

5. Environmental Analysis

5.3 BIOLOGICAL RESOURCES

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential for implementation of the Agua Mansa Commerce Park Specific Plan project (proposed project) to impact biological resources.

The following analysis is based in part on information obtained from:

- *General Biological Resources Assessment, Agua Mansa Commerce Park Project Site Jurupa Valley, Riverside County, California*, MIG, November 2018.
- *Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis, Agua Mansa Commerce Park Project Site, Jurupa Valley, Riverside County, California*, MIG, November 2018.
- *Western Riverside County Multiple Species Habitat Conservation Plan Joint Project Review (JPR) Consistency Determination 18-09-24-01*. The Local Identifier is MA 1617/Agua Mansa Commerce Park Specific Plan, RCA, December 2018.

Complete copies of these studies are included in the technical appendices to this DEIR (Volume II, Appendix D).

5.3.1 Environmental Setting

5.3.1.1 REGULATORY BACKGROUND

Federal and State Regulations

Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended, protects and conserves any species of plant or animal that is endangered or threatened with extinction, as well as the habitats where these species are found. “Take” of endangered species is prohibited under Section 9 of the FESA. “Take” means to “harass, harm, pursue, hunt, wound, kill, trap, capture, collect, or attempt to engage in any such conduct.” Section 7 of the FESA requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) on proposed federal actions that may affect any endangered, threatened, or proposed (for listing) species or critical habitat that may support the species. Section 4(a) of the FESA requires that critical habitat be designated by the USFWS “to the maximum extent prudent and determinable, at the time a species is determined to be endangered or threatened.” This provides guidance for planners/managers and biologists by indicating locations of suitable habitat and where preservation of a particular species has high priority. Section 10 of the FESA provides the regulatory mechanism for incidental take of a listed species by private interests and nonfederal government agencies during lawful activities. Habitat conservation plans (HCPs) for the impacted species must be developed in support of incidental take permits to minimize impacts to the species and formulate viable mitigation measures.

5. Environmental Analysis

BIOLOGICAL RESOURCES

Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act was first passed in 1940 to regulate take, possession, sale, purchase, barter, transport, import, and export of any bald or golden eagle or their parts (e.g., nests, eggs, young) unless allowed by permit (16 U.S.C. 668(a); 50 CFR 22). “Take” was broadly defined to include shoot, wound, kill, capture, collect, molest, or disturb. In the 1972 amendments, penalties for violations were raised to a maximum fine of \$250,000 for an individual or a maximum of two years in prison for a felony conviction, with a doubling for organizations instead of individuals.

Clean Water Act, Section 404

The United States Army Corps of Engineers (Corps) regulates discharge of dredged or fill material into “Waters of the United States.”¹ Any filling or dredging within Waters of the United States requires a permit, which entails assessment of potential adverse impacts to Corps wetlands and jurisdictional waters and any mitigation measures that the Corps requires. Section 7 consultation with USFWS may be required for impacts to a federally listed species. If cultural resources may be present, Section 106 review may also be required. When a Section 404 permit is required, a Section 401 Water Quality Certification is also required from the Regional Water Quality Control Board (RWQCB).

Clean Water Act, Sections 401 and 402

Section 401(a)(1) of the Clean Water Act (CWA) specifies that any applicant for a federal license or permit to conduct any activity that may result in any discharge into navigable waters shall provide the federal permitting agency with a certification, issued by the state in which the discharge originates, that any such discharge will comply with the applicable provisions of the CWA. In California, the applicable RWQCB must certify that the project will comply with water quality standards. Permits requiring Section 401 certification include Corps Section 404 permits and National Pollutant Discharge Elimination System (NPDES) permits issued by the Environmental Protection Agency (EPA) under Section 402 of the CWA. NPDES permits are issued by the applicable RWQCB. The City of Jurupa Valley is in the jurisdiction of the Santa Ana RWQCB (Region 8).

California Fish and Game Code, Section 1600

Section 1600 of the California Fish and Game Code requires a project proponent to notify the California Department of Fish and Wildlife (CDFW) of any proposed alteration of streambeds, rivers, and lakes. The intent is to protect habitats that are important to fish and wildlife. CDFW may review and place conditions on the project as part of a Streambed Alteration Agreement that address potentially significant adverse impacts within CDFW’s jurisdictional limits.

¹ “Waters of the United States,” as applied to the jurisdictional limits of the Corps under the Clean Water Act, includes all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters that are subject to the tide; all interstate waters, including interstate wetlands; and all other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds whose use, degradation, or destruction could affect interstate or foreign commerce; water impoundments; tributaries of waters; territorial seas; and wetlands adjacent to waters. The terminology used by Section 404 of the Clean Water Act includes “navigable waters,” which is defined at Section 502(7) of the act as “waters of the United States, including the territorial seas.”

5. Environmental Analysis BIOLOGICAL RESOURCES

California Endangered Species Act

The California Endangered Species Act (CESA) generally parallels the main provisions of the FESA and is administered by the CDFW. Its intent is to prohibit take and protect state-listed endangered and threatened species of fish, wildlife, and plants. Unlike its federal counterpart, CESA also applies the take prohibitions to species petitioned for listing (state candidates). Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike the FESA, CESA does not include listing provisions for invertebrate species. Under certain conditions, CESA has provisions for take through a 2081 permit or memorandum of understanding. In addition, some sensitive mammals and birds are protected by the state as “fully protected species.” California “species of special concern” are species designated as vulnerable to extinction due to declining population levels, limited ranges, and/or continuing threats. This list is primarily a working document for the CDFW’s California Natural Diversity Database, which maintains a record of known and recorded occurrences of sensitive species. Informally listed taxa are not protected per se but warrant consideration in the preparation of biological resources assessments.

Regional

Western Riverside County Multiple-Species Habitat Conservation Plan

The Western Riverside County Multiple-Species Habitat Conservation Plan (MSHCP) covers 146 species and 14 natural communities within a plan area of about 1.26 million acres, or 1,970 square miles, extending from the western county boundary to the San Jacinto Mountains. Roughly 506,000 acres are planned for conservation. The MSHCP was implemented in 2003 and is administered by the Western Riverside County Regional Conservation Authority (RCA).

The purpose of the MSHCP is to conserve large contiguous blocks of habitat to maintain species richness and density, to ensure population viability, to protect habitats from encroachment, and to reduce nonnative species invasion. The Criteria Area consists of quarter-section (161-acre) criteria cells within the MSHCP planning boundary that will be used to assemble 153,000 acres of new conservation land (the Conservation Area). The MSHCP provides for the assembly of a Reserve consisting of Core Areas and Linkages for the conservation of species covered under the MSHCP (Covered Species) (Riverside 2003). The MSHCP provides an incentive-based program, the Habitat Evaluation and Acquisition Negotiation Strategy, for adding land to the MSHCP. A Core is the largest planning unit, and its extent is large enough to support population of several species. A Linkage is a habitat connection between Cores that is wide and long enough to provide live-in habitat and movement corridors for plants, herbivores, and carnivores. Projects in proximity to the MSHCP Conservation Area may result in edge effects that would adversely affect biological resources within the MSHCP Conservation area. MSHCP Urban/Wildlands Interface Guidelines (MSHCP Section 6.1.4) are intended to reduce such indirect effects.

The MSHCP requires focused surveys for certain plant and animal species for project sites within designated survey areas when potential suitable habitat is present. In addition to species that have designated survey areas, surveys for listed riparian birds are required when suitable riparian habitat is present, and surveys for listed fairy shrimp species are required when vernal pools or other suitable habitat is present.

5. Environmental Analysis

BIOLOGICAL RESOURCES

The MSHCP sets forth conservation goals for each covered species. A development project must either demonstrate that the conservation goals for each covered species which was identified in its project site have been met or prepare a Determination of Biologically Equivalent or Superior Preservation (DBESP) Report enumerating mitigation measures to achieve equivalent or superior preservation for each covered species through deed restriction, conservation easement, or other appropriate method. Mitigation measures may include restoration and/or enhancement of on-site and/or off-site habitat.

The project site is partially within three MSHCP Criteria Cells (21, 22, and 55) and several MSHCP sensitive species survey areas—for burrowing owl, narrow endemic plant species, Delhi Sands flower-loving fly, least Bell's vireo (LBV), and southwestern willow flycatcher.

“Covered species adequately conserved” under the MSHCP means covered species whose species objectives in the MSHCP are met and which are provided take authorization through the Natural Community Conservation Plan Permit and, for animals, through the FESA Section 10(a) Permit issued for the MSHCP.²

Habitat Assessment and Negotiation Strategy

Projects within an MSHCP Criteria Cell are subject to a Habitat Acquisition and Negotiation Strategy (HANS) analysis to determine whether all or part of the property is needed/suitable for inclusion in the MSHCP Conservation Area. The affected city, or Riverside County for projects in unincorporated areas, conducts the HANS analysis and gives the applicant a HANS determination.³ Project applicants prepare a biological resources technical report, DBESP/MSHCP Consistency Analysis, focused surveys, jurisdictional delineation, and conceptual mitigation plan, as required. All those required documents are submitted to the RCA for a Joint Project Review. The RCA makes an MSHCP consistency determination; if the project is found consistent during the Joint Project Review, the determination is sent to the wildlife agencies for review.

Cities and the County may use incentives such as density bonuses or waivers of other local impact fees in return for conservation of a portion of a project site deemed important for MSHCP Reserve Assembly.

MSHCP Mitigation Fees

Developments within the MSHCP Area are charged mitigation fees, which are one of the primary sources of funding for implementing the MSHCP. Mitigation fee amounts in Fiscal Year 2019 are (RCA 2018):

- Residential, density less than 8.0 dwelling units per acre: \$2,104 per dwelling unit
- Residential, density between 8.0 and 14.0 dwelling units per acre: \$1,347 per dwelling unit
- Residential, density greater than 14.0 dwelling units per acre: \$1,094 per dwelling unit
- Commercial/Industrial: \$7,164 per acre

² Natural Community Conservation Plans (NCCPs) are regional habitat and species conservation plans established under California Fish and Game Code Section 2800 et seq. Each NCCP covers multiple habitats and species. A number of HCPs in California, including the MSHCP, are also NCCPs.

³ Eighteen cities in the MSHCP plan area, including Jurupa Valley, are member agencies of the MSHCP.

5. Environmental Analysis

BIOLOGICAL RESOURCES

MSHCP Construction Guidelines and Best Management Practices

Project construction activities would be required to comply with construction guidelines in Section 7.5.3 of the MSHCP.

The design and construction of projects developed pursuant to the Specific Plan would be required to comply with MSHCP best management practices (BMPs) in Appendix C of the MSHCP.

City of Jurupa Valley

General Plan Policies

The specific General Plan policies relating to biological resources are listed in Table 5.9-2, *City of Jurupa Valley General Plan Consistency Analysis*.

City of Jurupa Valley Municipal Code

Municipal Code Chapter 3.80, Western Riverside County Multiple Species Habitat Conservation Plan Mitigation Fee Ordinance, requires payment of MSHCP mitigation fees before the City will issue building permits for new development projects.

5.3.1.2 EXISTING CONDITIONS

Vegetation Communities

Vegetation communities onsite are described below and mapped on Figure 5.3-1, *Vegetation Communities*.

Developed (119.45 acres)

The center of the project site is a former cement plant and thus is dominated by paved areas, abandoned buildings, and derelict industrial machinery (see Figure 3-3). Vegetation in these areas consists primarily of nonnative, disturbance-adapted plant species such as wild lettuce (*Lactuca serriola*), tree tobacco (*Nicotiana glauca*), oleander (*Nerium oleander*), Russian thistle (*Salsola tragus*), white sweet clover (*Melilotus albus*), castor bean (*Ricinus communis*), tamarisk (*Tamarix ramosissima*), summer mustard (*Hirschfeldia incana*), tree of heaven (*Ailanthus altissima*), Mexican fan palm (*Washingtonia robusta*), and African fountain grass (*Pennisetum setaceum*). Native species such as horseweed (*Erigeron canadensis*) are occasionally present.

Disturbed (54.86 acres)

The northern portion of the project site has been frequently disked in recent years and remains sparsely vegetated. Vegetation that does grow in these areas consists primarily of weedy, nonnative, disturbance-adapted, and ruderal plant species such as red brome (*Bromus madritensis ssp. rubens*), ripgut brome (*Bromus diandrus*), wild oat (*Avena fatua*), London rocket (*Sisymbrium irio*), Russian thistle, and tree tobacco (*Nicotiana glauca*).

