

Appendix 3.0

Biological Resources Assessment & Jurisdictional Delineation



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October 9, 2019

Ruben Salas, AEP-Inland Empire Co-VP of Programs
Kimley-Horn
3880 Lemon Street, Suite 420
Riverside, CA 92501

RE: BIOLOGICAL RESOURCES ASSESSMENT & JURISDICTIONAL DELINEATION
WON MEDITATION CENTER

Dear Mr. Salas,

Jericho Systems, Inc. (Jericho) is pleased to provide this Biological Resources Assessment and Jurisdictional Delineation for proposed Won Meditation Center (Project), located at 19993 Grand Avenue in the City of Wildomar. The results of Jericho's field surveys are intended to provide sufficient baseline information to the County of Riverside, City of Wildomar, and, if required, to federal and State regulatory agencies, including U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW), respectively, to determine if impacts will occur, quantify those impacts and to identify mitigation measures to offset any impacts.

The City of Wildomar is a signatory to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP requires that a project comply with the MSHCP policies identified in Section 6 of the MSHCP. For this Project site, a habitat suitability assessment for burrowing owl (MSHCP section 6.3.2) and MSHCP Riparian/Riverine resources (MSHCP section 6.1.2) was required and conducted.

The site was also evaluated for the presence jurisdictional waters, subject to the federal Clean Water Act (CWA), Porter-Cologne (Porter-Cologne) and California Fish and Game Code (FGC) regulations. Jurisdictional resources subject to the CWA regulations include non-wetland waters and wetland waters of the U.S. (WoUS) whereas jurisdictional resources subject to Porter-Cologne include non-wetland waters and waters of the State (WoS). The California FGC encompasses the resources that constitute a stream or river, including associated riparian vegetation and floodplain.

Evaluation of Riparian/Riverine resources followed guidance provided in the MSHCP Section 6.1.2. Potential federal jurisdiction followed the regulations set forth in 33CFR part 328 and the USACE guidance documents and evaluation of potential State jurisdiction followed guidance in the Fish and Game Code and A Review of Stream Processes and Forms in Dryland Watersheds (CDFW, 2010).

This report is also designed to address the City of Wildomar's comments as follows:

The City of Wildomar has provided the following comments relative to biological studies required:

Biological Resources. An ArcGIS desktop analysis determined that the entire site is within the Stephens' kangaroo rat plan fee area, and therefore the project must comply with the fees requested. Note that the biological analysis must be suitable for use in an environmental determination. Before the biologist begins, the scope of work must be reviewed by the City. According to the Riverside County Transportation Land Management Agency (RCTLMA) website and City of Wildomar ArcGIS tool, APN 382-140-002 is within a Western Riverside County Multiple Species Habitat Conservation Plan Criteria Cell. The site is in both the MSHCP and SKR fee areas. Compliance with the provisions of the MSHCP requires a biological analysis prepared in accordance with the MSHCP, not simply the payment of MSHCP fees. A cursory review of aerial images shows several natural drainage features onsite; further review of the site for natural drainage features during preparation of the biological report and MSHCP consistency analysis will be required. Please note that if drainage features exist and extend off-site, the resource agencies may require some study outside of the project site to determine the biological impact. Additionally, it is important to understand that even if an area is not considered a wetland regulated by the federal government, it may be considered "waters of the State" and be regulated by the State of California and/or by the requirements of the MSHCP. The biologist is required to complete an evaluation of the site and work with the resource agencies to determine the extent of project impact. If a Determination of Biological Equivalent or Superior Preservation (DBESP) is necessary, a draft of the DBESP must be completed and submitted to the Resource Conservation Agency prior to completion of the environmental document.

- *Stephens Kangaroo Rat Plan Fee Zone (Y)*
- *Rough Step 5 (Y)*

PROJECT DESCRIPTION

The Project would create a meditation center that includes: 1) a 7,185 square foot meditation hall with kitchen and operational facilities; 2) a 3,157 square foot guesthouse with 12 rooms; 3) a 1,657 square foot meditation building; 4) two manufactured homes for housing and administrative staff already on the site location.

Off-site improvements include the extension of the undeveloped Corydon Road, from Grand Avenue, to the site entrance. The road improvements include construction of a paved, two-lane roadway, approximately 600 feet long, approximately 60 feet wide and cross APNs 3702-100-44 and 3702-100-36.

