Crestview Apartments

Draft Environmental Impact Report (DEIR)

Appendix C – Habitat Assessment and Western Riverside County Multiple Species Habitat Conservation Plan Consistency Report, Jurisdictional Delineation, and Joint Project Review

SYCAMORE CANYON BOULEVARD AND CENTRAL AVENUE PROJECT

CITY OF RIVERSIDE, RIVERSIDE COUNTY, CALIFORNIA

Habitat Assessment and Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis

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January 2020
Updated October 2020

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The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.

Travis J. McGill
Director/Biologist

Thomas J. McGill, Ph.D.
Managing Director

January 2020
Updated October 2020

Executive Summary

This report contains the findings of ELMT Consulting's Habitat Assessment and Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis for the proposed project located on the northwest corner of the intersection of Sycamore Canyon Boulevard and Central Avenue (project or project site) located in the City of Riverside, Riverside County, California. The project site is located in within Subunit 1 – Sycamore Canyon/Box Springs Central of the Highgrove Area Plan of the MSHCP within Criteria Cell 721, which is an independent Cell that is not affiliated with any Cell group and which contributes to assembly of Proposed Constrained Linkage 7. Further, a review of the Western Riverside County Regional Conservation Authority (RCA) MSHCP Information Map determined that the project site is located within the designated survey area for burrowing owl (*Athene cunicularia*) and Criteria Area Species Nevin's barberry (*Berberis nevinii*), smooth tarplant (*Centromadia pungens ssp. laevis*), and round-leaved filaree (*California macrophyllum*)

The project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances from grading/disking activities. These disturbances have resulted in a majority of the project site being dominated by early successional and non-native vegetation, with rocky and compacted soils which has reduced, if not eliminated, the ability of the project site to provide suitable habitat for special-status plant species. Two (2) plant communities were observed on the project site during the field investigation: willow forest, and disturbed Riversidean Sage Scrub. In addition, the project site consists of a land cover type that would be classified as disturbed.

Although the field investigation was not conducted during the blooming season for the majority of the special-status plant species known to occur in the general vicinity of the project site, based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the project site does not provide suitable habitat for any of the special-status plant species known to occur in the area due to the existing disking/grading activities and disturbances on-site. In addition, the project site does not provide suitable habitat for any of the Criteria Areas Plant Species identified by the RCA MSHCP Information Map query. Therefore, all special-status plant species are presumed to be absent from the project site and no impacts to special-status plant species are expected to occur from implementation of the proposed project.

No special-status wildlife species were observed on-site during the habitat assessment. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the proposed project site has a moderate potential to support Cooper's hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), yellow warbler (*Setophaga petechia*), and least Bell's vireo (*Vireo bellii pusillus*); and a low potential to provide habitat for burrowing owl, California horned lark (*Eremophila alpestris actia*), and loggerhead shrike (*Lanius ludovicianus*). Further it was determined that the project site does not provide suitable habitat for any of the other special-status wildlife species known to occur in the area since the project site has been heavily disturbed from on-site disturbances and surrounding development.

The project site is sparsely vegetated with a variety of low-growing, early successional plant species that allows for line-of-sight observation favored by burrowing owl. However, the project site lacks mammal burrows capable of providing suitable roosting and nesting opportunities. The only burrows observed during the site investigation were too small (less than 4 inches in diameter) to be used by burrowing owl. Despite a systematic search of all burrows and open habitat throughout the project site, no burrowing owl or sign (pellets, feathers, castings, or whitewash) was observed. Therefore, burrowing owl is presumed absent from the project site and focused surveys are not required. In order to comply with the conservation goals of the MSHCP, a pre-construction burrowing owl clearance survey is recommended to ensure burrowing owl remain absent from the project site.

The majority of the project site does not support any discernible drainage courses, inundated areas, wetland vegetation, or hydric soils that would be considered jurisdictional. However, the willow forest plant community and its associated drainage on the southwest corner of the project site would qualify as a jurisdictional feature under the regulatory authority of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), and the California Department of Fish and Wildlife (CDFW). This plant community would also qualify as riparian/riverine habitat under the MSHCP. Any impacts to the willow forest plant community and its associated drainage that may occur as a result of the proposed project will require the following regulatory approvals: Corps CWA Section 404 Permit, Regional Board CWA Section 401 Water Quality Certification, and CDFW Section 1602 Streambed Alteration Agreement. Additionally, a Determination of Biologically Equivalent or Superior Preservation (DBESP) would have to be prepared for the loss of riparian/riverine habitat. At this time, no temporary or permanent impacts are anticipated to occur to the willow forest plant community or its associated drainage on the southwest corner of the project site. Therefore, development of the project site will not result in impacts to Corps, Regional Board, or CDFW jurisdiction and regulatory approvals will not be required. Additionally, a DBESP for impacts to riparian/riverine habitat would not be required since the riparian vegetation on the southwest corner of the site will be avoided.

The disturbed habitats on the project site provide line-of-sight opportunities favored by burrowing owl. However, the soils on the project site are rocky and compacted (does not provide friable soils for digging burrows), and no suitable burrows (>4 inches in diameter) or man-made/non-natural substrates were observed on the project site that have the potential to provide suitable nesting opportunities for burrowing owl. Despite a systematic search of open habitat and of potential burrows on the project site, no burrowing owls or recent or historic sign (pellets, feathers, castings, or whitewash) was observed during the habitat assessment. Further, power poles adjacent to the site decrease the likelihood that burrowing owls will occur on the project site as these features provide perching opportunities for larger raptor species (i.e., red-tailed hawk [*Buteo jamaicensis*]) that prey on burrowing owls. Based on this information, it was determined that burrowing owls are absent from the project site and focused surveys are not required. A pre-construction burrowing owl survey shall be conducted to ensure burrowing owl remain absent from the project site.

Nesting birds are protected pursuant to the Migratory Bird Treaty Act and California Fish and Game Code (Sections 3503, 3503.3, 3511, and 3513 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed

during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a 300-foot buffer around the active nest. For listed and raptor species, this buffer should be expanded to 500 feet. A biological monitor should be present to delineate the boundaries of the buffer area and monitor the active nest to ensure that nesting behavior is not adversely affected by construction activities. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

The project is not listed as a planned "Covered Activity" under the published MSHCP, but is still considered to be a current Covered Activity under Section 7.3, *Covered Activities Inside Criteria Area*, of the MSHCP. Pursuant to this section, public and private development, including the construction of buildings, structures, infrastructure and all alterations of the land, that are carried out by Permittees that are inside of Criteria Areas are permitted under the MSHCP, as long as the project is determined to be consistent with the Criteria. With completion of recommendations provided in this report and payment of the MSHCP Local Development Mitigation Fee, development of the project site is fully consistent with the MSHCP.

Table of Contents

EXHIBITS

APPENDIX

Section 1 Introduction

This report contains the findings of ELMT Consulting's (ELMT) Habitat Assessment and Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) consistency analysis for the proposed project located on the northwest corner of the intersection of Sycamore Canyon Boulevard and Central Avenue (project or project site) located in the City of Riverside, Riverside County, California. The habitat assessment was conducted by ELMT biologist Travis J. McGill on October 17, 2018 and an additional site visit on December 10, 2019 to document baseline conditions and assess the potential for special-status[1] plant and wildlife species to occur on the project site that could pose a constraint to development of the proposed project.

The report provides an in-depth assessment of the suitability of the on-site habitat to support burrowing owl (*Athene cunicularia*), and MSHCP Criteria Area Species Nevin's barberry (*Berberis nevinii*), smooth tarplant (*Centromadia pungens ssp. laevis*), and round-leaved filaree (*California macrophyllum*), as well as several other special-status plant and wildlife species identified by the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB), MSHCP and other electronic databases as potentially occurring in the vicinity of the project site.

1.1 PROJECT LOCATION

The project site is generally located west of Interstate 215/State Route 60, east of State Route 91, south of Interstate 10 in the City of Riverside, Riverside County, California (Exhibit 1, *Regional Vicinity*). The project site is depicted on the Riverside East quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series in Section 33 of Township 2 south, Range 4 West (Exhibit 2, *Site Vicinity*). Specifically, the project site is located on the northwest corner of the intersection of Sycamore Canyon Boulevard and Central Avenue within Assessor Parcel Number 256-050-012, approximately 9.42-acres based on County Assessor Parcel Number GIS data and 9.44 acres in size, based on ground survey data (Exhibit 3, *Project Site*).

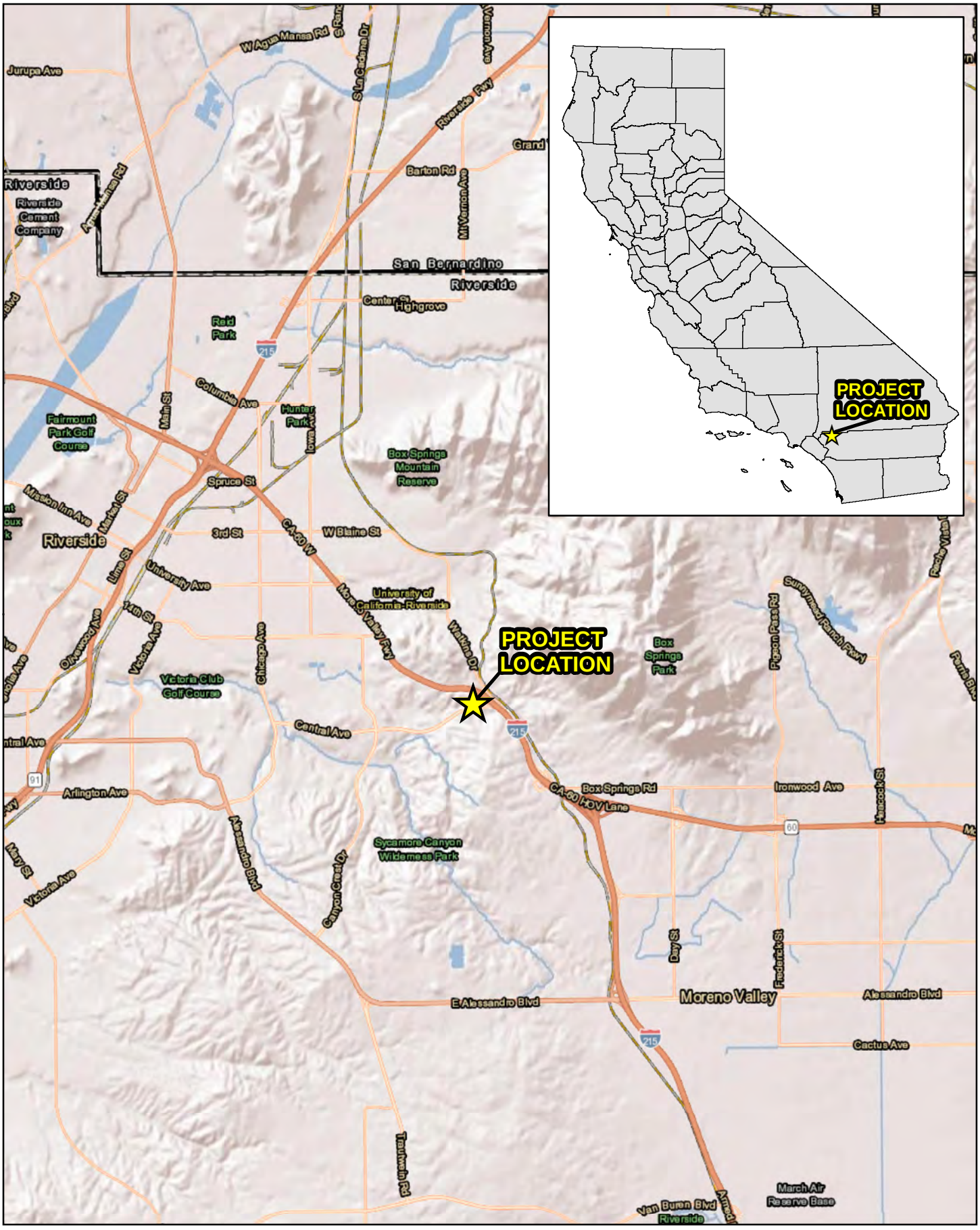
1.2 PROJECT DESCRIPTION

The proposed apartment project includes a total of 237 one-, two-, and three-bedroom residential apartment units in seven (7) three (3) story- and 2-4 split story-buildings. Of the total 237 units, 94 would be one-bedroom, 126 would be two-bedroom, and 17 would be three-bedroom. The project includes the following amenities: onsite leasing office, garages, carports, mail lounge, putting green, outdoor resort style pool and spa, dog run area and dog wash station, fitness center, clubhouse & clubhouse patio, shade structure with BBQ and tables, walking perimeter loop trail (1/2 mile loop) with learning or exercise stations.

[1] As used in this report, "special-status" refers to plant and wildlife species that are federally, State, and MSHCP listed, proposed, or candidates; plant species that have been designated with a California Native Plant Society Rare Plant Rank; wildlife species that are designated by the CDFW as fully protected, species of special concern, or watch list species; and specially protected natural vegetation communities as designated by the CDFW.

The Preliminary Project Specific WQMP outlines the Low Impact Development (LID) Best Management Practices (BMPs) required to adequately meet water quality standards and reduce storm water runoff and include three bioretention/biotreatment basins located throughout the site, two of the bioretention basins are composed of separate components that are hydraulically connected. On-site storm water runoff and erosion would be minimized through site development, including buildings, parking and paved areas and storm drain infrastructure. Storm drain infrastructure planned for the site includes various size storm drains (8, 12, 18, and 24-inch), inlet catch basin, 24 x 24-inch drain box, underground detention system, 12-inch landscape catch basin with atrium grate, and 12-inch diameter angular rip rap at two storm drain outlets along the western development boundary. As outlined in the Preliminary Project Specific WQMP prepared for the project and reviewed and approved by the City of Riverside, the volume and time of concentration of storm water runoff for the post-development condition is not significantly different from the pre-development conditions for a 2-year return frequency storm (a difference of 5% or less is considered insignificant). Therefore, the project would not result in storm water runoff from the site that would result in erosion or siltation off-site. The LID Principles and LID BMPs have been incorporated into the site design to fully address all expected pollutant sources and storm water runoff volumes. Prior to issuance of a grading permit, a final approved WQMP will be required for the project, as well as coverage under the State's General Permit for Construction Activities, administered by the Santa Ana RWQCB.

There are no offsite staging areas, and the only offsite improvements are wet and dry utility connections from the project site to existing facilities/pipelines in Sycamore Canyon Boulevard and Central Avenue and curb, gutter, and sidewalk improvements along the Project's frontage along Sycamore Canyon Boulevard. There are no offsite improvements required to the west of the project development footprint that would extend into the on-site conservation area in the southwest portion of the site or extend outside of western property line.



SYCAMORE CANYON BOULEVARD AND CENTRAL AVENUE PROJECT
HABITAT ASSESSMENT AND MSHCP CONSISTENCY ANALYSIS

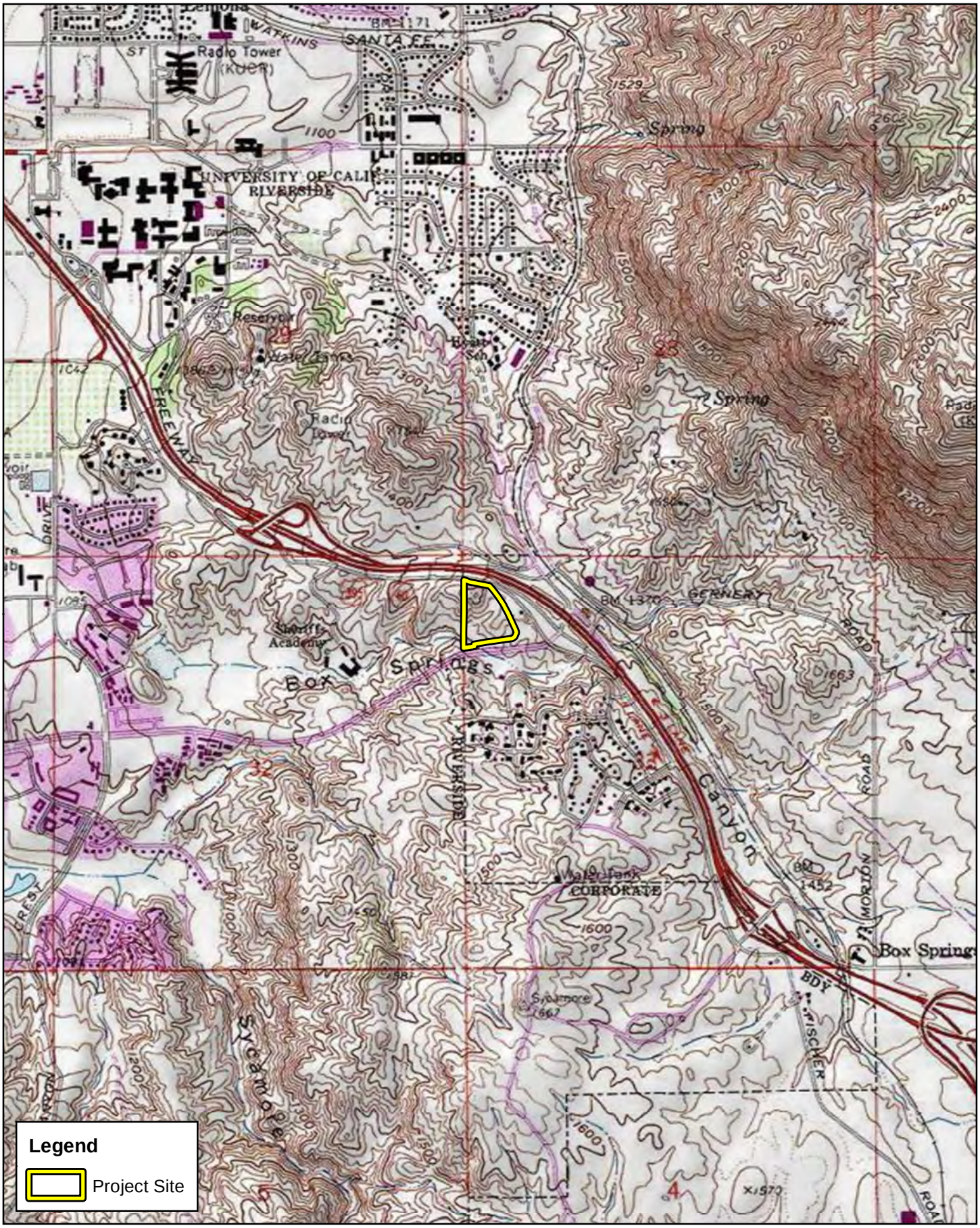
Regional Vicinity

ELMT CONSULTING

0 0.625 1.25 2.5 Miles

Source: World Transportation, World Shaded Relief, Riverside County

Exhibit 1



SYCAMORE CANYON BOULEVARD AND CENTERAL AVENUE PROJECT
HABITAT ASSESSMENT AND MSHCP CONSISTENCY ANALYSIS

ELMT CONSULTING

0 0.25 0.5 1 Miles

Source: USA Topographic Map, Riverside County

Site Vicinity

Exhibit 2

SYCAMORE CANYON BOULEVARD AND CENTERAL AVENUE PROJECT
HABITAT ASSESSMENT AND MSHCP CONSISTENCY ANALYSIS

Project Site

ELMT CONSULTING

0 75 150 300 Feet

Source: ESRI Aerial Imagery, World Transportation, Riverside County

Exhibit 3

Section 2 Methodology

A literature review and records search were conducted to determine which special-status biological resources have the potential to occur on or within the general vicinity of the project site. In addition to the literature review, a general habitat assessment or field investigation of the project site was conducted. The field investigation was conducted to document existing conditions within the project site and assess the potential for special-status biological resources to occur.

2.1 WESTERN RIVERSIDE COUNTY MSHCP CONSISTENCY ANALYSIS

The project site is located in the City of Riverside (City) within Subunit 1 – Sycamore Canyon/Box Springs Central of the Highgrove Area Plan of the MSHCP within Criteria Cell 721. The City is a permittee under the MSHCP and, while the project is not specifically identified as a Covered Activity in the MSHCP, under Section 7.3.1, *Public and Private Development Consistent with MSHCP Criteria*, public and private development within the Criteria Area that is determined to be consistent with the Criteria is considered a Covered Activity. As such, to achieve coverage, the project must be consistent with the following policies of the MSHCP:

- The policies for the protection of species associated with Riparian/Riverine areas and vernal pools as set forth in Section 6.1.2 of the MSHCP;
- The policies for the protection of narrow endemic plant species as set forth in Section 6.1.3;
- The Urban/Wildlands Interface Guidelines as set forth in Section 6.1.4;
- The requirements for conducting additional surveys as set forth in Section 6.3.2; and
- Fuels management guidelines as set forth in Section 6.4.

The project site was reviewed to determine consistency with the MSHCP. Geographic Information System (GIS) software was utilized to map the project site in relation to MSHCP areas including Criteria Cells (core habitat and wildlife movement corridors) and areas proposed for conservation.

2.1.1 Riparian/Riverine Areas and Vernal Pools

The MSHCP requires that an assessment be completed if impacts to riparian/riverine areas and vernal pools will occur as a result of implementation of the proposed project. According to the MSHCP, the documentation for the assessment shall include mapping and a description of the functions and values of the mapped areas with respect to the species listed in Section 6.1.2 of the MSHCP, *Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools*.

Aerial photography was reviewed prior to conducting the field investigation. The aerials were used to locate and inspect potential natural drainage features, ponded areas, or water bodies that may be considered riparian/riverine habitat and/or fall under the jurisdiction of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of

flow are considered potential riparian/riverine habitat and are also subject to State and federal regulatory authorities.

2.1.2 Narrow Endemic Plant Species

Section 6.1.3 of the MSHCP, *Protection of Narrow Endemic Plant Species,* states that the MSHCP database does not provide sufficient detail to determine the extent of the presence/distribution of Narrow Endemic Plant Species within the MSHCP Plan Area. Additional surveys may be needed to gather information to determine the presence/absence of these species to ensure that appropriate conservation of these species occurs. Based on the Western Riverside County Regional Conservation Authority (RCA) MSHCP Information Map query and review of the MSHCP, it was determined that the project site is not located within the designated survey area for Narrow Endemic Plant Species as depicted in Figure 6-1 within Section 6.1.3 of the MSHCP.

2.1.3 Urban/Wildlands Interface Guidelines

Section 6.1.4 of the MSHCP, *Guidelines Pertaining to Urban/Wildlands Interface,* is intended to address indirect effects associated with development in proximity to MSHCP Conservation Areas. The Urban/Wildlife Interface Guidelines are intended to ensure that indirect project-related impacts to the MSHCP Conservation Area, including drainage, toxics, lighting, noise, invasive plant species, barriers, and grading/land development, are avoided or minimized. The project site is located within Criteria Cell 721, an independent Cell that is not affiliated with any Cell group, which contributes to assembly of Proposed Constrained Linkage 7. The proposed project will need to comply with the Urban/Wildlands Interface Guidelines.

2.1.4 Vegetation Mapping

Section 6.3.1 of the MSHCP, *Vegetation Mapping*, requires vegetation mapping within project sites that meet certain criteria in order to assess whether conservation is required. These criteria are described in detail in the MSHCP. Vegetation mapping conducted for this project site is described further in Section 2.5 below.

2.1.5 Additional Survey Needs and Procedures

Section 6.3.2 of the MSHCP, *Additional Survey Needs and Procedures,* states that additional surveys may be needed for certain species in order to achieve coverage for these species. Based on the RCA MSHCP Information Map query and review of the MSHCP, it was determined that the project site is located within the designated survey area for Criteria Area Plant Species and burrowing owl as depicted in Figures 6-2 and 6-4, respectively within Section 6.3.2 of the MSHCP. The project site is located within the designated survey areas for the following Criteria Area Species Nevin's barberry, smooth tarplant, and round-leaved filaree.

2.1.6 Fuels Management

Section 6.4 of the MSHCP, *Fuels Management*, focuses on hazard reduction for humans and their property. It requires fuels management practices to be compatible with public safety as well as the conservation of biological resources. A project must comply with MSHCP fuels management requirements in order to be in compliance. Section 5.5 below describes this project's compliance with fuel management guidelines.

2.1.7 Public/Quasi-Public Lands

The majority of the cities in western Riverside County as well as the County have contributed open space/land to the County to help establish the MSHCP Conservation Area. These lands are described in the MSHCP as Public/Quasi-Public (P/QP) Lands. P/QP Lands are a subset of MSHCP Conservation Area lands totaling approximately 347,000 acres of lands known to be in public/private ownership and expected to be managed for open space value and/or in a manner that contributes to the Conservation of Covered Species (including lands contained in existing reserves). The acreage of P/QP Lands has been accounted for in the MSHCP tracking process for assembling the Conservation Area. If impacts to P/QP Lands will result from development or implementation of a project, the project applicant must prepare an equivalency analysis that shows the impacts will either not affect the total acreage of P/QP Lands or that the applicant can provide other compensatory mitigation that is biologically equivalent or superior to offset the loss of the P/QP Lands. The project site is not located with P/QP Lands.

2.2 LITERATURE REVIEW

The first step in determining if a project is consistent with the above listed sections of the MSHCP is to conduct a literature review and records search for special-status biological resources potentially occurring on or within the vicinity of the project site. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the project site were determined through a query of the CDFW's QuickView Tool in the Biogeographic Information and Observation System (BIOS), CNDDB Rarefind 5, the California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California, Calflora Database, compendia of special-status species published by CDFW, the United States Fish and Wildlife Service (USFWS) species listings, and species covered within the MSHCP and associated technical documents.

Literature detailing biological resources previously observed in the vicinity of the project site and historical land uses were reviewed to understand the extent of disturbances to the habitats on-site. Standard field guides and texts on special-status and non-special-status biological resources were reviewed for habitat requirements, as well as the following resources:

- Google Earth Pro historic aerial imagery (1994-2018);
- 2006 Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area;
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) Soil Survey;

- USFWS Critical Habitat designations for Threatened and Endangered Species;
- Stephens' Kangaroo Rat Habitat Conservation Plan; and
- RCA MSHCP Information Map.

The literature review provided a baseline from which to inventory the biological resources potentially occurring on the project site. The CNDDB database was used, in conjunction with ArcGIS software, to locate the nearest recorded occurrences of special-status species and determine the distance from the project site.

2.3 FIELD INVESTIGATION

ELMT biologist Travis J. McGill evaluated the extent and conditions of the plant communities found within the boundaries of the project site on October 17, 2018, and an additional site visit on December 10, 2019. Plant communities identified on aerial photographs during the literature review were verified in the field by walking meandering transects through the on-site plant communities and along boundaries between plant communities. The plant communities were evaluated for their potential to support special-status plant and wildlife species. In addition, field staff identified any natural corridors and linkages that may support the movement of wildlife through the area.

Special attention was given to special-status habitats and/or undeveloped areas, which have higher potentials to support special-status plant and wildlife species. Areas providing suitable habitat for burrowing owl were closely surveyed for signs of presence during the field survey. Methods to detect the presence of burrowing owls included direct observation, aural detection, and signs of presence including pellets, white wash, feathers, or prey remains.