5. Environmental Analysis

BIOLOGICAL RESOURCES

Brittlebush Scrub Alliance (56.27 acres)

Brittlebush (*Encelia farinosa*) scrub occurs on steep, often vertical, excavated slopes of the Crestmore Quarry in the southern portion of the project site and in scattered patches on excavated spoils covered with concrete rubble and cement slurry in the cement processing operations area. Ruderal species, including London rocket, summer mustard, Russian thistle, wild oat (*Avena barbata*), tocalote (*Centaurea melitensis*), annual ragweed (*Ambrosia artemisiifolia*), and red brome (*Bromus madritensis*), are common associates throughout this community. Occasional co-dominant native shrub and/or succulent species include California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), coastal prickly pear (*Opuntia littoralis*), cholla (*Cylindropuntia echinocarpa*), and lanceleaf liveforever (*Dudleya lanceolata*).

Nonnative Grassland (24.67 acres)

Patches of nonnative grassland are scattered throughout the project site. These areas have been disturbed by quarry and cement processing operations and are characterized primarily by nonnative species such as red brome, ripgut brome, wild oat, Russian thistle, jimsonweed (*Datura stramonium*), Peruvian peppertree (*Schinus molle*), fountain grass, and Bermuda grass (*Cynodon dactylon*). Native species are occasional in this community and include common sunflower (*Helianthus annuus*) and common fiddleneck (*Amsinckia intermedia*).

Eucalyptus Grove (19.20 acres)

Eucalyptus groves have been planted throughout the northern portions of the project site. Based on the tree surveys conducted in September and October 2016, red gum (*Eucalyptus camaldulensis*) and red ironbark (*Eucalyptus sideroxylon*) are the most commonly observed here, although blue gum (*Eucalyptus globulus*) and silver dollar gum (*Eucalyptus polyanthemos*) are occasional. Red gum consisted of 67.8 percent of the total 2,316 trees. The understory of these groves is dominated by nonnative species such as London rocket, Russian thistle, lamb's quarters (*Chenopodium album*), red brome, ripgut brome, and wild oat. Detailed information on all trees mapped onsite can be found in the Tree Survey Report included as an appendix to the General Biological Resources Assessment for the Agua Mansa Commerce Park Project Site, (see Appendix D to this DEIR).

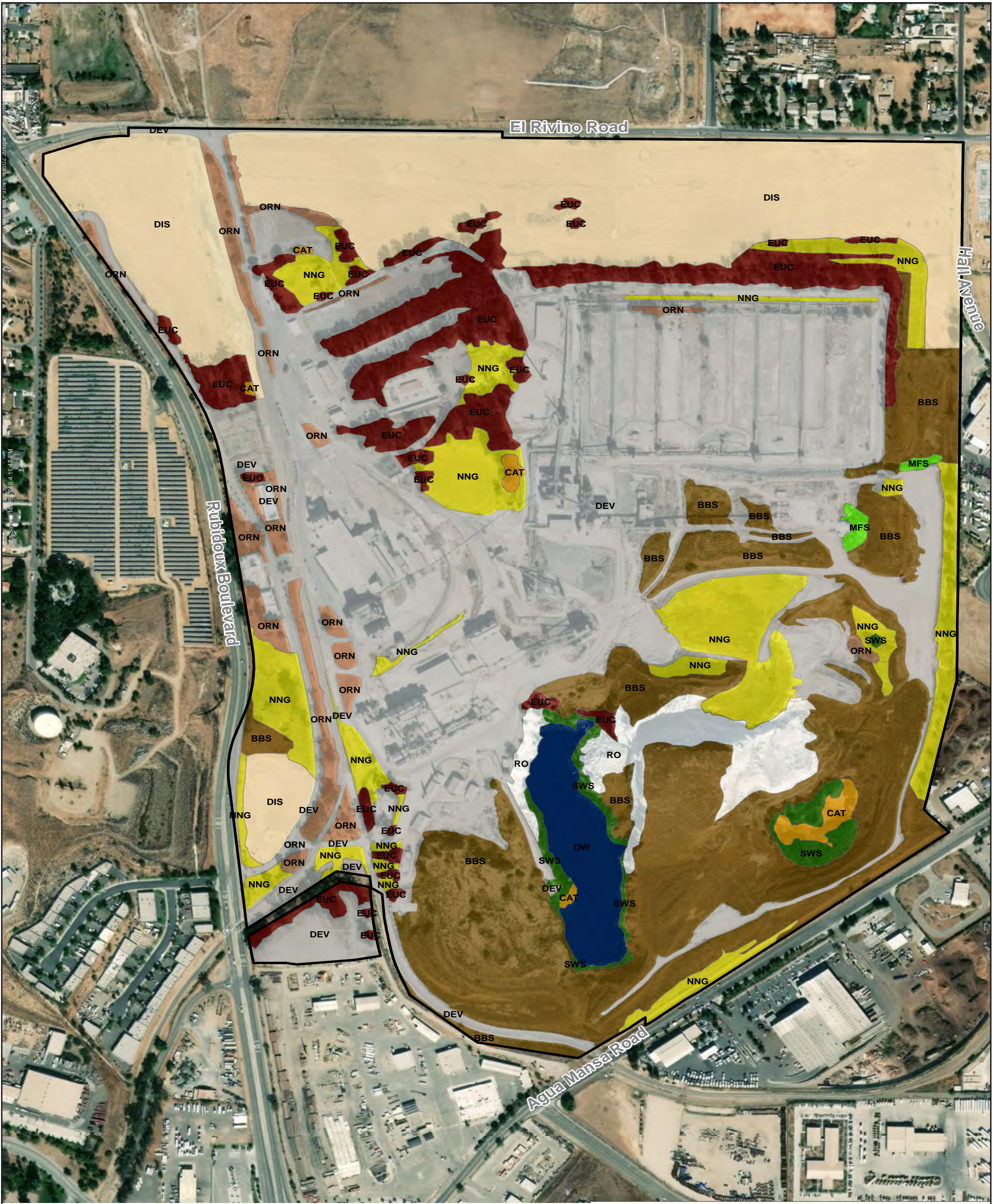
Rock Outcrop (7.79 acres)

Rock outcrops are found around the former cement plant and the large central hill on the project site. These areas are generally devoid of vegetation.

Ornamental (8.15 acres)

Ornamental plants are found primarily along the western portion of the project site near buildings, parking lots, and roads. Ornamental plant species observed include California fan palm (*Washingtonia filifera*), pine trees (*Pinus* sp.), oleander (*Nerium oleander*), silk tree (*Albizia julibrissin*), agapanthus (*Agapanthus africanus*), and English ivy (*Hedera helix*).

Figure 5.3-1 - Vegetation Communities
5. Environmental Analysis



Source: MIG, Inc., LANGAN (Conceptual Site Plan), ParcelQuest (APN layer), ESRI, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community.
*Project Site Boundary lines were obtained from APN boundaries (ParcelQuest, May 2018) and do not reflect the boundaries shown in the Agua Mansa Commerce Park Specific Plan, which is based on Tentative Parcel Map No. 37528, revised October 4, 2018 (DRC Engineering). Biological resources and calculations herein are mapped to the extent of APN boundaries. Depending on data used in other maps (e.g. Conceptual Site Plan, Agua Mansa Commerce Park Specific Plan) for the project boundary, discrepancies in acreage calculations may occur.

Vegetation Communities		Non-Native Grassland (NNG): 25.25 ac	Open Water (OW): 6.30 ac	Project Site Boundary (303.34 ac)*
Developed (DEV): 119.44 ac	Eucalyptus Grove (EUC): 19.20 ac		Southern Willow Scrub (SWS): 3.30 ac	
Disturbed (DIS): 54.85 ac	Rock Outcrop (RO): 7.79 ac		Cattails (CAT): 1.53 ac	
Brittlebush Scrub (BBS): 56.91 ac	Ornamental (ORN): 8.14 ac		Mulefat Stand (MFS): 0.60 ac	

0 300
Scale (Feet)



5. Environmental Analysis

BIOLOGICAL RESOURCES

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5. Environmental Analysis

BIOLOGICAL RESOURCES

Open Water (6.30 acres)

The southern portion of the site has a large depression—created by quarry operations and filled with water—that is known as Crestmore Lake, which was excavated to below the groundwater table and is surrounded by steep rock wall. This open water is ringed by intermittent patches of cattails and southern willow scrub vegetation, as described below.

Southern Willow Scrub (3.30 acres)

Southern willow scrub occurs as dense, multilayered stands supported by groundwater in the quarry pit surrounding Crestmore Lake to the south, and in two large borrow areas in the southeast corner of the site. Black willow (*Salix gooddingii*) and yellow willow (*Salix lasiandra*) tend to dominate in these areas, with other common associated tree species, including red willow (*Salix laevigata*) and Fremont cottonwood (*Populus fremontii*). Other common native species in this community include mulefat (*Baccharis salicifolia*), willow baccharis (*Baccharis salicina*), branching phacelia (*Phacelia ramosissima*), willow herb (*Epilobium ciliatum*), California everlasting (*Pseudognaphalium californicum*), and common sunflower. Nonnative species commonly observed in these communities include tree tobacco, summer mustard, castor bean, tocalote, horehound (*Marrubium vulgare*), Mexican fan palm, London rocket, African fountain grass, red gum, bull thistle (*Cirsium vulgare*), and tamarisk. Southern willow scrub is considered a sensitive natural community due to its limited distribution in southern California and would be regulated as riparian habitat by CDFW.

Cattail Alliance (1.53 acres)

Cattail Alliance, dominated by southern cattail (*Typha domingensis*) and occasional broad leaf cattail (*Typha latifolia*), forms pure stands in the wettest low-lying areas, including the fringe of Crestmore Lake, near leaking water control structures, and in the large depression at the southern extent of the project site created by quarry operations.

Mulefat Stands (0.60 acres)

Similar to the Cattail Alliance community, mulefat stands occur in small (2 to 10 individual plants), widely scattered, and isolated monocultures in moderately moist depressions created by spoils in the cement processing facility and adjacent to dirt roads and parking areas.

Trees

A tree survey of the 302-acre project site in September and October 2016 identified 2,316 trees—mostly nonnative, ornamental trees (see Appendix C of the General Biological Resources Assessment in DEIR Appendix D). The survey assumed that trees would be removed from the proposed Industrial Park (190 acres) and three parts of the proposed Business Park site totaling about 34 acres. Approximately 60 percent of the 1,604 trees planned for removal—including 31 native trees and 1,573 nonnative trees—were in poor or very poor health and categorized as potential hazards.

5. Environmental Analysis

BIOLOGICAL RESOURCES

Wildlife

General wildlife species documented onsite or in the vicinity of the project site include but are not limited to western fence lizard (*Sceloporus occidentalis*), American coot (*Fulica americana*), double-crested cormorant (*Phalacrocorax auritus*), great egret (*Ardea alba*), great blue heron (*Ardea herodias*), osprey (*Pandion haliaetus*), Cooper's hawk (*Accipiter cooperii*), red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), white-throated swift (*Aeronautes saxatalis*), mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), Nuttall's woodpecker (*Picoides nuttalli*), Cassin's kingbird (*Tyrannus vociferans*), western kingbird (*Tyrannus verticalis*), black phoebe (*Sayornis nigricans*), Say's phoebe (*Sayornis saya*), northern rough-winged swallow (*Stelgidopteryx serripennis*), cliff swallow (*Petrochelidon pyrrhonota*), northern mockingbird (*Mimus polyglottos*), western scrub-jay (*Apelocoma californica*), bushtit (*Psaltirparus minimus*), European starling (*Sturnus vulgaris*), American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), house sparrow (*Passer domesticus*), California towhee (*Pipilo crissalis*), blue-gray gnatcatcher (*Poliophtila caerulea*), lesser goldfinch (*Spinus psaltria*), house finch (*Haemorrhous mexicanus*), California ground squirrel (*Otospermophilus beecheyi*), Botta pocket gopher (*Thomomys bottae*), desert cottontail (*Sylvilagus audubonii*), raccoon (*Procyon lotor*), domestic dog (*Canis lupus familiaris*), and coyote (*Canis latrans*).

Sensitive Resources

Sensitive Natural Communities

Sensitive natural communities are natural communities that are considered rare in the region by regulatory agencies (CDFW and California Native Plant Society), are known to provide habitat for sensitive animal or plant species or are known to be important wildlife corridors. Sensitive natural communities identified by CDFW on or in the vicinity of the project site include Riversidean alluvial fan sage scrub, southern cottonwood willow riparian forest, southern riparian scrub, southern riparian forest, southern willow scrub, and southern sycamore alder riparian woodland. One sensitive natural community was identified onsite: Southern willow scrub, which is also jurisdictional to the CDFW as riparian habitat and is described above under *Vegetation Communities*. Southern willow scrub was found in three places onsite: in the quarry pit surrounding Crestmore Lake in the southern part of the site, and within two large borrow areas in the southeastern corner of the site.