PROJECT LOCATION

The proposed Project would occur on approximately 0.5 acre within Accessors Parcel Number (APN) 382-140-002, which is 16.4 acres. The applicant also owns APN 382-150-001, located adjacent of APN 382-140-002 and is approximately 8 acres, but no development is planned for that parcel. The Project site occurs within the *Wildomar* USGS 7.5' quadrangle within Township 6S, Range 4W.

METHODS

Prior to the field investigation, reference materials and databases relevant to the Project were reviewed for the *Wildomar & Lake Elsinore* 7.5-minute USGS quadrangles. The database search included the *Lake Elsinore* USGS Quad due to the Project site's proximity. The sources reviewed included:

- California Natural Diversity Database (CNDDDB) *Rarefind* 5);
-

- CNDDDB Biogeographic Information and Observation System (BIOS);
- California Native Plant Society Electronic Inventory (CNPSEI) database;
- Calflora Database;
- USDA Natural Resources Conservation Service (NRCS) Web Soil Survey;
- USFWS National Wetland Inventory;
- Environmental Protection Agency (EPA) Water Program “My Waters” data layers;
- RCA/MSHCP Information Map

On June 9, 2019, Jericho biologists and ecological specialists Shay Lawrey, Todd White, Christian Nortal, and Craig Lawrey conducted a field survey of the 0.5-acre Project area proposed for development and access road plus a 200-foot buffer survey area with focus on potential habitat for sensitive biological and hydrological resources. Each surveyor is a qualified biologist with advanced degrees in Biology and several years of experience surveying for the sensitive species known to in California. Ms. Lawrey is a small mammal and regulatory specialist who lead the examination for riverine riparian areas and the Stephen’s kangaroo rat habitat suitability assessment.

The biological team conducted the survey by walking transects spaced approximately 10 feet apart, which provided 100 percent visual coverage of the ground. Weather conditions were sunny with clear skies. Survey hours of spanned from 8:00 a.m. to 11:30 a.m. with temperatures ranging from 78 degrees Fahrenheit (° F) to 95° F and no wind. The survey encompassed the Project site boundaries plus a 200-foot survey buffer where accessible and appropriate.

Wildlife species were detected during field surveys by sight, calls, tracks, scat, or other signs. In addition to species observed, expected wildlife usage of the site was determined according to known habitat preferences of regional wildlife species and knowledge of their relative distributions in the area. Mr. Nortal assessed the Project area for habitat type structure, species composition/association, condition and human disturbances. The main focus of the surveys was to identify potential habitat for special status wildlife including jurisdictional waters and to evaluate the potential for sensitive species to occur within the Project area.

Riverside County also requires that any survey limitations be identified. No limitations significantly affected the results and conclusions given herein. No private property was surveyed without owner permission and buffer area transects were not surveyed within the areas occupied by existing development. Surveys were conducted during the appropriate season to observe the target species, in good weather conditions, by qualified biologists who followed all pertinent protocols.

Stephen’s kangaroo rat Habitat Assessment

Because the RCA Mapping Information System identified that the Project parcel to be in an SKR fee area the biological team performed a habitat suitability assessment for SKR during the field survey to identify areas of potentially suitable SKR habitat, pocket gopher burrows, and soil type and vegetation composition and habitat structure and density.

Burrowing Owl Habitat Assessment

Because the RCA Mapping Information System identified that the Project parcel required burrowing owl (BUOW) surveys, the biological team also performed a habitat suitability assessment for BUOW during the field survey to identify areas of potentially suitable BUOW habitat, individuals, surrogate burrows, and sign of historic or current use of the site by BUOW.

The BUOW habitat suitability assessment was conducted in accordance with the Western Riverside County MSHCP, which follows the 1993 “*Burrowing Owl Survey Protocol and Mitigation Guidelines*” prepared by the California Burrowing Owl Consortium. If suitable habitat is present, this protocol requires four (4) surveys between April 15 and July 15 with the first site survey counting as one survey period.

Natural and non-natural substrates were examined for potential burrow sites. All potential BUOW burrows encountered were examined for shape, size, molted feathers, whitewash, cast pellets and/or prey remains. Disturbance characteristics and all other animal sign encountered within the survey area were recorded. Date time and weather conditions were logged. A hand-held, global positioning system (GPS) unit was used to survey straight transects, to identify survey area boundaries, and for other pertinent information. Representative photographs of the survey area were taken, and Google Earth Pro was accessed to provide recent aerial photographs of the project site and surrounding area.