All plant and wildlife species observed, as well as dominant plant species within each plant community, were recorded. Wildlife detections were made through observation of scat, trails, tracks, burrows, nests, and/or visual and aural observation. In addition, site characteristics such as soil condition, topography, hydrology, anthropogenic disturbances, indicator species, condition of on-site plant communities, and presence of potential jurisdictional drainage and/or wetland features were noted.

2.4 SOIL SERIES ASSESSMENT

On-site and adjoining soils were researched prior to the field survey using the USDA NRCS Soil Survey for Western Riverside Area, California. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes that the project site has undergone.

2.5 PLANT COMMUNITIES

Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were delineated on an aerial photograph, classified in accordance with those described in the MSHCP, and then digitized into GIS Arcview. The Arcview application was used to compute the area of each plant community in acres.

2.6 PLANTS

Common plant species observed during the field survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less familiar plants were photographed in the field and identified in the laboratory using taxonomic guides. Taxonomic nomenclature used in this study follows the 2012 Jepson Manual (Hickman 2012). In this report, scientific names are provided immediately following common names of plant species (first reference only).

2.7 WILDLIFE

Wildlife species detected during field surveys by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides were used to assist with identification of wildlife species during the survey included The Sibley Field Guide to the Birds of Western North America (Sibley 2003), A Field Guide to Western Reptiles and Amphibians (Stebbins 2003), and A Field Guide to Mammals of North America (Reid 2006). Although common names of wildlife species are fairly well standardized, scientific names are provided immediately following common names in this report (first reference only).

2.8 RIPARIAN/RIVERINE HABITAT AND JURISDICTIONAL DRAINAGES AND WETLANDS

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect any potential natural drainage features, ponded areas, or water bodies that may be considered riparian/riverine habitat and/or fall under the jurisdiction of the Corps, Regional Board, or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory jurisdiction.

2.9 STEPHENS' KANGAROO RAT HABITAT CONSERVATION PLAN

Separate from the consistency review against the policies of the MSHCP, Riverside County established a boundary in 1996 for protecting the Stephens' kangaroo rat (*Dipodomys stephensi*), a federally endangered and state threatened species. The Stephens' kangaroo rat is protected under the Stephens' Kangaroo Rat Habitat Conservation Plan (County Ordinance No. 663.10; SKR HCP). As described in the MSHCP Implementation Agreement, a Section 10(a) Permit, and California Fish and Game Code Section 2081 Management Authorization were issued to the Riverside County Habitat Conservation Agency (RCHCA) for the Long-Term SKR HCP and was approved by the USFWS and CDFW in August 1990 (RCHCA 1996). Relevant terms of the SKR HCP have been incorporated into the MSHCP and its Implementation Agreement. The SKR HCP will continue to be implemented as a separate HCP; however, to provide the greatest conservation for the largest number of Covered Species, the Core Reserves established by the SKR HCP are managed as part of the MSHCP Conservation Area consistent with the SKR HCP. Actions shall not be taken as part of the implementation of the SKR HCP that will significantly affect other Covered Species. Take of Stephens' kangaroo rat outside of the boundaries but within the MSHCP area is authorized under the MSHCP and the associated permits.

The project site is located within the Mitigation Fee Area of the SKR HCP. Therefore, the applicant will be required to pay the SKR HCP Mitigation Fee prior to development of the project site.

Section 3 Existing Conditions

3.1 LOCAL CLIMATE

Riverside County features a somewhat cooler version of a Mediterranean climate, or semi-arid climate, with warm, sunny, dry summers and cool, rainy, mild winters. Relative to other areas in Southern California, winters are colder with frost and with chilly to cold morning temperatures common. Climatological data obtained for the City of Riverside indicates the annual precipitation averages 12.0 inches per year. Almost all of the precipitation in the form of rain occurs in the months between November and March, with hardly any occurring between the months of April and October. The wettest month is February, with a monthly average total precipitation of 2.88 inches, and the driest months are June and July, both with monthly average total precipitation of 0.02 inches. The average maximum and minimum temperatures are 93 and 40 degrees Fahrenheit (° F) respectively with August (monthly average high 93° F) being the hottest months and December (monthly average low 40° F) being the coldest. The temperature during the site visit in October was in the low-80s ° F, and the temperature during the site visit in December was in the mid-60s ° F with minimal clouds present overhead and calm winds.

3.2 TOPOGRAPHY AND SOILS

The project site ranges in elevation from 1,310 to 1,390 feet above sea level and generally slopes from north to south. The northern portion of the project site is higher in elevation than the southern portion. The project site is elevated above Central Avenue and the open space area to the west of the project site. The western and southern boundaries of the project site slope down, approximately 15-20 feet, to the open space area to the west, and Central Avenue to the south. According to the Custom Soil Resource Report, the project site is underlain by the following soil units: Cieneba rocky sandy loam (15 to 60 percent slopes, eroded), Cieneba sandy loam (15 to 50 percent slopes, eroded), Hanford coarse sandy loam (2 to 8 percent slopes), Monserate sandy loam (8 to 15 percent slopes, eroded), and Terrace Escarpments (Exhibit 4, *Soils*). Soils on-site have been mechanically disturbed from historic land uses (i.e., grading/disking activities).

3.3 SURROUNDING LAND USES

Land uses in the vicinity of the project site mainly consists of open space, residential developments, and transportation thoroughfares. The project site is bordered by Interstate 215/State Route 60 and vacant land to the north and east (across Sycamore Canyon Boulevard), vacant land to the south (across Central Avenue), and the City of Riverside's Quail Run Open Space Park to the west.

SYCAMORE CANYON BOULEVARD AND CENTERAL AVENUE PROJECT
HABITAT ASSESSMENT AND MSHCP CONSISTENCY ANALYSIS

ELMT CONSULTING

0 75 150 300
Feet

Source: ESRI Aerial Imagery, World Transportation, NRCS Soil Survey Geographic Database, Riverside County

Soils

Exhibit 4

Section 4 Discussion

4.1 SITE CONDITIONS

The project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances from grading/disking activities. These disturbances have resulted in a majority of the project site being dominated by early successional and non-native vegetation, with rocky and compacted soils which has reduced, if not eliminated, the ability of the project site to provide suitable habitat for special-status plant species.

4.2 VEGETATION

Two (2) plant communities were observed on the project site during the field investigation: willow forest, and disturbed Riversidean Sage Scrub (Exhibit 5, *Vegetation*). In addition, the project site consists of a land cover type that would be classified as disturbed.

4.2.1 Willow Forest

The willow forest plant community is found on the southwest corner of the project site, in association with a culvert that exits from under Central Avenue. The willow forest plant community extends west of, and outside of the project footprint. This plant community is lower than that majority of the project site and is separated from the majority of the project site from dirt access road that has been overgrown with upland vegetation. This plant community on-site is dominated by arroyo willow (*Salix lasiolepis*) with an understored composed of mulefat (*Baccharis salicifolia*) and upland plant species.

4.2.2 Disturbed Riversidean Sage Scrub

The western half of the project site supports a heavily disturbed Riversidean sage scrub plant community. This plant community has been subject to years of grading/disking activities and supports rocky and compacted soils. Rock piles were observed throughout this plant community, as well, as sign of grading (rows of rocks/soils). The western half of the project site is not subject to as frequent anthropogenic disturbances as the eastern half of the project site, and the underlying Riversidean sage scrub plant community is beginning to establish itself. Plant species observed within the project site include sparse patches of deer weed (*Acmispon glaber*), California buckwheat (*Erigonum fasciculatum*), California sagebrush (*Artemisia californica*), and brittlebush (*Encelia farinosa*).

4.2.3 Disturbed

The disturbed areas on the project site no longer comprises a native plant community. Disturbed areas on the project site consist of existing dirt access roads, areas that have been subject to frequent grading/disking activities, and illegal dumping activities. Portions of the disturbed area contain areas of bare ground from anthropogenic disturbances, and areas that support early successional and ruderal/weedy plant species. Plant species observed within the disturbed areas include ragweed (*Ambrosia psilostachya*), telegraph weed (*Heterotheca grandiflora*), short-pod mustard (*Hirschfeldia incana*), Russian thistle (*Salsola tragus*),

SYCAMORE CANYON BOULEVARD AND CENTERAL AVENUE PROJECT
HABITAT ASSESSMENT AND MSHCP CONSISTENCY ANALYSIS

Vegetation

ELMT CONSULTING

0 75 150 300 Feet

Source: ESRI Aerial Imagery, World Transportation, Riverside County

Exhibit 5

and tocalote (*Centaurea melitensis*). Also, sparse patches of deer weed, California buckwheat, and brittlebush were observed within the disturbed areas on-site.

4.3 WILDLIFE

Plant communities provide foraging habitat, nesting and denning sites, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed during the field survey or that are expected to occur within the project site. The discussion is to be used as a general reference and is limited by the season, time of day, and weather condition in which the field survey was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation.

4.3.1 Fish

The MSHCP does not identify any covered or special-status fish species as potentially occurring on the project site. Further, no fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for fish were observed on the project site. Therefore, no fish are expected to occur and are presumed absent from the project site.

4.3.2 Amphibians

No amphibians were observed on or within the vicinity of the project site. The southwest corner of the project site includes a willow forest plant community. At the time of the survey, water was heard within the willow forest area that is associated with a streambed. Anurans are likely to be present and possibly breeding in the creek in the general vicinity of the site, but during most of the year if the creek is dry most Anuran activity would be low. The MSHCP does not identify any covered or special-status amphibian species as potentially occurring on the project site. Amphibian species most likely to occur when water is present, or to aestivate in the area when water is not, include Baja California treefrog (*Pseudacris hypochondriaca*) and western toad (*Anaxyrus boreas*) on the southwest corner of the project site.

4.3.3 Reptiles

The MSHCP does not identify any covered or special-status reptilian species as potentially occurring on the project site. The project site provides a limited amount of habitat for a few reptile species adapted to a high degree of human disturbance associated with the on-site grading/disking activities and surrounding development. No reptiles were obseved on-site. Common reptilian species expected to occur on-site include Great Basin fence lizard (*Sceloporus occidentalis longipes*) common side-blotched lizard (*Uta stansburiana elegans*), gopher snake (*Pituophis catenifer*), and southern alligator lizard (*Elgaria multicarinata*). Due to the high level of anthropogenic disturbances on-site, and surrounding development, no special-status reptilian species are expected to occur on-site.

4.3.4 Birds

A total of nine (9) avian species were identified during the habitat assessment. The avian species that were detected during the habitat assessment included Anna's hummingbird (*Calypte anna*), Say's phoebe (*Sayornis saya*), Cassin's kingbird (*Tyrannus vociferans*), American crow (*Corvus brachyrhynchos*),

yellow-rumped warbler (*Setophaga coronata*), white-crowned sparrow (*Zonotrichia leucophrys*), California towhee (*Melozone crissalis*), American kestrel (*Falco sparverius*), and house finch (*Haemorhous mexicanus*). The riparian vegetation on the southwest corner of the project site has the potential to provide suitable habitat for additional migrant and resident species that were not detected during the habitat assessment.

The MSHCP identifies the project site as having the potential to provide suitable habitat for burrowing owl and requires a burrowing owl habitat assessment to be conducted. The disturbed habitats on the project site provide line-of-sight opportunities favored by burrowing owl. However, the soils on the project site are rocky and compacted, and no suitable burrows (>4 inches in diameter) were observed on the project site. Despite a systematic search of open habitat and of potential burrows on the project site, no burrowing owls or recent or historic sign (pellets, feathers, castings, or white wash) was observed during the habitat assessment. Based on this information, it was determined that burrowing owls are absent from the project site and focused surveys are not required. A 30-day pre-construction burrowing owl survey shall be conducted prior to any ground disturbing activities to ensure burrowing owl remain absent from the project site.

4.3.5 Mammals

The MSHCP does not identify any covered or special-status mammalian species as potentially occurring on the project site. The project site and surrounding areas have the potential to support mammalian species adapted to human presence and disturbance. The only mammalian species observed during the field survey was Audubon's cottontail (*Sylvilagus audubonii*). Other common mammalian species expected to occur include coyote (*Canis latrans*), California ground squirrel (*Otospermophilus beecheyi*), opossum (*Didelphis virginiana*), and raccoon (*Procyon lotor*). No bat species are expected to occur due to a lack of suitable roosting habitat (i.e., trees, crevices, abandoned structures) within and surrounding the project site.

4.4 NESTING BIRDS

No active nests or birds displaying nesting behavior were observed during the field survey, which was conducted outside of the nesting season. The project site and surrounding area provide foraging and minimal nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that area adapted to urban environments. The project site has the potential to provide minimal suitable nesting opportunities for birds, primarily those that nest on the open ground such as killdeer (*Charadrius vociferus*). A pre-construction nesting bird clearance survey shall be conducted within three (3) days prior to ground disturbance to ensure no nesting birds will be impacted from site development.

4.5 WILDLIFE CORRIDORS AND LINKAGES

Habitat linkages provide links between larger undeveloped habitat areas that are separated by development. Wildlife corridors are similar to linkages, but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet inadequate for others. Wildlife corridors are significant features for dispersal, seasonal

migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The project site is located immediately north of MSHCP Proposed Constrained Linkage 7, which connects Sycamore Canyon Park to the south to the Box Springs Reserve to the east (east of Interstate 215/State Route 60) and is generally constrained by urban development. This linkage is believed to provide movement opportunities for bobcats (*Lynx rufus*) and live in/dispersal habitat for cactus wren (*Campylorhynchus brunneicapillus*) and Bell's sage sparrow (*Amphizpiza belli belli*). Habitat on the project site is heavily disturbed and there is little to no incentive for bobcats to occur on the upland portion of the project site, as it is surrounded on three sides by development (primarily transportation land uses). Box Spring Canyon, located south of the project site (south of Central Avenue), and the small portion of willow forest on southwest corner of the project site, have the potential to be used by migrating or dispersing wildlife, including birds and mammals.

The project will not directly impact, prevent or restrict the use of Box Spring Canyon or the willow forest plant community by wildlife. In general, disturbances from the proposed development is not expected to directly to indirectly impact wildlife movement opportunities. The MSHCP urban/wildlands interface guidelines will be implemented to help reduce potential indirect effects to wildlife movement. With implementation of the MSHCP urban/wildlife interface guidelines (described in Section 5.3), impacts to wildlife corridors or linkages are expected to be less than significant.

4.6 STATE AND FEDERAL JURISDICTIONAL AREAS

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge and/or fill materials into “waters of the United States” pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act and the CDFW regulates alterations to streambed and associated plant communities pursuant to Section 1602 of the California Fish and Game Code.

The majority of the project site does not support any discernible drainage courses, inundated areas, wetland vegetation, or hydric soils that would be considered jurisdictional. However, the willow forest plant community and its associated drainage on the southwest corner of the project site would qualify as a jurisdictional feature under the regulatory authority of the Corps, Regional Board, and the CDFW.

Any impacts to the willow forest plant community and its associated drainage that may occur as a result of the proposed project will require the following regulatory approvals: Corps CWA Section 404 Permit, Regional Board CWA Section 401 Water Quality Certification, and CDFW Section 1602 Streambed Alteration Agreement. At this time, based on current site plans, no temporary or permanent impacts are anticipated to occur to the willow forest plant community or its associated drainage on the southwest corner of the project site. Therefore, development of the project site will not result in impacts to Corps, Regional Board, or CDFW jurisdiction and regulatory approvals will not be required.

4.7 SPECIAL-STATUS BIOLOGICAL RESOURCES

CDFW's QuickView Tool in BIOS, the CNDDB Rarefind 5 and the CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California were queried for reported locations of special-status plant and wildlife species as well as special-status natural plant communities in the Riverside East USGS 7.5-minute quadrangle. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the project site to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable habitat(s) for special-status plant and wildlife species.

The literature search identified fifteen (15) special-status plant species, fifty-seven (57) special-status wildlife species, and one (1) special-status plant community as having potential to occur within the Riverside East quadrangle. Special-status plant and wildlife species were evaluated for their potential to occur within the project boundaries based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity are presented in *Table B-1: Potentially Occurring Special-Status Biological Resources*, provided in Appendix B. Refer to Table B-1 for a determination regarding the potential occurrence of special-status plant and wildlife species within the project site.

4.7.1 Special-Status Plants

According to the CNDDB and CNPS, fifteen (15) special-status plant species have been recorded in the Riverside East quadrangle (refer to Appendix B). The project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances from grading/disking activities. These disturbances have resulted in a majority of the project site being dominated by early successional and non-native vegetation, with rocky and compacted soils which has reduced, if not eliminated, the ability of the project site to provide suitable habitat for special-status plant species.

Although the field investigation was not conducted during the blooming season for the majority of the special-status plant species known to occur in the general vicinity of the project site, based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the project site does not provide suitable habitat for any of the special-status plant species known to occur in the area and are presumed to be absent from the project site.

4.7.2 Special-Status Wildlife

According to the CNDDB, fifty-seven (57) special-status wildlife species have been reported in the Riverside East quadrangle (refer to Appendix B). No special-status wildlife species were observed on-site during the habitat assessment. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the proposed project site has a moderate potential to support Cooper's hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), yellow warbler (*Setophaga petechia*), and least Bell's vireo (*Vireo bellii pusillus*); and a low potential to provide suitable habitat for burrowing owl, California horned lark (*Eremophila alpestris actia*), and loggerhead shrike (*Lanius ludovicianus*). Further it was determined that the project site does not provide suitable habitat for any of the other special-status wildlife species known to occur in the area since the project site has been heavily disturbed from on-site disturbances and surrounding development.

It should be noted that the project site is sparsely vegetated with a variety of low-growing, early successional plant species that allows for line-of-sight observation favored by burrowing owl. However, the project site lacks mammal burrows capable of providing suitable roosting and nesting opportunities. The only burrows observed during the site investigation were too small (less than 4 inches in diameter) to be used by burrowing owl. Despite a systematic search of all burrows and open habitat throughout the project site, no burrowing owl or sign (pellets, feathers, castings, or white wash) was observed. Therefore, burrowing owl is presumed absent from the project site and no focused surveys are recommended.

In order to ensure impacts to the aforementioned species do not occur from implementation of the project, a pre-construction nesting bird clearance survey shall be conducted prior to ground disturbance. With implementation of a pre-construction nesting bird clearance survey, impacts to these special-status species will be less than significant and no mitigation will be required.

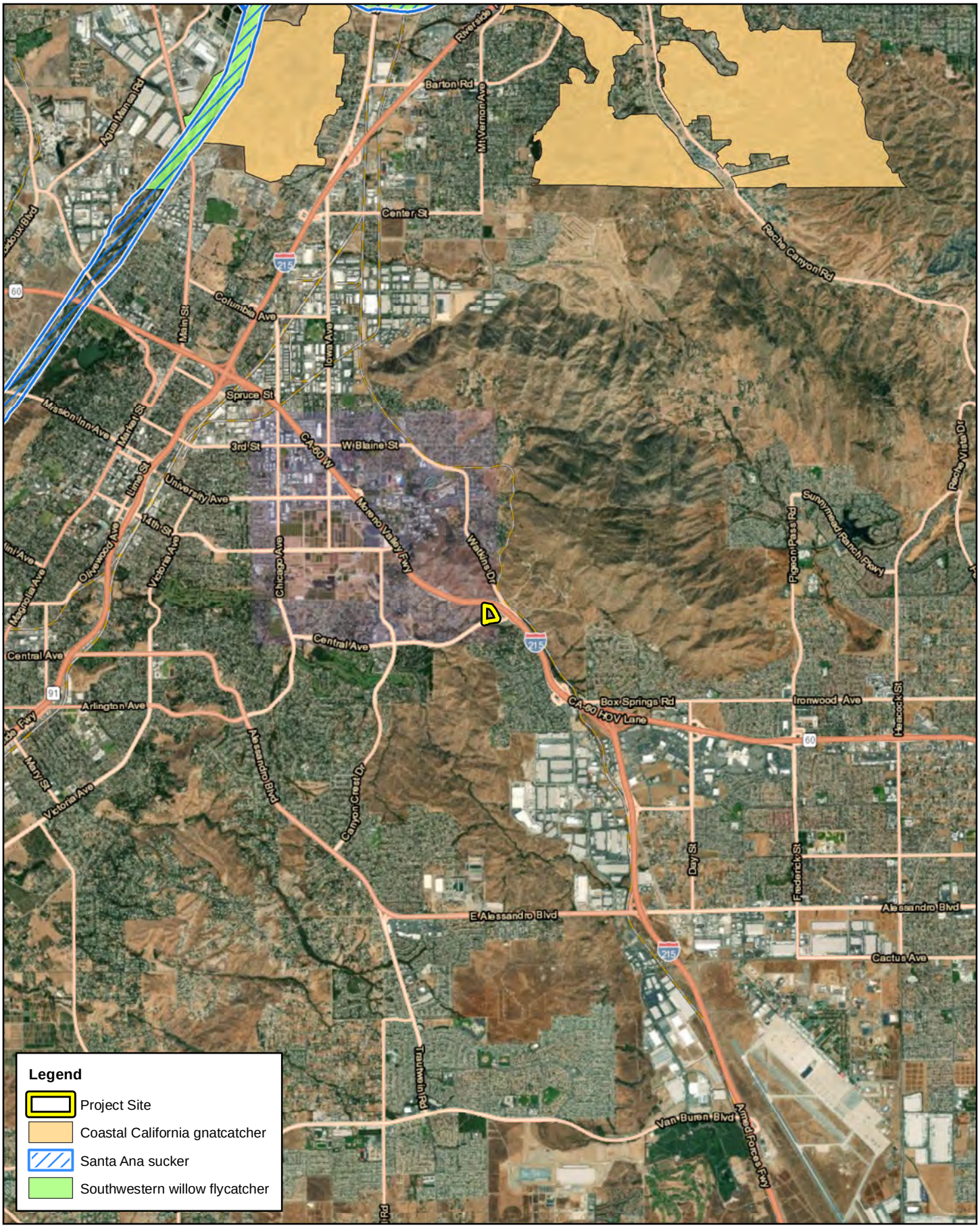
4.7.3 Special-Status Plant Communities

The CNDDB lists one (1) special-status plant community as being identified within the Riverside East USGS 7.5-minute quadrangle: Southern Sycamore Alder Riparian Woodland. This special-status plant community was not observed within the boundaries of the project site.

4.8 CRITICAL HABITAT

Under the federal Endangered Species Act, "Critical Habitat" is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not. All federal agencies are required to consult with the USFWS regarding activities they authorize, fund, or permit which may affect a federally listed species or its designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highways Administration or a CWA Permit from the Corps). If a there is a federal nexus, then the federal agency that is responsible for providing the funding or permit would consult with the USFWS.

The project site is not located within federally designated Critical Habitat. The closest Critical Habitat designation is located approximately 4.5 miles north of the project site for California gnatcatcher (*Polioptila californica*), and approximately 6 miles north of the project site along the Santa Ana River for Santa Ana sucker (*Catostomus santaanae*), and southwestern willow flycatcher (*Empidonax traillii extimus*) (Exhibit 6, *Critical Habitat*). Therefore, consultation with USFWS will not be required for the loss or adverse modification of Critical Habitat.



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ELMT CONSULTING

0 0.625 1.25 2.5 Miles

Source: ESRI Aerial Imagery, World Transportation, USFWS Critical Habitat, Riverside County

Critical Habitat

Exhibit 6

Section 5 MSHCP Consistency Analysis

The project site is located within Subunit 1 – Sycamore Canyon/Box Springs Central of the Highgrove Area Plan of the MSHCP within Criteria Cell 721 (Exhibit 7, *MSHCP Criteria Area and Targeted Conservation*). Additionally, the project site is located within the designated survey area for burrowing owl and Criteria Area Species as depicted in Figures 6-4, and 6-2, respectively, within Section 6.3.2 of the MSHCP. The project site is located within the designated survey area for following Criteria Area Plant Species: Nevin's barberry, smooth tarplant, and round-leaved filaree. Refer to the following sections for an analysis of the suitability of the on-site habitat and potential for burrowing owl and the above listed Criteria Area Plant Species to occur on the project site.

5.1 RIPARIAN/RIVERINE AREAS AND VERNAL POOLS

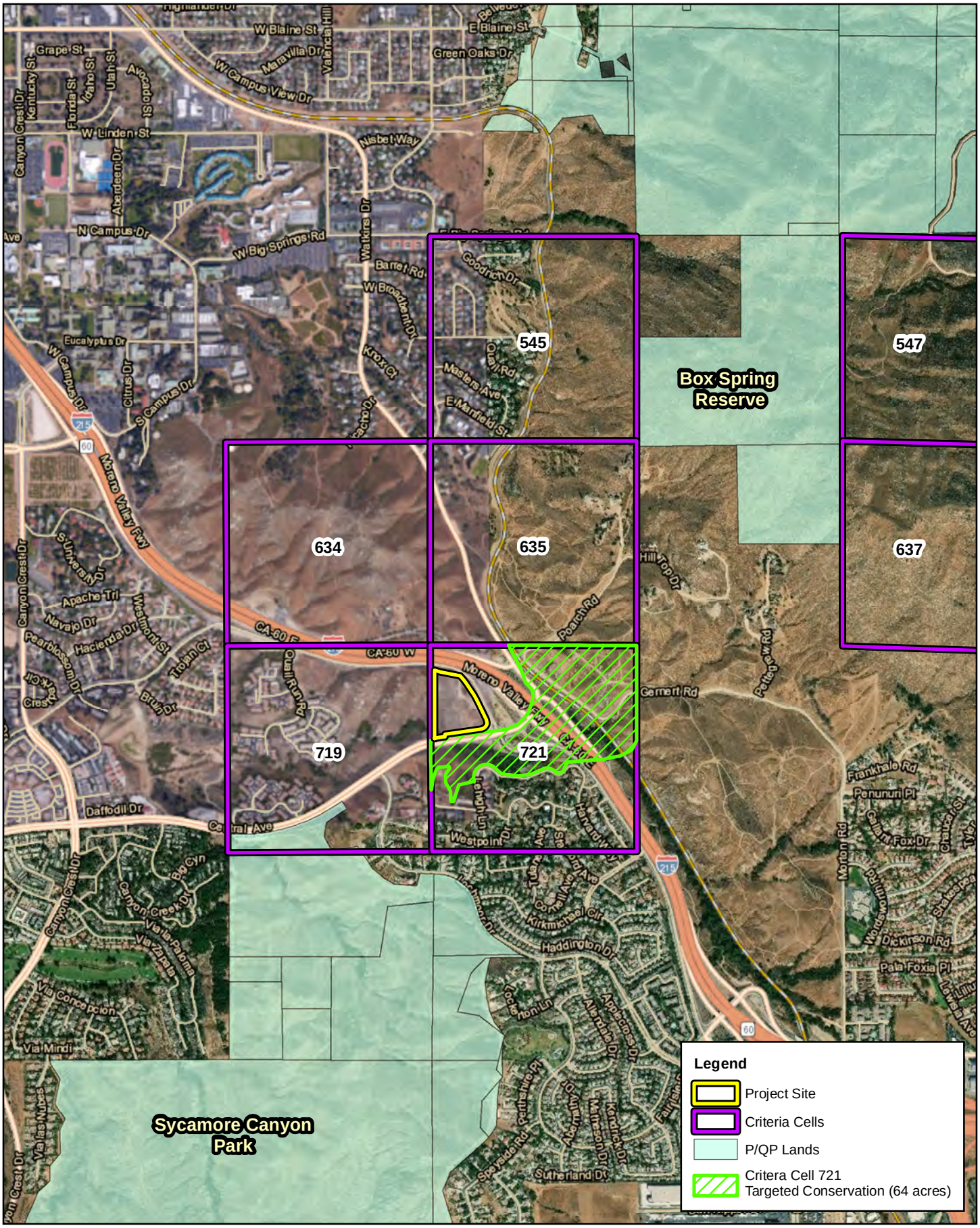
5.1.1 Riparian/Riverine Areas

As defined under Section 6.1.2 of the MSHCP, *Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools,* riparian/riverine areas are areas dominated by trees, shrubs, persistent emergent plants, or emergent mosses and lichens which occur close to or are dependent upon nearby freshwater, or areas with freshwater flowing during all or a portion of the year. Conservation of these areas is intended to protect habitat that is essential to a number of listed or special-status water-dependent fish, amphibian, avian, and plant species. Any alteration or loss of riparian/riverine habitat from development of a Project will require the preparation of a Determination of Biologically Equivalent or Superior Preservation (DBESP) analysis to ensure the replacement of any lost functions and values of habitats in regards to the listed species. This assessment is independent from considerations given to waters of the United States and waters of the State under the CWA, the California Porter-Cologne Water Quality Control Act, and CDFW jurisdictional streambed under the California Fish and Game Code.