Sensitive Plant Species

Special-status plants are defined here to include: (1) plants that are federal- or state-listed as rare, threatened or endangered, (2) federal and state candidates for listing, (3) plants assigned a rank of 1 through 4 by the California Native Plant Society (CNPS) Inventory, and (4) plants that qualify under the definition of "rare" under CEQA Section 15380.⁴ The project site is in a predetermined Survey Area for the following Narrow Endemic Plant Species: San Diego Ambrosia (*Ambrosia pumila*), Brand's phacelia (*Phacelia stellaris*), and San Miguel savory (*Clinopodium chandleri*) (MSHCP 2004). An additional 25 sensitive plant species are not expected to occur onsite due to lack of suitable habitat or because they were not observed during field surveys of the site. A table listing

⁴ CNPS Rare Plant Ranks: 1A, Presumed extinct in California; 1B, Rare, threatened, or endangered in California and elsewhere; 2, Rare, threatened, or endangered in California, but more common elsewhere; 3, Plants for which more information is needed—a review list; and 4, Plants of limited distribution—a watch list.

5. Environmental Analysis BIOLOGICAL RESOURCES

the habitat preferences and potential to occur onsite of those 25 species is in the Biological Resources Assessment, included as Appendix D to this DEIR.

San Diego Ambrosia (Ambrosia pumila)

San Diego ambrosia grows in open habitats in coarse soils on floodplain terraces or on the margins of vernal pools. In Riverside County, San Diego ambrosia is associated with open, gently sloped grasslands and is generally associated with alkaline soils. San Diego ambrosia is distributed in widely scattered populations from western Riverside County and western San Diego County south along the west coast of Baja California, Mexico. San Diego ambrosia is designated as a Group 3 species in the MSHCP, a federally listed endangered species, and a CNPS Rank 1B species. There are no floodplain terraces, vernal pools, vernal pool conditions, or alkaline conditions in the project site, and this species was not observed during focused surveys of moderately moist undeveloped portions of the project site. Therefore, the project site does not support suitable habitat for San Diego ambrosia, and this species is not expected to be present.

Brand's Phacelia (Phacelia stellaris)

Suitable habitat for this annual herb includes coastal dunes and/or coastal scrub in sandy openings, sandy benches, dunes, sandy washes, or floodplains of rivers and is restricted to clay soils at elevations between 0 and 1,300 feet, usually near the coast. Brand's phacelia historically occurred from Los Angeles, Riverside, and San Diego counties to northern Baja California, Mexico. Within Riverside County, Brand's phacelia is restricted to sandy benches along the Santa Ana River terrace. This species is considered extremely rare—there is only one known extant occurrence in Riverside County. Brand's phacelia is designated a Group 3 species in the MSHCP and a CNPS Rank 1B.1 species. The project site does not contain any suitable habitat, such as sandy washes or river floodplains, and this species was not observed during protocol surveys for noncovered species conducted in all undeveloped portions of the site. Therefore, Brand's phacelia is not expected to occur within the project site.

San Miguel Savory (Satureja chandleri)

Suitable habitat for this perennial herb includes rocky ground in coastal sage scrub, chaparral, cismontane woodland, riparian woodland, and valley and foothill grasslands between 400 and 3,300 feet. In San Diego County and Northern Baja California, this species is associated with open, chamise-dominated slopes. There are no chaparral, foothill woodland, or coastal sage scrub communities in the project site. San Miguel savory was not observed on the project site within undeveloped portions of the site, including brittlebush scrub or nonnative grassland communities in the industrial business park development area, and riparian scrub within the limestone quarry pits in the Open Space District. Therefore, San Miguel savory is not expected to be present within the project site. San Miguel savory is designated as a Group 3 species in the MSHCP and a CNPS Rank 1B.2 species.

Sensitive Animal Species

Special-status wildlife species include those species listed as endangered or threatened under the FESA or CESA; candidates for listing by the USFWS or CDFW; and species of special concern to the CDFW.

5. Environmental Analysis

BIOLOGICAL RESOURCES

Surveys and/or habitat assessments are required onsite for riparian/riverine species (least Bell's vireo and western willow flycatcher), burrowing owl, and Delhi Sands flower-loving fly.

Burrowing Owl (Athene cunicularia)

Burrowing owl, a California Species of Special Concern, inhabits open, dry, annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. It is a subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel. Suitable habitat is present onsite in brittlebush scrub, disturbed, developed, and rock outcrop vegetation communities, and burrowing owl is considered to have moderate potential to occur onsite. Burrowing owl was not detected in focused surveys onsite in 2016-17.

Least Bell's Vireo (Vireo bellii pusillus)

Least Bell's vireo, listed as federally endangered and state endangered, is a summer resident of southern California in low riparian in the vicinity of water or in dry river bottoms below 2,000 feet. Nests are placed along margins of bushes or on twigs projecting into pathways, usually in willow, mulefat, or mesquite. This species was observed during focused surveys in 2017. Suitable nesting habitat is present on the project site within southern willow scrub and mulefat vegetation communities.

Southwestern Willow Flycatcher (Empidonax traillii extimus)

Southwestern willow flycatcher inhabits riparian and wetland thickets, generally of willow, tamarisk, or both, and sometimes boxelder (*Acer negundo*) or Russian olive (*Elaeagnus angustifolia*). This species was not identified onsite during focused surveys. Suitable habitat is present onsite in southern willow scrub, and southwestern willow flycatcher is considered to have moderate potential to occur onsite.

Delhi Sands Flower-Loving Fly (Rhaphiomidas terminates abdominalis)

Delhi Sands flower-loving fly (DSFLF), listed as federally endangered, is found only in areas of the Delhi Sands formation in southwestern San Bernardino and northwestern Riverside counties. DSFLF requires fine, sandy soils, often with wholly or partly consolidated dunes and sparse vegetation. DSFLF is not expected to occur onsite. Although Delhi Sand soils were mapped onsite, soils suitable for DSFLF were not observed onsite during a focused habitat assessment for DSFLF. The mapped Delhi Sands soils onsite are silty sands, consisting of fine sands with some silt and trace clay, which is indicative of deposition by rivers flowing onto valley floors (alluvial deposition). Soils suitable for DSFLF are fine, wind-deposited sands. Pursuant to the MSHCP, projects within criteria cells 21, 22, and 55 shall not require DSFLF surveys. Instead, 50 acres of additional reserve land shall be acquired.

Jurisdictional Waters and Wetlands

MIG completed a jurisdictional delineation report—attached as Appendix I to the General Biological Resources Assessment dated November 2018—that identified state and federal waters and wetlands potentially subject to regulation by the Corps of Engineers, RWQCB, and CDFW (see Table 5.3-1).

5. Environmental Analysis

BIOLOGICAL RESOURCES

Table 5.3-1 Jurisdictional Wetlands and Waters

Map Letter	Figure No.	Feature	Location in Site	Area, acres	Length feet	Jurisdiction			
						Corps	RWQCB	CDFW	MSHCP
Wetlands									
A	6e	Riparian Wetland	Southeast part of site; Portion of quarry surrounding Wetland B	1.536	NA		X	X	
B	6e	Freshwater emergent wetland	Southeast part of site; base of limestone quarry pit	1.005	NA		X	X	
C, D, E, F	6d	Freshwater emergent-riparian fringe wetlands	Southwest part of site; around the perimeter of Crestmore Lake	1.796	NA		X	X	
Total				4.337					
Non-wetland Riparian Habitat									
K	6e	Riparian woodland	Southeast part of site in quarry pit	0.332	NA		X	X	
Total				0.332	NA				
Lake									
G	6d	Lake	Southwest part of site	6.304	NA		X	X	
Total				6.304	NA				
Total Jurisdictional Areas by Agency						0 acre	10.973 acres	10.973 acres	0 acre
Source: MIG 2018.									

Lake and Riparian Habitat Jurisdictional to CDFW

The CDFW has jurisdiction over any proposed activity that may substantially modify a river, stream, or lake. CDFW jurisdiction extends to the limit of riparian vegetation along rivers and streams and next to lakes.

Riparian Habitat

The riparian habitat areas total 4.669 acres:

- **Wetland A**, 1.536 acres in the southeast part of the site in part of Crestmore Quarry (see Figure 5.3-2, *Jurisdictional Areas, Southeast Part of Project Site*), consists of riparian vegetation and seasonal surface water in an excavated depression that does not have a well-defined bed and bank but provides important habitat for wildlife, including least Bell's vireo. This area is not proposed for development and would remain untouched.

5. Environmental Analysis

BIOLOGICAL RESOURCES

- **Wetland B**, 1.005 acres in the southeast part of the site in part of the Crestmore Quarry (see Figure 5.3-2), supports a predominance of riparian vegetation with an emergent wetland vegetation understory. This area would not be disturbed.
- **Wetlands C, D, E, and F**, totaling 1.796 acres in the south part of the site on the banks of Crestmore Lake (see Figures 5.3-2 and 5.3-3, *Jurisdictional Areas, Southwest Part of Project Site*), support vegetation similar to Wetland B and would remain undisturbed.
- **Riparian Habitat Feature K** is a small non-wetland riparian woodland (0.332 acre) in the bottom of the quarry pit in the southeast part of the site (see Figure 5.3-2). This feature is not associated with a streambed or lake; however, it does provide habitat for least Bell's vireo, a riparian bird species. This area would be disturbed.

Lake

Crestmore Lake (G), in the southwest part of the site (see Figure 5.3-3), is 6.304 acres in area and would remain undisturbed.

Waters and Wetlands Jurisdictional to the Corps

Waters of the U.S. include waters that are or have been used or could be used in interstate or foreign commerce; interstate waters, including interstate wetlands; tributaries of those categories of waters; territorial seas; and wetlands adjacent to those categories of waters. It was determined that no wetland or water features meet the definition of Waters of the U.S. according to an Approved Jurisdictional Determination issued for this project site by the Corps on July 18, 2019 (Army Corps 2019a, 2019b).

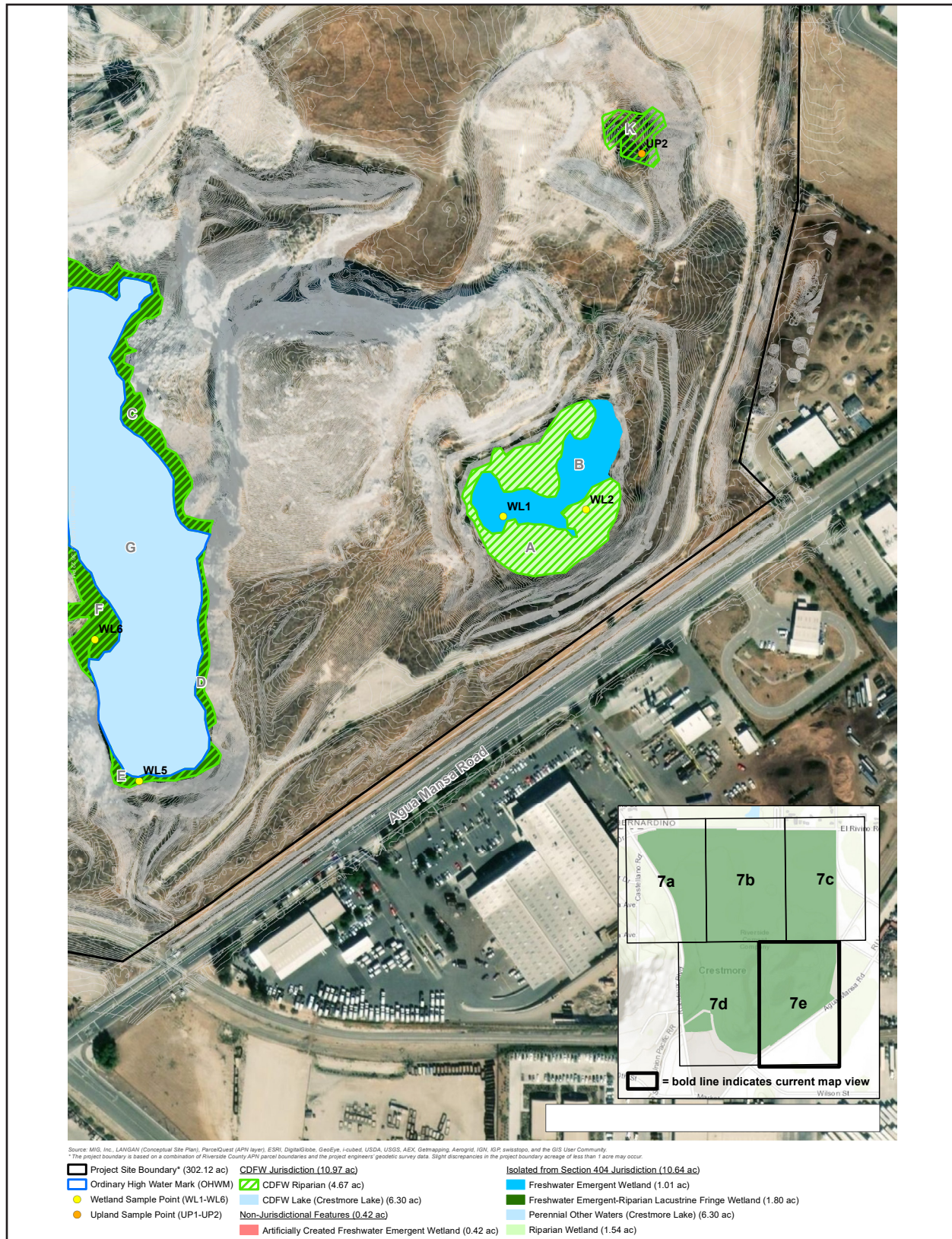
Waters and Wetlands Jurisdictional to the RWQCB

The riparian and emergent wetlands and non-wetland riparian habitat (A, B, C, D, E, F, and K) and Crestmore Lake (G)—totaling 10.973 acres—are all potentially jurisdictional to the RWQCB.