Riverine/Riparian Areas and Jurisdictional Waters

Jericho also assessed the Project site for State and /or federal jurisdictional waters that are subject to Sections 404 and 401 of the federal Clean Water Act (CWA) regulated by the U.S. Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB) respectively; and/or Section 1602 of the California Fish and Game Code (FCG) administered by the CDFW and Riverine/Riparian and Vernal Pool habitat subject to Section 6.1.2 of the MSHCP

The methods used in this study to delineate the non-wetland WoUS at the Ordinary High Water Mark (OHWM) in variable, ephemeral, intermittent, or perennial non-wetland waters followed guidance described in *A Field Guide to the Identification of the Ordinary High Water Mark in the Arid West Region of the Western United States* (Lichvar and McColey 2008) and the *Updated Datasheet for the Identification of the Ordinary High Water Mark in the Arid West Region of the Western United States* (“Updated Datasheet”, Curtis and Lichvar 2010).

The RWQCB maintains jurisdiction over all waters of the State, including wetlands. For the purposes of Porter-Cologne, the methods used to determine federal jurisdiction over non-wetland waters were also used to determine the extent of RWQCB jurisdiction over non-wetland waters within the property.

Evaluation of FGC Section 1600 Streambed Waters followed guidance in the Mapping Episodic Stream Activity (MESA) protocols [*MESA Field Guide*], pursuant to which CDFW claims jurisdiction beyond traditional stream banks and the outer edge of riparian. Under MESA, the term stream is defined broadly to include “a body of water that flows perennially or episodically and that is defined by the area in which water currently flows, or has flowed, over a given course during the historic regime [i.e., ‘circa 1800 to the present’], and where the width of its course can reasonably be identified by physical or biological indicators.”

The methods used to determine any riparian/riverine or vernal pool areas were based on the above techniques as well as soils evaluations and vegetation classifications. This is because an area may be characterized as riparian based on its vegetative composition, but not meet the criteria of being federal or state jurisdictional water.

RESULTS

Regional Setting

According to the U.S. EPA Regional map, the Project site is located in the Inland Valleys (85k) ecoregion. An ecoregion is a regional area that has similar ecosystems in terms of type, quality, and quantity of environmental resources. The Inland Valleys ecoregion is influenced less by marine processes, and more by alluvial processes. The ecoregion consists of alluvial fans and basin floors at the base of the San Bernardino and San Gabriel mountains and the San Jacinto and Perris Valleys in the south. Soil moisture is generally xeric, and historically, the region was composed of Riversidean coastal sage scrub, valley grasslands, and riparian woodlands. The ecoregion is now heavily urbanized with some remaining agriculture.

Hydrologically, the Project site is located within the Elsinore Valley hydrologic area, in the 25,729-acre hydrologic sub-area (HSA 802.31) within the Lower San Jacinto River watershed (HUC 180702020308). The City of Wildomar is located in southwestern Riverside County, at the foothills of the Cleveland National Forest southeast of Lake Elsinore. Topographically, Wildomar is located on the east side of the Santa Ana mountains and site elevation ranges from 1,320 feet to 1,600 above mean sea level (MSL). Air quality is relatively poor, as characteristic of the region due to temperature inversions, convergence zones, and accumulation of air pollutants. Air pollutants of greatest concern are carbon monoxide, PM_{2.5}, ozone, and PM₁₀. The general climate of Wildomar includes hot summers (91°F average maximum in August) and mild winters (49°F average minimum in February) with cool ocean breezes and sparse winter rainfall, averaging 12 inches of precipitation per year.

Existing Site Conditions

Soils in the survey area consist of Cienaba-Rock outcrop complex (30-70 percent slopes) and Handford sandy loam (2-9 percent slopes). The topography of the Project site is gently to moderately sloped from the north/northeast to the south/southwest, with most of the parcel (APN 382-140-002) occurring in the hills/mountains and development occurring on the flatland and lower limits of the hillslopes. Site altitudes range from approximately 1,335 feet above mean sea level (MSL) to 1,395 feet above MSL, and parcel altitudes range from 1,335 feet above MSL to 1,610 feet above MSL.

The Project site currently has an existing structure at the end of Corydon Road on the flatland north of the base of the Santa Ana Mountains. Vegetation in this area is primarily developed land and ruderal/weedy vegetation. Species observed in this habitat type include red brome (*Bromus madritensis* ssp. *rubens*), ripgut brome (*Bromus diandrus*), star thistle (*Centaurea melitensis*), black mustard (*Brassica nigra*), summer mustard (*Hirschfeldia incana*), Peruvian pepper (*Schinus molle*), Russian thistle (*Salsola* ssp.), oleander (*Nerium oleander*), China berry (*Melia azedarach*), tree of heaven (*Ailanthus altissima*), storksbill filaree (*Erodium cicutarium*) and tree tobacco (*Nicotiana glauca*).