The majority of the project site does not support any discernible drainage courses, inundated areas, or wetland vegetation that would be considered riparian/riverine habitat under the MSHCP. However, the willow forest plant community and its associated drainage on the southwest corner of the project site would qualify as riparian/riverine habitat under the MSHCP. Any impacts to the willow forest plant community and its associated drainage that may occur as a result of the proposed project will require a DBESP to be prepared. Based on current design plans, no temporary or permanent impacts are anticipated to occur to the willow forest plant community or its associated drainage on the southwest corner of the project site. Therefore, a DBESP will not be required for impacts to riparian/riverine habitat.

5.1.2 Vernal Pools

Vernal pools are seasonally inundated, ponded areas that only form in regions where specialized soil and climatic conditions exist. During fall and winter rains typical of Mediterranean climates, water collects in shallow depressions where downward percolation of water is prevented by the presence of a hard pan or clay pan layer (duripan) below the soil surface. Later in the spring when rains decrease and the weather warms, the water evaporates and the pools generally disappear by May. The shallow depressions remain relatively dry until late fall and early winter with the advent of greater precipitation and cooler temperatures.



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MSHCP Critera Area and Targeted Conservation

Exhibit 7

Vernal pools provide unusual "flood and drought" habitat conditions to which certain plant and wildlife species have specifically adapted as well as invertebrate species such as fairy shrimp.

One of the factors for determining the suitability of the habitat for fairy shrimp would be demonstrable evidence of seasonal ponding in an area of topographic depression that is not subject to flowing waters. These astatic pools are typically characterized as vernal pools. More specifically, vernal pools are seasonal wetlands that occur in depression areas without a continual source of water. They have wetland indicators of all 3 parameters (soils, vegetation, and hydrology) during the wetter portion of the growing season but normally lack wetland indicators of hydrology and/or vegetation during the drier portion of the growing season. Obligate hydrophytes and facultative wetlands plant species are normally dominant during the wetter portion of the growing season. The determination that an area exhibits vernal pool characteristics and the definition of the watershed supporting vernal pool hydrology is made on a case-by-case basis. Such determinations should consider the length of time the area exhibits upland and wetland characteristics and the manner in which the area fits into the overall ecological system as a wetland. The seasonal hydrology of vernal pools provides for a unique environment, which supports plants and invertebrates specifically adapted to a regime of winter inundation, followed by an extended period when the pool soils are dry.

The MSHCP lists two general classes of soils known to be associated with special-status plant species; clay soils and Traver-Domino Willow association soils. The specific clay soils known to be associated with special-status species within the MSHCP plan area include Bosanko, Auld, Altamont, and Porterville series soils, whereas Traver-Domino Willows association includes saline-alkali soils largely located along floodplain areas of the San Jacinto River and Salt Creek. Without the appropriate soils to create the impermeable restrictive layer, none of the special-status species associated with vernal pools can occur on the project site. None of these soils occur on the project site.

A review of recent and historic aerial photographs (1994-2018) of the project site and its immediate vicinity did not provide visual evidence of an astatic or vernal pool conditions on or in the vicinity of the project site. No ponding was observed on-site, further supporting the fact that the drainage patterns currently occurring on the project site do not follow hydrologic regimes needed for vernal pools, or astatic ponds. From this review of historic aerial photographs and observations during the field investigations, it can be concluded that there is no indication of vernal pools or suitable fairy shrimp habitat occurring on the project site, as no ponding was observed on-site. Further, no special-status plant and wildlife species associated with vernal pools were observed. Additionally, the routine disturbances on-site, and rocky/compacted soils also preclude vernal pools from existing on-site.

5.2 NARROW ENDEMIC PLANT SPECIES

Based on the RCA MSHCP Information Map query and review of the MSHCP, it was determined that the project site is not located within the designated survey area for Narrow Endemic Plant Species. The heavy disturbances that the project site has been subject to, and the rocky/compact soils onsite do not provide suitable habitat for any of the Narrow Endemic Plant Species listed under the MSHCP.

5.3 URBAN/WILDLANDS INTERFACE GUIDELINES

According to Section 6.1.4 the MSHCP, *Guidelines Pertaining to Urban/Wildlands Interface*, the guidelines are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area (MSHCP, p 6-42). The proposed project site is located in Criteria Cell 721 which contributes to Proposed Constrained Linkage 7. The Urban/Wildlife Interface Guidelines, as discussed below, will be incorporated into the project to ensure that indirect project-related impacts, including drainage, toxics, lighting, noise, invasive plant species, barriers, and grading/land development, are avoided or minimized.

5.3.1 Drainage

The project's stormwater should be directed to a stormwater basin on the project site. The basin shall be designed in accordance with all federal, state, regional, and local standards and regulations concerning water quality. These measures will assure that the project stormwater discharges are no greater in volume and velocity than current undeveloped conditions and that the water leaving the site complies with all applicable water quality standards. No drainage/runoff from the site shall flow into the willow forest plant community or its associated drainage. The Preliminary Project Specific Water Quality Management Plan (WQMP) prepared by Tory R. Walker Engineering, Inc., includes post-construction Low Impact Development (LID) principles and LID BMPs incorporated into the site design to fully address all expected pollutant sources and storm water runoff volumes.

5.3.2 Toxics

According to the MSHCP, measures shall be incorporated to ensure that application of chemicals do not result in discharge to the MSHCP Conservation Area. During the construction of the project, construction activities have the potential to cause release of toxics that could impact the MSHCP Conservation Area. To address these potential short-term impacts, the project is required to stage construction operations as far away from the MSHCP Conservation Area, and the willow forest plant community or its associated drainage to the maximum extent feasible. These mitigation measures will be imposed by the City of Riverside.

5.3.3 Lighting

The proposed project is not anticipated to significantly increase lighting and glare. All light sources will be designed with internal baffles to direct the lighting towards the ground and the developed areas and have a zero-side angle cut off to the horizon. All lighting will be consistent with City of Riverside's Light Pollution Ordinance and the MSHCP. The Site Lighting Photometric Plan (prepared by OMB Electrical Engineers, Inc. and RHA Landscape Architects Planners, Inc., February 19, 2020) indicates the proposed project will not result in lighting that extends beyond the development footprint boundary. In addition, vehicle headlights from parking areas and drive aisles will not shine into the MSHCP Conservation Area in the southwestern portion of the site as these areas are internal to the apartment buildings and will be blocked by apartment buildings.

Lighting is proposed on the walkway and is required for safety. The proposed lighting is located along the inside or development side of the walkway. The lighting fixtures are low to the ground, only 22 ½ inches tall and are shielded downwards. The Site Lighting Photometric Plan indicates that light from these fixtures will not extend beyond the walkway.

5.3.4 Noise

The project site should have a physical separation or barrier included in its design between the proposed development and the willow forest plant community or its associated drainage on the southwest corner of the project site to buffer noise impacts on wildlife movement. A barrier would significantly lessen any noise exposure to any MSHCP-covered species. Construction-related noise will be mitigated to be consistent with the City of Riverside's Noise Ordinances by limiting construction activities to daytime hours and requiring construction equipment to be tuned and equipped with mufflers. Under the MSHCP, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards. The project specific Noise Impact Analysis (prepared by Urban Crossroads, September 15, 2020) identifies the anticipated construction and operational noise from the project at the southwest edge of the development footprint.

Construction Noise

To control noise impacts associated with the construction of the proposed Project, the City of Riverside has established limits to the hours of operation. Section 7.35.020 (G) of the General Noise Regulations indicates that noise sources associated with construction, repair, remodeling, or grading of any real property; provided a permit has been obtained from the City as required; and provided said activities do not take place between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, between the hours of 5:00 p.m. and 8:00 a.m. on Saturdays, or at any time on Sunday or a federal holiday. Therefore, Project construction noise levels are considered exempt from municipal regulation if activities occur within the hours specified Section 7.35.020 (G); provided a permit has been obtained from the City as required. However, neither the City of Riverside General Plan nor Municipal Code establish numeric maximum acceptable construction source noise levels at potentially affected receivers, either residential or sensitive biological resources. Because the Riverside General Plan and the Municipal Code do not establish numeric maximum acceptable construction source noise levels at potentially affected receivers, either residential or sensitive biological resources a numerical threshold based on guidance from the Western Riverside County RCA is used for analysis of daytime construction impacts. A maximum acceptable construction source noise level of 65 dBA is recommended by the Western Riverside County RCA for sensitive riparian/riverine biological receiver locations.[2]

As outlined in the Noise Impact Analysis, Section 11 Construction Impacts, prepared for the project (Urban Crossroads, September 15, 2020), noise generated by the project construction equipment will include a combination of trucks, power tools, concrete mixers, and portable generators operating simultaneously that when combined can reach high levels. Noise levels generated by heavy construction equipment can range

[2] Personal communication between Sonya Hooker, Director of Environmental Services, Ruth Villalobos & Associates, Inc. and Elizabeth Dionne, Ecological Resources Specialist, Western Riverside County Regional Conservation Authority, December 2019.

from approximately 68 dBA to more than 80 dBA when measured at 50 feet. Predicted maximum construction noise levels at the limit of construction and the MSHCP Conservation Area boundary in the southwestern portion of the site is 77.9 dBA (A-weighted decibels) Leq (Equivalent continuous, average, sound level). Thus, the noise level of 65 dBA could be exceeded at the MSHCP Conservation Area in the southwest portion of the site.

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. Construction vibration is generally associated with pile driving and rock blasting. The vibration source levels describe a variety of equipment including several methods of pile driving. This includes impact pile driving and non-impact alternatives. Since the actual equipment used to support the project construction may include deep dynamic compaction or rapid impact compaction, this analysis conservatively relies on the highest worst-case impact pile driving reference vibration source levels to describe the project's potential maximum vibration levels. Vibration levels for pile driving at 25 feet from the source is 104 Vibration Decibel (VdB). Since neither the City of Riverside General Plan Noise Element or Municipal Code identify any vibration level increase thresholds, the substantial vibration threshold of 80 VdB for residential receiver locations is derived from the Federal Transit Administration's (FTA), *Transit Noise and Vibration Impact Assessment Manual*. (Noise Impact Analysis, Urban Crossroads, September 15, 2020) Vibration from construction activities have the potential to exceed levels deemed acceptable for residential receivers in the MSHCP Conservation Area in the southwest portion of the site.

Site preparation may also require blasting to break apart large rocks. Blasting would only be utilized for a relatively short duration during the site preparation and grading portion of construction. The intensity of the noise and vibration impacts associated with rock blasting depends on location, size, material, shape of the rock, and the methods used to crack it. While a blasting contractor can design the blasts to stay below a given vibration level that could cause damage to nearby structures, it is difficult to design blasts that produce noise levels which are not perceptible to receivers near the blast site. (Noise Impact Analysis, Urban Crossroads, September 15, 2020) Rock blasting noise and vibration have the potential to exceed perceptible levels in the MSHCP Conservation Area in the southwest portion of the site.

Operational Noise

As outlined in the Noise Impact Analysis, Section 10 Operational Impacts, prepared for the project (Urban Crossroads, September 15, 2020), the operational noise analysis is intended to describe noise levels associated with the expected typical daytime and nighttime residential activities from the project. The on-site project-related noise sources are expected to include roof-top air conditioning units, trash enclosure activity, dog park activity, pool/spa activity and parking lot vehicle movements. These noise sources are anticipated to be 41.7 dBA Leq (for all sources) at the MSHCP Conservation Area in the southwest portion of the site. The operational noise levels associated with Crestview Apartments project will not exceed the City of Riverside 55 dBA Leq daytime and 45 dBA Leq nighttime exterior residential noise level standards. No further mitigation is proposed for operational noise.

Noise Mitigation

Construction noise is anticipated to exceed 65 dBA(A) Leq within portions of the sensitive riparian habitat on the southwest corner of the project site. Construction noise impacts to the sensitive riparian habitat and associated fauna will be minimized with implementation of a mitigation measure Noise-1, as outlined below.

Mitigation Measure Noise-1: Project Construction Equipment Noise - To minimize indirect impacts to species protected under Section 6.1.2 of the MSHCP, that have the potential to be present within the riparian habitat on the southwest corner of the project site, from noise generated by project construction equipment, the following measures shall be implemented:

1. Install a 12-foot high temporary noise barrier at the perimeter of the limits of disturbance between the construction activities and the adjacent riparian habitat on the southwest corner of the project site. The barrier shall be continuous without openings, holes or cracks, and shall reach the ground. The barrier may be constructed with 1-inch plywood and provide a reduction of at least 13 dB(A) to ensure noise levels do not exceed 65 dB(A) at the on-site conservation area. Other materials providing the same reduction shall also be permitted.
2. Heavy grade rubber mats/pads will be used within the bed of the trucks. These mats will help attenuate initial impact noise generated when an excavator drops rock and debris into the bed of the truck. These mats must be maintained and/or replaced as necessary.
3. During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.
4. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
5. Equipment shall be shut off and not left to idle when not in use.
6. The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.
7. The project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the project site during construction.
8. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (7:00 am to 7:00 pm on weekdays, and 8:00 am to 5:00 pm on Saturdays).
9. Limit the use of heavy equipment or vibratory rollers and soil compressors along the project boundaries to the greatest extent possible. It is acknowledged that some soil compression may be necessary along the project boundaries.
10. Any jackhammers, pneumatic equipment and all other portable stationary noise sources shall be shielded, and noise shall be directed away from sensitive receptors.

Mitigation Measure Noise-2: Project Construction Vibration – If pile driving and rock blasting activities are needed, in order to minimize indirect impacts to species protected under Section 6.1.2 of the MSHCP from construction vibration generated by these activities, the following measures shall be implemented:

1. All pile driving and rock blasting activities shall be conducted outside of the avian nesting season (generally February 1 to August 31).
2. Out of abundance of caution, a pre-construction nesting bird clearance survey shall be conducted prior to pile driving and rock blasting activities to ensure avian species are not actively nesting, within the sensitive riparian habitat on the southwest corner of the project site, or within 500 feet of the limits of disturbance.

5.3.5 Invasive Plant Species

Plant species acceptable for the project's landscaping must not be considered an invasive species pursuant to Table 6.2 of the MSHCP. To ensure this, the final landscape plans must be reviewed and verified by the RCA and the City for consistency with the plant species list in Table 6.2 of the MSHCP. Through the City's Design Review process, the City has required the removal of any plants identified in Table 6.2 of the MSHCP from the Conceptual Landscape Plan. Allowable use of invasive species on project sites is based on the proximity of the plantings to the Conservation Area (in this case, the willow forest plant community or its associated drainage), the sensitivity of resources in the Conservation Area to invasion, and barriers to plant and seed dispersal. If the site is sufficiently contained such that invasive plantings would not be able to spread outside of the developed project footprint, invasive plantings may be allowed on the site. However, the City of Riverside will make the final decision on the suitability of this species for the project's landscape plan.

5.3.6 Barriers

Barriers would restrict direct access to the MSHCP Conservation Area from the project site by unauthorized public access or domestic animals. Under the MSHCP, suitable barriers include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms. The barriers would and should be placed within the boundaries of the development and will be outside of the confines of the open space/MSHCP Conservation Area. The project will need to install a barrier to separate the project footprint from the willow forest plant community or its associated drainage on the southwest corner of the project site. The project proposes a perimeter concrete walkway and 6-foot high tubular steel fence around the outer edge of the apartments and associated amenities. In the southwest portion of the site this walkway and fence is located on top of a 5-foot high retaining wall. Due to the steep topography change in the southwest corner of the site, the project proposes to build a series of terraced retaining walls, ranging from 1 retaining wall up to a total of 6 retaining walls from west to south, with 2:1 slopes between the retaining walls, to separate the western boundary from open areas and riparian habitat to the west. The retaining wall will be placed within the boundaries of the project footprint, outside of the proposed Conservation Area. All of the fences and walls will be designed to enhance the aesthetics of the project, while providing security, privacy, and slope stability where needed.

The project will be conditioned by the City to submit the fencing plan to the RCA for review and approval prior to issuance of the building permit.

5.3.7 Grading/Land Development

Manufactured slopes associated with proposed site development shall not extend into the MSHCP Conservation Area. No manufactured slopes are anticipated to be constructed within the MSHCP Conservation Area. Should manufactured slopes be necessary, they will be kept within the boundaries of the development footprint and not encroach into the open space/MSHCP Conservation Area or otherwise into the area of targeted conservation.

5.4 ADDITIONAL SURVEY NEEDS AND PROCEDURES

The RCA MSHCP Information Map query and review of the MSHCP identified that the project site is located within the designated survey area for Criteria Area Plant Species and burrowing owl as depicted in Figures 6-2 and 6-4, respectively within Section 6.3.2 of the MSHCP. The project site is located within the designated survey areas for the following Criteria Area Species Nevin's barberry, smooth tarplant, and round-leaved filaree.

5.4.1 Criteria Area Plant Species

Based on habitat requirements for specific species, availability and quality of habitats needed by sensitive plant species, it was determined that the project site does not provide suitable habitat for Criteria Area Plant species Nevin's barberry, smooth tarplant or round-leaved filaree. Below are descriptions of these Criteria Area Plant Species and their potential to occur on-site.

Nevin's Barberry

Nevin's barberry is a federally and State listed endangered plant species that is also designated as a CNPS 1B.1 species. It is shrub that blooms from March to June and occurs on steep, north-facing slopes or in low-grade sandy washes in chaparral, cismontane woodland, coastal scrub, and riparian scrub at elevations ranging from 951 to 5,167 feet above mean sea level. Nevin's barberry is known in only six areas in Riverside County: Vail Lake, Riverside, Jurupa Hills, Temecula, the Badlands and Aguanga. The majority of the populations in western Riverside County are associated with alkali vernal plains.

The heavy disturbances that the project site has been subject to and, rocky/compact soils do not provide suitable habitat for Nevin's barberry. As a result of this onsite disturbances, Nevin's barberry is not expected to occur on-site and is presumed absent.

Smooth Tarplant

Smooth tarplant is designated as a CNPS 1B.1 species. It is an annual herb that blooms from April to September and occurs in a variety of habitats including alkali scrub, alkali playas, riparian woodland, watercourses, and grasslands with alkaline affinities. The majority of the populations in western Riverside County are associated with alkali vernal plains. Smooth tarplant is found at scattered low elevation locations throughout much of western Riverside County, however, it is known to occur in areas that have been disturbed.

The project site does not support alkaline soils needed by this plant species. Further, the heavy disturbances that the project site has been subject to and, rocky/compact soils do not provide suitable habitat for smooth tarplant. As a result of this onsite disturbances and lack of suitable soils, smooth tarplant is not expected to occur on-site and is presumed absent.

Round-leaved Filaree

Round-leaved filaree is designated as a CNPS 1B.2 species. It is an annual herb that blooms from March to May in friable soils (sometimes clay) soils within cismontane woodland and valley and foothill grassland at elevations ranging from 49 to 3,937 feet above mean sea level. This species is known from records in the Gavilan Hills, Lake Mathews, Diamond Valley Lake, Temescal Wash, French Valley, and Agua Tibia Mountains.

The project site does not support friable soils (sometimes clay) soils within cismontane woodland or valley and foothill grassland habitats. Further, the heavy disturbances that the project site has been subject to and, rocky/compact soils do not provide suitable habitat for round-leaved filaree. As a result of this onsite disturbances and lack of suitable soils, round-leaved filaree is not expected to occur on-site and is presumed absent.

5.4.2 Burrowing Owl

Burrowing owl is currently designated as a California Species of Special Concern. The burrowing owl is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with level to gently-sloping areas characterized by open vegetation and bare ground. The western burrowing owl (*A.c. hypugaea*), which occurs throughout the western United States including California, rarely digs its own burrows and is instead dependent upon the presence of burrowing mammals (i.e., California ground squirrels [*Otospermophilus beecheyi*], coyotes, and badgers [*Taxidea taxus*]) whose burrows are often used for roosting and nesting. The presence or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drain pipes, stand-pipes, and dry culverts. They also require low growth or open vegetation allowing line-of-sight observation of the surrounding habitat to forage and watch for predators. In California, the burrowing owl breeding season extends from the beginning of February through the end of August.

Under the MSHCP burrowing owl is considered an adequately conserved covered species that may still require focused surveys in certain areas as designated in Figure 6-4 of the MSHCP. The survey for burrowing owl requires a systematic survey of all areas that provide suitable habitat plus a 150-meter (approximately 500 feet) zone of influence on all sides of suitable habitat, where applicable. Since the project site is bordered by transportation land uses to the north, south, and east, the area west of the project site and the small undeveloped parcel east of the project site between Sycamore Canyon Boulevard and State Route 60 were surveyed (refer to Exhibit 3). Survey transects were orientated north to south and were conducted at a maximum of 30-meter (approximately 100 feet) intervals to ensure 100% visual coverage of all areas in suitable habitat, as applicable based on topography of the site. Areas providing potential

habitat for burrowing owls were surveyed for suitable burrows, consisting of natural and non-natural substrates in areas with low, open vegetation. All burrows encountered were examined for shape, scat, pellets, white-wash, feathers, tracks, and prey remains. The location of all suitable burrowing owl habitat, potential owl burrows, burrowing owl sign, and any owls observed were recorded and mapped, with a hand-held GPS unit, if observed. Methods to detect presence of burrowing owls included direct observation, aural detection, and signs of presence; including pellets, white wash, feathers, or prey remains. Suitable burrows/sites, including rock piles and non-natural substrates, were thoroughly examined for signs of presence. The survey included identifying avian species in the area and observing behaviors that suggested nesting activity. Binoculars were used to observe distant birds and their activity around potential nesting habitat.

The disturbed habitats on the project site provide line-of-sight opportunities favored by burrowing owl. However, the soils on the project site are rocky and compacted (does not provide friable soils for digging burrows), and no suitable burrows (>4 inches in diameter) or man-made/non-natural substrates were observed on the project site that have the potential to provide suitable nesting opportunities for burrowing owl. Despite a systematic search of open habitat and of potential burrows on the project site, no burrowing owls or recent or historic sign (pellets, feathers, castings, or white wash) was observed during the habitat assessment. Further, power poles adjacent to the site decrease the likelihood that burrowing owls will occur on the project site as these features provide perching opportunities for larger raptor species (i.e., red-tailed hawk [*Buteo jamaicensis*]) that prey on burrowing owls.

A Habitat Assessment and MSHCP Consistency Analysis, and burrowing owl focused survey were conducted on the proposed project site in 2006/2007 by Michael Brandman Associates. The Habitat Assessment and MSHCP Consistency Analysis determined that the project site provided low quality habitat for burrowing owl due to the lack of burrows, dense stands of brittle bush, and lack of flat terrain. However, the 2007 report stated that the rocky outcrops have the potential to providing minimal nesting, foraging, and dispersal habitat for burrowing owl. Following the initial site visit in 2006, Michael Brandman Associates conducted a focused burrowing owl survey, and concluded that burrowing owl were absent from the project site.

Based on the results of the 2006/2007 habitat assessment and burrowing owl focused surveys, and the results of the updated field investigation in 2018 and 2019, it was determined that site conditions have not changed and burrowing owls are presumed to continue to be absent from the project site and additional focused surveys are not recommended. In order to comply with the conservation goals of the MSHCP, a 30-day pre-construction burrowing owl survey shall be conducted prior to any ground disturbing activities to ensure burrowing owl remain absent from the project site.

5.5 FUELS MANAGEMENT

Fuels management focuses on hazard reduction for humans and their property (MSHCP, p. 6-72). According to the Fuels Management Guidelines, for new development that is planned adjacent to the MSHCP Conservation Area or other undeveloped areas, brush management shall be incorporated in the development boundaries and shall not encroach into the MSHCP Conservation Area (MSHCP, p. 6-72).

The proposed project would decrease the fuel load within the project site by developing it. Any areas proposed to be planted with fire-resistant, non-invasive plants must not encroach into Proposed Constrained Linkage 7. Through the City's Design Review process, the City has required the proposed hillside landscape buffer shrubs and groundcovers in the Conceptual Landscape Plan do not encroach into the proposed Conservation Area. Accordingly, with these measures, the project is consistent with the MSHCP Fuels Management Guidelines.

5.6 ADDITIONAL MSHCP CONSIDERATIONS

5.6.1 Nesting Birds

Vegetation within and surrounding the project site has the potential to provide refuge cover from predators, perching sites and favorable conditions for avian nesting that could be impacted by construction activities associated with the project. Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.3, 3511, and 3513 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs). In order to protect migratory bird species, a nesting bird clearance survey should be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season. Consequently, if avian nesting behaviors are disrupted, such as nest abandonment and/or loss of reproductive effort, it is considered "take" and is potentially punishable by fines and/or imprisonment.

If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a 300-foot buffer around the active nest. For listed and raptor species, this buffer is expanded to 500 feet. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

5.6.2 Riparian Bird Species

The willow forest plant community on the southwest corner of the project site was determined to have a low to moderate potential to support riparian bird species protected under Section 6.1.2 of the MSHCP, in particular, least Bell's vireo. This plant community does not provide suitable habitat for southwestern willow flycatcher (*Empidonax traillii extimus*) or yellow-billed cuckoo (*Coccyzus americanus*) on the project site as, the plant community does not provide dense, wide riparian woodlands with well-developed understories for breeding and foraging needed by these two riparian bird species.