MSHCP Riparian/Riverine Habitat

There are no MSHCP Riparian/Riverine resources on the project site. All wetland, riparian, and open water features were artificially created through development and excavation related to the cement plant operations. The southeastern commercial quarry borrow area (Wetlands A and B), Crestmore Lake (G), and associated wetlands (C through F) were created as a result of mining and mineral extraction activities. Crestmore Lake was formed when excavations encountered unanticipated groundwater. Furthermore, these features have no hydrologic or other physical connection with downstream conservation area resources associated with the Santa Ana River.

Figure 5.3-2 - Jurisdictional Areas, Southeast Part of Project Site
5. Environmental Analysis

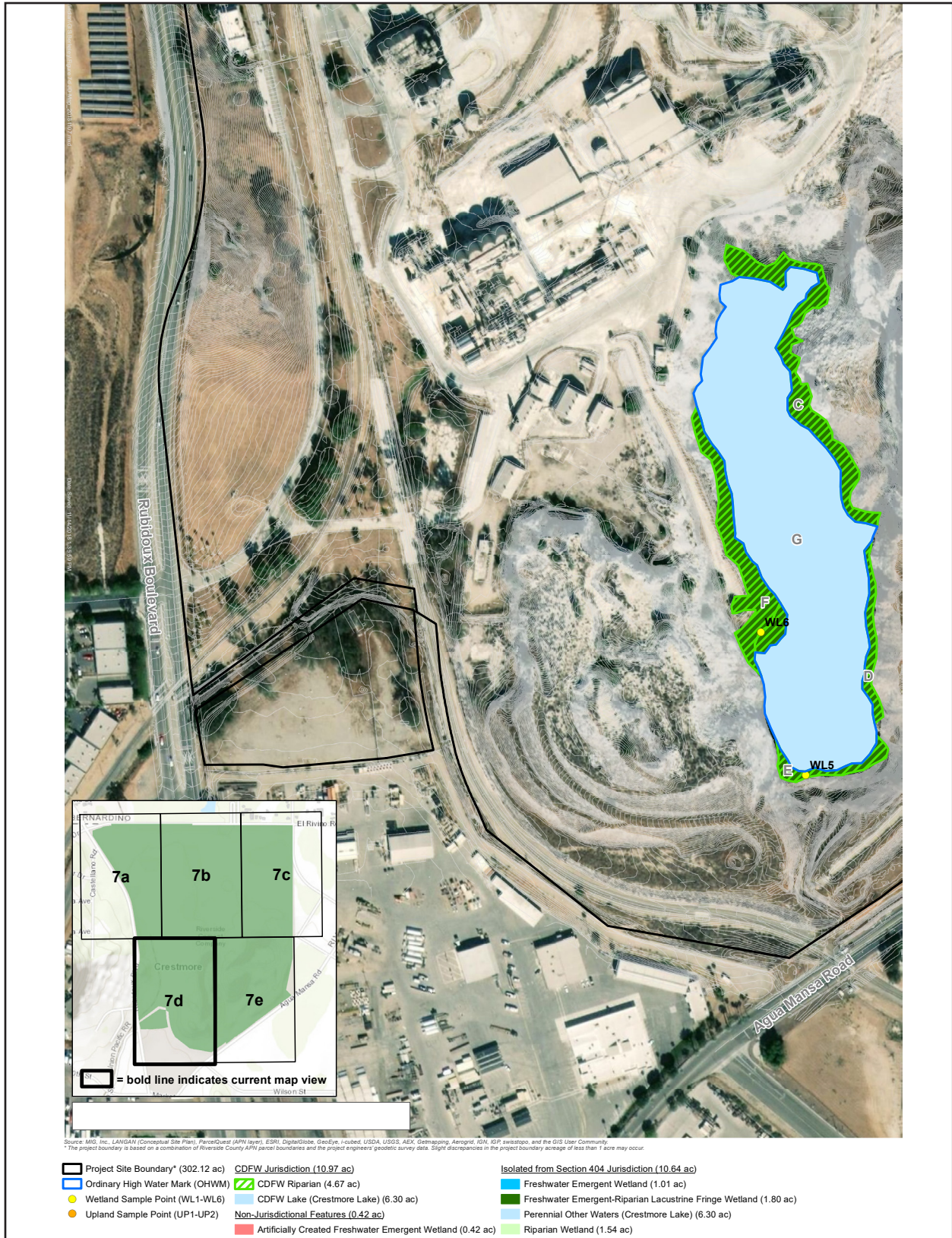


5. Environmental Analysis

BIOLOGICAL RESOURCES

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Figure 5.3-3 - Jurisdictional Areas, Southwest Part of Project Site
5. Environmental Analysis



5. Environmental Analysis

BIOLOGICAL RESOURCES

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5. Environmental Analysis BIOLOGICAL RESOURCES

Wildlife Movement Corridors

Wildlife corridors connect fragmented patches of habitat, facilitating movement of plants and animals through dispersal and migration. The project site is not available for regional overland wildlife movement because it is bounded to the east, west, and south by residential, commercial, and industrial land uses. In addition, the entire site is fenced with an eight-foot-high chain-link fence. Limited, infrequent wildlife movement may occur between the site and vacant land to the southeast; however, such movement would be limited to relatively small animals passing through holes in the fence.

Vegetation Usable as Nesting Habitat

Onsite vegetation communities represent suitable nesting habitat for common and special-status resident and migratory bird/raptor species with the potential to occur within the project site. Typically, migratory birds and raptors nest within trees and other vegetation in areas that are removed from human disturbance; however, some species, such as great horned owl (*Bubo virginianus*) and red-tailed hawk, are known to nest in and adjacent to developed areas where there is nearby undeveloped land supporting an abundance of prey. The project site provides potential foraging and/or nesting habitat for migratory birds and raptors, including northern harrier (*Circus cyaneus*), prairie falcon (*Falco mexicanus*), red-tailed hawk, sharp-shinned hawk (*Accipiter striatus*), yellow warbler (*Dendroica petechia*), and rufous-crowned sparrow (*Aimophila ruficeps*). Several inactive raptor and songbird nests were observed during a tree survey of parts of the site in June 2017.

5.3.2 Notice of Preparation / Scoping Comments

A Notice of Preparation (NOP) for the proposed project was circulated for public review on July 17, 2017. The comments from the NOP review that will be addressed in the biological resources section are in Table 5.3-2.

Table 5.3-2 NOP Written Comments Summary

Commenting Agency/Person	Letter Dated	Summary of Comments	Issue Addressed In:
Western Riverside County Regional Conservation Authority (RCA) Charles Landry	8/14/17	<ul style="list-style-type: none"> State that the project site is located in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) criteria cells 21, 22 and 55 which are designated specifically for conservation of the endangered Delhi Sands flower-loving fly (DSFLF) Projects within criteria cells 21, 22 and 55 shall not require DSFLF surveys. Instead, 50 acres of additional reserve land shall be acquired. The DEIR should address the project's consistency with the MSHCP's required 50-acre conservation area for projects in criteria cells 21, 22 and 55. A Joint Project Review for MSHCP consistency is also required and should be completed prior to the DEIR completion and public review. 	<ul style="list-style-type: none"> Section 5.3, <i>Biological Resources</i> Appendix D, Biological Resources Assessment and MSHCP Consistency Analysis

5. Environmental Analysis

BIOLOGICAL RESOURCES

Table 5.3-2 NOP Written Comments Summary

Commenting Agency/Person	Letter Dated	Summary of Comments	Issue Addressed In:
<p>California Department of Fish and Wildlife (CDFW) – Inland Deserts Region</p> <p>Leslie MacNair, Regional Manager</p>	8/16/17	<ul style="list-style-type: none"> • Acknowledges that the project is a specific plan and future environmental review may be forthcoming, but recommends as much specificity as possible related to each of the four project phases and that biological surveys be completed over the entirety of the Specific Plan area with results included in the DEIR • The DEIR should include the following: <ul style="list-style-type: none"> – Habitat assessment and vegetation map – Biological inventory of fish, amphibian, reptile, bird, and mammal species present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project – A complete, recent inventory of rare, threatened, endangered, and other sensitive species within the project footprint and offsite areas with the potential to be affected – Focused species-specific/MSHCP surveys – A thorough, recent floristic-based assessment of special-status plants and natural communities – Information on regional setting – Discussion of potential impacts from lighting, noise, human activity, and wildlife-human interactions, including project-related changes on drainage patterns and water quality – Discussion of potential indirect impacts on biological resources (e.g., nearby public lands, open space, adjacent natural habitat, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands) – Evaluation of impacts to adjacent open space lands from construction and operational activities – Cumulative effects analysis for direct and indirect impacts – Mitigation measures that avoid, minimize, or mitigate impacts to sensitive plant communities with statewide rankings of S-1, S-2, S-3, and S-4 • State that mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement should be evaluated and discussed; if not viable, offsite mitigation through habitat creation and/or acquisition and preservation in perpetuity should be addressed. • Provides details regarding habitat revegetation/restoration plans if the project's impacts lead to requiring preparation of such plans 	<ul style="list-style-type: none"> • Section 5.3, <i>Biological Resources</i> • Appendix D, <i>Biological Resources Study</i> • Appendix D, <i>Joint Project Review</i>

5. Environmental Analysis BIOLOGICAL RESOURCES

Table 5.3-2 NOP Written Comments Summary

Commenting Agency/Person	Letter Dated	Summary of Comments	Issue Addressed In:
		<ul style="list-style-type: none"> Provides details regarding the Migratory Bird Treaty Act Recommends a qualified biologist be retained onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife States that CDFW generally does not support the use of relocation, salvage, and/or translocation as mitigation for species The project site is located within the Delhi Sands Area Subunit of the Jurupa Area Plan and within MSHCP Criteria Cells 21, 22 and 55 States that the project is subject to a Joint Project Review process through the Western Riverside County RCA and will require preparation of a Determination of Biologically Equivalent or Superior Preservation to the RCA, USFWS, and CDFW If the proposed project will divert or obstruct the natural flow, or change the bed, channel or bank of a river or stream, a Lake and Streambed Alteration Agreement will be required Recommends incorporating water-wise concepts in project landscape design plans (e.g., native landscaping and water-efficient and targeted irrigation systems) 	
<p>US Fish and Wildlife Services (USFWS) – Palm Springs Office</p> <p>Kennon A. Corey, Assistant Field Supervisor</p>	8/17/17	<ul style="list-style-type: none"> Acknowledges that the project is a Specific Plan, and that additional environmental review may be forthcoming on a project-by-project basis, but recommends as much specificity as possible related to each of the four project phases and that biological surveys be completed over the entirety of the Specific Plan area with results included in the DEIR States that recent biological survey data are needed to adequately analyze the direct, indirect, and cumulative project impacts Requests the DEIR describe the threshold that will be relied on for requiring additional environmental review for each phase and sub-project tiering off of the Specific Plan States that a project consistency analysis with the MSHCP is required The project site is located within the Delhi Sands Area Subunit of the MSHCP's Jurupa Area Plan and falls inside MSHCP Criteria Cells 21, 22, and 55 <ul style="list-style-type: none"> No DSF focused surveys shall be required. Instead, 50 acres of additional reserve lands shall be acquired within the geographic areas identified as appropriate in the MSHCP The undeveloped northernmost part of the project site is the only remaining area within the Jurupa 	<ul style="list-style-type: none"> Section 5.3, <i>Biological Resources</i> Appendix D, <i>Biological Resources Study</i> Appendix D, <i>Joint Project Review</i>