Mature chaparral covers the slopes behind the existing residential structure. Soils in the chaparral consist of sandy-loam and a few patches of barren ground. Shrub canopy cover is approximately 70 percent and consists of chamise (*Adenostema fasciculatum*), cliff aster (*Malacothrix saxatilis*), deerweed (*Acmispon glaber*), red brome, spineflower (*Chorizanthe* ssp.), California buckwheat (*Eriogonum fasciculatum*), star thistle, summer mustard, black mustard, black sage (*Salvia mellifera*), fiddleneck (*Amsinkia menziesii*), Storksbill filaree, slender wild oat (*Avena fontinalis*), slender buckwheat (*Eriogonum gracile*), vinegar weed (*Trichostema lanciolatum*), inland scrub oak (*Quercus berberidifolia*), and common cryptantha (*Cryptantha intermedia*).

MSHCP Surveys

The Regional Conservation Authority (RCA) Information Map identifies the following for APN 382-140-002:

- The parcel is located in the Elsinore Area Plan of the MSHCP.
- The parcel is located in an area that requires focused BUOW surveys be conducted if suitable habitat is present.
- The parcel is located in or adjacent to Criteria Cell 5342
- The parcel is not in a criteria species survey area
- The parcel is not in a mammal survey area
- The parcel is not in a narrow endemic plant survey area
- The parcel is not in a cellgroup

Burrowing owl (BUOW)

Burrowing Owl (*Athene cunicularia*; [BUOW]) BUOW are known to occur locally within suitable habitat areas, with the closest occurrence being 1.15 miles from the Project site. BUOW is a ground-dwelling owl typically found in arid prairies, fields, and open areas where vegetation is sparse and low to the ground. The BUOW depends on the presence of mammal burrows, i.e. ground squirrel burrows to provide shelter from predators, inclement weather and to provide a nesting place. They are also known to make use of human-created structures, such as cement culverts and pipes, for burrows. They feed primarily on insects but will also take small rodents, birds, and reptiles. They are active during the day and night, generally observed in the early morning hours or at twilight. The breeding season for BUOW is February 1 through August 31. The BUOW is not listed under the State or Federal Endangered Species Act but is considered both a State and federal SSC. The BUOW is a protected by the international treaty under the Migratory Bird Treaty Act of 1918 and by State law under the California Fish and Game Code (CDFG Code #3513 & #3503.5).

Habitat in the vicinity of the project site primarily consists of chaparral. The density, structure, density, canopy cover and type of vegetation on site is not preferred by this species. Further, no potential surrogate burrows were found during survey. Therefore, habitat on site or in the survey buffer is not suitable for BUOW.

Stephen's kangaroo rat (SKR)

The SKR is one of several kangaroo rat species in its range. The Dulzura kangaroo rat (*Dipodomys simulans*), the Pacific kangaroo rat (*D. agilis*), and the San Bernardino kangaroo rat (*D. merriami parvus*) can occur in areas occupied by SKR. SKR is nocturnal and is dependent on sparsely vegetated, forb-dominated grasslands. SKR prefer sparsely perennial plant cover of about 15% cover. They are also limited to gravelly soil that is not too hard or sandy. They will often occupy abandoned pocket gopher burrows. The SKR is currently listed as Endangered by the USFWS and as Threatened by the CDFW. Primary drivers for the species' decline are habitat loss and fragmentation caused by urban development and agriculture within its historic range.

Decreases of the threats to SKR are currently being achieved through the implementation and design of the core reserve system in western Riverside County via the MSHCP and Stephens' Kangaroo Rat Habitat Conservation Plan and ongoing land acquisitions and easements. Significant areas of habitat have been conserved and managed in Riverside County since the species was listed.

The habitat on site has a high percentage of mature perennial shrub cover of about 70 percent. The soils on site are sandy and compact. No pocket gopher burrows were found on site or in the survey buffer area. These conditions are not what SKR prefer and do not typify SKR habitat. Therefore, the habitat on site is considered unsuitable for SKR.