Least Bell's Vireo

The least Bell's vireo is designated by the CDFW and the USFWS as both State and federally endangered, respectively. It nests and forages almost exclusively in riparian woodland habitats. Bell's vireos as a group are highly territorial and are almost exclusively insectivorous. Although least Bell's vireo use a variety of

riparian plant species for nesting, it appears that the structure of the vegetation is more important than other factors such as species composition or the age of the stand. Least Bell's vireo nesting habitat typically consists of well-developed over-story, understory, and low densities of aquatic and herbaceous plant cover. The understory frequently contains dense sub-shrub or shrub thickets. These thickets are often dominated by plants such as willow (*Salix* spp.), mulefat, and one or more herbaceous species. Least Bell's vireo begin to arrive at their breeding grounds in southern California riparian areas from mid-March to early April, and leave the breeding grounds and migrate south mid- to late September.

Under MSHCP Section 6.1.2 and as described in Volume II, Section B of the MSHCP, focused surveys for least Bell's vireo are required where suitable habitat is found on a project site that will not be avoided by project design. Most of the project site does not provide suitable habitat for riparian birds (i.e., least Bell's vireo). Suitable habitat for this species is present within Box Springs Canyon west of the project site, outside of the proposed limits of disturbance. If the willow forest plant community will be impacted by project construction, focused least Bell's vireo surveys will be required in areas of the project site providing suitable habitat (i.e. the southwest corner of the site). If the surveys are positive, 90 percent of the occupied area providing for long-term conservation value must be conserved, or a DBESP will be required. At this time, no temporary or permanent impacts are anticipated to occur to the willow forest plant community or its associated drainage on the southwest corner of the project site. Therefore, focused least Bell's vireo surveys and a DBESP will not be required.

As previously noted, it is recommended that project construction and all ground disturbing activities be conducted outside of the avian nesting season (generally February 1 to August 31). However, if the avian nesting season cannot be avoided, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds, focusing on least Bell's vireo within 500 feet of the limits of disturbance, will be directly or indirectly disturbed during construction. Based on the proposed site plan, no impacts to the riparian vegetation (willow forest on the southwest corner of the project site) will occur from project development. As a result, a DBESP will not be required to address impacts to least Bell's vireo.

Section 6 Habitat Evaluation and Acquisition Negotiation Strategy (HANS) Review

6.1 THE HANS PROCESS

Proposed development within a Criteria Cell is subject to review under the HANS process under Section 6.1.1 of the MSHCP. Project applicants whose site's fall within Criteria Areas are required to file a habitat assessment of their project site to determine if all or part of the property is necessary for inclusion in any MSHCP Conservation Areas.

If it is determined by the Western Riverside County RCA and/or the Joint Project Review, the County, Cities, or various State and Federal Agencies that all or part of the property is needed for inclusion in the MSHCP Conservation Area, the property owner will enter into negotiations with such agencies to determine the extent of development allowed within the project site that will not significantly impact the function of the conservation areas in question.

6.2 THE RELATIONSHIP OF THE PROPOSED PROJECT TO THE MSHCP CONSERVATION CRITERIA

Exhibit 7, *MSHCP Criteria Area and Targeted Conservation*, shows the location of the project site within Criteria Cell 721 and the targeted conservation area for cell 721. Conservation within this Cell is planned as needed for the assemblage of Proposed Constrained Linkage 7.

6.2.1 Proposed Constrained Linkage 7

Proposed Constrained Linkage 7 is comprised of upland habitat in the vicinity of Central Avenue west of Interstate 215/State Route 60. This constrained linkage is the only connection from Sycamore Canyon Park to the south to the Box Springs Reserve to the east (east of Interstate 215/State Route 60). This linkage is important for species dispersal and would reduce the decline of species loss from population isolation. Habitat for MSHCP species such as cactus wren and Bell's sage sparrow occurs within this linkage. This linkage is assumed to provide movement opportunities for common mammals such as bobcat.

6.2.2 Criteria Cell 721

The entire project site is located within Criteria Cell 721, which is an independent Cell that is not affiliated with any Cell Group. Conservation within Criteria Cell 721 will contribute to the assembly of Proposed Constrained Linkage 7, with an emphasis on the conservation of coastal sage scrub habitat and riparian scrub, woodlands and forest. Areas conserved within Criteria Cell 721 will be connected to coastal sage scrub habitat proposed for conservation to the north in Criteria Cell 635 and to the west in Criteria Cell 719. Conservation within Criteria Cell 721 will range from 35 to 45 percent of the Cell, focusing on its northeastern and central portions.

6.3 ANTICIPATED IMPACTS

Using the mid-range area described for conservation (40%) within Criteria Cell 721, approximately 64 acres are described for conservation within this approximate 160-acre Criteria Cell. To date, it is assumed that none of these acres have been conserved. There are approximately 96 acres of developable lands within in Criteria Cell 721 located outside of the northeastern and central portions (35%-45%) of this Criteria Cell that are not described for conservation. Based on the graphic depiction shown in Exhibit 7, the proposed project site is not located within the targeted conservation area and would not conflict with the conservation goals for Criteria Cell 721 or the assembly of Proposed Constrained Linkage 7.

The project site is located immediately north of the targeted conservation area for Proposed Constrained Linkage 7 and is separated from the targeted conservation area by Central Avenue. The majority of the other undeveloped areas, outside of the area target conservation area provide minimal habitat for target species. Most of the area outside of the target conservation area are developed or have been subject to existing development and/or anthropogenic disturbances. Further, the willow forest plant community and associated drainage on the southwest corner of the project site will not be impacted, and will continue to provide a wildlife movement corridor under Central Avenue south and west of the project site. It should be noted that Proposed Constrained Linkage 7 has been confined by prior freeway expansion and residential development on Lochmoor Drive, and has been re-routed up and over Central Avenue and across the southwest corner of the site. The proposed project will provide 0.53 acre of conservation in the southwest corner of the site for the re-routed Proposed Constrained Linkage 7, as identified in Exhibit 8, *MSHCP Conservation Area*.

Potential indirect impacts to Proposed Constrained Linkage 7 (i.e., noise, lighting, etc.) will be minimized with implementation of the MSHCP Urbans Wildlands Guidelines described in Section 5.3.4 above and with implementation of the mitigation measures listed in Section 7.4 below.

6.4 JOINT PROJECT REVIEW

It should be noted that the proposed project site was previously proposed for development as the Alexan Cityscape (City Planning Case P06-0846) project. For the proposed Alexan Cityscape (P06-0846), the project applicant, at that time, prepared a Habitat Assessment, MSHCP Consistency Analysis and HANS Review. The Alexan Cityscape project went through the Western Riverside County Joint Project Review (JPR) process and it was determined by the City and the RCA that the project would be consistent with the conservation goals of the MSHCP for Criteria Cell 721 (JPR 08-01-29-01).

Based on the results of this updated assessment, it was determined that site conditions have not substantially changed since the 2008 JPR, and the conclusion of the 2008 JPR remains valid. The proposed site plan has been designed to avoid the MSHCP conservation area on the southwest corner of the project site, as identified in Exhibit 8, *MSHCP Conservation Area*, with an area of 0.53 acre. The project will be conditioned by the City to convey the 0.53-acre area of avoidance to the RCA prior to issuance of the grading permit to ensure long-term conservation.

SYCAMORE CANYON BOULEVARD AND CENTERAL AVENUE PROJECT
HABITAT ASSESSMENT AND MSHCP CONSISTENCY ANALYSIS

MSHCP Conservation Area

ELMT CONSULTING

0 25 50 100 Feet

Source: ESRI Aerial Imagery, World Transportation, JPR08012901, Riverside County

Exhibit 8

Section 7 Recommendations

The discussion below provides a summary of survey results; avoidance and minimization efforts; direct, indirect, and cumulative Project impacts; and compensatory mitigation measures for each biological resource area required to be analyzed according to the California Environmental Quality Act (CEQA), based on Appendix G (Environmental Checklist Form) of the CEQA Guidelines.

***CEQA Threshold**: Would the proposed 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 the U.S. Fish and Wildlife Service?*

7.1 SPECIAL-STATUS PLANT SPECIES

According to the CNDDB and CNPS, fifteen (15) special-status plant species have been recorded in the Riverside East quadrangle. The project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances from grading/disking activities. These disturbances have resulted in a majority of the project site being dominated by early successional and non-native vegetation, with rocky and compacted soils which has reduced, if not eliminated, the ability of the project site to provide suitable habitat for special-status plant species. Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the project site does not provide suitable habitat for any of the special-status plant species known to occur in the area and are presumed to be absent from the project site. Additionally, it was determined that the project site does not provide suitable habitat for the three (3) MSHCP listed Criteria Area Plant species Nevin's barberry, smooth tarplant or round-leaved filaree, and are presumed absent. No further studies are recommended.

7.2 SPECIAL-STATUS WILDLIFE SPECIES

According to the CNDDB, fifty-seven (57) special-status wildlife species have been reported in the Riverside East quadrangle. No special-status wildlife species were observed on-site during the habitat assessment. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the proposed project site has a moderate potential to support Cooper's hawk, sharp-shinned hawk, yellow warbler, and least Bell's vireo; and a low potential to provide suitable habitat for burrowing owl, California horned lark, and loggerhead shrike. Further it was determined that the project site does not provide suitable habitat for any of the other special-status wildlife species known to occur in the area since the project site has been heavily disturbed from on-site disturbances and surrounding development.

It should be noted that the project site is sparsely vegetated with a variety of low-growing, early successional plant species that allows for line-of-sight observation favored by burrowing owl. However, the project site lacks mammal burrows capable of providing suitable roosting and nesting opportunities. The only burrows observed during the site investigation were too small (less than 4 inches in diameter) to be used by

burrowing owl. Despite a systematic search of all burrows and open habitat throughout the project site, no burrowing owl or sign (pellets, feathers, castings, or white wash) was observed. Additionally, focused surveys for burrowing owl were conducted in 2006/2007 by Michael Brandman Associates, even though their initial analysis stated that the site provided low quality habitat, the focused survey results were negative. Therefore, burrowing owl is presumed absent from the project site and no additional focused surveys are recommended.

In order to ensure impacts to the aforementioned special-status wildlife species and burrowing owls do not occur from implementation of the project, pre-construction nesting bird and burrowing owl clearance surveys shall be conducted prior to ground disturbance. With implementation of mitigation measures BIO-1 and BIO-2, impacts to these special-status species will be less than significant.

BIO-1: Pursuant to the MBTA and Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat should be conducted outside the avian nesting season. The nesting season generally extends from February 1 through August 31, beginning as early as January 1 for raptor species, but can vary slightly from year to year based upon seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season (September 1 through February 31), a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

If the Biologist finds an active nest on the project site and determines that the nest may be impacted, the Biologist shall delineate an appropriate buffer zone around the nest. The size of the buffer shall be determined by the Biologist and shall be based on the nesting species, its sensitivity to disturbance, expected types of disturbance, and location in relation to the construction activities. These buffers are typically 300 feet from the nests of non-listed species and 500 feet from the nests of raptors and listed species. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a Biological Monitor shall take place within the buffer zone until the nest is vacated. The Biologist shall serve as a Construction Monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the pre-construction survey and any subsequent monitoring shall be provided to the Property Owner/Developer and the City. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds.

BIO-2: In accordance with the *Burrowing Owl Survey Instructions for the Western Riverside County Multiple Species Habitat Conservation Plan*, a 30-day pre-construction survey for burrowing owls is required prior to initial ground-disturbing activities (e.g., vegetation clearing, clearing and grubbing, grading, tree removal, site watering, equipment staging) to ensure that no burrowing owls have colonized the site in the days or weeks preceding the ground-disturbing activities. If burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities, the project proponent will immediately inform the Regional Conservation Authority (RCA) and the Wildlife Agencies, and will need to coordinate further with RCA and the Wildlife Agencies, including the possibility of preparing a Burrowing Owl Protection and Relocation Plan, prior to initiating ground

disturbance. If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure that burrowing owl have not colonized the site since it was last disturbed. If burrowing owl is found, the same coordination described above will be necessary.

If burrowing owls are observed on the project site during the pre-construction surveys, a burrowing owl relocation plan shall be prepared and submitted to CDFW and the RCA for review and approval prior to commencement of vegetation clearing/grubbing, grading, and construction activities on the project site. The burrowing owl relocation plan shall outline methods to relocate any burrowing owls occurring on the project site and ensure compliance with the MSHCP, MBTA and California Fish and Game Code. If an active burrow is found during the breeding season (February 1 through August 31) occupied burrows will not be disturbed and will be provided with a protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer will depend on the time of year and level of disturbance.

CEQA Threshold: *Would the proposed Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

CEQA Threshold: *Would the proposed Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

7.3 RIPARIAN HABITAT AND SENSITIVE NATURAL COMMUNITIES

There are no on-site water features within the upland portion of the project site. The majority of the project site does not support any discernible drainage courses, inundated areas, wetland vegetation, or hydric soils that would be considered jurisdictional. However, the willow forest plant community and its associated drainage on the southwest corner of the project site would qualify as a jurisdictional feature under the regulatory authority of the Corps, Regional Board, and the CDFW, and riparian/riverine habitat under the MSHCP. At this time, based on current design plans, no temporary or permanent impacts are anticipated to occur to the willow forest plant community or its associated drainage on the southwest corner of the project site. Therefore, development of the project site will not result in impacts to Corps, Regional Board, or CDFW jurisdiction and regulatory approvals will not be required. Further, a DBESP will not be required for impacts to riparian/riverine habitat.

Additionally, none of the clay soils needed to support vernal pools were observed on-site; therefore, special-status plant and wildlife species associated with vernal pools, including fairy shrimp, are presumed absent from the project site.

No undisturbed natural communities or sensitive natural community will be directly impacted form project development.

BIO-3: To ensure grading activities and/or construction equipment does not encroach into the 0.53-acre conservation area on the southwest corner of the project site, a temporary fence will be installed to demark the conservation area line and a biological monitor will be required to ensure that no encroachment into the conservation area occurs.

Construction noise is anticipated to exceed 65 dBA(A) Leq within portions of the sensitive riparian habitat on the southwest corner of the project site. Temporary and indirect construction noise impacts to the sensitive riparian habitat and associated fauna will be minimized with implementation of mitigation measures Noise-1 and Noise -2, as outlined below.

Mitigation Measure Noise-1: Project Construction Equipment Noise - To minimize indirect impacts to species protected under Section 6.1.2 of the MSHCP, that have the potential to be present within the riparian habitat on the southwest corner of the project site, from noise generated by project construction equipment, the following measures shall be implemented:

1. Install a 12-foot high temporary noise barrier at the perimeter of the limits of disturbance between the construction activities and the adjacent riparian habitat on the southwest corner of the project site. The barrier shall be continuous without openings, holes or cracks, and shall reach the ground. The barrier may be constructed with 1-inch plywood and provide a reduction of at least 13 dB(A) to ensure noise levels do not exceed 65 dB(A) at the on-site conservation area. Other materials providing the same reduction shall also be permitted.
2. Heavy grade rubber mats/pads will be used within the bed of the trucks. These mats will help attenuate initial impact noise generated when an excavator drops rock and debris into the bed of the truck. These mats must be maintained and/or replaced as necessary.
3. During all project site excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.
4. The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site.
5. Equipment shall be shut off and not left to idle when not in use.
6. The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the project site during all project construction.
7. The project proponent shall mandate that the construction contractor prohibit the use of music or sound amplification on the project site during construction.
8. The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment (7:00 am to 7:00 pm on weekdays, and 8:00 am to 5:00 pm on Saturdays).
9. Limit the use of heavy equipment or vibratory rollers and soil compressors along the project boundaries to the greatest extent possible. It is acknowledged that some soil compression may be necessary along the project boundaries.
10. Any jackhammers, pneumatic equipment and all other portable stationary noise sources shall be shielded and noise shall be directed away from sensitive receptors.

Mitigation Measure Noise-2: Project Construction Vibration – If pile driving and rock blasting activities are needed, in order to minimize indirect impacts to species protected under Section 6.1.2 of the MSHCP from construction vibration generated by these activities, the following measures shall be implemented:

1. All pile driving and rock blasting activities shall be conducted outside of the avian nesting season (generally February 1 to August 31).
2. Out of abundance of caution, a pre-construction nesting bird clearance survey shall be conducted prior to pile driving and rock blasting activities to ensure avian species are not actively nesting, within the sensitive riparian habitat on the southwest corner of the project site, or within 500 feet of the limits of disturbance.

CEQA Threshold: *Would the proposed 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?*

7.4 WILDLIFE CORRIDORS

The project site is located immediately north of MSHCP Proposed Constrained Linkage 7 (as described in the MSHCP), which connects Sycamore Canyon Park to the south to the Box Springs Reserve to the east (east of Interstate 215/State Route 60) and is generally constrained by urban development. Habitat on the project site, within the limits of disturbance, is heavily disturbed and there is little to no incentive for wildlife to occur on the upland portion of the project site, as it is surrounded on three sides by development (primarily transportation land uses). Box Spring Canyon, located south of the project site (south of Central Avenue), and the small portion of willow forest on southwest corner of the project site, have the potential to be used by migrating or dispersing wildlife, including birds and mammals.

The project site will not directly impact, prevent or restrict the use of Box Spring Canyon or the willow forest plant community by wildlife. In general, disturbances from the proposed development are not expected to impact wildlife movement opportunities directly or indirectly. The MSHCP urban/wildlands interface guidelines will be implemented to help reduce potential indirect effects to wildlife movement. With implementation of the MSHCP urban/wildlife interface guidelines (described in Section 5.3) and the mitigation measures listed below, impacts to wildlife corridors or linkages are expected to be less than significant.

BIO-4: The Project has been designed to avoid direct construction impacts to riparian plant communities and wildlife corridors by staying within previously disturbed areas. Avoidance and minimization measures shall be included in the Project specifications for implementation during construction to further reduce the potential for any temporary, indirect impacts to occur to these areas during construction activities, including the following:

- Trash and other debris shall be properly disposed of and not left on-site in areas where it could fall into protected habitat.
- Project boundaries shall be clearly marked with fencing, or other suitable type of marking material as directed by a qualified biologist. Vehicles and other Project construction personnel shall stay within these delineated Project boundaries.

- Sensitive areas (i.e., jurisdictional drainage features, riparain habitats, and MSHCP Conservation Areas) in proximity to the construction footprint shall be clearly marked, with fencing or other suitable type of marking material as directed by a qualified biologist, for awareness and avoidance.
- Refueling, washing, or other vehicular maintenance activities shall occur a minimum of 100 feet away from riparian areas, including the conserved riparian habitat.
- Equipment would be maintained and checked at least on a daily basis for leaks.
- All vehicles leaks or other hazardous material leaks shall be contained and cleaned up immediately. All contaminated soil shall be removed from the site and disposed of properly.

BIO-5: During soil excavation, grading, or other subsurface disturbances, the construction contractor shall supervise provision and maintenance of all standard dust control BMPs to reduce fugitive dust emissions, including but not limited to the following actions:

- Water any exposed soil areas a minimum of twice per day, or as allowed under any imposed drought restrictions. On windy days or when fugitive dust can be observed leaving the construction site, additional water shall be applied at a frequency to be determined by the on-site construction superintendent.
- Pave, periodically water, or apply chemical stabilizer to construction access/egress points.
- Minimize the amount of area disturbed by clearing, grading, earthmoving, or excavation operations at all times.
- Operate all vehicles on graded areas at speeds less than 15 miles per hour.
- Cover all stockpiles that would not be utilized within three days with plastic or equivalent material, to be determined by the on-site construction superintendent, or spray them with a non-toxic chemical stabilizer.

BIO-6: The on-site construction contractor shall implement the following measures to minimize short-term noise levels caused by construction activities. Measures to reduce construction noise shall be included in contractor specifications and include, but not be limited to, the following:

- Properly outfit and maintain construction equipment with manufacturer-recommended noise-reduction devices to minimize construction-generated noise.
- Operate all diesel equipment with closed engine doors and equip with factory-recommended mufflers.
- Use electrical power, when feasible, to operate air compressors and similar power tools.
- Employ additional noise attenuation techniques, as needed, to reduce excessive noise levels within the conserved Riparian/Riverine Habitat on-site, such as placement of temporary sound barriers or sound blankets at the top of slope adjacent to these areas.
- Locate construction staging areas at least 100 feet from the conserved riparian habitat.

BIO-7: To address potential short-term impacts to water quality within the on-site drainages from construction runoff that may carry storm water pollutants, a SWPPP shall be implemented by the construction contractor as required by the California General Construction Storm Water Permit pursuant the Regional Board regulations. The SWPPP shall identify BMPs related to the control of toxic substances, including construction fuels, oils, and other liquids. These BMPs would be implemented by the construction contractor prior to the start of any ground clearing activity, shall be subject to periodic inspections by the City and the Project's hydrological consultant, shall be maintained throughout the construction period and remain in place until all landscape and permanent BMPs are in place. BMPs shall be monitored and repaired if necessary, to ensure maximum erosion, sediment, and pollution control.

- The use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within and adjacent to conserved riparian habitat shall be prohibited.
- All fiber roles,[3] straw waddles, and/or hay bales utilized within and adjacent to the Project site shall be free of non-native plant materials.
- Construction contractor shall comply with all litter and pollution laws. All contractors, subcontractors, and employees shall also obey these laws.
- Water containing mud, silt, or other pollutants from grading, aggregate washing, or other activities shall not be allowed to enter the conserved riparian habitat or be placed in locations that may be subjected to high storm flows.
- Spoil sites shall not be located within jurisdictional areas and MSHCP Conservation Areas or locations that may be subjected to high storm flows, where spoil shall be washed back into the conserved riparian habitat where it would impact streambed habitat and aquatic or riparian vegetation.
- Raw cement/concrete or washings thereof, asphalt, paint, or other coating material, oil or other petroleum products, or any other substances which could be hazardous to fish and wildlife resources resulting from Project related activities shall be prevented from contaminating the soil and/or entering the conserved riparian habitat. These materials, placed within or where they may enter the conserved riparian habitat or any party working under contract to the construction contractor, shall be removed immediately.
- No equipment maintenance shall be done within or near the conserved riparian habitat where petroleum products or other pollutants from the equipment may enter these areas under any flow.
- No broken concrete, cement, debris, soil, silt, sand, bark, slash, sawdust, rubbish, or washings thereof, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the conserved riparian habitat. When operations are completed,

[3] Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the conserved riparian habitat.

BIO-8: The following measures shall also be incorporated into the construction documents and specifications, and implemented by the contractor, to avoid potential construction-related impacts to the conserved riparian habitat outside of the approved disturbance limits:

- Construction worker training shall be provided by a qualified biologist at the first on-site construction meeting;
- Project boundaries shall be clearly marked and or signs shall be erected near the top of slope adjacent to the conserved riparian habitat to prevent accidental/unauthorized intrusions during construction; and
- Staging areas for storage of materials and heavy equipment, and for fueling, cleaning, or maintenance of construction vehicles or equipment, shall be prohibited within 20 feet from the top of slope adjacent to the conserved riparian habitat.

BIO-9: The Project shall incorporate special edge treatments to minimize edge effects by providing a safe transition between developed areas and the conserved riparian habitat, and which would be compatible with Project operation and the protection and sustainability of conserved areas. The following special edge treatments are applicable to the Project, and shall be implemented:

a) The Project is required to stage construction vehicles and equipment outside of the limits of CDFW jurisdictional streambed and riparian habitat to the maximum feasible distance;

b) Construction-related noise shall not exceed 65 dBA; and

c) Any manufactured slopes shall be kept within the boundaries of the Project footprint and not encroach into the conserved riparian habitat or the MSHCP Conservation Area.

CEQA Threshold: *Would the proposed Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

7.5 LOCAL POLICIES/ORDINANCES

Implementation of the proposed project will not conflict with any local policies or ordinances protecting biological resources (e.g., Heritage Tree Ordinance).

CEQA Threshold: *Would the proposed 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?*

7.6 LOCAL, REGINAL, AND STATE PLANS

The project site is located in within Subunit 1 – Sycamore Canyon/Box Springs Central of the Highgrove Area Plan of the MSHCP within Criteria Cell 721, which is an independent Cell that is not affiliated with any Cell group and which contributes to assembly of Proposed Constrained Linkage 7. A MSHCP JPR was

conducted in 2008 by the Western Riverside County Regional Conservation Authority (RCA) and determined that the proposed project would be consistent with the rules and regulations set forth in the MSHCP. Since site conditions have not changed since the 2008 JPR, the conclusion of the 2008 JPR remains valid. The proposed site plan has been designed to avoid the MSHCP conservation area on the southwest corner of the project site. With completion of recommendations provided in this report and payment of the MSHCP Local Development Mitigation Fee, development of the project site is fully consistent with the MSHCP and no impacts would occur.

Section 8 Conclusion

The project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances from grading/disking activities. These disturbances have resulted in a majority of the project site being dominated by early successional and non-native vegetation, with rocky and compacted soils which has reduced, if not eliminated, the ability of the project site to provide suitable habitat for special-status plant species. Two (2) plant communities were observed on the project site during the field investigation: willow forest, and disturbed Riversidean Sage Scrub. In addition, the project site consists of a land cover type that would be classified as disturbed.

Based on habitat requirements for specific special-status plant species and the availability and quality of habitats needed by each species, it was determined that the project site does not provide suitable habitat for any of the special-status plant species known to occur in the area due to the existing disking/grading activities and disturbances on-site. In addition, the project site does not provide suitable habitat for any of the Narrow Endemic Plant Species identified by the RCA MSHCP Information Map query. Therefore, all special-status plant species are presumed to be absent from the project site and no impacts to special-status plant species are expected to occur from implementation of the proposed project.

No special-status wildlife species were observed on-site during the habitat assessment. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the proposed project site has a moderate potential to support Cooper's hawk, sharp-shinned hawk, yellow warbler, and least Bell's vireo; and a low potential to provide habitat for burrowing owl, California horned lark, and loggerhead shrike. Further it was determined that the project site does not provide suitable habitat for any of the other special-status wildlife species known to occur in the area since the project site has been heavily disturbed from on-site disturbances and surrounding development. In order to ensure impacts to Cooper's hawk, sharp-shinned hawk, yellow warbler, least Bell's vireo, burrowing owl, California horned lark, and loggerhead shrike do not occur from implementation of the proposed project, a pre-construction nesting bird clearance survey shall be conducted prior to ground disturbance. With implementation of mitigation through the pre-construction nesting bird clearance survey, impacts to the aforementioned species will be less than significant.

The majority of the project site does not support any discernible drainage courses, inundated areas, wetland vegetation, or hydric soils that would be considered jurisdictional. A willow forest plant community and its associated drainage occur on the southwest corner of the project site that would qualify as a jurisdictional feature under the regulatory authority of the Corps, Regional Board, and the CDFW. This plant community would also qualify as riparian/riverine habitat under the MSHCP. Although not anticipated, any impacts to the willow forest plant community and its associated drainage that may occur as a result of the proposed project would require the following regulatory approvals: Corps CWA Section 404 Permit, Regional Board CWA Section 401 Water Quality Certification, and CDFW Section 1602 Streambed Alteration Agreement. Additionally, a DBESP would have to be prepared for the loss of riparian/riverine habitat. Based on the design plans, no temporary or permanent impacts are anticipated to occur to the willow forest plant community or its associated drainage on the southwest corner of the project site. Therefore, development of the project site will not result in impacts to Corps, Regional Board, or CDFW jurisdiction and regulatory

approvals will not be required. Additionally, a DBESP for impacts to riparian/riverine habitat would not be required since the riparian vegetation on the southwest corner of the site will be avoided.