5. Environmental Analysis

BIOLOGICAL RESOURCES

Table 5.3-2 NOP Written Comments Summary

Commenting Agency/Person	Letter Dated	Summary of Comments	Issue Addressed In:
		<p>Area Plan for the MSHCP to meet the 50-acre DSFLF habitat conservation objective. The Riverside County soil map prepared by the U.S. Natural Resources Conservation Service indicates that there are 39 to 55 acres of undeveloped DSFLF suitable habitat in the northern quarter of the site.</p> <ul style="list-style-type: none"> • Recommends the project's conceptual land use plan be revised to shift commercial land uses out of DSF suitable habitat in the northernmost part of the project site (Industrial and Business Park Districts) and move them south into the Open Space District. • States that surveys for narrow endemic plants and burrowing owls should follow MSHCP/CDFW requirements <ul style="list-style-type: none"> – Recommends the DEIR include a mitigation measure stating that if three or fewer pairs of burrowing owls are found onsite, the project applicant will notify the USFWS and CDFW within three working days of discovering the owls, and will subsequently submit a Burrowing Owl Protection and Relocation Plan to the USFWS, CDFW, and Western Riverside County RCA for their review and approval • States that a Joint Project Review process for MSHCP consistency is required since the project site is within an MSHCP Criteria Area and that the review should be completed prior to circulation of the DEIR 	
<p>Santa Ana Regional Water Quality Control Board (RWQCB)</p> <p>Terri S. Reeder, Chief, Basin Planning Coastal Waters Section</p>	8/18/17	<p>RWQCB requests:</p> <ul style="list-style-type: none"> • A discussion in the DEIR with regards to jurisdictional delineations and any actual impacted acreage 	<ul style="list-style-type: none"> • Section 5.3, <i>Biological Resources</i> • Appendix D, <i>Biological Resources Study</i>

All comments are organized based on date received.

In addition, a scoping meeting was held on July 27, 2017, at the Jurupa Valley City Hall, 8930 Limonite Avenue, Jurupa Valley, CA 92509, to elicit comments on the scope of the DEIR. A list of attendees is provided in Appendix A; no verbal or written comments were received during the scoping meeting.

5.3.3 Thresholds of Significance

The City of Jurupa Valley has not established local CEQA significance thresholds as described in Section 15064.7 of the State CEQA Guidelines. Criteria for determining the significance of impacts related to biological resources are based on criteria in Appendix G of the CEQA Guidelines. According to Appendix G, a project would normally have a significant effect on the environment if the project would:

5. Environmental Analysis

BIOLOGICAL RESOURCES

- BIO-1 Have a substantial effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- BIO-2 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- BIO-3 Have a substantial adverse effect on state or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- BIO-4 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
- BIO-5 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- BIO-6 Conflict with the provisions of an adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

5.3.4 Applicable Policies and Design Features

5.3.4.1 PLANS, POLICIES, AND PROGRAMS

These include existing regulatory requirements, such as plans, policies, or programs, applied to the project based on federal, state, or local law currently in place and which effectively reduce impacts related to biological resources. These requirements are included in the project's Mitigation Monitoring and Reporting Program to ensure compliance:

- PPP BIO-1 The project is required to pay mitigation fees pursuant to the Western Riverside County Multiple Species Habitat Conservation Plan.
- PPP BIO-4 The Proposed Project shall be implemented in compliance with the following City of Jurupa Valley General Plan Conservation Element policies:
- Policy 1.2: Protection of Significant Trees
 - Policy 1.3: Other Significant Vegetation
 - Policy 1.7: Conservation of Riparian Areas
- PPP HYD-3 As required by Municipal Code Chapter 6.05.050, *Storm Water/Urban Runoff Management and Discharge Controls, Section C*, new development or redevelopment projects shall control storm water runoff so as to prevent any deterioration of water quality that would impair subsequent

5. Environmental Analysis

BIOLOGICAL RESOURCES

or competing uses of the water. The City Engineer shall identify the BMPs that may be implemented to prevent such deterioration and shall identify the manner of implementation. Documentation on the effectiveness of BMPs implemented to reduce the discharge of pollutants to the MS4 shall be required when requested by the City Engineer. The BMPs may include, but are not limited to, the following and may, among other things, require new developments or redevelopments to do any of the following:

- (1) Increase permeable areas by leaving highly porous soil and low lying area undisturbed by:
 - (a) Incorporating landscaping, green roofs and open space into the project design;
 - (b) Using porous materials for or near driveways, drive aisles, parking stalls and low volume roads and walkways; and
 - (c) Incorporating detention ponds and infiltration pits into the project design.
- (2) Direct runoff to permeable areas by orienting it away from impermeable areas to swales, berms, green strip filters, gravel beds, rain gardens, pervious pavement or other approved green infrastructure and French drains by:
 - (a) Installing rain-gutters oriented towards permeable areas;
 - (b) Modifying the grade of the property to divert flow to permeable areas and minimize the amount of storm water runoff leaving the property; and
 - (c) Designing curbs, berms or other structures such that they do not isolate permeable or landscaped areas.
- (3) Maximize storm water storage for reuse by using retention structures, subsurface areas, cisterns, or other structures to store storm water runoff for reuse or slow release.
- (4) Rain gardens may be proposed in-lieu of a water quality basin when applicable and approved by the City Engineer.

PPP HYD-4 As required by Municipal Code Chapter 6.05.050, *Storm Water/Urban Runoff Management and Discharge Controls, Section E*, any person or entity that owns or operates a commercial and/or industrial facility(s) shall comply with the provisions of this chapter. All such facilities shall be subject to a regular program of inspection as required by this chapter, any NPDES permit issued by the State Water Resource Control Board, Santa Ana Regional Water Quality Control Board, Porter-Cologne Water Quality Control Act (Wat. Code Section 13000 et seq.), Title 33 U.S.C. Section 1251 et seq. (Clean Water Act), any applicable state or federal regulations promulgated thereto, and any related administrative orders or permits issued in connection therewith.

5. Environmental Analysis BIOLOGICAL RESOURCES

5.3.4.2 PROJECT DESIGN FEATURES

There are no project design features that apply to biological resources.

5.3.5 Environmental Impacts

Project development would involve clearance of approximately 212.65 acres of the site—the entire proposed Industrial Park (190 acres), and three portions of the proposed Business Park site totaling about 34 acres.

Impact BIO-1: Threshold: Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

MSHCP-Covered Species

Burrowing Owl

Suitable habitat is present onsite in brittlebush scrub, disturbed, developed, and rock outcrop vegetation communities, and burrowing owl is considered to have moderate potential to occur onsite. Burrowing owl was not detected in focused surveys onsite in 2016-17 but could colonize the site before construction.

Level of Significance before Mitigation: Potentially significant.

Mitigation Measure BIO-1 requires a 30-day preconstruction survey and is required in order to reduce impacts to less than significant.

Least Bell's Vireo

Least Bell's vireo was observed onsite during focused surveys in 2017. A total of 3.90 acres of suitable nesting habitat is present on the project site within southern willow scrub and mulefat vegetation communities in the proposed Open Space District and in the southeast part of the proposed Industrial Park (see Figure 5.3-1).

Level of Significance before Mitigation: Potentially significant.

Mitigation Measure BIO-2 is required in order to reduce impacts to less than significant.

Delhi Sands Flower-Loving Fly

DSFLF is not expected to occur onsite. A soil gradation analysis by the project geotechnical consultant in April 2017 determined that Delhi Sands soils are not present on the project site, and thus DSFLF can be presumed absent from the site. As stated by the RCA:

The applicant shall implement Mitigation Measures (MM) Bio-1b (DSF Mitigation Options) as described in the *Assessment* [MIG, General Biological Resources Assessment, 2018]. Of the two options, the applicant will implement Option 1 – Acquire DSF Habitat: “RCA will purchase 50 acres of DSF mitigation credits from the existing Colton Dunes Conservation Bank (‘DSF Habitat’). RCA and the

5. Environmental Analysis

BIOLOGICAL RESOURCES

applicant entered into the agreement for funding and acquisition dated September 10, 2018, or as amended, that established the terms and conditions for the applicant to contribute toward the purchase price of the DSF mitigation credits. Payment by the applicant to the RCA to acquire the DSF mitigation credits would represent the Project's compliance and consistency with the MSHCP goals for DSF habitat conservation.” (RCA JPR 2018).

Level of Significance before Mitigation: Potentially significant.

Mitigation Measure BIO-3 is required in order to reduce impacts to less than significant.

Southwestern Willow Flycatcher

Suitable habitat for southwest willow flycatcher is present onsite in southern willow scrub, but biologists did not detect flycatchers during protocol-level surveys in 2017. Although they are known to occasionally occur at the project site and immediate vicinity during migration, they are not known to nest on the site. Therefore, the proposed project is not expected to impact southwestern willow flycatcher, and no additional surveys or impact mitigation measures would be required for this species.

Level of Significance before Mitigation: Less than significant.

Species Not Covered by MSHCP

Silvery Legless Lizard

Though not covered by the MSHCP, the silvery legless lizard is a California Species of Special Concern. This species is often found under or near rocks, boards, logs, and compacted woodrat nests. The silvery legless lizard is dependent on soils with relatively high moisture content. Due to the presence of 56.27 acres of marginally suitable desert scrub (brittlebush) habitat, gravelly loam substrate in the quarry pit and borrow areas, and a reported occurrence within 3.8 miles south of the site, this species is considered to have a moderate potential to occur in the undeveloped portions of the project site. Potential direct impacts to this species may result from project construction and post-construction activities.

Level of Significance before Mitigation: Potentially significant.

Mitigation Measure BIO-4 is required in order to reduce impacts to less than significant.

Western Mastiff Bat

The western mastiff bat is designated a California Species of Concern and identified as a high priority species by the Western Bat Working Group (WBWG). Suitable habitat for western mastiff bat is present onsite in eucalyptus grove, brittlebush scrub, developed, rock outcrop, and nonnative grassland vegetation communities totaling about 227 acres. There are recent occurrence records for western mastiff bat in the vicinity of the site (approximately 2.7 miles northeast).

Level of Significance before Mitigation: Potentially significant.

5. Environmental Analysis BIOLOGICAL RESOURCES

Mitigation Measure BIO-7 is required in order to reduce impacts to less than significant.

Western Yellow Bat

The western yellow bat is designated a California Species of Concern and identified as a high priority species by the WBWG. The project site has palm trees and eucalyptus trees that have the potential to support roosting western yellow bat. This species may also roost in the riparian fringe surrounding Crestmore Lake. There are recent records of occurrence in the vicinity of the project site (approximately 2.8 miles east).

Level of Significance before Mitigation: Potentially significant.

Mitigation Measure BIO-7 is required in order to reduce impacts to less than significant.

Pocketed Free-Tailed Bat

Suitable habitat for pocketed free-tailed bat is present on the project site within rock outcrop and brittlebush scrub communities totaling 64.07 acres. Suitable roost habitat is present on the project site in abandoned buildings and rock crevices on vertical quarry walls that are not accessible by humans. There are recent records of occurrence in the vicinity of the project site (approximately 2.5 miles northeast).

Level of Significance before Mitigation: Potentially significant.

Mitigation Measure BIO-7 is required in order to reduce impacts to less than significant.

Southern Grasshopper Mouse

The southern grasshopper mouse is designated a California Species of Concern. The southern grasshopper mouse has the potential to occur on-site in marginally suitable nonnative grassland and brittlebush scrub communities. However, not all portions of these communities are suitable to support rodent burrows due to a lack of friable soils for digging. The placement of fill, pavement, and cement slurry from cement processing activities has substantially altered native soil composition and texture. According to the burrowing owl survey report, 15.29 acres of small mammal burrow complexes provide potentially suitable habitat for southern grasshopper mouse. There are recent records of occurrence in the vicinity of the project site (approximately 4.5 miles east).

Level of Significance before Mitigation: Potentially significant.

Mitigation Measure BIO-6 is required in order to reduce impacts to less than significant.

American Badger

The American badger is a designated California Species of Concern. Although evidence of American badgers (observations, tracks, and active and potential den sites) was not observed on the project site, suitable habitat is present, including brittlebush scrub, eucalyptus grove, and southern willow scrub. There are recent records of occurrence in the vicinity of the project site (approximately 5 miles east).