Riverine/Riparian Areas and Jurisdictional Waters

Although the City identified the possibility for several drainages to be on site, the biological team noted no drainages within the 0.5-acre portion of the site, 200-foot survey buffer or road extension identified for the Project. According to the USGS National Hydrography Dataset (NHD), there are no current or historical drainages on, adjacent to or near the survey area and no evidence of such was observed during the site surveys. No hydric vegetation, hydric soils, signs of surface flow, and/or wetland hydrology are present in, adjacent to or near any portion of the survey area. Therefore, no riparian areas occur on site.

Should you have any questions or require further information, please contact me at (909) 915-5900 or shay@jericho-systems.com should you have any questions or require further information.

Sincerely,



Shay Lawrey, President

Attachments:

- A. Site Photographs*
- B. Project Exhibits*



Photo 1:
Standing on
project site
looking NE at
existing
residential
structure.



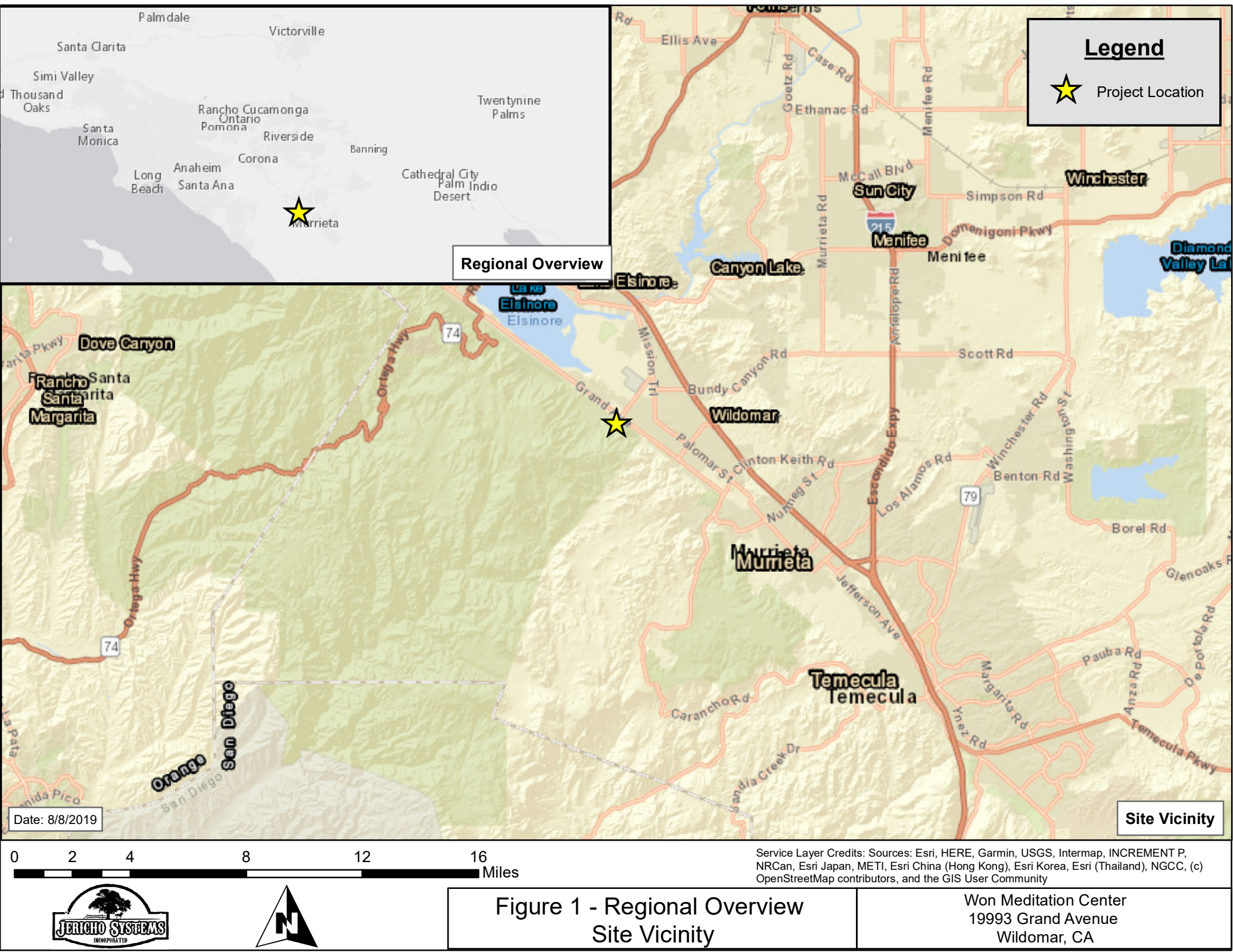
Photo 2:
North-facing
photo of site
conditions in
survey buffer
looking toward
existing
residential
structure.