The project site is located in within Subunit 1 – Sycamore Canyon/Box Springs Central of the Highgrove Area Plan of the MSHCP within Criteria Cell 721, which is an independent Cell that is not affiliated with any Cell group and which contributes to assembly of Proposed Constrained Linkage 7. Further, the project site is located within the designated survey area for burrowing owl and Criteria Area Species Nevin's barberry, smooth tarplant, and round-leaved filaree. Based on the result of the habitat assessment, the project site was determined not to provide suitable habitat for burrowing owl or the listed Criteria Area Plant Species. With completion of recommendations provided in this report and payment of the MSHCP Local Development Mitigation Fee, development of the project site is fully consistent with the MSHCP.

Section 9 References

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Appendix A Site Photographs

Photograph 1: From the northeast corner of the project site looking south along the eastern boundary at the disturbed area.

Photograph 2: From the middle of the disturbed area on the eastern portion of the project site looking north at the existing access road.

Photograph 3: Illegal dumping in the middle of the disturbed area on the eastern portion of the site.

Photograph 4: From the southeast corner of the project site looking north along the eastern boundary of the site.

Photograph 5: From the southern boundary, looking north at the disturbed area on the eastern half of the project site.

Photograph 6: Disturbed Riversidean sage scrub plant community on the southwest portion of the site.

Photograph 7: Heavily disturbed/rocky soils within the disturbed Riversidean sage scrub plant community onsite.

Photograph 8: From the southwest corner of the project site looking east along the southern boundary of the project site above Central Avenue.

Photograph 9: Heavily disturbed rocky soils on the western half of the project site associated with the disturbed Riversidean sage scrub plant community.

Photograph 10: Looking southeast across the project site from the northwest corner.

Photograph 11: Looking east across the northern boundary of the project site.

Photograph 12: Another view looking southeast across the project site from the northwest corner.

Photograph 13: Disturbed Riversidean sage scrub plant community on the western half of the project site.

Photograph 14: From the northwest corner of the project site looking south along the western boundary.

Photograph 15: Existing dirt access road on the western boundary of the project site.

Photograph 16: Willow forest plant community on the southwest corner of the project site.

Appendix B Potentially Occurring Special-Status Biological Resources

Table B-1: Potentially Occurring Special-Status Biological Resources

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
WILDLIFE SPECIES				
Accipiter cooperii Cooper's hawk	Fed: None CA: WL	Generally found in forested areas up to 3,000 feet in elevation, especially near edges and rivers. Prefers hardwood stands and mature forests, but can be found in urban and suburban areas where there are tall trees for nesting. Common in open areas during nesting season.	No	**Moderate**. There is marginal foraging habitat on-site. This species is adapted to urban environments and occurs commonly. No suitable nesting habitat on-site.
Accipiter striatus sharp-shinned hawk	Fed: None CA: WL	Found in pine, fir and aspen forests. They can be found hunting in forest interior and edges from sea level to near alpine areas. Can also be found in rural, suburban and agricultural areas, where they often hunt at bird feeders. Typically found in southern California in the winter months.	No	**Moderate**. There is marginal foraging habitat on-site. This species does not nest in southern California. This species is adapted to urban environments and occurs commonly.
Agelaius tricolor tricolored blackbird	Fed: None CA: SSC	Range is limited to the coastal areas of the Pacific coast of North America, from Northern California to upper Baja California. Can be found in a wide variety of habitat including annual grasslands, wet and dry vernal pools and other seasonal wetlands, agricultural fields, cattle feedlots, and dairies. Occasionally forage in riparian scrub habitats along marsh borders. Basic habitat requirements for breeding include open accessible water, protected nesting substrate (freshwater marsh dominated by cattails, willows, and bulrushes [*Schoenoplectus* sp.]), and either flooded or thorny or spiny vegetation and suitable foraging space providing adequate insect prey.	No	**Presumed absent.** No suitable habitat is present on-site.
Aimophila ruficeps canescens southern California rufous-crowned sparrow	Fed: None CA: WL	Typically found between 3,000 and 6,000 feet in elevation. Breed in sparsely vegetated scrubland on hillsides and canyons. Prefers coastal sage scrub dominated by California sagebrush (*Artemisia californica*), but they can also be found breeding in coastal bluff scrub, low-growing serpentine chaparral, and along the edges of tall chaparral habitats.	No	**Presumed absent.** No suitable habitat is present on-site.
Ammodramus savannarum grasshopper sparrow	Fed: None CA: SSC	Occurs in grassland, upland meadow, pasture, hayfield, and old field habitats. Optimal habitat contains short- to medium-height bunch grasses interspersed with patches of bare ground, a shallow litter layer, scattered forbs, and few shrubs. May inhabit thickets, weedy lawns, vegetated landfills, fence rows, open fields, or grasslands.	No	**Presumed absent.** No suitable habitat is present on-site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Anniella stebbinsi southern California legless lizard	Fed: None CA: SSC	Occurs in sparsely vegetated habitat types including coastal sand dunes, chaparral, pine-oak woodland, desert scrub, open grassland, and riparian areas. Requires sandy or loose loamy substrates conducive to burrowing.	No	**Presumed absent.** No suitable habitat is present on-site.
Aquila chrysaetos golden eagle	Fed: None CA: FP; WL	Occupies nearly all terrestrial habitats of the western states except densely forested areas. Favors secluded cliffs with overhanging ledges and large trees for nesting and cover. Hilly or mountainous country where takeoff and soaring are supported by updrafts is generally preferred to flat habitats. Deeply cut canyons rising to open mountain slopes and crags are ideal habitat.	No	**Presumed absent.** No suitable habitat is present on-site.
Arizona elegans occidentalis California glossy snake	Fed: None CA: SSC	Inhabits arid scrub, rocky washes, grassland, and chaparral. Appears in microhabitats of open areas and areas with soil loose enough for easy burrowing.	No	**Presumed absent.** No suitable habitat is present on-site.
Artemisiospiza belli belli Bell's sparrow	Fed: None CA: WL	Generally prefers semi-open habitats with evenly spaced shrubs 1 – 2 meters in height. Dry chaparral and coastal sage scrub. Less common in tall dense, old chaparral.	No	**Presumed absent.** No suitable habitat is present on-site.
Aspidoscelis hyperythra orangethroat whiptail	Fed: None CA: SSC	Semi-arid brushy areas typically with loose soil and rocks, including washes, streamsides, rocky hillsides, and coastal chaparral.	No	**Presumed absent.** No suitable habitat is present on-site.
Aspidoscelis tigris stejnegeri coastal whiptail	Fed: None CA: None	Found in a variety of ecosystems, primarily hot and dry open areas with sparse foliage - chaparral, woodland, and riparian areas.	No	**Presumed absent.** No suitable habitat is present on-site.
Athene cunicularia burrowing owl	Fed: None CA: SSC	Occurs in open, annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Dependent upon fossorial mammals for burrows, most notable ground squirrels.	No	**Low**. The project site provides minimal habitat due to the rocky soils hand heavy disturbances.
Bombus crotchii Crotch bumble bee	Fed: None CA: None	Exclusive to coastal California east towards the Sierra-Cascade Crest; less common in western Nevada.	No	**Presumed absent.** No suitable habitat is present on-site.
Buteo regalis ferruginous hawk	Fed: None CA: WL	Occurs primarily in open grasslands and fields, but may be found in sagebrush flats, desert scrub, low foothills, or along the edges of pinyon-juniper woodland. Feeds primarily on small mammals and typically found in agricultural or open fields.	No	**Presumed absent.** No suitable habitat is present on-site.
Buteo swainsoni Swainson's hawk	Fed: None CA: **THR**	Typical habitat is open desert, grassland, or cropland containing scattered, large trees or small groves. Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah in the Central Valley. Forages in adjacent grassland or suitable grain or alfalfa fields or livestock pastures.	No	**Presumed absent.** No suitable habitat is present on-site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Calypte costae Costa's hummingbird	Fed: None CA: None	Desert and semi-desert, arid brushy foothills and chaparral. A desert hummingbird that breeds in the Sonoran and Mojave Deserts. Departs desert heat moving into chaparral, scrub, and woodland habitats.	No	**Presumed absent.** No suitable habitat is present on-site.
Ceratochrysis longimala desert cuckoo wasp	Fed: None CA: None	Occurs in arid soils and uses flowers for sustenance. Lays eggs in the nests of bees, wasps, and other host insects.	No	**Presumed absent.** No suitable habitat is present on-site.
Chaetodipus fallax fallax northwestern San Diego pocket mouse	Fed: None CA: SSC	Occurs in desert and coastal habitats in southern California, Mexico, and northern Baja California, from sea level to at least 1,400 meters. Found in a variety of temperate habitats ranging from chaparral and grasslands to scrub forests and deserts. Requires low growing vegetation or rocky outcroppings, as well as sandy soils for burrowing.	No	**Presumed absent.** No suitable habitat is present on-site.
Chaetura vauxi Vaux's swift	Fed:CA: None SSC	Prefers redwood and Douglas-fir habitats with nest-sites in large hallow trees and snags, especially tall, burned-out snags. Fairly common migrant throughout most of the state in April and May, and August and September.	No	**Presumed absent.** No suitable habitat is present on-site.
Circus cyaneus northern harrier	Fed: None CA: SSC	Frequents meadows, grasslands, open rangelands, desert sinks, fresh and saltwater emergent wetlands; seldom found in wooded areas. Mostly found in flat, or hummocky, open areas of tall, dense grasses moist or dry shrubs, and edges for nesting, cover, and feeding.	No	**Presumed absent.** No suitable habitat is present on-site.
Coccyzus americanus occidentalis western yellow-billed cuckoo	Fed: **THR** CA: **END**	Obligate riparian species with a primary habitat association of willow-cottonwood riparian forest. Nests are typically placed (72% of the time) in willows (*Salix* spp.), particularly in black willow (*S. gooddingii*), red willow (*S. laevigata*), and sandbar willow (*S. exigua*). This species typically requires large blocks of intact riparian habitat, with anything less than 37 acres in size and 328 feet wide generally considered unsuitable. Breeding season home ranges can be as much as 100 acres per individual bird. Yellow-billed cuckoos are considered rare anywhere in southern California outside of the Colorado River.	No	**Presumed absent.** No suitable habitat is present on-site.
Coleonyx variegatus abbotti San Diego banded gecko	Fed: None CA: None	Occurs in coastal and cismontane southern California from interior Ventura County south, although it is absent from the extreme outer coast. It is uncommon in coastal scrub and chaparral, most often occurring in granite or rocky outcrops in these habitats.	No	**Presumed absent.** No suitable habitat is present on-site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Crotalus ruber red-diamond rattlesnake	Fed: None CA: SSC	It can be found from the desert, through dense chaparral in the foothills (it avoids the mountains above around 4,000 feet), to warm inland mesas and valleys, all the way to the cool ocean shore. It is most commonly associated with heavy brush with large rocks or boulders. Dense chaparral in the foothills, cactus or boulder associated coastal sage scrub, oak and pine woodlands, and desert slope scrub associations are known to carry populations of the northern red-diamond rattlesnake; however, chamise and red shank associations may offer better structural habitat for refuges and food resources for this species than other habitats.	No	**Presumed absent.** No suitable habitat is present on-site.
Diadophis punctatus modestus San Bernardino ringneck snake	Fed: None CA: None	Common in open, relatively rocky areas within valley-foothill, mixed chaparral, and annual grass habitats.	No	**Presumed absent.** No suitable habitat is present on-site.
Diadophis punctatus similis San Diego ringneck snake	Fed: None CA: None	Prefers moist habitats, including wet meadows, rocky hillsides, gardens, farmland, grassland, chaparral, mixed coniferous forests, and woodlands.	No	**Presumed absent.** No suitable habitat is present on-site.
Dipodomys merriami parvus San Bernardino kangaroo rat	Fed: **END** CA: SSC	Primarily found in Riversidian alluvial fan sage scrub and sandy loam soils, alluvial fans and flood plains, and along washes with nearby sage scrub. May occur at lower densities in Riversidian upland sage scrub, chaparral and grassland in uplands and tributaries in proximity to Riversidian alluvial fan sage scrub habitats. Tend to avoid rocky substrates and prefer sandy loam substrates for digging of shallow burrows.	No	**Presumed absent.** No suitable habitat is present on-site.
Dipodomys simulans Dulzura kangaroo rat	Fed: None CA: None	Relatively common in chaparral, coastal sage scrub, Riversidean alluvial fan sage scrub, and peninsular juniper woodland habitats.	No	**Presumed absent.** No suitable habitat is present on-site.
Dipodomys stephensi Stephens' kangaroo rat	Fed: **END** CA: **THR**	Occur in arid and semi-arid habitats with some grass or brush. Prefer open habitats with less than 50% protective cover. Require soft, well-drained substrate for building burrows and are typically found in areas with sandy soil.	No	**Presumed absent.** No suitable habitat is present on-site.
Empidonax traillii willow flycatcher	Fed: None CA: **END**	A rare to locally uncommon, summer resident in wet meadow and montane riparian habitats (2,000 to 8,000 ft) in the Sierra Nevada and Cascade Range. Most often occurs in broad, open river valleys or large mountain meadows with lush growth of shrubby willows.	No	**Presumed absent.** No suitable habitat is present on-site.
Empidonax traillii extimus southwestern willow flycatcher	Fed: **END** CA: **END**	Occurs in riparian woodlands in southern California. Typically requires large areas of willow thickets in broad valleys, canyon bottoms, or around ponds and lakes. These areas typically have standing or running water, or are at least moist.	No	**Presumed absent.** No suitable habitat is present on-site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Eremophila alpestris actia California horned lark	Fed: None CA: WL	Generally found in shortgrass prairies, grasslands, disturbed fields, or similar habitat types along the coast or in deserts. Trees are shrubs are usually scarce or absent. Generally rare in montane, coniferous, or chaparral habitats. Forms large flocks outside of the breeding season.	No	**Low**. The project site provides minimal habitat due to the rocky soils hand heavy disturbances.
Falco columbarius merlin	Fed: None CA: WL	Nest in forested openings, edges, and along rivers across northern North America. Found in open forests, grasslands, and especially coastal areas with flocks of small songbirds or shorebirds.	No	**Presumed absent.** No suitable habitat is present on-site.
Falco mexicanus prairie falcon	Fed: None CA: WL	Commonly occur in arid and semiarid shrubland and grassland community types. Also occasionally found in open parklands within coniferous forests. During the breeding season, they are found commonly in foothills and mountains which provide cliffs and escarpments suitable for nest sites.	No	**Presumed absent.** No suitable habitat is present on-site.
Gila orcuttii arroyo chub	Fed: None CA: SSC	Warm streams of the Los Angeles Plain, which are typically muddy torrents during the winter, and clear quiet brooks in the summer, possibly drying up in places. They are found both in slow-moving and fast-moving sections, but generally deeper than 40 cm.	No	**Presumed absent.** No suitable habitat is present on-site.
Icteria virens yellow-breasted chat	Fed: None CA: SSC	Primarily found in tall, dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories. Nesting areas are associated with streams, swampy ground, and the borders of small ponds. Breeding habitat must be dense to provide shade and concealment. It winters south the Central America.	No	**Presumed absent.** No suitable habitat is present on-site.
Lampropeltis zonata California mountain kingsnake (San Bernardino population)	Fed: None CA: WL	Habitat consists of moist open coniferous forests, oak woodlands, riparian woodlands, chaparral, coastal sage scrub, and openly wooded areas where there are rocks or rotting logs.	No	**Presumed absent.** No suitable habitat is present on-site.
Lanius ludovicianus loggerhead shrike	Fed: None CA: SSC	Often found in broken woodlands, shrublands, and other habitats. Prefers open country with scattered perches for hunting and fairly dense brush for nesting.	No	**Low**. The project site provides minimal habitat due to the rocky soils hand heavy disturbances.
Lasiurus xanthinus western yellow bat	Fed: None CA: SSC	Roosts in palm trees in foothill riparian, desert wash, and palm oasis habitats with access to water for foraging.	No	**Presumed absent.** No suitable habitat is present on-site.
Laterallus jamaicensis coturniculus California black rail	Fed: None CA: **THR,** FP	Shallow marshes, and wet meadows; in winter, drier fresh-water and brackish marshes, as well as dense, deep grass.	No	**Presumed absent.** No suitable habitat is present on-site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Lepus californicus bennettii San Diego black-tailed jackrabbit	Fed: None CA: SSC	Occurs in diverse habitats, but primarily is found in arid regions supporting shortgrass habitats. Openness of open scrub habitat is preferred over dense chaparral.	No	**Presumed absent.** No suitable habitat is present on-site.
Neotoma lepida intermedia San Diego desert woodrat	Fed: None CA: SSC	Occurs in coastal scrub communities between San Luis Obispo and San Diego Counties. Prefers moderate to dense canopies, and especially rocky outcrops.	No	**Presumed absent.** No suitable habitat is present on-site.
Nyctinomops femorosaccus pocketed free-tailed bat	Fed: None CA: SSC	Often found in pinyon-juniper woodlands, desert scrub, desert succulent shrub, desert riparian, desert wash, alkali desert scrub, Joshua tree, and palm oasis.	No	**Presumed absent.** No suitable habitat is present on-site.
Onychomys torridus ramona southern grasshopper mouse	Fed: None CA: SSC	Inhabits alkali desert scrub and other desert scrub habitats, and to a lesser extent succulent shrubs, desert washes, desert riparian, coastal scrub, mixed chaparral, and sagebrush habitats. Generally rare in valley foothill and montane riparian habitats. Prefers low to moderate shrub cover and requires friable soils.	No	**Presumed absent.** No suitable habitat is present on-site.
Passerculus sandwichensis beldingi Belding's savannah sparrow	Fed: None CA: **END**	This subspecies of Savannah sparrow is a salt marsh endemic, ranging historically from Goleta in Santa Barbara County south to el Rosario, Baja California.	No	**Presumed absent.** No suitable habitat is present on-site.
Perognathus longimembris brevinasus Los Angeles pocket mouse	Fed: None CA: SSC	Occurs in lower elevation grasslands and coastal sage scrub communities in and around the Los Angeles Basin. Prefers open ground with fine sandy soils. May not dig extensive burrows, but instead will seek refuge under weeds and dead leaves instead.	No	**Presumed absent.** No suitable habitat is present on-site.
Phalacrocorax auritus double-crested cormorant	Fed: None CA: WL	Common yearlong resident in southern California. Occurs widely in freshwater and marine habitats along coastlines. Require open water where they can forage for schooling fish.	No	**Presumed absent.** No suitable habitat is present on-site.
Phrynosoma blainvillii coast horned lizard	Fed: None CA: SSC	Occurs in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. In inland areas, this species is restricted to areas with pockets of open microhabitat, created by disturbance (i.e. fire, floods, roads, grazing, fire breaks). The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge.	No	**Presumed absent.** No suitable habitat is present on-site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Polioptila californica californica coastal California gnatcatcher	Fed: **THR** CA: SSC	Obligate resident of sage scrub habitats that are dominated by California sagebrush (*Artemisia californica*). This species generally occurs below 750 feet elevation in coastal regions and below 1,500 feet inland. Ranges from the Ventura County, south to San Diego County and northern Baja California and it is less common in sage scrub with a high percentage of tall shrubs. Prefers habitat with more low-growing vegetation.	No	**Presumed absent.** No suitable habitat is present on-site.
Rana draytonii California red-legged frog	Fed: **THR** CA: SSC	Inhabits quiet pools of streams, marshes, and occasionally ponds. Occurs along the coast ranges from Mendocino County south and in portions of the Sierra Nevada and Cascades ranges.	No	**Presumed absent.** No suitable habitat is present on-site.
Salvadora hexalepis virgultea coast patch-nosed snake	Fed: None CA: SSC	Found in brushy or shrubby vegetation along the coast and requires small mammal burrows for refuge and overwintering.	No	**Presumed absent.** No suitable habitat is present on-site.
Setophaga petechia yellow warbler	Fed: None CA: SSC	Nests over all of California except the Central Valley, the Mojave Desert region, and high altitudes and the eastern side of the Sierra Nevada. Winters along the Colorado River and in parts of Imperial and Riverside Counties. Nests in riparian areas dominated by willows, cottonwoods, sycamores, or alders or in mature chaparral. May also use oaks, conifers, and urban areas near stream courses.	No	**Moderate.** The willow forest plant community on the southwest corner of the site project site has the potential to provide suitable habitat for this species.
Spea hammondii western spadefoot	Fed: None CA: SSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washed, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rainpools which do not contain bullfrogs, fish, or crayfish are necessary for breeding.	No	**Presumed absent.** No suitable habitat is present on-site.
Spinus lawrencei Lawrence's goldfinch	Fed: None CA: None	Open woodlands, chaparral, and weedy fields. Closely associated with oaks. Nests in open oak or other arid woodland and chaparral near water.	No	**Presumed absent.** No suitable habitat is present on-site.
Streptocephalus woottoni Riverside fairy shrimp	Fed: **END** CA: None	Freshwater crustacean that is found in vernal pools in the coastal California area.	No	**Presumed absent.** No suitable habitat is present on-site.
Taxidea taxus American badger	Fed: None CA: SSC	Primarily occupy grasslands, parklands, farms, tallgrass and shortgrass prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. Occasionally found in open chaparral (with less than 50% plant cover) and riparian zones.	No	**Presumed absent.** No suitable habitat is present on-site.
Thamnophis hammondii two-striped garter snake	Fed: None CA: SSC	Occurs in or near permanent fresh water, often along streams with rocky beds and riparian growth up to 7,000 feet in elevation.	No	**Presumed absent.** No suitable habitat is present on-site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Vireo bellii pusillus least Bell's vireo	Fed: **END** CA: **END**	Primarily occupy Riverine riparian habitat that typically feature dense cover within 1 -2 meters of the ground and a dense, stratified canopy. Typically it is associated with southern willow scrub, cottonwood-willow forest, mule fat scrub, sycamore alluvial woodlands, coast live oak riparian forest, arroyo willow riparian forest, or mesquite in desert localities. It uses habitat which is limited to the immediate vicinity of water courses, 2,000 feet elevation in the interior.	No	**Moderate.** The willow forest plant community on the southwest corner of the site project site has the potential to provide suitable habitat for this species.
PLANT SPECIES				
Abronia villosa* var. *aurita chaparral sand-verbena	Fed: None CA: None CNPS: 1B.1	Grows in sandy soils in coastal sage scrub and in chaparral habitats. Grows in elevation from 262 to 5,249 feet. Blooming period ranges from January to September.	No	**Presumed absent**. No suitable habitat is present.
Arenaria paludicola marsh sandwort	Fed: **END** CA: **END** CNPS: 1B.1	Grows mainly in wetlands and freshwater marshes in arid climates. The plant can grow in saturated acidic bog soils and soils that are sandy with a high organic content. Found at elevations ranging from 33 to 558 feet. Blooming period is from May to August.	No	**Presumed absent**. No suitable habitat is present.
Berberis nevinii Nevin's barberry	Fed: **END** CA: **END** CNPS: 1B.1	Occurs on steep, north-facing slopes or in low-grade sandy washes in chaparral, cismontane woodland, coastal scrub, and riparian scrub. Found at elevations ranging from 951 to 5,167 feet. Blooming period is from March to June.	No	**Presumed absent**. No suitable habitat is present.
California macrophylla round-leaved filaree	Fed: None CA: None CNPS: 1B.2	Grows in clay soils within cismontane woodland valley and foothill grassland. Found at elevations ranging from 49 to 3,937 feet. Blooming period is from March to May.	No	**Presumed absent**. No suitable habitat is present.
Calochortus plummerae Plummer's mariposa-lily	Fed: None CA: None CNPS: 4.2	Prefers openings in chaparral, foothill woodland, coastal sage scrub, valley foothill grasslands, cismontane woodland, lower montane coniferous forest and yellow pine forest. Often found on dry, rocky slopes and soils and brushy areas. Can be very common after a fire. Found at elevations ranging from 459 to 6,299 feet. Blooming period is from May to July.	No	**Presumed absent**. No suitable habitat is present.
Centromadia pungens ssp. laevis smooth tarplant	Fed: None CA: None CNPS: 1B.1	Found in alkaline soils within chenopod scrub, meadows and seeps, playas, riparian woodland, valley and foothill grassland habitats. Found at elevations ranging from 0 to 2,100 feet. Blooming period is from April to September.	No	**Presumed absent**. No suitable habitat is present.
Chloropyron maritimum ssp. maritimum salt marsh bird's-beak	Fed: **END** CA: **END** CNPS: 1B.2	Upper terraces and higher edges of coastal salt marshes where tidal inundation is periodic. Found at elevations ranging from 0 to 98 feet. Blooming period is from May to October.	No	**Presumed absent**. No suitable habitat is present.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Chorizanthe parryi* var. *parryi Parry's spineflower	Fed: None CA: None CNPS: 1B.1	Occurs on sandy and/or rocky soils in chaparral, coastal sage scrub, and sandy openings within alluvial washes and margins. Found at elevations ranging from 951 to 3,773 feet. Blooming period is from April to June.	No	**Presumed absent**. No suitable habitat is present.
Cylindropuntia californica var. californica snake cholla	Fed: None CA: None CNPS: 1B.1	Found in chaparral and coastal scrub. Found at elevations ranging from 98 to 492 feet. Blooming period is from April to May.	No	**Presumed absent**. No suitable habitat is present.
Deinandra paniculata paniculate tarplant	Fed: None CA: None CNPS: 4.2	Typically found in vernally mesic, sometimes sandy soils in coastal scrub, valley and foothill grasslands, and vernal pools. Found at elevations ranging from 82 to 3,084 feet. Blooming period is from April to November.	No	**Presumed absent**. No suitable habitat is present.
Juglas californica southern California black walnut	Fed: None CA: None CNPS: 4.2	Found in chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. Found at elevations ranging from 164 to 2,953 feet. Blooming period is from March to August.	No	**Presumed absent**. No suitable habitat is present.
Lepidium virginicum var. robinsonii Robinson's pepper-grass	Fed: None CA: None CNPS: 4.3	Dry soils on chaparral and coastal sage scrub. Found at elevations ranging from 3 to 2,904 feet. Blooming period is from January to July.	No	**Presumed absent**. No suitable habitat is present.
Myosurus minimus ssp. apus little mousetail	Fed: None CA: None CNPS: 3.1	Occurs in alkaline soils in valley and foothill grassland and vernal pools. Found at elevations ranging from 66 to 2,100 feet. Blooming period is from March to June.	No	**Presumed absent**. No suitable habitat is present.
Romneya coulteri Coulter's matilija poppy	Fed: None CA: None CNPS: 4.2	Found in recently burned areas within chaparral and coastal scrub habitats. Found at elevations ranging from 66 to 3,937 feet. Blooming period is from March to July.	No	**Presumed absent**. No suitable habitat is present.
Senecio aphanactis chaparral ragwort	Fed: None CA: None CNPS: 2B.2	Found in sometimes alkaline soils in chaparral, cismontane woodland, and coastal scrub. Found at elevations ranging from 425 to 2,165 feet. Blooming period is from January to April.	No	**Presumed absent**. No suitable habitat is present.
CDFW SENSITIVE HABITATS				
Southern Sycamore Alder Riparian Woodland	CDFW Sensitive Habitat	Occurs below 2,000 meters in elevation, sycamore and alder often occur along seasonally-flooded banks; cottonwoods and willows are also often present. Poison oak, mugwort, elderberry and wild raspberry may be present in understory.	No	**Absent**

U.S. Fish and Wildlife Service (Fed) - Federal
END- Federal Endangered
THR- Federal Threatened

California Department of Fish and Wildlife (CA) - California
END- California Endangered
THR- California Threatened
Candidate- Candidate for listing under the California Endangered Species Act
FP- California Fully Protected
SSC- Species of Special Concern
WL- Watch List

California Native Plant Society (CNPS)
California Rare Plant Rank
1B Plants Rare, Threatened, or Endangered in California and Elsewhere
2B Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
3 Plants About Which More Information is Needed – A Review List
4 Plants of Limited Distribution – A Watch List

CNPS Threat Ranks
0.1- Seriously threatened in California
0.2- Moderately threatened in California
0.3- Not very threatened in California

Appendix C Regulations

Special status species are native species that have been afforded special legal or management protection because of concern for their continued existence. There are several categories of protection at both federal and state levels, depending on the magnitude of threat to continued existence and existing knowledge of population levels.