5. Environmental Analysis

BIOLOGICAL RESOURCES

Level of Significance before Mitigation: Potentially significant.

Mitigation Measure BIO-5 is required in order to reduce impacts to less than significant.

Plant Species

The project site was systematically examined for 28 special status plant species with potential to occupy the site based on a review of nearby species occurrence records, which include the three narrow endemic plant species. Site coverage consisted of slowly walking parallel transects over undeveloped portions of the site where intact vegetation was present to allow accurate identification of plants detectable at that time. The focused surveys did not identify sensitive plant species on-site, and those species are not expected to occur on-site due to lack of suitable habitat. Project development would not have substantial impacts on sensitive plant species.

Level of Significance before Mitigation: Less than significant.

Level of Significance before Mitigation: Although impacts to plant species would be less than significant, impacts to several sensitive animal species are potentially significant. Mitigation Measures BIO-1 to BIO-7 are required to reduce Impact BIO-1 to less than significant.

Impact BIO-2	Threshold: Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
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Project development would involve the removal of southern willow scrub, which is classified as a sensitive natural community and regulated as riparian habitat by CDFW. The 0.332 acre of impacted riparian habitat (K) is in a quarry pit in the southeast part of the site in the proposed Industrial Park.

Level of Significance before Mitigation: Potentially significant.

Mitigation Measure BIO-8 is required to reduce Impact BIO-2 to less than significant.

Impact BIO-3	Threshold: Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
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Project development would involve the removal of riparian habitat (K), which is regulated as Waters of the State by the RWQCB.

Level of Significance before Mitigation: Potentially Significant.

Mitigation Measure BIO-9 is required to reduce Impact BIO-3 to less than significant.

5. Environmental Analysis BIOLOGICAL RESOURCES

Impact BIO-4 Threshold: Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The project site provides potential nesting and/or foraging habitat for migratory birds and raptors, including northern harrier (*Circus cyaneus*), prairie falcon (*Falco mexicanus*), red-tailed hawk, sharp-shinned hawk (*Accipiter striatus*), yellow warbler (*Dendroica petechia*), and rufous-crowned sparrow. Several inactive raptor and songbird nests were observed during a tree survey of parts of the site in June 2017. The impact to these species is potentially significant.

The project site is not available for regional overland wildlife movement; it is bounded to the east, west, and south by residential, commercial, and industrial land uses and is surrounded by an eight-foot chain-link fence.

Level of Significance before Mitigation: Potentially Significant.

Mitigation Measure BIO-10 is required to reduce Impact BIO-4 to less than significant.

Impact BIO-5 Threshold: Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The General Biological Resources Assessment evaluated the proposed project for consistency with all applicable local and regional policies of the 2017 City of Jurupa Valley General Plan Conservation and Open Space Element, including COS 1.2, Protection of Significant Trees. “Protect and preserve significant trees, as determined by the City Council upon the recommendation of the Planning Commission. Significant trees are those trees that make substantial contributions to natural habitat or to the urban landscape due to their species, size, or rarity. In particular, California native trees should be protected” (see Table 5.9-2, *City of Jurupa Valley General Plan Consistency Analysis*).

A tree survey was completed by MIG biologists in June 2017 and an analysis of tree removal impacts was conducted by MIG in August 2017. The impact analysis considered whether trees planned for removal are native or nonnative and evaluated the overall condition of trees to be removed.

Project development would result in the loss of 31 native trees and 1,573 nonnative trees planted around existing buildings and parking lots of the decommissioned cement plant. The tree impact analysis concluded that over 60 percent of trees planned for removal are currently in overall poor condition (i.e., dead or dying potential hazard trees) and over 99 percent are nonnative, ornamental plantings. Although most trees identified onsite are not native to the region and were planted for landscaping purposes, removal of an estimated 1,604 trees would constitute a potentially significant environmental impact due to the ecosystem services that these trees currently provide.

Level of Significance before Mitigation: Potentially significant.

Mitigation Measures BIO-7, -8, -9, -10, and -11 are required to reduce Impact BIO-5 to less than significant.

5. Environmental Analysis

BIOLOGICAL RESOURCES

Impact BIO-6	Threshold: Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
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Criteria Cells

The project site is within the MSHCP Jurupa Area Plan. The project site contains three Criteria Cells (21, 22, and 55) and one Area Plan Sub Unit, SU3-Delhi Sands Area. Areas to be conserved under the plan are to include suitable dispersal habitat and/or movement habitat and interconnecting linkages within Core Areas or that are contiguous to areas that have already been conserved within and outside the Plan Area, including locations outside the Criteria Area or within San Bernardino County. Conservation value is measured by such factors as occupation by DSFLF and opportunities for connectivity to other areas conserved for the species.

Based on the results of a focused assessment conducted in potential suitable habitat areas, DSFLF is presumed absent from the project site because of the lack of Delhi Sands. The project site does not provide dispersal habitat or serve as an interconnected habitat linkage to conservation areas for DSFLF.

The project is required to comply with all applicable Non-contiguous Habitat-3 (NCH-3)/Agua Mansa mitigation requirements, as defined by the MSHCP. However, due to the lack of onsite DSFLF habitat and the need to remediate hexavalent chromium and other heavy metals at the project site, on-site mitigation is not feasible, and off-site mitigation is the only feasible alternative. On March 15, 2018, the applicant met with the RCA, the USFWS, and the City of Jurupa Valley to discuss potential mitigation scenarios. The MSHCP does not require mitigation to occur solely within Riverside County, and the area of allowed mitigation extends into San Bernardino County. Originally, the USFWS and the RCA have identified approximately 472 acres of land in San Bernardino County that are feasible mitigation sites. The land includes both contiguous and non-contiguous DSFLF habitat within existing DSFLF mitigation banks, public land, and private land. On September 10, 2018, the RCA Board of Directors approved a funding agreement with Crestmore Redevelopment, LLC (the project applicant). The fee agreement established the funding mechanisms to be used to purchase 50 conservation credits from a DSFLF conservation bank located in the City of Colton. An amendment to the agreement in April 2019 updated the funding mechanisms for the conservation credit purchase (RCA 2019) and may be amended further. Payment of these fees would address the continued applicability of the conservation goal to the project site and ensure consistency with MSHCP objectives for the long-term conservation of DSFLF.

Required Surveys

Narrow Endemic Plant Species Survey Area

The project site is in a predetermined survey area for certain narrow endemic plant species: San Diego ambrosia (April–October), Brand’s star phacelia (March–June), and San Miguel savory (March–July). A habitat assessment for those species in July 2016 determined that suitable habitat for the three species is absent from the site. Focused surveys for 25 sensitive plant species not covered by the MSHCP did not identify any of those species onsite. No additional action is required to be consistent with MSHCP goals respecting special-status plant species.

5. Environmental Analysis BIOLOGICAL RESOURCES

Burrowing Owl Survey Area

The project site is in a predetermined burrowing owl survey area. A July 2016 habitat assessment identified suitable burrowing owl habitat onsite. Although this species was not observed during protocol level surveys, suitable habitat was determined to be present on-site in several vegetation communities. There is potential for burrowing owl to colonize the site prior to construction. Therefore, in accordance with the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area (Riverside County 2006), a 30-day preconstruction survey would be conducted prior to the initiation of construction to ensure protection for this species.

Riparian/Riverine Resources

The MSHCP defines riparian/riverine areas as natural "...lands which contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year." The MSHCP further asserts, "...areas demonstrating characteristics as described above which are artificially created are not included" in the above definitions. There are no riparian/riverine resources on or adjacent to the project site. All on-site wetland features were artificially created through development and excavation related to cement plant operations. The southeastern depression and Crestmore Lake were pits created for mining and mineral extraction that ended up encountering unanticipated groundwater. Three of the wetlands in the northern part of the site consist of depressions created by disturbed soil conditions. These features are wholly supported by nuisance flows originating from leaking water infrastructure associated with the cement processing facility. These features would revert to uplands in the absence of this artificial water source. Furthermore, these water features are not confluent (i.e., no surface flow connection) with downstream conservation area resources associated with the Santa Ana River. Therefore, these water features do not meet the definition of an MSHCP Riparian/Riverine Resource. The RCA and regulatory agencies concurred with this finding at a joint meeting with MIG and Viridian Partners on March 15, 2018. A DBESP is not required.

Urban/Wildlands Interface

The project site is not within or adjacent to an MSHCP Linkage or Constrained Linkage. The project site contains a small portion of Existing Core A and Proposed Non-Contiguous Habitat Blocks 1, 2, and 3. Project construction in proximity to the MSHCP Conservation Area has the potential to result in indirect effects to natural communities. Therefore, an Urban/Wildland Interface analysis pursuant to Section 6.1.4 was required for compliance with MSHCP and is discussed under Mitigation Measure BIO-12.

Criteria Area Species Survey

The project site is not in a survey area for criteria area plant species. No MSHCP focused surveys or mitigation are required or proposed.

Amphibian Species Survey Area

The project site is not in a predetermined amphibian species survey area. No MSHCP focused surveys or mitigation are required or proposed.

5. Environmental Analysis

BIOLOGICAL RESOURCES

Mammal Species Survey Area

The project site is not in a predetermined mammal species survey area. No MSHCP focused surveys or mitigation are required or proposed.

Habitat Assessment and Negotiation Strategy/Joint Project Review

The project applicant submitted a Habitat Assessment and Negotiation Strategy analysis application to the City of Jurupa Valley and RCA on 10/27/2018. A Joint Project Review (JPR) application was submitted to RCA on 12/7/18. The RCA issued a JPR on December 7, 2018, concluding that “The project is consistent with both the Criteria and other Plan Requirements” (RCA JPR 2018).

Level of Significance before Mitigation: Potentially significant. Mitigation Measures BIO-1, -2, -3, and -12 are required to reduce Impact BIO-6 to less than significant.

5.3.6 Cumulative Impacts

The area considered for cumulative impacts is the MSHCP Plan Area. Impacts to MSHCP-covered species are considered less than significant for projects complying with MSHCP requirements. See further discussion of the MSHCP and MSHCP compliance above in Section 5.3-1 and Impact BIO-6.

5.3.7 Level of Significance Before Mitigation

Without mitigation, these impacts would be **potentially significant**:

- **Impact BIO-1:** Project development could impact several sensitive animal species.
- **Impact BIO-2:** Project development would impact 0.332 acre of southern willow scrub that is regulated as a riparian habitat by CDFW.
- **Impact BIO-3:** Development of the proposed project would impact 0.332 acre of non-wetland riparian habitat regulated as Waters of the State by RWQCB.
- **Impact BIO-4:** Development of the proposed project would impact vegetation that could be used by nesting birds.
- **Impact BIO-5:** Project development could conflict with City of Jurupa Valley General Plan policies protecting riparian habitats, significant trees, and other vegetation.
- **Impact BIO-6:** Project development could conflict with the provisions of the Western Riverside County Multiple-Species Habitat Conservation Plan.

5. Environmental Analysis BIOLOGICAL RESOURCES

5.3.8 Mitigation Measures

Impact BIO-1

MM BIO-1 **Preconstruction burrowing owl survey.** Within 30 calendar days prior to grading, a qualified biologist shall implement focused preconstruction surveys. Surveys shall be conducted by a CDFW-approved biologist prior to the initiation of ground disturbance (including, but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading). In conformance with Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area (2006) and California Burrowing Owl Consortium's 1993 protocols (which are recommended by the CDFW), the surveys will consist of a minimum of three site visits. A brief biological technical report will be prepared and submitted to the City and RCA that describes the results of the preconstruction survey. The report shall be reviewed by the City of Jurupa Valley Planning Department prior to the issuance of a grading permit. If the preconstruction survey does not identify burrowing owls in the impact area, a grading permit may be issued without restriction. If it is determined that burrowing owls have colonized the project site prior to the initiation of construction, the project proponent shall immediately inform RCA, USFWS, and CDFW and will be required to prepare a Burrowing Owl Protection and Relocation Plan for approval by RCA, USFWS, and CDFW prior to initiating ground disturbance. If burrowing owls are determined to be present in areas proposed for ground disturbance, the following avoidance measures will be implemented:

- a. Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFW verifies through noninvasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Owls on-site after February 1 will be assumed to be nesting unless evidence indicates otherwise. This nest protection buffer will be maintained until August 31 or, based on monitoring evidence, until the young owls are foraging independently or the nest is no longer active.