Photo 3:
South-facing
photo of where
facilities are to
be built.
Habitat shown
is an ecotone
of chaparral of
varying
quality.



Photo 4:
North-facing
photo down
Corydon Road
access used
into the
property.



Legend

★ Project Location

Regional Overview

Site Vicinity

Date: 8/8/2019

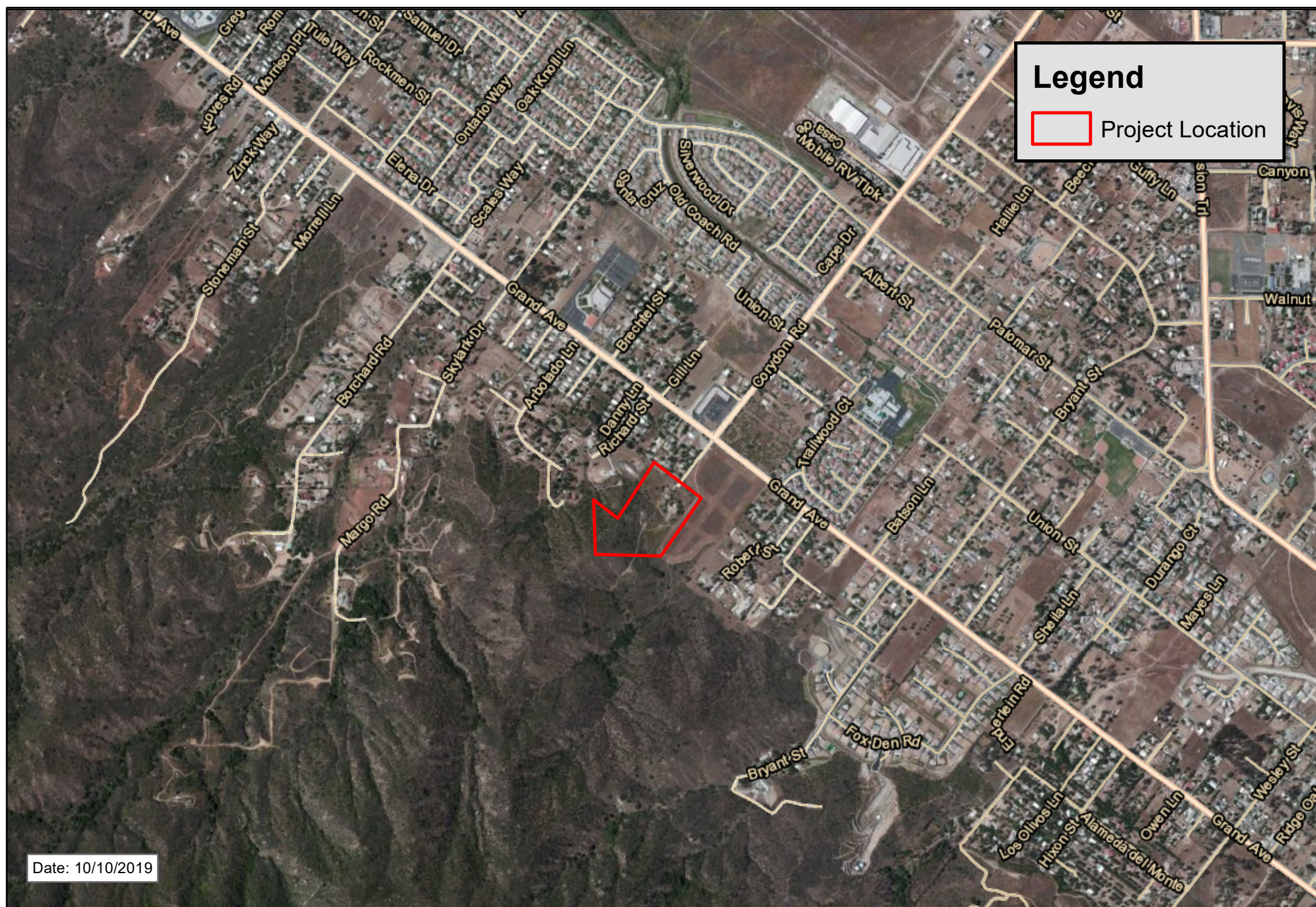
0 2 4 8 12 16 Miles

Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Figure 1 - Regional Overview
Site Vicinity