Federal Regulations

Endangered Species Act of 1973

Federally listed threatened and endangered species and their habitats are protected under provisions of the Federal Endangered Species Act (ESA). Section 9 of the ESA prohibits "take" of threatened or endangered species. "Take" under the ESA is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct." The presence of any federally threatened or endangered species that are in a project area generally imposes severe constraints on development, particularly if development would result in "take" of the species or its habitat. Under the regulations of the ESA, the United States Fish and Wildlife Service (USFWS) may authorize "take" when it is incidental to, but not the purpose of, an otherwise lawful act.

Critical Habitat is designated for the survival and recovery of species listed as threatened or endangered under the ESA. Critical Habitat includes those areas occupied by the species, in which are found physical and biological features that are essential to the conservation of an ESA listed species and which may require special management considerations or protection. Critical Habitat may also include unoccupied habitat if it is determined that the unoccupied habitat is essential for the conservation of the species.

Whenever federal agencies authorize, fund, or carry out actions that may adversely modify or destroy Critical Habitat, they must consult with USFWS under Section 7 of the ESA. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highway Administration or a permit from the U.S. Army Corps of Engineers (Corps)).

If USFWS determines that Critical Habitat will be adversely modified or destroyed from a proposed action, the USFWS will develop reasonable and prudent alternatives in cooperation with the federal institution to ensure the purpose of the proposed action can be achieved without loss of Critical Habitat. If the action is not likely to adversely modify or destroy Critical Habitat, USFWS will include a statement in its biological opinion concerning any incidental take that may be authorized and specify terms and conditions to ensure the agency is in compliance with the opinion.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code [USC] 703) makes it unlawful to pursue, capture, kill, possess, or attempt to do the same to any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and the countries of the former Soviet Union, and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 CFR 10, 21).

The MBTA covers the taking of any nests or eggs of migratory birds, except as allowed by permit pursuant to 50 CFR, Part 21. Disturbances causing nest abandonment and/or loss of reproductive effort (i.e., killing or abandonment of eggs or young) may also be considered "take." This regulation seeks to protect migratory birds and active nests.

In 1972, the MBTA was amended to include protection for migratory birds of prey (e.g., raptors). Six families of raptors occurring in North America were included in the amendment: Accipitridae (kites, hawks, and eagles); Cathartidae (New World vultures); Falconidae (falcons and caracaras); Pandionidae (ospreys); Strigidae (typical owls); and Tytonidae (barn owls). The provisions of the 1972 amendment to the MBTA protects all species and subspecies of the families listed above. The MBTA protects over 800 species including geese, ducks, shorebirds, raptors, songbirds and many relatively common species.

State Regulations

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) provides for the protection of the environment within the State of California by establishing State policy to prevent significant, avoidable damage to the environment through the use of alternatives or mitigation measures for projects. It applies to actions directly undertaken, financed, or permitted by State lead agencies. If a project is determined to be subject to CEQA, the lead agency will be required to conduct an Initial Study (IS); if the IS determines that the project may have significant impacts on the environment, the lead agency will subsequently be required to write an Environmental Impact Report (EIR). A finding of non-significant effects will require either a Negative Declaration or a Mitigated Negative Declaration instead of an EIR. Section 15380 of the CEQA Guidelines independently defines "endangered" and "rare" species separately from the definitions of the California Endangered Species Act (CESA). Under CEQA, "endangered" species of plants or animals are defined as those whose survival and reproduction in the wild are in immediate jeopardy, while "rare" species are defined as those who are in such low numbers that they could become endangered if their environment worsens.

California Endangered Species Act (CESA)

In addition to federal laws, the state of California implements the CESA which is enforced by CDFW. The CESA program maintains a separate listing of species beyond the FESA, although the provisions of each act are similar.

State-listed threatened and endangered species are protected under provisions of the CESA. Activities that may result in "take" of individuals (defined in CESA as; "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") are regulated by CDFW. Habitat degradation or modification is not included in the definition of "take" under CESA. Nonetheless, CDFW has interpreted "take" to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the

absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

The CDFW has also produced a species of special concern list to serve as a species watch list. Species on this list are either of limited distribution or their habitats have been reduced substantially, such that a threat to their populations may be imminent. Species of special concern may receive special attention during environmental review, but they do not have formal statutory protection. At the federal level, USFWS also uses the label species of concern, as an informal term that refers to species which might be in need of concentrated conservation actions. As the Species of Concern designated by USFWS do not receive formal legal protection, the use of the term does not necessarily ensure that the species will be proposed for listing as a threatened or endangered species.

Fish and Game Code

Fish and Game Code Sections 3503, 3503.5, 3511, and 3513 are applicable to natural resource management. For example, Section 3503 of the Code makes it unlawful to destroy any birds' nest or any birds' eggs that are protected under the MBTA. Further, any birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks, eagles, and owls) are protected under Section 3503.5 of the Fish and Game Code which makes it unlawful to take, possess, or destroy their nest or eggs. A consultation with CDFW may be required prior to the removal of any bird of prey nest that may occur on a project site. Section 3511 of the Fish and Game Code lists fully protected bird species, where the CDFW is unable to authorize the issuance of permits or licenses to take these species. Pertinent species that are State fully protected by the State include golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*). Section 3513 of the Fish and Game Code makes it unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Native Plant Protection Act

Sections 1900–1913 of the Fish and Game Code were developed to preserve, protect, and enhance Rare and Endangered plants in the state of California. The act requires all state agencies to use their authority to carry out programs to conserve Endangered and Rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

California Native Plant Society Rare and Endangered Plant Species

Vascular plants listed as rare or endangered by the CNPS, but which have no designated status under FESA or CESA are defined as follows:

California Rare Plant Rank

1A- Plants Presumed Extirpated in California and either Rare or Extinct Elsewhere

1B- Plants Rare, Threatened, or Endangered in California and Elsewhere

2A- Plants Presumed Extirpated in California, But More Common Elsewhere

2B- Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

3- Plants about Which More Information is Needed - A Review List

4- Plants of Limited Distribution - A Watch List

Threat Ranks

.1- Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)

.2- Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

.3- Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known).

Local Policies

Western Riverside County MSHCP

The MSHCP is a comprehensive, multi-jurisdictional HCP focusing on conservation of species and their associated habitats in western Riverside County. The goal of the MSHCP is to maintain biological and ecological diversity within a rapidly urbanizing region.

The approval of the MSHCP and execution of the Implementing Agreement (IA) by the wildlife agencies allows signatories of the IA to issue "take" authorizations for all species covered by the MSHCP, including state- and federal-listed species as well as other identified sensitive species and/or their habitats. Each city or local jurisdiction will impose a Development Mitigation Fee for projects within their jurisdiction. With payment of the mitigation fee to the County and compliance with the survey requirements of the MSHCP where required, full mitigation in compliance with the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), CESA, and FESA will be granted. The Development Mitigation Fee varies according to project size and project description. The fee for industrial development is $7,382 per acre (County Ordinance 810.2). Payment of the mitigation fee and compliance with the requirements of Section 6.0 of the MSHCP are intended to provide full mitigation under CEQA, NEPA, CESA, and FESA for impacts to the species and habitats covered by the MSHCP pursuant to agreements with the USFWS, the CDFW, and/or any other appropriate participating regulatory agencies and as set forth in the IA for the MSHCP.

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates activities pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFG regulates activities under the Fish and Game Code Section 1600-1616, and the Regional Board regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

Federal Regulations

Section 404 of the Clean Water Act

Since 1972, the Corps and EPA have jointly regulated the filling of waters of the United States, including wetlands, pursuant to Section 404 of the CWA. The Corps has regulatory authority over the discharge of dredged or fill material into the waters of the United States under Section 404 of the CWA. The Corps and EPA define "fill material" to include any "material placed in waters of the United States where the material has the effect of: (i) replacing any portion of a water of the United States with dry land; or (ii) changing the bottom elevation of any portion of the waters of the United States." Examples include, but are not limited to, the placement of sand, rock, clay, construction debris, wood chips, and "materials used to create any structure or infrastructure in the waters of the United States."

In April of 2020, the Corps and the EPA provided a new definition for *waters of the United States* [Federal Register, Vol. 85, No. 77 (April 21, 2020)] which encompass:

- The territorial seas and traditional navigable waters;
- Perennial and intermittent tributaries that contribute surface water flow to such waters;
- Certain lakes, ponds, and impoundments of jurisdictional waters; and
- Wetlands adjacent to other jurisdictional waters.

Additionally, the new definition identifies 12 categories of those waters and features that are excluded from the definition of ''waters of the United State, such as features that only contain water in direct response to rainfall (e.g., ephemeral features), groundwater, many ditches, prior converted cropland, and waste treatment systems. The final rule excludes from the definition of ''waters of the United States'' all waters or features not mentioned above. In addition to this general exclusion, the final rule specifically clarifies that waters of the United States do not include the following:

- Groundwater, including groundwater drained through subsurface drainage systems;
- Ephemeral features that flow only indirect response to precipitation, including ephemeral streams, swales, gullies, rills, and pools;
- Diffuse stormwater runoff and directional sheet flow over upland;
- Ditches that are not traditional navigable waters, tributaries, or that are not constructed in adjacent wetlands, subject to certain limitations;
- Prior converted cropland;
- Artificially irrigated areas that would revert to upland if artificial irrigation ceases;
- Artificial lakes and ponds that are not jurisdictional impoundments and that are constructed or excavated in upland or non-jurisdictional waters;

- Water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non jurisdictional waters for the purpose of obtaining fill, sand, or gravel;
- Stormwater control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff;
- Groundwater recharge, water reuse, and wastewater recycling structures constructed or excavated in upland or in non-jurisdictional waters; and
- Waste treatment systems.

Section 401 of the Clean Water Act

Pursuant to Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity which may result in any discharge to waters of the United States must provide certification from the State or Indian tribe in which the discharge originates. This certification provides for the protection of the physical, chemical, and biological integrity of waters, addresses impacts to water quality that may result from issuance of federal permits, and helps insure that federal actions will not violate water quality standards of the State or Indian tribe. In California, there are nine Regional Water Quality Control Boards (Regional Board) that issue or deny certification for discharges to waters of the United States and waters of the State, including wetlands, within their geographical jurisdiction. The State Water Resources Control Board assumed this responsibility when a project has the potential to result in the discharge to waters within multiple Regional Boards.

State Regulations

Fish and Game Code

Fish and Game Code Sections 1600 et. seq. establishes a fee-based process to ensure that projects conducted in and around lakes, rivers, or streams do not adversely impact fish and wildlife resources, or, when adverse impacts cannot be avoided, ensures that adequate mitigation and/or compensation is provided.

Fish and Game Code Section 1602 requires any person, state, or local governmental agency or public utility to notify the CDFW before beginning any activity that will do one or more of the following:

(1) substantially obstruct or divert the natural flow of a river, stream, or lake;
(2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or
(3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

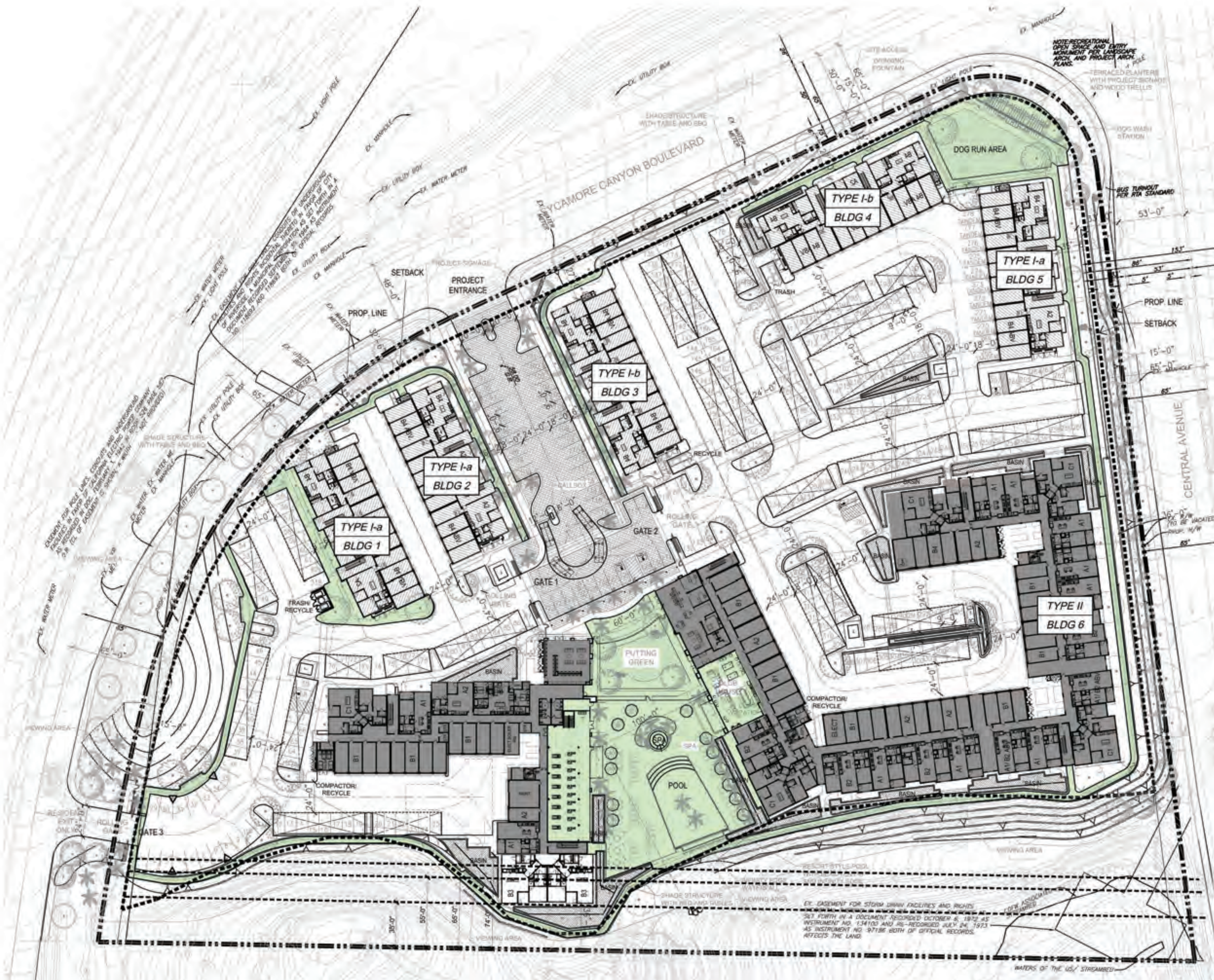
Fish and Game Code Section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State. CDFW's regulatory authority extends to include riparian habitat (including wetlands) supported by a river, stream, or lake regardless of the presence or absence of hydric soils and saturated soil conditions. Generally, the CDFW takes jurisdiction to the top of bank of the stream or to the outer limit of the adjacent riparian vegetation (outer drip line), whichever is greater. Notification is generally required for any project that will take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks

that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. A Section 1602 Streambed Alteration Agreement would be required if impacts to identified CDFW jurisdictional areas occur.

Porter Cologne Act

The California *Porter-Cologne Water Quality Control Act* gives the State very broad authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. The Porter-Cologne Act has become an important tool in the post SWANCC and Rapanos regulatory environment, with respect to the state's authority over isolated and insignificant waters. Generally, any person proposing to discharge waste into a water body that could affect its water quality must file a Report of Waste Discharge in the event that there is no Section 404/401 nexus. Although "waste" is partially defined as any waste substance associated with human habitation, the Regional Board also interprets this to include fill discharged into water bodies.

Appendix D Site Plans



COMMON OPEN SPACE

REQUIRED:
200 SQ.FT.PER UNIT X 237=47,400 SQ.FT.(1.09AC)
PROVIDED:
+-49,720 SQ.FT. (1.14 AC)
(INCLUDING : FITNESS 2ND FLOOR 3,050 SQ.FT. & ROOF DECK 1,870 SQ.FT.)

PRIVATE OPEN SPACE

REQUIRED:
50 SQ.FT PER UNIT. 50X237 =11,850 SQ.FT.(0.27 AC)

PRIVATE OPEN SPACE PROVIDED:

UNIT TYPE	PATIO/BALC. SQ.FT.	QTY	%	TOTAL PRIVATE SF
A1	63	55	23%	3,465
A2	68	39	16%	2,652
B1	58	34	14%	1,972
B2	63	35	15%	2,205
B3	73	10	4%	730
B4	64	47	20%	3,008
C1	73	17	7%	1,241
SUB-TOTAL	-	237	100%	15,273

COMMON OPEN SPACE

2 STORY

3 STORY

4 STORY

NORTH

A-4

SCALE : 1"= 30'-0"
DATE: 09-25-2020
JOB NO.: 2018-549

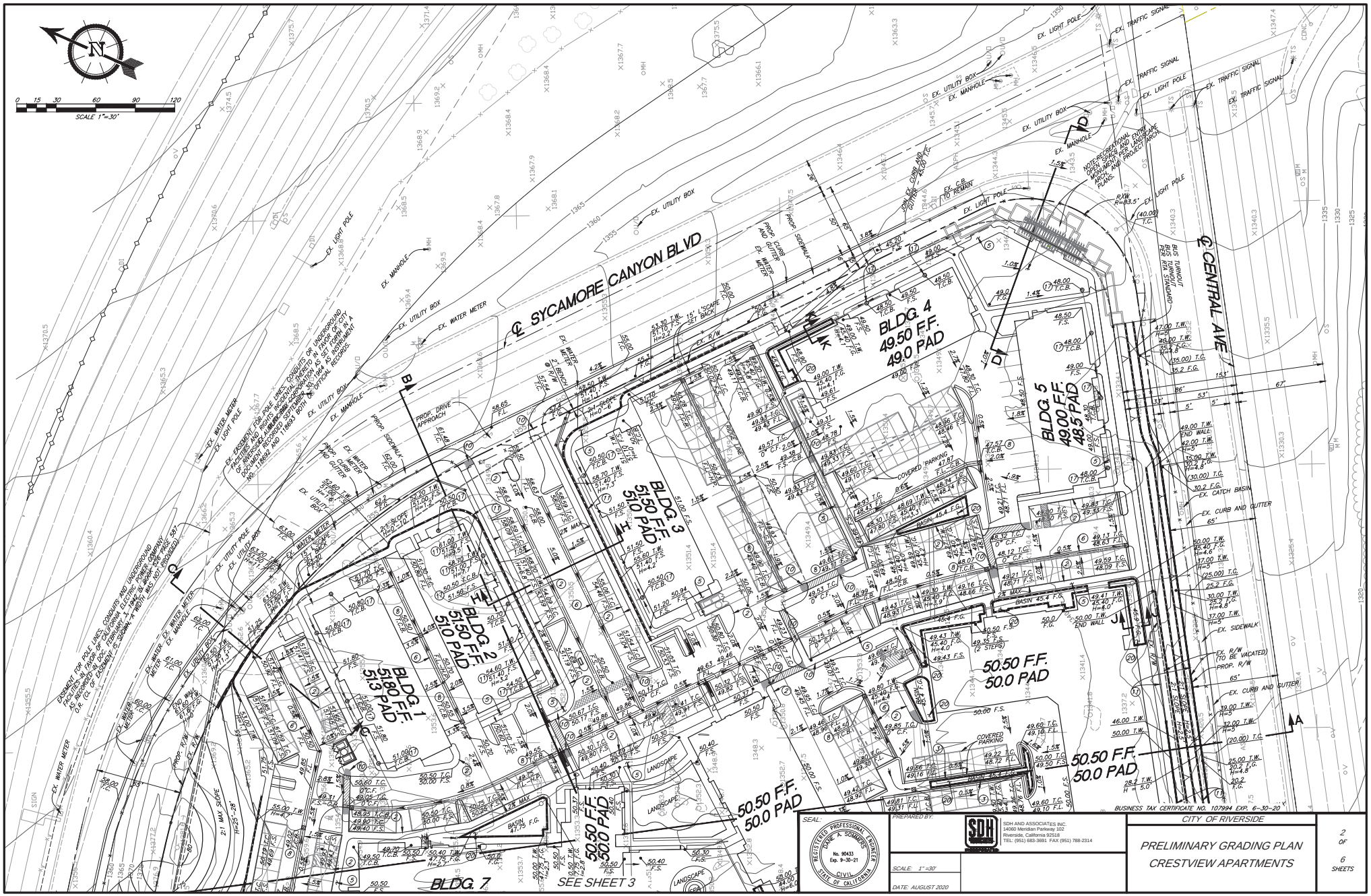
CRESTVIEW APARTMENTS

RIVERSIDE CA

OPEN SPACE EXHIBIT

KA ENTERPRISES
5820 OBERLIN DRIVE SUITE 201, RIVERSIDE CA 92121
(858) 404-6080

ARCHITECTS ORANGE
144 NORTH ORANGE ST., ORANGE, CA 92866
(714) 639-9860



SEAL:

REGISTERED PROFESSIONAL ENGINEER
DANIEL A. SOMERS
No. 90433
Exp. 9-30-21
CIVIL
STATE OF CALIFORNIA

PREPARED BY:

SDH AND ASSOCIATES INC.
14060 Meridian Parkway 102
Riverside, California 92518
TEL: (951) 683-3691 FAX (951) 788-2314

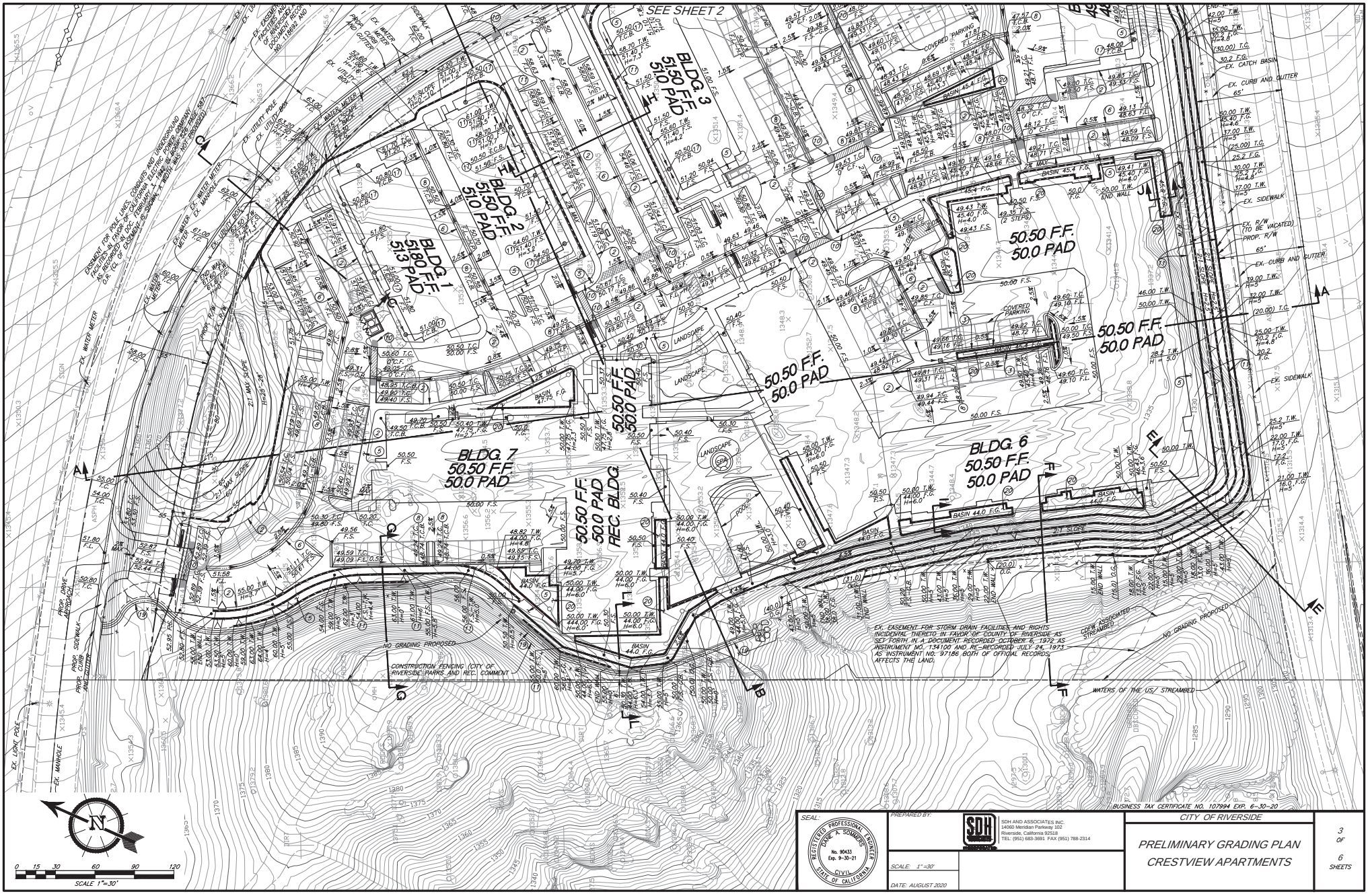
SCALE: 1"=30'

DATE: AUGUST 2020

CITY OF RIVERSIDE

PRELIMINARY GRADING PLAN
CRESTVIEW APARTMENTS

2 OF 6 SHEETS



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SCALE: 1"=30'

DATE: AUGUST 2020

BUSINESS TAX CERTIFICATE NO. 107994 EXP. 6-30-20

CITY OF RIVERSIDE

PRELIMINARY GRADING PLAN
CRESTVIEW APARTMENTS

SYCAMORE CANYON BOULEVARD AND CENTRAL AVENUE PROJECT

CITY OF RIVERSIDE, RIVERSIDE COUNTY, CALIFORNIA

Delineation of State and Federal Jurisdictional Waters

Prepared For:

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Ontario, California 91764
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909.245.1128

Prepared By:

ELMT Consulting, Inc.
2201 N. Grand Avenue #10098
Santa Ana, California 92711
Contact: *Travis J. McGill*
714.714-5050

January 2020
Updated August 2020

SYCAMORE CANYON BOULEVARD AND CENTRAL AVENUE PROJECT

CITY OF RIVERSIDE, RIVERSIDE COUNTY, CALIFORNIA

Delineation of State and Federal Jurisdictional Waters

The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.

