn Property with its thick cover of non-native grasses is unsuitable as a habitat for the blunt-nosed leopard lizard. The blunt-nosed leopard lizard is evolutionarily adapted to the San Joaquin landscape before the introduction of non-native grasses. The non-native grasses make the vegetation denser, causing more difficulty for the movement of the lizards. As a result, areas with sandy, alkaline soils are preferred habitat for these lizards, since the soil supports less growth of exotic grasses. Fifteen to 30% groundcover is optimal for leopard lizard habitat; greater than 50% is unsuitable. On the valley floor, they are often found in the valley sink scrub, saltbush scrub and valley needlegrass grassland communities. Valley needlegrass grassland is dominated by native perennial bunchgrasses, including purple needlegrass (*Stipa pulchra*).

The closest occurrence records for blunt-nosed leopard lizard is approximately one mile to the north along the more sparsely vegetated banks of Panoche Creek.

Blunt-nosed leopard lizards use small rodent burrows, such as abandoned ground squirrel tunnels, for shelter from predators and temperature extremes. California ground squirrel (*Spermophilus beecheyi*) burrows were observed on the property. These burrows and their surroundings were carefully observed for the presence of these reptiles, and objects that they could shelter under were overturned. No blunt-nosed leopard lizards or evidence for their presence was observed.

The San Joaquin kit fox is listed as state threatened and federally endangered, primarily due to loss of habitat from agricultural and commercial development. Monterey and San Benito Counties are considered to be in the northern portion of the range of the San Joaquin kit fox. Relatively few sightings have been recorded in California Natural Diversity Data Base records for these counties.

The Panoche Inn Property is located within the zone of occurrence for this species from California Natural Diversity Data Base records. There are no California Natural Diversity Data Base records for San Joaquin kit fox on or very near the Panoche Inn Property. There are six Natural Diversity Data Base records for the Llanada and Panoche Quadrangles and surrounding areas for San Joaquin kit fox within a three-mile radius of the property. The closest of these is 0.7 mile to the northeast. The dates of the occurrence records range from 1970 to 2006. A study in 2011 estimated a population of between 60 and 90 San Joaquin kit foxes in Panoche Valley. United States Fish and Wildlife biologist Dave Hacker very recently told me that there is indeed currently a healthy population of these animals in Panoche Valley and that they could potentially forage in many portions of the valley. Aside from a suitable prey base, their preferred habitat characteristics include annual grasslands or grassy open habitat with scattered shrubby vegetation and loose textured, sandy soils for burrowing. Although the habitat on the Panoche Inn Property is of poor quality for San Joaquin kit fox, the possibility that they could be potentially be on the property at some time in the future must be considered.

I carefully surveyed all parts of the property for San Joaquin kit fox on my survey and I did not observe any San Joaquin kit foxes or any evidence for their presence on the property.

The Tulare grasshopper mouse is not a state or federally listed species. It is a California Department of Fish and Wildlife Species of Special Concern and it is a Bureau of Land Management Sensitive Species. There is one California Natural Diversity Data Base general area occurrence for this rodent centered in the area of Panoche Creek approximately one mile to the northwest of the Panoche Inn Property. The Tulare grasshopper mouse primarily occurs in areas of low open scrub, semiscrub and sparse, open bunch grass habitats with compact soils. It is unlikely to be present in the shrubless thick cover of exotic annual grasses observed on the Panoche Inn Property.

The prairie falcon is not a state or federally listed species. It is on the California Department of Fish and Wildlife watch list and it is a United States Department of Fish and Wildlife Bird of Conservation Concern. This bird requires critical attention to minimize any disturbance when breeding.

Townsend's big-eared bat is not a state or federally listed species. It is a California Department of Fish and Wildlife Species of Special Concern, a United States Department of Fish and Wildlife Sensitive Species and a Bureau of Land Management Sensitive Species. This bat requires large cavities for roosting; these may include abandoned buildings and mines, caves, and basal cavities of trees. During summer, these bats are most likely to inhabit rocky crevices, caves, and derelict buildings. I did not observe any suitable roosting sites for this bat on the Panoche Inn Property.

Two sensitive species of amphibians have occurrence locations in the greater Panoche Valley area. They are California tiger salamanders which are federally listed as threatened and state listed as threatened and the California red-legged frog (*Rana draytonii*), which is federally listed as threatened and is a state species of special concern. These amphibians prefer to breed in ponds, ephemeral pools and quiet flowing waters and spend most of their lives underground in burrows of California ground squirrels and valley pocket gophers (*Thomomys bottae*). They have become rare, like many other amphibians, because of the elimination of freshwater wetlands. There are no occurrence locations for this amphibian within a three-mile radius of the Panoche Inn Property and

field observations on my survey and Google Earth observations of the surrounding area did not reveal any obvious sources of water suitable for their breeding.

IMPACTS - AREAS OF CONCERN

Impacts to vegetation and habitat from this project will be very low for the following reasons:

1. Since the vegetation of the Panoche Inn Property is virtually entirely disturbed non-native grassland, impacts to plant related biological values from development on this property will be very low.
2. The closest environmentally sensitive habitat to the project site is well over 100 feet away. This habitat is riparian vegetation along Panoche Creek located a minimum of three miles from the property.
3. No occurrences for sensitive plant or animal species are present on or close to the Panoche Inn Property most recent California Department of Fish and Wildlife Natural Diversity Data Base records for the Llanada and Panoche Quadrangles and surrounding areas.