Won Meditation Center
19993 Grand Avenue
Wildomar, CA





0 0.1 0.2 0.4 0.6 0.8
Miles

Imagery Date: 8/6/2017

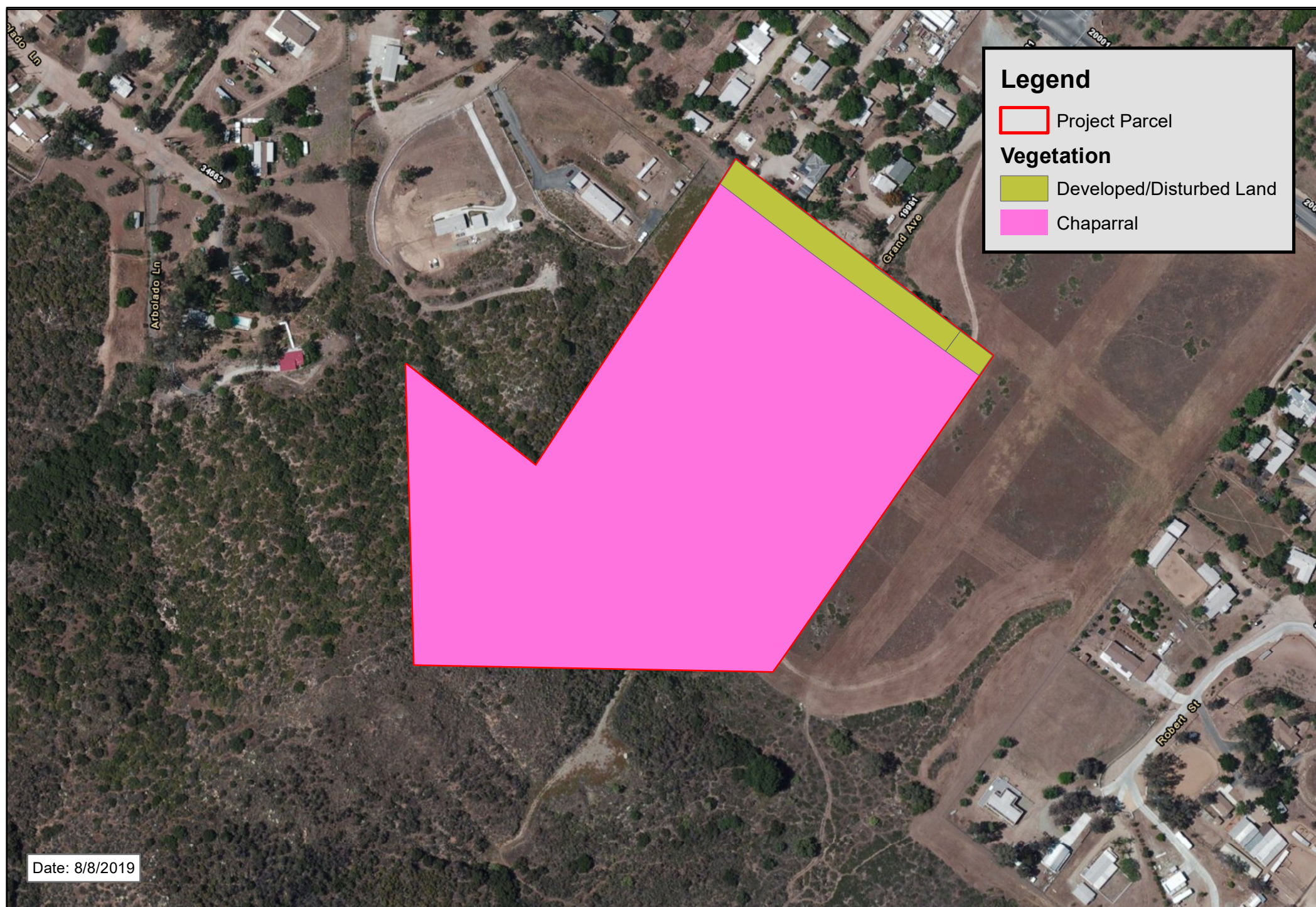
Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS,



1 inch = 1,250 feet

Figure 2
Project Location

Won Meditation Center
19993 Grand Avenue
Wildomar, CA



1 inch = 229 feet

Figure 3
RCA MSHCP Vegetation Cover (2005, 2012)