Unless otherwise authorized by CDFW and/or the RCA, a 250-foot buffer, within which no activity will be permissible, will be maintained between project activities and nesting burrowing owls during the nesting season. This protected area will remain in effect until August 31 or, based upon monitoring evidence, until the young owls are foraging independently. For burrowing owls present during the nonbreeding season (generally September 1 to January 31), a 150-foot buffer zone will be maintained around the occupied burrow(s).

- b. If there is any possibility that owls will be injured or killed as a result of construction activities, the birds may be passively relocated during the nonbreeding season in coordination with the City, RCA, and CDFW. Relocation of owls will be performed by a

5. Environmental Analysis

BIOLOGICAL RESOURCES

qualified biologist using one-way doors, which should be installed in all burrows within the impact area and left in place for at least two nights. Immediately prior to the initiation of grading, these one-way doors will be removed and the burrows backfilled. To avoid the potential for owls evicted from a burrow to occupy other burrows in the impact area, one-way doors will be placed in all potentially suitable burrows in the impact area when eviction occurs.

- c. Preparation of a Burrowing Owl Protection and Relocation Plan may be required if active and/or passive relocation is necessary. The relocation plan will outline the basic process and provides options for avoidance and mitigation. The relocation plan will be approved by the RCA, USFWS, and CDFW prior to implementation.

MM BIO-2

Least Bell's vireo. Prior to the issuance of a grading permit, the Planning Department shall verify that construction activities are scheduled (to the extent feasible) to commence outside of the least Bell's vireo nesting season (approximately mid-March until September), depending on when the birds arrive from and depart to wintering areas or whenever nesting birds are present, as determined by a biological monitor with demonstrated LBV experience.

- a) Any construction activities that commence during the least Bell's vireo nesting season shall require preconstruction surveys for nesting LBV. Such surveys shall be conducted within three business days prior to construction by a qualified biologist that is experienced with accurately identifying LBV and possesses knowledge of the species' biology and life history. The survey area shall consist of the impact area and a 500-foot buffer around Crestmore Lake and the commercial quarry.
- b) If any active LBV nests are detected within the survey area, a nest protection buffer of 500 feet around the nest shall be delineated, flagged, and avoided until the nesting cycle is complete. The avoidance buffer may be modified and/or other recommendations proposed to minimize impacts, as determined appropriate by a full-time biological monitor. Supporting documentation shall be prepared and submitted to the RCA and wildlife agencies prior to construction to outline any proposed LBV monitoring activities. In addition, the following measures shall be taken to minimize potential indirect impacts to active LBV nests:
 - Prior to construction, a training program shall be developed and implemented by the project biologist to inform all construction personnel about the federal- and state-listed LBV, the location of suitable habitat in relation to the work area, and the importance of complying with species avoidance and impact minimization measures pursuant to FESA and CESA.
 - Construction contractors shall stage equipment in areas that will create the greatest distance (minimum of 500 feet) between construction noise sources and LBV-suitable habitat.

5. Environmental Analysis

BIOLOGICAL RESOURCES

- All construction work within 500 feet of LBV habitat shall occur during daylight hours. The construction contractor shall limit all construction-related activities that would result in high noise levels according to the construction hours determined by the City. Construction contractors shall install properly operating and maintained mufflers on all construction equipment, fixed or mobile, to reduce construction equipment noise. Mufflers shall be installed consistent with manufacturers' standards. Construction contractors shall orient stationary construction equipment so that emitted noise is directed away from any occupied LBV habitat.
- Any construction-related activities that could occur within 500 feet of an active LBV nest will require daily noise monitoring. A qualified biologist who possesses experience monitoring LBV nesting behavior will establish a baseline of hourly ambient noise levels by collecting measurements at several noise monitoring stations using an RCA-approved sound monitoring device (e.g., Mastech MS6700 digital sound level meter or equivalent). Noise monitoring stations will be located 1) adjacent to construction areas within 500 feet of suitable LBV habitat and 2) along the edge of suitable LBV habitat area where access is feasible. The exact location and number of noise monitoring stations will be determined by the qualified biologist. Baseline noise measurements will be collected at the established monitoring stations prior to the nesting season and prior to construction (if feasible). On a daily basis during construction, the qualified biologist shall collect hourly noise measurements at the monitoring stations using the RCA-approved noise monitoring device. If the qualified biologist determines that nesting activities are being disturbed at any time during construction, the noise level that triggered the disturbance to nesting LBV will be recorded and identified as the "disturbance threshold," and the qualified biologist will issue a stop work order to the contractor immediately. All construction activities within the 500-foot nest protection buffer will cease until the noise levels can be reduced below the disturbance threshold. To do this, the qualified biologist shall direct the contractor to make operational changes, utilize technology to reduce construction noise such as mufflers, and/or install a barrier to alleviate noise levels during the breeding season. Installation of noise barriers and any other corrective actions taken to mitigate noise during the construction period shall be completed prior to the LBV nesting season and would be done in coordination with the RCA, CDFW, and USFWS.
- Daily noise monitoring will continue following implementation of the corrective actions to ensure that the disturbance threshold for nesting LBV is not exceeded and that no further disturbance to nesting LBV occurs. The results of daily noise monitoring measurements will be tabulated, and a summary of all monitoring activities and corrective actions will be recorded in daily monitoring reports. These reports will be compiled and submitted to the RCA and wildlife agencies on a monthly basis.

5. Environmental Analysis

BIOLOGICAL RESOURCES

- If, after all corrective actions are implemented, the monitoring biologist determines that the normal expected breeding behavior of birds is still being affected, work shall again cease, and the RCA and wildlife agencies shall be contacted to discuss the appropriate course of action.

Any activities in the Open Space District—including remediation or if a recreational use is proposed in the future—shall avoid direct and indirect impacts to LBV habitat, and the applicant will be responsible for implementing the following avoidance and minimization measures, which will be included in project plans, to safeguard long-term conservation and sustainability of the species:

- a) The Open Space District will be fenced and will restrict all access, except for areas that are required to undergo remediation or construction pursuant to approved plans. Prior to any public access into the Open Space District and the City's issuance of a Certificate of Occupancy or equivalent documentation for the completion of recreation facilities in the Open Space District, the applicant shall execute and record a deed restriction, conservation easement, or other instrument in a form acceptable to the Riverside Conservation Authority that provides for the permanent protection of the occupied least Bell's vireo habitat, as depicted on Figure 9, Proposed Fencing and Protection Areas, in the General Biological Resources Assessment in Appendix D of this DEIR. The instrument shall clearly indicate that the restricted area shall be preserved and no development within the restricted area is allowed other than environmental remediation and routine property maintenance activities, which may occur under the guidance of a qualified biologist.
- b) A fencing plan that uses both geographic site features and fencing will be implemented to prevent access to the protected least Bell's vireo habitat within the proposed restricted area. A draft fence alignment and proposed feasible buffer are illustrated on Figure 9 of the GBRA, included as Appendix D to this DEIR. The locations of the restricted area, proposed fencing, and any buffer areas are subject to review and approval by the resource agencies party to the MSHCP as well as the DTSC.

MM BIO-3 **Delhi sands flower-loving fly.** Prior to the issuance of a grading permit for the area impacted by the Delhi sands flower-loving fly, RCA will purchase 50 acres of DSFLF mitigation credits from the existing Colton Dunes Conservation Bank. The applicant entered into the agreement with RCA for funding and acquisition dated September 10, 2018, amended April 1, 2019. The agreement establishes the terms and conditions for the applicant to contribute to the purchase price of the DSFLF mitigation credits. Payment by the applicant to the RCA to acquire the DSFLF mitigation credits would represent the project's compliance and consistency with the MSHCP goals for DSFLF habitat conservation. If the agreement to purchase the Colton Dunes Conservation Bank DSFLF mitigation credits cannot be consummated, the project applicant may acquire 43 acres of DSFLF habitat within Riverside County or San Bernardino County subject to approval by the RCA and the wildlife agencies and provided the property has long-term conservation value for the species and will be managed in perpetuity.

5. Environmental Analysis BIOLOGICAL RESOURCES

MM BIO-4 **Silvery legless lizard.** Within 30 days prior to ground-disturbing activities associated with project construction, the applicant shall retain a qualified biologist to conduct focused silvery legless lizard surveys within areas of suitable habitat, to be determined by the biologist. The qualified biologist will be familiar with legless lizard ecology and survey methods and will have approval from CDFW to relocate this species. The scope of the survey shall be determined by the qualified biologist in consultation with CDFW and shall be sufficient to determine presence or absence in the areas of disturbance. If the focused survey results are negative, a letter report shall be submitted to the City, RCA, and CDFW, and no further action shall be required.

If the silvery legless lizard is found during the preconstruction surveys in the proposed work areas during any phase of the project, the following steps shall be taken:

- Silvery legless lizards shall be captured by hand by the qualified biologist and relocated to nearby suitable protected habitat at a preapproved location outside of the project site. This may include areas in the proposed Open Space District or on public lands in the vicinity if approved by the landholding agency.
- Construction monitoring shall be required for all new ground-breaking activities within silvery legless lizard habitat. Construction monitors shall capture and relocate lizards as specified above.
- A letter report shall be submitted to the City, RCA, and CDFW within 30 days of legless lizard relocation, or as directed by CDFW. The report will document trapping and relocation methods and results and identify any mortality that occurred during the relocation event. This report shall be submitted to the City, RCA, and CDFW no more than 14 days following the last day of each phase of project construction.

MM BIO-5 **American badger.** No more than 30 days prior to the commencement of industrial business park construction activities, the applicant shall retain a CDFW-approved biologist to conduct preconstruction surveys for American badger within suitable habitat on the project site in brittlebush scrub, eucalyptus grove, and southern willow scrub where friable soils are present. If present, occupied badger dens shall be flagged, and ground-disturbing activities avoided within 50 feet of the occupied den. Maternity dens shall be avoided during pup-rearing season (February 15 through July 1), and a minimum 200-foot protection buffer established. The extent of buffers shall be flagged in the field utilizing a method highly visible by construction crews. Buffers may be modified with the concurrence of CDFW and/or RCA. Maternity dens shall be flagged for avoidance and identified on construction maps, and a biological monitor shall be present during construction to monitor for adequate protection of all identified dens and to ensure that all flagging is kept in good working order.

If avoidance of a nonmaternity den (impacts to maternity dens are not allowed) is not feasible, badgers shall be relocated by slowly excavating the burrow (either by hand or mechanized

5. Environmental Analysis

BIOLOGICAL RESOURCES

equipment under the direct supervision of the biologist, removing no more than 4 inches at a time) before or after the rearing season (15 February through 1 July). Any passive relocation of badgers shall occur only after consultation with CDFW and the biological monitor.

Prior to the final CDFW or RCA inspection or occupancy, whichever comes first, a written report documenting all badger-related activities (den flagging, monitoring, badger removal, etc.) shall be provided to the City, RCA, and CDFW.

MM BIO-6 Southern grasshopper mouse. Prior to initiation of ground-disturbing activities (i.e., vegetation removal, grubbing, and grading) during any time of the year, the applicant shall retain a CDFW-approved biologist to conduct preconstruction surveys for southern grasshopper mouse. Surveys shall focus on all areas of suitable burrow habitat within nonnative grassland and brittlebush scrub communities. If this species is observed within the project site during preconstruction surveys, it will be relocated with the approval of the City, RCA, and CDFW, to an approved site with suitable habitat for this species. Surveys and relocation of southern grasshopper mouse may occur prior to construction; however, focused surveys must occur within 30 days prior to construction to ensure that no special-status wildlife is present within the project site during construction. Survey and relocation methods shall be approved by CDFW prior to commencement of grading.

MM BIO-7 Special Status Bat Species

- a. Maternity colony surveys for special-status bat species shall be conducted during the maternity season (March 1 to July 31). If no active roosts are found, then no further action is required. If the biologist detects the presence of active maternity roost or hibernacula (i.e., a non-maternity roost), then MM BIO-7b, -7c, and -7d will be implemented, as appropriate. Additionally, no more than 30 days prior to the removal of trees or structures, the applicant shall retain a biologist holding a CDFW collection permit and a Memorandum of Understanding with CDFW allowing the biologist to handle bats, to conduct preconstruction surveys for sensitive bats within 50 feet of project activities.
- b. If active maternity roosts or hibernacula are found in a structure or tree scheduled for demolition/removal, the biologist shall survey (through the use of radio telemetry or other CDFW-approved methods) for nearby alternative maternity colony sites. If the biologist determines in consultation with the CDFW and/or RCA that there are alternative roost sites used by the maternity colony and young are not present, then bat eviction procedures as outlined in MM BIO-7d would apply. However, if there are no alternative roost sites used by the maternity colony nearby, MM BIO-7c (providing substitute maternity roost nearby) would be required. If active maternity roosts are absent, but a hibernaculum is present, then MM BIO-7c would not be necessary, but MM BIO-7d would be required.
- c. If a maternity roost will be impacted by the project, and no alternative maternity roosts are in use near the site, substitute roosting habitat for the maternity colony shall be

5. Environmental Analysis BIOLOGICAL RESOURCES

provided on, or in close proximity to, the project site no less than three months prior to the eviction of the colony. Eviction procedures are outlined in MM BIO-7d. Alternative roost sites will be constructed in accordance with the specific bat's requirements in coordination with CDFW. By making the roosting habitat available prior to eviction (MM BIO-7d), the colony will have a better chance of finding and using the roost. Alternative roost sites must be of comparable size and proximal in location to the impacted colony. The CDFW shall also be notified of any hibernacula or active nurseries within the construction zone.