Impacts from this project could occur to San Joaquin kit foxes which are present in the surrounding area and could potentially use the property for foraging or for movement from one area to another.

MITIGATION MEASURES - CONDITIONS FOR APPROVAL

1. A preconstruction survey, primarily for the presence of San Joaquin kit foxes, but also to assess possible impacts to other species, including breeding birds if construction will occur between January 15 and September 15, will be conducted by a qualified biologist within fourteen days of the start of construction.
2. The best management practices listed below will be implemented during construction in order to provide maximum protection for any San Joaquin kit foxes and other animals that may wander onto the property during construction.

BEST MANAGEMENT PRACTICES

Best management practices suitable for the protection of all animals that could be present on the project site, and especially San Joaquin kit foxes, include:

1. All personnel involved in the construction of this project will be informed about the necessity to follow these best management practices and will be educated as to how to recognize San Joaquin kit foxes. A good video of a San Joaquin kit fox in Panoche Valley for educational purposes can be found at:
<https://www.youtube.com/watch?v=DNov9u1yX6c>
2. Specific temporary work areas, storage areas and movement corridors will be established before construction begins.
3. There will be no ground disturbance within 100 feet of washes and streams unless different setback distance has been established. Observe an avoidance buffer of 100 feet as measured for from the top of the bank on both sides of these features.

4. No vehicles or equipment will be refueled within 100 feet of an ephemeral drainage or wetland unless a bermed and lined refueling area is constructed. Spill kits will be maintained on site in sufficient quantity to accommodate at least three complete vehicle tank failures of 50 gallons each. Any vehicles driven and/or operated within or adjacent to drainages or wetlands will be checked and maintained daily to prevent leaks of materials.
5. All pipes and culverts with a diameter of greater than one inch will be capped or taped closed. Prior to capping or taping the pipe/culvert shall be inspected for the presence of wildlife. If encountered the wildlife shall be allowed to escape unimpeded.
6. All construction work will be done in dry weather.
7. All work will occur during daylight hours and no nighttime lighting will occur.
8. The construction site will maintain good construction site housekeeping controls and procedures. These include cleaning up all leaks, drips and other spills immediately, proper disposal of all wastes in trash receptacles placed on site for that purpose, keeping all construction related materials covered when necessary to reduce impacts from rain and wind, not leaving holes open for longer than necessary, removal of all construction related debris from the site, etc.
9. All excavation, steep-walled holes or trenches in excess of 6 inches in depth will be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth, dirt fill or wooden planks. Trenches will also be inspected for entrapped wildlife each morning prior to onset of construction activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they will be thoroughly inspected for entrapped wildlife. Any wildlife discovered will be allowed to escape before construction activities are allowed to resume, or removed from the trench or hole by a qualified biologist holding the appropriate permits (if required).
10. All general trash, food-related trash items (e.g. wrappers, cans, bottles, food scraps, cigarettes), microtrash (i.e. broken glass, paper and plastic waste, small pieces of metal), and other human-generated debris will be stored in animal proof containers and/or removed from the site each day. No deliberate feeding of wildlife will be allowed.
11. To prevent harassment or mortality of listed, special-status species and common wildlife, or destruction of their habitats, no domesticated animals of any kind will be permitted in any project area with the exception of sheep or goat grazing for weed management. Dogs associated with sheep grazing will not be authorized.
12. The work will be done as quickly as possible.
13. The area of construction will be immediately cleaned up. Any potential hazards to wildlife remaining from construction activities will be eliminated.
14. Any contractor or employee that inadvertently kills or injures a threatened or endangered, or other legally protected, animal, or finds one either dead, injured, or entrapped, will immediately report the incident to the on-site biological monitor or to the representative

identified. The biological monitor or representative will contact the USFWS, CDFW, and County by telephone or email by the end of the day, or at the beginning of the next working day if the agency office is closed. In addition, formal notification shall be provided in writing within five working days of the incident or finding. Notification will include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured will be handled consistent with any direction provided by USFWS or CDFW.

MONITORING AND ADDITIONAL WORK

1. A preconstruction survey, primarily for the presence of San Joaquin kit foxes, but also to assess possible impacts to other species, including breeding birds if construction will occur between January 15 and September 15, will be conducted by a qualified biologist within fourteen days of the start of construction.
2. A postconstruction survey will be conducted by a qualified biologist within two months of the completion of construction.

A spring survey of biological resources will not be necessary since the survey for this report was performed in August of 2019 and the sensitive annual flora most likely to be present on the property would still be identifiable (see sensitive plant species) at this time of the year. There are no other spring growing sensitive plant species likely to occur in the habitats present on the property on the most recent California Department of Fish and Wildlife Natural Diversity Data Base records for the Llanada and Panoche Quadrangles and surrounding areas.

RECOMMENDATIONS ON THE PROJECT

With the successful implementation of the mitigations listed above, impacts to biological values should be at a level of insignificance and in compliance with the regulations and standards of the San Benito County Resource Management Agency and state and federal agencies concerned with protection of biological resources and the maintenance of habitat quality.

Please contact me if you have any questions.

Best regards,



Ed Mercurio,
Biological Consultant