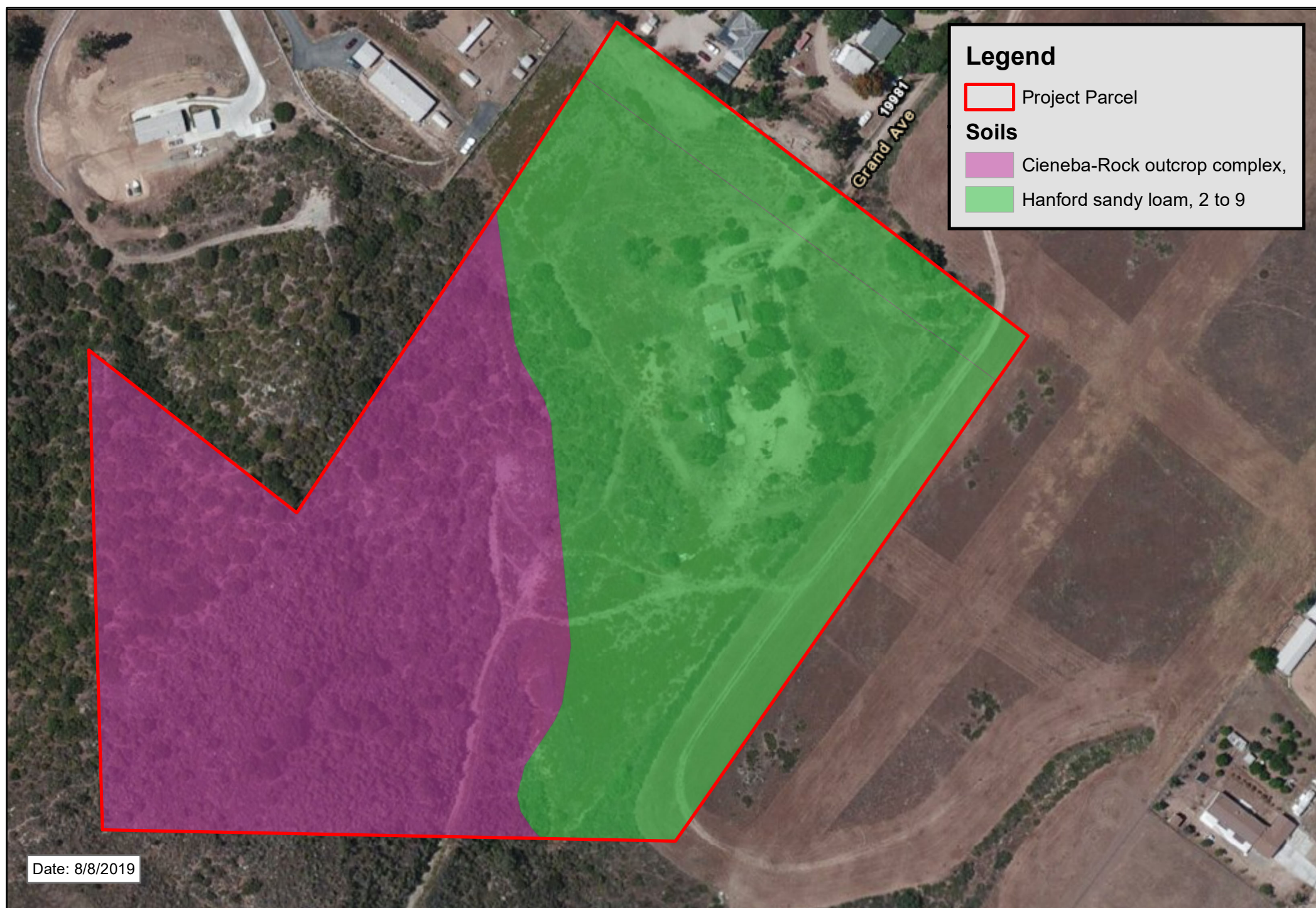
Won Meditation Center
19993 Grand Avenue
Wildomar, CA



1 inch = 1,042 feet

Figure 4
National Hydrography Dataset (NHD)
Blueline Streams & Waterbodies

Won Meditation Center
1993 Grand Avenue
Wildomar, CA



0 0.0125 0.025 0.05 0.075 0.1 Miles

Imagery Date: 8/6/2017

Service Layer Credits: Esri, HERE, Garmin, (c) OpenStreetMap contributors
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS,



1 inch = 143 feet

Figure 5
Soils

Won Meditation Center
19993 Grand Avenue
Wildomar, CA