- d. If nonbreeding bat hibernacula are found in structures or trees scheduled to be removed, the individuals shall be safely evicted under the direction of a qualified biologist, by opening the roosting area to allow airflow through the cavity or other means determined appropriate by the bat biologist (e.g., installation of one-way doors). In situations requiring one-way doors, a minimum of one week shall pass after doors are installed and temperatures should be sufficiently warm for bats to exit the roost, because bats do not typically leave their roost daily during winter months in southern coastal California. This action should allow all bats to leave during the course of one week. Roosts that need to be removed in situations where the use of one-way doors is not necessary in the judgment of the qualified biologist shall first be disturbed by various means at the direction of the bat biologist at dusk to allow bats to escape during the darker hours, and the roost tree shall be removed or the grading shall occur the next day (i.e., there shall be no less or more than one night between initial disturbance and the grading or tree removal).

If an active maternity roost is in an area that will be impacted by the project and alternative roosting habitat is available, the demolition of the roost site must commence before maternity colonies form (i.e., prior to 1 March) or after young are flying (i.e., after July 31) using the exclusion techniques described above.

Impact BIO-2

- MM BIO-8 Prior to remediation of the mining pit and subsequent construction of the industrial business park, the project proponent shall obtain a Lake and Streambed Alteration Agreement (LSAA) from CDFW to authorize permanent impacts to 0.332 acre of riparian habitat (K). The project applicant will be responsible for complying with all permit conditions. Such conditions may include, but are not limited to, implementation of best management practices (i.e., erosion and sediment control measures) and seasonal work restrictions, as appropriate. In addition, CDFW is expected to require compensatory mitigation for impacts to jurisdictional riparian habitat. The amount of required compensatory habitat acreage will be based on the functions and values of impacted features. Habitat compensation will be provided at a ratio of up to 3:1 of created to filled or disturbed in-kind habitat, pending coordination with CDFW. This ratio may be reduced through the permit process if CDFW find that a different ratio is sufficient to mitigate impacts to jurisdictional riparian habitat. Riparian habitat K shall not be removed until the LSAA is received from CDFW or correspondence is received from CDFW indicating no permit is needed.

5. Environmental Analysis

BIOLOGICAL RESOURCES

Impact BIO-3

MM BIO-9 The US Army Corps of Engineers considers the project site outside of its regulatory jurisdiction, and no federal permit is required. However, 0.332 acre of state jurisdictional riparian habitat (K) would be removed during implementation of the project. The applicant will be required to submit a Notice of Intent to the Santa Ana Regional Water Quality Control Board (RWQCB) to receive Waste Discharge Requirements (WDRs), and all conditions will be agreed upon prior to project construction. The project applicant will be responsible for complying with all conditions of the WDRs.

The applicant may be required to prepare a habitat mitigation monitoring plan to be submitted with the agency permit applications, including an agreed-upon replacement ratio of wetlands with the RWQCB. Compensatory mitigation may include in-kind restoration at a minimum 3:1 ratio of created to filled wetlands. If the ratio is increased by the RWQCB, then the more conservative ratio will be used. The amount of compensatory wetland acreage will be based on the functions and values of impacted features. As an alternative to wetland restoration, equivalent mitigation credits may be purchased at a mitigation bank, or the applicant may enter into an in-lieu fee agreement to offset impacts to jurisdictional features. Purchase of mitigation credits shall be subject to approval and verification by the RWQCB. A qualified biologist shall prepare a mitigation plan that provides detailed information about the bank or in-lieu fee agreement and how this approach will result in no net loss of wetlands. The plan shall be prepared pursuant to and through consultation with the RWQCB. As conditions of permit approval, impact minimization measures may also be required and could include implementation of best management practices (e.g., erosion and sediment control measures) and seasonal work restrictions, as appropriate.

State jurisdictional features shall not be removed until the permit is received from the RWQCB or correspondence is received indicating that a permit is not required.

Impact BIO-4

MM BIO-10 **Nesting Bird Survey**

- a. To avoid impacts to nesting birds associated with development of the industrial business park, construction activities and construction noise should occur outside the avian nesting season (prior to February 1 or after September 1). If construction and construction noise occur within the avian nesting season (during the period from February 1 to September 1), all suitable habitats within 100 feet of the project site shall be thoroughly surveyed for the presence of nests by a qualified biologist no more than five days before commencement of any vegetation removal. If it is determined that the project site is occupied by nesting birds, Mitigation Measure BIO-10b shall apply.
- b. If pre-construction nesting bird surveys result in the location of active nests, no grading, vegetation removal, or heavy equipment activity shall take place within 300 feet of non-

5. Environmental Analysis BIOLOGICAL RESOURCES

raptor nests and 500 feet of raptor nests, or as determined by a qualified biologist and subject to review and approval by the Planning Department. Protective measures (e.g., sampling) shall be required to ensure compliance with the MBTA and California Fish and Game Code. The qualified biologist shall serve as a construction monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts occur. A report of the findings, prepared by a qualified biologist, shall be submitted to the City and RCA prior to construction-related activities that have the potential to disturb any active nests during the nesting season. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, and no vegetation clearing or ground disturbance shall commence within the fenced area until the qualified biologist and Planning Department verify that the nests are no longer occupied and the juvenile birds can survive independently from the nests.

Impact BIO-5

MM BIO-7, MM BIO-8, MM BIO-9, and MM BIO-10 apply to Impact BIO-5 in addition to the following mitigation measure:

MM BIO-11 A tree replacement planting program shall be implemented to mitigate for the loss of 1,604 trees as a result of the business park development. A project-specific tree mitigation ratio was developed to offset this impact and is based upon whether trees planned for removal are native or non-native and their overall health and condition. A detailed methodology for determining tree mitigation requirements is included in the Tree Removal Impact Analysis and Mitigation Determination memorandum (Appendix K). To compensate for the loss of 31 native trees and 1,573 non-native trees, the Applicant will be required to plant a minimum of 61 native trees and 507 native or non-native trees. Trees shall be selected that provide similar habitat functions and values as the trees planned for removal. Native replacement trees will be 1- to 5-gallon size, or as deemed appropriate by a qualified biologist or arborist. In addition to individual trees, several trees shall be planted in groupings of 10 trees or more, subject to availability of space and where site conditions permit (i.e., topography and soils). These groupings will provide optimal structure and cover to support potential nesting birds and roosting bats. The identification of suitable replacement trees shall be determined by a qualified biologist in coordination with an arborist and/or landscape architect and will be subject to approval by the City's Planning Department. In accordance with MSHCP provisions, the replacement trees shall not include invasive, nonnative species in the portions of the development that are adjacent to the Open Space District, which contains sensitive habitats. Invasive plants that should be avoided are included in Section 6.1 of the MSHCP, Table 6-2, "Plants That Should Be Avoided Adjacent to the MSHCP Conservation Area."

Replacement trees may be planted at entry points, common areas, adjacent to roadways, between buildings, along the perimeters of parking lots, and within landscape screening/buffer areas. All replacement trees shall be planted within the development area and buffer areas

5. Environmental Analysis

BIOLOGICAL RESOURCES

between the development area and the proposed Open Space District. Replacement tree stands shall be mostly concentrated within the development area north of the proposed Open Space District and within buffer/screening areas along El Rivino Road.

Tree mitigation performance standards shall be incorporated into the landscape plan to ensure the successful establishment and survivorship of replacement tree plantings. The landscape and planting plans shall be developed in accordance with the City of Jurupa Valley's Ordinance Number 2015-17, Chapter 9.50, related to implementing the City's Water Efficient Landscape Design Requirements. The applicant shall be required to maintain the replacement trees on the project site for no less than five years from the date of planting and shall replace any trees that die during this period; this exceeds the City's landscape maintenance requirement of one year per Ordinance Number 2015-17.

Impact BIO-6

MM BIO-1, MM BIO-2, and MM BIO-3 apply to Impact BIO-6 in addition to the following mitigation measure:

MM BIO-12 **MSHCP Urban Wildland Interface Guidelines.** Prior to the issuance of a grading permit, the Planning Department shall verify that the following MSHCP Urban Wildland Interface Guidelines are incorporated into the project plans and implemented as conditions of approval for the project:

- **Lighting.** Night lighting associated with the proposed development that is adjacent to existing or proposed Conservation Areas shall be directed away to reduce potential indirect impacts to wildlife species, including LBV.
- **Noise.** Proposed noise-generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms, or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards. The applicant shall verify that the noise impact analysis to be prepared for the proposed project will include a noise assessment and require mitigation measures to reduce noise impacts from the construction and operation of the project.
- **Fuels Management.** The fuels management guidelines in Section 6.4 of the MSHCP address brush management activities around new development within or adjacent to MSHCP Conservation Areas. The final project design will ensure that no fuel modification will extend into adjacent preserved Open Space lands and least Bell's vireo habitat areas.
- **Invasive Species.** The landscape plans for the project shall not include invasive, nonnative species for the portions of the development areas adjacent to the

5. Environmental Analysis

BIOLOGICAL RESOURCES

Open Space District. Invasive plants that shall be avoided are in Section 6.1 of the MSHCP, Table 6-2, “Plants That Should Be Avoided Adjacent to the MSHCP Conservation Area.”

The above measures would serve to minimize adverse project effects on conservation configurations and would minimize management challenges that can arise during development located adjacent to preserved least Bell’s vireo and/or conservation habitat areas. The project design and BMPs incorporated into the proposed project design will address and minimize edge effects associated with the urban-wildlands interface.

5.3.9 Level of Significance After Mitigation

Impact BIO-1

Impact BIO-1 (impacts to sensitive animal species) would be reduced to less than significant through implementation of mitigation measure (MM) BIO-1 through MM BIO-7.

Impact BIO-2

Impact BIO-2 (impacts to sensitive vegetation communities and riparian habitat) would be reduced to less than significant through implementation of MM BIO-8, requiring the securing of a Lake and Streambed Alteration Agreement (LSAA) from CDFW.

Impact BIO-3

Impact BIO-3 (impacts to state jurisdictional waters and wetlands) would be reduced to less than significant by implementation of MM BIO-9 requiring regulatory permits from the RWQCB.

Impact BIO-4

Impact BIO-4 (impacts to nesting birds) would be reduced to less than significant by implementation of MM BIO-10 requiring nesting bird surveys and avoidance of active nests.

Impact BIO-5

Impact BIO-5 (protecting riparian habitats, significant trees, and other vegetation) would be reduced to less than significant by implementation of MM BIO-7, MM BIO-8, MM BIO-9, MM BIO-10, and MM BIO-11.

Impact BIO-6

Impact BIO-6 (impacts respecting MSHCP requirements) would be reduced to less than significant by implementation of MM BIO-1, MM BIO-2, MM BIO-3, and MM BIO-12.

5.3.10 References

Riverside, County of (Riverside). 2003, June 17. Final Western Riverside County Multiple Species Habitat Conservation Plan. <http://wrc-rca.org/about-rca/multiple-species-habitat-conservation-plan/>.

5. Environmental Analysis

BIOLOGICAL RESOURCES

U.S. Army Corps of Engineer (Army Corps). 2019a, July 22. Approved Jurisdictional Determination.

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Western Riverside County Regional Conservation Authority (RCA). 2018, July 1. Western Riverside County Multiple Species Habitat Conservation Plan Local Development Mitigation Fee Schedule for Fiscal Year 2019. http://www.wrc-rca.org/wp-content/uploads/FY2019_MSHCP_FEES.pdf.

Western Riverside County Regional Conservation Authority (RCA). 2019, April 1. Staff Report, Agenda Item 10. First Amendment to the Agreement for Funding the Acquisition of Conservation Credits Between the Western Riverside County Regional Conservation Authority and Crestmore Redevelopment, LLC.