Travis J. McGill
Director

Thomas J. McGill, Ph.D.
Managing Director

January 2020
Updated August 2020

Executive Summary

ELMT Consulting (ELMT) has prepared this Delineation of State and Federal Jurisdictional Waters Report for the proposed project located on the northwest corner of the intersection of Sycamore Canyon Boulevard and Central Avenue (project or project site) located in the City of Riverside, Riverside County, California. The jurisdictional delineation documents the regulatory authority of the U.S. Army Corps of Engineers (Corps), the Regional Water Quality Control Board (Regional Board), and the California Department of Fish and Wildlife (CDFW) pursuant to Section 401 and 404 of the Federal Clean Water Act (CWA), the California Porter-Cologne Water Quality Control Act, and Sections 1600 *et. seq.* of the California Fish and Game Code.[1]

One (1) drainage feature was observed on the southwest corner of the project site. The drainage feature is an intermittent drainage feature that exhibits a surface hydrologic connection to downstream waters, and would qualify as waters of the United States and fall under the regulatory authority of the Corps, Regional Board, and CDFW. Refer to Table ES-1 for a summary of jurisdictional areas within the project site.

Table ES-1: Jurisdictional Areas

Jurisdictional Feature	Stream Flow	Cowardin Class	Class of Aquatic Resource	Corps/Regional Board Waters of the U.S.		CDFW Streambed and Riparian Habitat	
				Acreage	Linear Feet	Acreage	Linear Feet
Drainage 1	Intermittent	Riverine	Non-Section 10 Non-Wetland	0.003	21	0.163	21
			TOTALS	**0.003**	**21**	**0.163**	**21**

Any impacts to on-site jurisdictional areas will require the following regulatory approvals prior to project implementation: Corps Section 404 Permit, Regional Board Section 401 Water Quality Certification, and CDFW Section 1602 Lake or Streambed Alteration Agreement. Refer to Sections 1-7 for a detailed analysis of site conditions and regulatory requirements. However, based on the proposed project footprint, no impacts to jurisdictional waters will occur from project implementation.

[1] The field surveys for this jurisdictional delineation were conducted on September 7, 2018 pursuant to the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0* (Corps 2008); and *Minimum Standards for Acceptance of Aquatic Resources Delineation Reports* (Corps 2017); *The MESA Field Guide: Mapping Episodic Stream Activity* (CDFW 2014); and a *Review of Stream Processes and Forms in Dryland Watersheds* (CDFW 2010).

Table of Contents

EXHIBITS

APPENDIX

Section 1 Introduction

This delineation has been prepared for the proposed project located on the northwest corner of the intersection of Sycamore Canyon Boulevard and Central Avenue (project or project site) in order to document the jurisdictional authority of the U.S. Army Corps of Engineers' (Corps), the Regional Water Quality Control Board (Regional Board), and the California Department of Fish and Wildlife (CDFW) pursuant to Section 401 and 404 of the Federal Clean Water Act (CWA), the California Porter-Cologne Water Quality Control Act, and Sections 1600 *et seq.* of the California Fish and Game Code. The analysis presented in this report is supported by field surveys and verification of site conditions conducted on October 17, 2018 and an additional site visit on December 10, 2019.

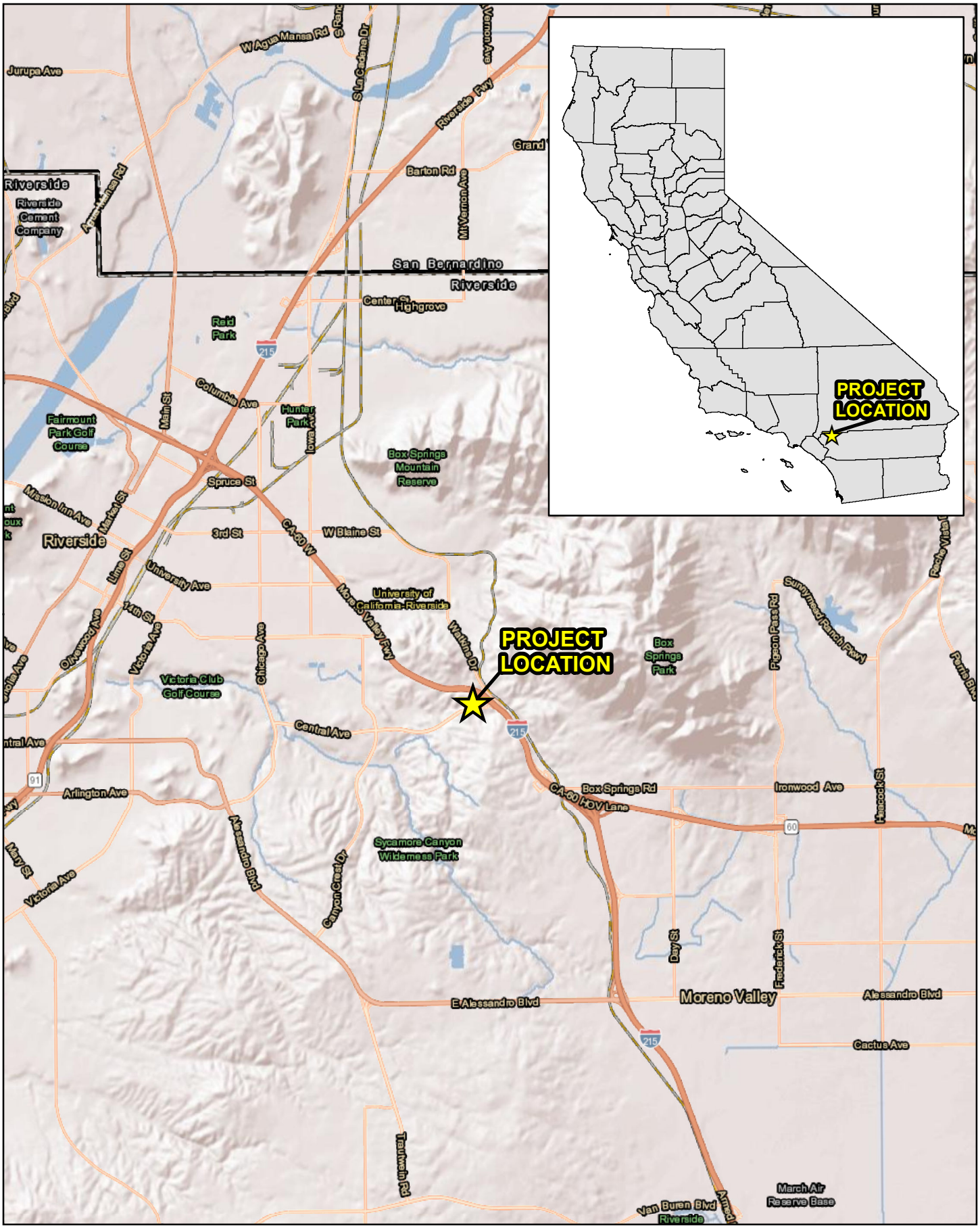
This jurisdictional delineation explains the methodology undertaken by ELMT Consulting (ELMT) to define the regulatory authority of the aforementioned regulatory agencies and documents the findings made by ELMT. This report presents our best effort at documenting the jurisdictional boundaries using the most up-to-date regulations, written policy, and guidance from the regulatory agencies. Ultimately the regulatory agencies make the final determination of jurisdictional boundaries.

1.1 PROJECT LOCATION

The project site is generally located west of Interstate 215/State Route 60, east of State Route 91, south of Interstate 10 in the City of Riverside, Riverside County, California (Exhibit 1, *Regional Vicinity*). The project site is depicted on the Riverside East quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series in Section 33 of Township 2 south, Range 4 West (Exhibit 2, *Site Vicinity*). Specifically, the project site is located on the northwest corner of the intersection of Sycamore Canyon Boulevard and Central Avenue within Assessor Parcel Number 256-050-012, approximately 9.44 acres in size (Exhibit 3, *Project Site*).

1.2 PROJECT DESCRIPTION

The proposed apartment project includes a total of 237 one-, two-, and three-bedroom residential apartment units in seven (7) three (3) story- and 2-4 split story-buildings. Of the total 237 units, 94 would be one-bedroom, 126 would be two-bedroom, and 17 would be three-bedroom. The project includes the following amenities: onsite leasing office, garages, carports, mail lounge, putting green, outdoor resort style pool and spa, dog run area and dog wash station, fitness center, clubhouse & clubhouse patio, shade structure with BBQ and tables, walking perimeter loop trail (1/2 mile loop) with learning or exercise stations.



SYCAMORE CANYON BOULEVARD AND CENTRAL AVENUE PROJECT
JURISDICTIONAL DELINEATION

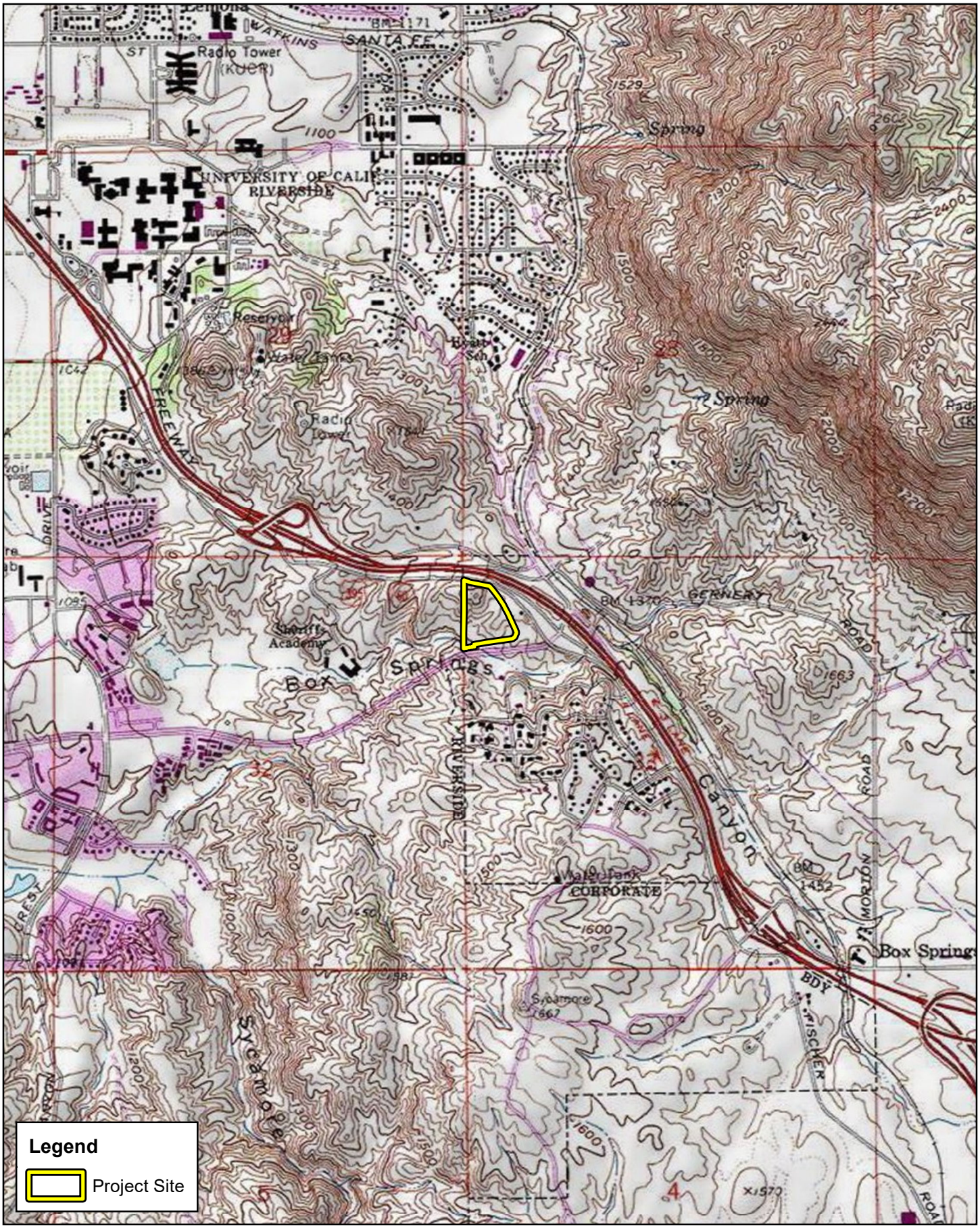
Regional Vicinity

ELMT CONSULTING

0 0.625 1.25 2.5 Miles

Source: World Transportation, World Shaded Relief, Riverside County

Exhibit 1



SYCAMORE CANYON BOULEVARD AND CENTERAL AVENUE PROJECT
JURISDICTIONAL DELINETAION

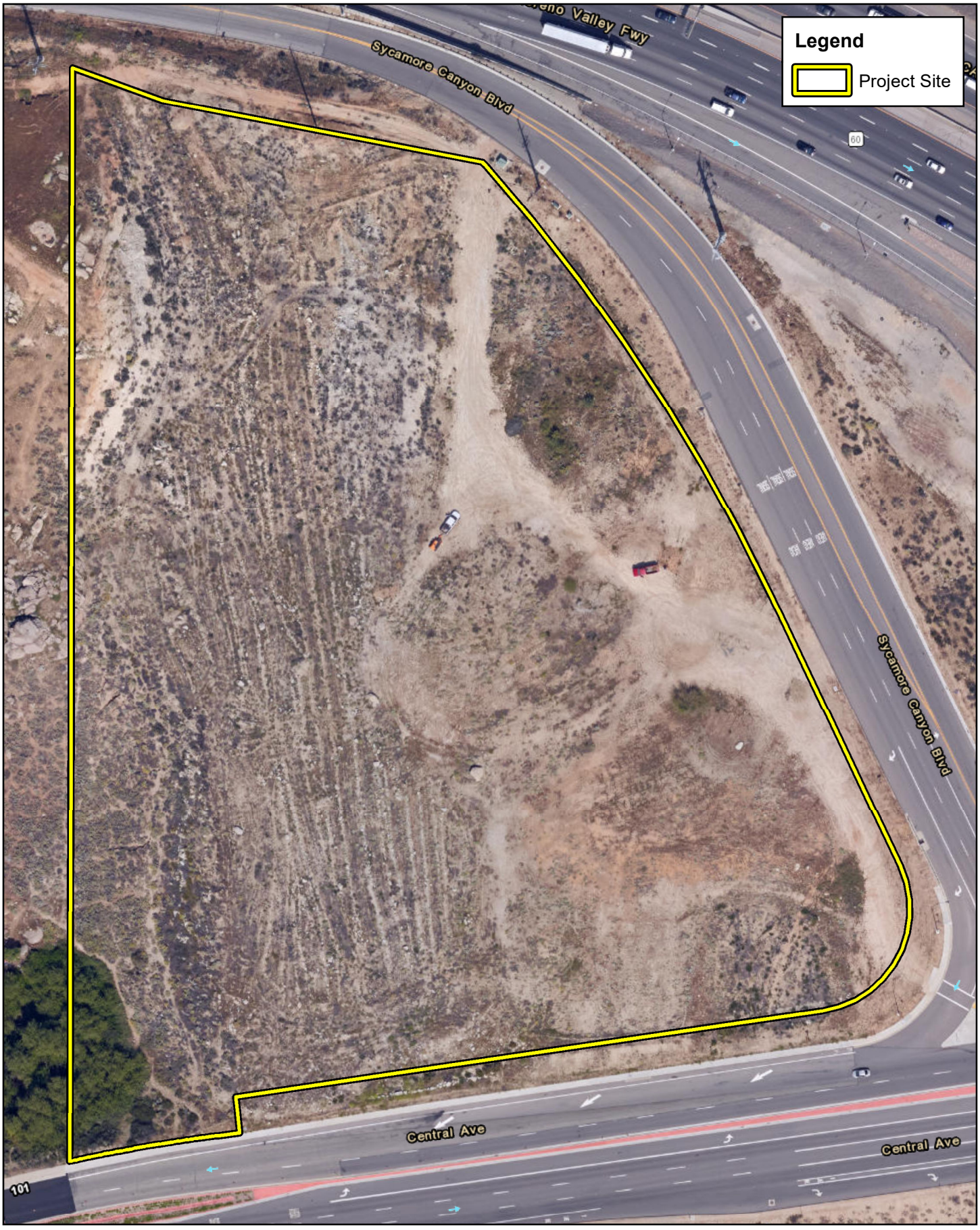
Site Vicinity

ELMT CONSULTING

0 0.25 0.5 1 Miles

Source: USA Topographic Map, Riverside County

Exhibit 2



SYCAMORE CANYON BOULEVARD AND CENTERAL AVENUE PROJECT
JURISDICTIONAL DELINEATION

ELMT CONSULTING

0 75 150 300 Feet

Source: ESRI Aerial Imagery, World Transportation, Riverside County

Project Site

Exhibit 3

Section 2 Regulations

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Division regulates activities pursuant to Section 404 of the CWA, Section 10 of the Rivers and Harbors Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act. The Regional Board regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act and the CDFW regulates activities under Sections 1600 *et seq*. of the California Fish and Game Code.

2.1 U.S. ARMY CORPS OF ENGINEERS

Since 1972, the Corps and U.S. Environmental Protection Agency (EPA) have jointly regulated the discharge of dredged or fill material into waters of the United States, including wetlands, pursuant to Section 404 of the CWA. The Corps and EPA define "fill material" to include any "material placed in waters of the United States where the material has the effect of: (i) replacing any portion of a water of the United States with dry land; or (ii) changing the bottom elevation of any portion of the waters of the United States." Examples include, but are not limited to, sand, rock, clay, construction debris, wood chips, and "materials used to create any structure or infrastructure in the waters of the United States." In April of 2020, the Corps and the EPA provided a new definition for *waters of the United States* [Federal Register, Vol. 85, No. 77 (April 21, 2020)] which encompass: the territorial seas and traditional navigable waters; perennial and intermittent tributaries that contribute surface water flow to such waters; certain lakes, ponds, and impoundments of jurisdictional waters; and wetlands adjacent to other jurisdictional waters. Additionally, the new definition identifies 12 categories of those waters and features that are excluded from the definition of ''waters of the United State, such as features that only contain water in direct response to rainfall (e.g., ephemeral features), groundwater, many ditches, prior converted cropland, and waste treatment systems.

2.2 REGIONAL WATER QUALITY CONTROL BOARD

Pursuant to Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity which may result in any discharge to waters of the United States must provide certification from the State or Indian tribe in which the discharge originates. This certification provides for the protection of the physical, chemical, and biological integrity of waters, addresses impacts to water quality that may result from issuance of federal permits and helps insure that federal actions will not violate water quality standards of the State or Indian tribe. In California, there are nine Regional Boards that issue or deny certification for discharges to waters of the United States and waters of the State, including wetlands, within their geographical jurisdiction. The State Water Resources Control Board (SWRCB) assumes this responsibility when a project has the potential to result in the discharge to waters within multiple Regional Boards.

Additionally, the California Porter-Cologne Water Quality Control Act gives the State very broad authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. The Porter-Cologne Water Quality Control Act has become an important tool post *Solid Waste*

Agency of Northern Cook County vs. United States Corps of Engineers[2] (SWANCC) and *Rapanos v. United States*[3] (Rapanos) court cases with respect to the State's regulatory authority over isolated and insignificant waters. Generally, any applicant proposing to discharge waste into a water body must file a Report of Waste Discharge in the event that there is no Section 404/401 nexus. Although "waste" is partially defined as any waste substance associated with human habitation, the Regional Board also interprets this to include discharge of dredged and fill material into water bodies.

2.3 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Sections 1600 *et seq.* of the California Fish and Game Code establishes a fee-based process to ensure that projects conducted in and around lakes, rivers, or streams do not adversely impact fish and wildlife resources, or, when adverse impacts cannot be avoided, ensures that adequate mitigation and/or compensation is provided. Pursuant to Section 1602 of the California Fish and Game Code, a notification must be submitted to the CDFW for any activity that will divert or obstruct the natural flow or alter the bed, channel, or bank (which may include associated biological resources) of a river or stream or use material from a streambed. This includes activities taking place within rivers or streams that flow perennially or episodically and that are defined by the area in which surface water currently flows, or has flowed, over a given course during the historic hydrologic regime, and where the width of its course can reasonably be identified by physical and biological indicators.

[2] Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, 531 U.S. 159 (2001)
[3] Rapanos v. United States, 547 U.S. 715 (2006)

Section 3 Methodology

The analysis presented in this report is supported by field surveys and verification of site conditions conducted on October 17, 2018 and an additional site visit on December 10, 2019. ELMT conducted a field delineation to determine the jurisdictional limits of "waters of the United States" and "waters of the State" (including potential wetlands and vernal pools), located within the boundaries of the project site. While in the field, jurisdictional features were recorded on a aerial base map at a scale of 1" = 50' using topographic contours and visible landmarks as guidelines. Data points were obtained with a Garmin Map62 Global Positioning System to record and identify specific widths for ordinary high water mark (OHWM) indicators and the locations of photographs, soil pits, and other pertinent jurisdictional features, if present. This data was then transferred as a .shp file and added to the Project's jurisdictional exhibits. The jurisdictional exhibits were prepared using ESRI ArcInfo Version 10 software.

3.1 WATERS OF THE UNITED STATES

In the absence of adjacent wetlands, the limits of the Corps jurisdiction in non-tidal waters extend to the Ordinary High Water Mark *(*OHWM), which is defined as " . . . *that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.*"[4] Indicators of an OHWM are defined in *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (Corps 2008). An OHWM can be determined by the observation of a natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; presence of litter and debris; wracking; vegetation matted down, bent, or absent; sediment sorting; leaf litter disturbed or washed away; scour; deposition; multiple observed flow events; bed and banks; water staining; and/or change in plant community. The Regional Board shares the Corps' jurisdictional methodology, unless SWANCC or Rapanos conditions are present. In the latter case, the Regional Board considers such drainage features to be jurisdictional waters of the State.

Pursuant to the Corps Wetland Delineation Manual (Corps 1987), the identification of wetlands is based on a three-parameter approach involving indicators of hydrophytic vegetation, hydric soils, and wetland hydrology. In order to qualify as a wetland, a feature must exhibit at least minimal characteristics within each of these three parameters. It should also be noted that both the Regional Board and CDFW follow the methods utilized by the Corps to identify wetlands. For this project location, Corps jurisdictional wetlands are delineated using the methods outlined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0* (Corps 2008).

[4] CWA regulations 33 CFR §328.3(e).

3.2 WATERS OF THE STATE

3.2.1 REGIONAL WATER QUALITY CONTROL BOARD

The California *Porter-Cologne Water Quality Control Act* gives the Regional Board very broad authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. The Regional Board shares the Corps' methodology for delineating the limits of jurisdiction based on the identification of OHWM indicators and utilizing the three parameter approach for wetlands.

3.2.2 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Sections 1600 *et seq*. of the California Fish and Game Code applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State. Generally, the CDFW's jurisdictional limit is not defined by a specific flow event, nor by the presence of OHWM indicators or the path of surface water as this path might vary seasonally. Instead, CDFW's jurisdictional limit is based on the topography or elevation of land that confines surface water to a definite course when the surface water rises to its highest point. Further, the CDFW's jurisdictional limit extends to include any habitat (e.g. riparian), including wetlands and vernal pools, supported by a river, stream, or lake regardless of the presence or absence of hydric soils and saturated soil conditions. For this project location, CDFW jurisdictional limits were delineated using the methods outlined in the *MESA Field Guide* (Brady, III and Vyverberg 2013) and *A Review of Stream Processes and Forms in Dryland Watersheds* (Vyverberg 2010), which were developed to provide guidance on the methods utilized to describe and delineate episodic streams within the inland deserts region of southern California.

Section 4 Literature Review

ELMT conducted a thorough review of relevant literature and materials to preliminarily identify areas that may fall under the jurisdiction of the regulatory agencies. A summary of materials utilized during ELMT's literature review is provided below and in Appendix A. In addition, refer to Section 8 for a complete list of references used throughout the course of this delineation.

4.1 WATERSHED REVIEW

The project site is located within the Santa Ana River Watershed (HUC 18070203). The Santa Ana River watershed is located in southern California, south and east of the City of Los Angeles. The watershed includes much of Orange County, the northwestern corner of Riverside County, the southwestern corner of San Bernardino County, and a small portion of Los Angeles County. The watershed is bounded on the south by the Santa Margarita watershed, on the east by the Salton Sea and Southern Mojave watersheds, and on the north/west by the Mojave and San Gabriel watersheds. The watershed is approximately 2,800 square miles in area.

The Santa Ana River Watershed is located in the Peninsular Ranges and Transverse Ranges Geomorphic Provinces of Southern California (California Geological Survey Note 36). The highest elevations (upper reaches) of the watershed occur in the San Bernardino Mountains (San Gorgonio Peak – 11,485 feet in elevation), eastern San Gabriel Mountains (Transverse Ranges Province; Mt. Baldy – 10,080 feet in elevation), and San Jacinto Mountains (Peninsular Ranges Province, Mt. San Jacinto – 10,804 feet in elevation). Further downstream, the Santa Ana Mountains and the Chino Hills form a topographic high before the river flows into the Coastal Plain (in Orange County) and into the Pacific Ocean. Primary slope direction is northeast to southwest, with secondary slopes controlled by local topography.

This watershed is in an arid region, and therefore has little natural perennial surface water. Surface waters start in the upper erosion zone of the watershed, primarily in the San Bernardino and San Gabriel Mountains. This upper zone has the highest gradient and soils/geology that do not allow large quantities of percolation of surface water into the ground. Flows consist mainly of snowmelt and storm runoff from the lightly developed San Bernardino National Forest; this water is generally high quality at this point. In this zone, the Santa Ana River is generally confined in its lateral movement, contained by the slope in the mountainous regions. In the upper valley, flows from the Seven Oaks Dam to the City of San Bernardino consist mainly of storm flows, flows from the San Timoteo Creek, and groundwater that is rising due to local geological conditions. From the City of San Bernardino to the City of Riverside, the river flows perennially, and it includes treated discharges from wastewater treatment plants. From the City of Riverside to the recharge basins below Imperial Highway, river flow consists of highly treated wastewater discharges, urban runoff, irrigation runoff, and groundwater forced to the surface by shallow/rising bedrock. Near Corona, the river cuts through the Santa Ana Mountains and the Puente-Chino Hills. The river then flows into the Orange County Coastal Plain; the channel lessens and the gradient decreases. In a natural environment, a river in this area would have a much wider channel, increased meandering, and increased sediment build-up. However, much of the Santa Ana River channel in this area has been contained in concrete-lined channels, which modifies the flow regime and sediment deposition environment. The only

major tributary of the Santa Ana River in Orange County is Santiago Creek, which joins the river in the City of Santa Ana. There is only one natural freshwater lake of any size – Lake Elsinore. A variety of water storage reservoirs (Lake Perris, Lake Mathews, and Big Bear Lake) and Flood Control areas (Prado Dam area and Seven Oaks Dam area) have been created to hold surface water.

4.2 LOCAL CLIMATE

Riverside County features a somewhat cooler version of a Mediterranean climate, or semi-arid climate, with warm, sunny, dry summers and cool, rainy, mild winters. Relative to other areas in Southern California, winters are colder with frost and with chilly to cold morning temperatures common. Climatological data obtained for the City of Riverside indicates the annual precipitation averages 12.0 inches per year. Almost all of the precipitation in the form of rain occurs in the months between November and March, with hardly any occurring between the months of April and October. The wettest month is February, with a monthly average total precipitation of 2.88 inches, and the driest months are June and July, both with monthly average total precipitation of 0.02 inches. The average maximum and minimum temperatures are 93 and 40 degrees Fahrenheit (° F) respectively with August (monthly average high 93° F) being the hottest months and December (monthly average low 40° F) being the coldest. The temperature during the site visit in October was in the low-80s ° F, and the temperature during the December site visit was in the mid-60s ° F with minimal clouds present overhead and calm winds.

4.3 USGS TOPOGRAPHIC QUADRANGLE

The USGS 7.5 Minute Series Topographic Quadrangle maps show geological formations and their characteristics, describing the physical setting of an area through contour lines and major surface features including lakes, rivers, streams, buildings, landmarks, and other factors that may fall under an agency's jurisdiction. Additionally, the maps depict topography through color and contour lines, which are helpful in determining elevations and latitude and longitude within the project site.

The project site is located within the Riverside East quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series in Section 33 of Township 2 South, Range 4 West. According to the topographic map, the project site consists entirely of vacant/undeveloped land. A blueline stream is depicted south of the project site, south of Central Avenue, and extends southeast to northwest, and crosses the southwest corner of the project site. The project site ranges in elevation from 1,310 to 1,390 feet above sea level and generally slopes from north to south. The northern portion of the project site is higher in elevation than the southern portion, and the majority of the site elevated above Central Avenue and the open space area to the west of the project site. The western and southern boundaries of the project site slope down to the open space area to the west, and Central Avenue, respectively.

4.4 AERIAL PHOTOGRAPHS

Prior to conducting the field delineation, ELMT reviewed current and historical aerial photographs (1994-2018) of the project as available from Google Earth Pro Imaging. Aerial photographs can be useful during the delineation process, as they often indicate the presence of drainage features and riparian/riverine habitat within the boundaries of the project site, if any.

Land uses in the vicinity of the project site mainly consists of open space, residential developments, and transportation thoroughfares. The project site is bordered by Interstate 215/State Route 60 and open space to the north and east, open space and single-family residential developments to the south, and open space to the west.

The project site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances from grading/disking activities. These disturbances have resulted in a majority of the project site being dominated by early successional and non-native vegetation, with rocky and compacted soils.

4.5 SOILS

Soils within and adjacent to the Project site were researched prior to the field delineation using the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Custom Soil Resource Report for Riverside County. Soil surveys furnish soil maps and interpretations originally needed in providing technical assistance to farmers and ranchers; in guiding other decisions about soil selection, use, and management; and in planning, research, and disseminating the results of the research. In addition, soil surveys are now heavily utilized in order to obtain soil information with respect to potential wetland environments and jurisdictional areas (i.e., soil characteristics, drainage, and color).

According to the Custom Soil Resource Report, the project site is underlain by the following soil units: Cieneba rocky sandy loam (15 to 60 percent slopes, eroded), Cieneba sandy loam (15 to 50 percent slopes, eroded), Hanford coarse sandy loam (2 to 8 percent slopes), Monserate sandy loam (8 to 15 percent slopes, eroded), and Terrace Escarpments (Exhibit 4, *Soils*). Soils on-site have been mechanically disturbed from historic land uses (i.e., grading/disking activities).

4.6 HYDRIC SOILS LIST OF CALIFORNIA

ELMT reviewed the USDA NRCS Hydric Soils List of California in an effort to verify whether on-site soils are considered to be hydric[5]. It should be noted that lists of hydric soils along with soil survey maps provide off-site ancillary tools to assist in wetland determinations, but they are not a substitute for field investigations. The presence of hydric soils is initially investigated by comparing the mapped soil series for the site to the County list of hydric soils. According to the hydric soils list, none of the soils have been listed as hydric in the Western Riverside County Area.

4.7 NATIONAL WETLANDS INVENTORY

ELMT reviewed the U.S. Fish and Wildlife Service's (USFWS) National Wetland Inventory maps. The NWI maps depicts a riverine resource south of the project site, south of Central Avenue, and extends southeast to northwest, and crosses the southwest corner of the project site in association with Box Springs Canyon. In addition, the NWI depicts a Freshwater Forested/Shrub Wetland south of the project site, south of Central Avenue. Refer to Appendix A, *Documentation*.

[5] A hydric soil is a soil that formed under conditions of saturation, flooding or ponding long enough during the growing season to develop anaerobic conditions in the upper part.

4.8 FLOOD ZONE

ELMT searched the Federal Emergency Management Act website for flood data for the project site. Based on Flood Insurance Rate Map Nos. 06065C0729G and 06065C0733G the project site is located within Zone X – Area of Minimal Flood Hazard. Refer to Appendix A, *Documentation*.

SYCAMORE CANYON BOULEVARD AND CENTERAL AVENUE PROJECT
JURISDICTIONAL DELINEATION

ELMT CONSULTING

0 75 150 300 Feet

Source: ESRI Aerial Imagery, World Transportation, NRCS Soil Survey Geographic Database, Riverside County

Soils

Exhibit 4

Section 5 Site Conditions

ELMT biologist Travis J. McGill conducted a field delineation on October 17, 2018 and an additional site visit on December 10, 2019 to verify existing site conditions and document the extent of potential jurisdictional areas within the boundaries of the project site. The temperature during the site visit in October was in the low-80s ° F, and the temperature in during the December site visit was in the mid-60s ° F with minimal clouds present overhead and calm winds. ELMT field staff encountered no limitations during the field delineation. Refer to Appendix B for representative site photographs.

5.1 ON-SITE FEATURES

5.1.1 DRAINAGE FEATURES

The majority of the project site does not support any discernible drainage courses, inundated areas, wetland vegetation, or hydric soils that would be considered jurisdictional. However, a single drainage feature and associated willow forest plant community were observed on the southwest corner of the project site.

This drainage feature is an unnamed, intermittent water feature that extends along the bottom of Box Springs Canyon. Onsite, the drainage feature begins at an 84-inch corrugate metal culvert extending under Central Avenue. During the field investigation, approximately 2 to 8 inches of water were observed within the drainage. The OHWM ranged from 2 to 8 feet in width, and was delineated using the following indicators: flow patterns; scour; and substrate characteristics. The drainage feature extends for approximately 21 linear feet southeast to northwest on the southwest corner of the project site, totaling approximately 0.003 acre.

The onsite drainage feature consists of natural substrate (e.g., loose gravel, sand, rock) and supports a willow forest plant community. The willow forest plant community extends west of, and outside of the project footprint. This plant community is at a lower elevation than that majority of the project site and is separated from the other portions of the project site by a dirt access road that has been overgrown with upland vegetation. This plant community is dominated by arroyo willow (*Salix lasiolepis*; FACW) with an understored composed of mulefat (*Baccharis salicifolia*; FAC), poison oak (*Toxicodendron diversilobum*; FACU), castor bean (*Ricinus communis*; FACU, and common phacelia (*Phacelia distans*; UPL).

5.1.2 WETLAND FEATURES

In order to qualify as a wetland, a feature must exhibit all three wetland parameters (i.e., vegetation, soils, and hydrology) described in the Corps Arid West Regional Supplement. Although evidence of hydrology (i.e., surface water) was present within the onsite drainage feature and the drainage supported a dominance of hydrophytic vegetation, the drainage feature would likely not meet the requirements of hydric soils. Within the project footprint, the substrate within the drainage consisted of rock and loose sandy deposits that would not allow anaerobic conditions within the soil. Therefore, it was determined that no areas met all three wetland parameters and no jurisdictional wetland features exist within the project site.

SYCAMORE CANYON BOULEVARD AND CENTERAL AVENUE PROJECT
JURISDICTIONAL DELINEATION

ELMT CONSULTING

0 50 100 200 Feet

Source: ESRI Aerial Imagery, World Transportation, Riverside County

Jurisdictional Areas

Exhibit 5

Section 6 Findings

This report presents ELMT's best effort at determining the extent of jurisdictional features using the most up-to-date regulations, written policy, and guidance from the regulatory agencies. Please refer to the following sections for a summary of jurisdictional areas within the project site.

6.1 U.S. ARMY CORPS OF ENGINEERS DETERMINATION

6.1.1 WATERS OF THE UNITED STATES DETERMINATION

The onsite drainage feature exhibits a surface hydrologic connection to downstream waters, and therefore, qualifies as waters of the United States and falls under the regulatory authority of the Corps. Approximately 0.003 acre (21 linear feet) of Corps jurisdiction (non-wetland waters) is located within the boundaries of the project site. Refer to Exhibit 5, *Jurisdictional Areas*.

6.1.2 WETLAND DETERMINATION

An area must exhibit all three wetland parameters described in the Corps Arid West Regional Supplement to be considered a jurisdictional wetland. Based on the results of the field delineation, it was determined that no areas within the project site met all three wetland parameters. Therefore, no jurisdictional wetland features exist within the project site.

6.2 REGIONAL WATER QUALITY CONTROL BOARD

No isolated or Rapanos conditions were observed within the boundaries of the Project site. Therefore, the Regional Board jurisdictional limit follows that of the Corps and totals approximately 0.003 acre (21 linear feet) of non-wetland waters. Refer to Exhibit 5, *Jurisdictional Areas*, for an illustration of Regional Board jurisdictional areas.

6.3 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

The onsite drainage feature exhibits characteristics consistent with CDFW's methodology and would be considered CDFW streambed. Therefore, approximately 0.163 acrs (21 linear feet) of CDFW jurisdiction is located within boundaries of the Project site. Refer to Exhibit 5, *Jurisdictional Areas*, for an illustration of CDFW jurisdictional areas.

Section 7 Regulatory Approval Process

The following is a summary of the various permits, certifications, and agreements that may be necessary prior to construction and/or alteration within jurisdictional areas. Ultimately the regulatory agencies make the final determination of jurisdictional boundaries and permitting requirements.

7.1 U.S. ARMY CORPS OF ENGINEERS

The Corps regulates discharges of dredged or fill materials into waters of the United States, including wetlands, pursuant to Section 404 of the CWA. Therefore, any impacts to onsite jurisdictional areas will require a CWA Section 404 permit from the Corps prior to project implementation.

Based on the results of this delineation and the proposed project footprint, no impacts to Corps jurisdictional waters will occur from project implementation.

7.2 REGIONAL WATER QUALITY CONTROL BOARD

The Regional Board regulates discharges to surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act. Therefore, any impacts to on-site jurisdictional areas will require a CWA Section 401 Water Quality Certification from the Regional Board prior to project implementation. The application fee is based on the extent of project impacts and the CWA Section 401 Water Quality Certification will not be issued until all fees are paid to the Regional Board. It should also be noted that the Regional Board requires that California Environmental Quality Act (CEQA) compliance be obtained prior to issuance of the Section 401 Water Quality Certification.

Based on the results of this delineation and the proposed project footprint, no impacts to Regional Board jurisdictional waters will occur from project implementation.

7.3 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Pursuant to Section 1602 of the California Fish and Game Code, the CDFW regulates any activity that will divert or obstruct the natural flow or alter the bed, channel, or bank (which may include associated biological resources) of a river or stream. Therefore, any impacts to the on-site jurisdictional areas will require a Section 1602 Streambed Alteration Agreement from the CDFW prior to project implementation. The notification fee is based on the term and cost of a project. The Section 1602 Streambed Alteration Agreement will not be issued until all fees are paid to the CDFW.

Based on the results of this delineation and the proposed project footprint, no impacts to CDFW jurisdictional waters will occur from project implementation.

7.4 RECOMMENDATIONS

It is recommended that this delineation be forwarded to the regulatory agencies for their review and concurrence. The concurrence/receipt would solidify findings noted within this report.

Section 8 References

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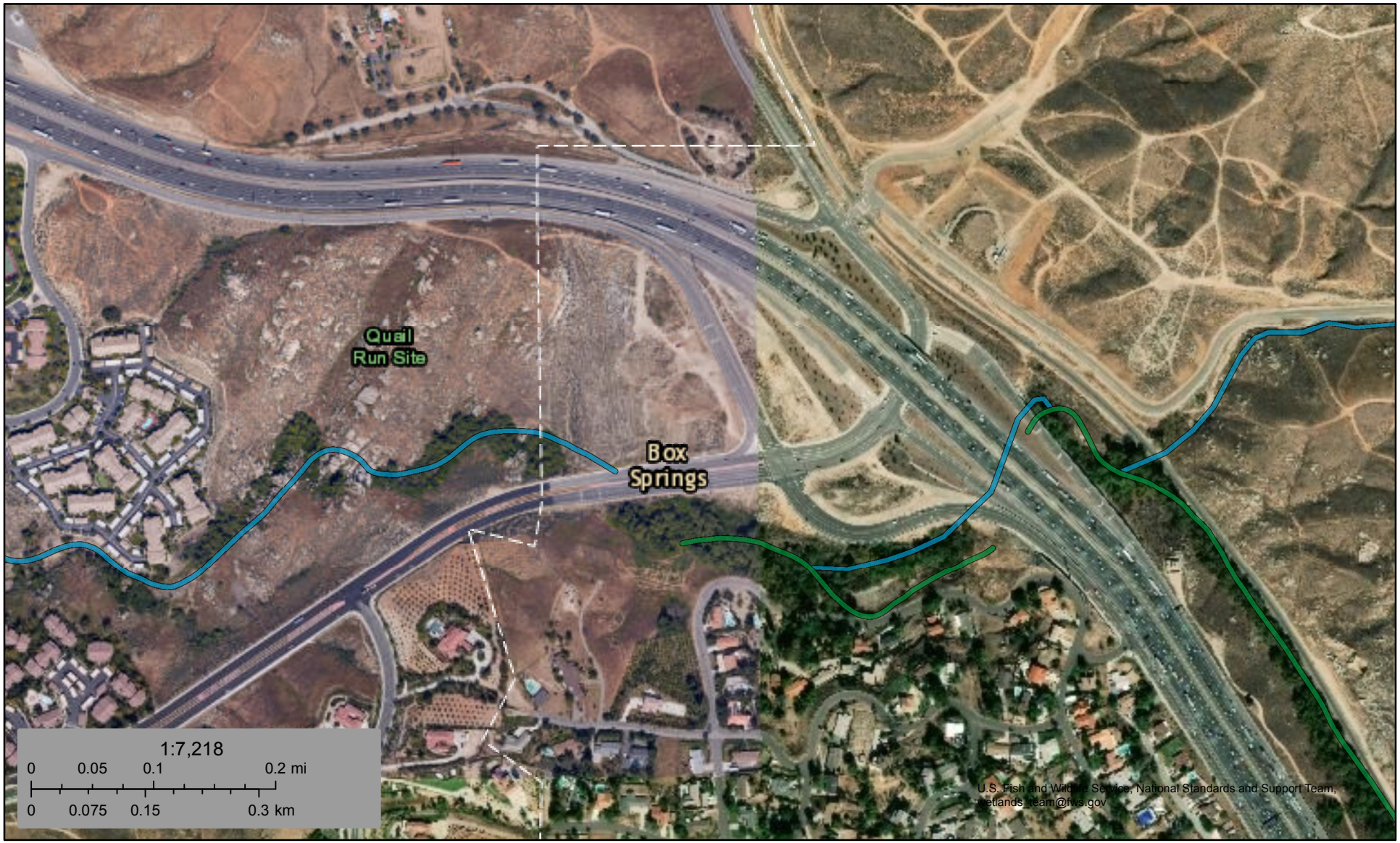
Appendix A Documentation

U.S. Fish and Wildlife Service

National Wetlands Inventory

Sycamore Canyon Blvd. and Central Ave.



January 21, 2020

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Flood Hazard Layer FIRMette

FEMA

33°57'45.27"N

117°19'4.98"W

117°18'27.52"W

33°57'15.43"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/21/2020 at 1:26:21 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Appendix B Site Photographs

Photograph 1: From the southeast corner of the project site looking north along the eastern boundary of the site.

Photograph 2: Disturbed Riversidean sage scrub plant community on the southwest portion of the site.

Photograph 3: Heavily disturbed/rocky soils within the disturbed Riversidean sage scrub plant community onsite.

Photograph 4: From the northwest corner of the project site looking south along the western boundary.

Photograph 5: Existing dirt access road on the western boundary of the project site.

Photograph 6: Willow forest plant community on the southwest corner of the project site.

Photograph 7: From the top of the 84-inch culvert looking down stream at the drainage feature on the southwest corner of the project site.

Photograph 8: Looking at the 84-inch culvert under Central Ave.

Photograph 9: View of water flows exiting the 84-inch culvert. The water has carved a path within the underlying rock.

Photograph 10: View of the 84-inch culvert from the downstream portion of the drainage on the project site.

Photograph 11: Looking at the downstream portion of the drainage feature on the project site.

Photograph 12: View of the downstream portion of the drainage on the project site.

Appendix C Methodology

WATERS OF THE UNITED STATES

Since 1972, the Corps and EPA have jointly regulated the filling of waters of the United States, including wetlands, pursuant to Section 404 of the CWA. The Corps has regulatory authority over the discharge of dredged or fill material into the waters of the United States under Section 404 of the CWA. The Corps and EPA define "fill material" to include any "material placed in waters of the United States where the material has the effect of: (i) replacing any portion of a water of the United States with dry land; or (ii) changing the bottom elevation of any portion of the waters of the United States." Examples include, but are not limited to, the placement of sand, rock, clay, construction debris, wood chips, and "materials used to create any structure or infrastructure in the waters of the United States."

In April of 2020, the Corps and the EPA provided a new definition for *waters of the United States* [Federal Register, Vol. 85, No. 77 (April 21, 2020)] which encompass:

- The territorial seas and traditional navigable waters;
- Perennial and intermittent tributaries that contribute surface water flow to such waters;
- Certain lakes, ponds, and impoundments of jurisdictional waters; and
- Wetlands adjacent to other jurisdictional waters.

Additionally, the new definition identifies 12 categories of those waters and features that are excluded from the definition of ''waters of the United State, such as features that only contain water in direct response to rainfall (e.g., ephemeral features), groundwater, many ditches, prior converted cropland, and waste treatment systems. The final rule excludes from the definition of ''waters of the United States'' all waters or features not mentioned above. In addition to this general exclusion, the final rule specifically clarifies that waters of the United States do not include the following:

- Groundwater, including groundwater drained through subsurface drainage systems;
- Ephemeral features that flow only indirect response to precipitation, including ephemeral streams, swales, gullies, rills, and pools;
- Diffuse stormwater runoff and directional sheet flow over upland;
- Ditches that are not traditional navigable waters, tributaries, or that are not constructed in adjacent wetlands, subject to certain limitations;
- Prior converted cropland;
- Artificially irrigated areas that would revert to upland if artificial irrigation ceases;
- Artificial lakes and ponds that are not jurisdictional impoundments and that are constructed or excavated in upland or non-jurisdictional waters;
- Water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non jurisdictional waters for the purpose of obtaining fill, sand, or gravel;
- Stormwater control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff;
- Groundwater recharge, water reuse, and wastewater recycling structures constructed or excavated in upland or in non-jurisdictional waters; and
- Waste treatment systems.

WETLANDS

For this project location, Corps jurisdictional wetlands are delineated using the methods outlined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0* (Corps 2008). This document is one of a series of Regional Supplements to the Corps Wetland Delineation Manual (Corps 1987). The identification of wetlands is based on a three-parameter approach involving indicators of hydrophytic vegetation, hydric soil, and wetland hydrology. In order to be considered a wetland, an area must exhibit at least minimal characteristics within these three (3) parameters. The Regional Supplement presents wetland indicators, delineation guidance, and other information that is specific to the Arid West Region. In the field, vegetation, soils, and evidence of hydrology are examined using the methodology listed below and documented on Corps wetland data sheets, when applicable. It should be noted that both the Regional Board and the CDFW jurisdictional wetlands encompass those of the Corps.

Vegetation

Nearly 5,000 plant types in the United States may occur in wetlands. These plants, often referred to as hydrophytic vegetation, are listed in regional publications by the U.S. Fish and Wildlife Service (USFWS). In general, hydrophytic vegetation is present when the plant community is dominated by species that can tolerate prolonged inundation or soil saturation during growing season. Hydrophytic vegetation decisions are based on the assemblage of plant species growing on a site, rather than the presence or absence of particular indicator species. Vegetation strata are sampled separately when evaluating indicators of hydrophytic vegetation. A stratum for sampling purposes is defined as having 5 percent or more total plant cover. The following vegetation strata are recommended for use across the Arid West:

- *Tree Stratum:* Consists of woody plants 3 inches or more in diameter at breast height (DBH), regardless of height;
- *Sapling/shrub stratum:* Consists of woody plants less than 3 inches DBH, regardless of height;
- *Herb stratum:* Consists of all herbaceous (non-woody) plants, including herbaceous vines, regardless of size; and,
- *Woody vines:* Consists of all woody vines, regardless of size.

The following indicator is applied per the test method below.[1] Hydrophytic vegetation is present if any of the indicators are satisfied.

[1] Although the Dominance Test is utilized in the majority of wetland delineations, other indicator tests may be employed. If one indicator of hydric soil and one primary or two secondary indicators of wetland hydrology are present, then the Prevalence Test (Indicator 2) may be performed. If the plant community satisfies the Prevalence Test, then the vegetation is

Indicator 1 – Dominance Test

Cover of vegetation is estimated and is ranked according to their dominance. Species that contribute to a cumulative total of 50% of the total dominant coverage, plus any species that comprise at least 20% (also known as the "50/20 rule") of the total dominant coverage, are recorded on a wetland data sheet. Wetland indicator status in California (Region 0) is assigned to each species using the *National Wetland Plant List, version 2.4.0* (Corps 2012). If greater than 50% of the dominant species from all strata were Obligate, Facultative-wetland, or Facultative species, the criteria for wetland vegetation is considered to be met. Plant indicator status categories are described below:

- *Obligate Wetland (OBL):* Plants that almost always occur in wetlands;
- *Facultative Wetland (FACW):* Plants that usually occur in wetlands, but may occur in non-wetlands;
- *Facultative (FAC):* Plants that occur in wetlands and non-wetlands;
- *Facultative Upland (FACU):* Plants that usually occur in non-wetlands, but may occur in wetlands; and,
- *Obligate Upland (UPL):* Plants that almost never occur in wetlands.

Hydrology

Wetland hydrology indicators are presented in four (4) groups, which include:

Group A – Observation of Surface Water or Saturated Soils

Group A is based on the direct observation of surface water or groundwater during the site visit.

Group B – Evidence of Recent Inundation

Group B consists of evidence that the site is subject to flooding or ponding, although it may not be inundated currently. These indicators include water marks, drift deposits, sediment deposits, and similar features.

Group C – Evidence of Recent Soil Saturation

Group C consists of indirect evidence that the soil was saturated recently. Some of these indicators, such as oxidized rhizospheres surrounding living roots and the presence of reduced iron or sulfur in the soil profile, indicate that the soil has been saturated for an extended period.

hydric. If the Prevalence Test fails, then the Morphological Adaptation Test may be performed, where the delineator analyzes the vegetation for potential morphological features.

Group D – Evidence from Other Site Conditions or Data

Group D consists of vegetation and soil features that indicate contemporary rather than historical wet conditions, and include shallow aquitard and the FAC-neutral test.

If wetland vegetation criteria is met, the presence of wetland hydrology is evaluated at each transect by recording the extent of observed surface flows, depth of inundation, depth to saturated soils, and depth to free water in the soil test pits. The lateral extent of the hydrology indicators are used as a guide for locating soil pits for evaluation of hydric soils and jurisdictional areas. In portions of the stream where the flow is divided by multiple channels with intermediate sand bars, the entire area between the channels is considered within the OHWM and the wetland hydrology indicator is considered met for the entire area.

Soils

A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper 16-20 inches.[2] The concept of hydric soils includes soils developed under sufficiently wet conditions to support the growth and regeneration of hydrophytic vegetation. Soils that are sufficiently wet because of artificial measures are included in the concept of hydric soils. It should also be noted that the limits of wetland hydrology indicators are used as a guide for locating soil pits. If any hydric soil features are located, progressive pits are dug moving laterally away from the active channel until hydric features are no longer present within the top 20 inches of the soil profile.

Once in the field, soil characteristics are verified by digging soil pits along each transect to an excavation depth of 20 inches; in areas of high sediment deposition, soil pit depth may be increased. Soil pit locations are usually placed within the drainage invert or within adjoining vegetation. At each soil pit, the soil texture and color are recorded by comparison with standard plates within a *Munsell Soil Chart* (2009). Munsell Soil Charts aid in designating color labels to soils, based by degrees of three simple variables – hue, value, and chroma. Any indicators of hydric soils, such as organic accumulation, iron reduction, translocation, and accumulation, and sulfate reduction, are also recorded.

Hydric soil indicators are present in three groups, which include:

All Soils

"All soils" refers to soils with any United States Department of Agriculture (USDA) soil texture. Hydric soil indicators within this group include histosol, histic epipedon, black histic, hydrogen sulfide, stratified layers, 1 cm muck, depleted below dark surface, and thick dark surface.

Sandy Soils

[2] According to the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0 (Corps 2008), growing season dates are determined through on-site observations of the following indicators of biological activity in a given year: (1) above-ground growth and development of vascular plants, and/or (2) soil temperature.

"Sandy soils" refers to soil materials with a USDA soil texture of loamy fine sand and coarser. Hydric soil indicators within this group include sandy mucky mineral, sandy gleyed matrix, sandy redox, and stripped matrix.

Loamy and Clayey Soils

"Loamy and clayey soils" refers to soil materials with a USDA soil texture of loamy very fine sand and finer. Hydric soil indicators within this group include loamy mucky mineral, loamy gleyed matrix, depleted matrix, redox dark surface, depleted dark surface, redox depressions, and vernal pools.

SWANCC WATERS

The term "isolated waters" is generally applied to waters/wetlands that are not connected by surface water to a river, lake, ocean, or other body of water. In the presence of isolated conditions, the Regional Board and CDFW take jurisdiction through the application of the OHWM/streambed and/or the 3 parameter wetland methodology utilized by the Corps.

RAPANOS WATERS

The Corps will assert jurisdiction over non-navigable, not relatively permanent tributaries and their adjacent wetlands where such tributaries and wetlands have a significant nexus to a Traditional Navigable Water (TNW). The flow characteristics and functions of the tributary itself, in combination with the functions performed by any wetlands adjacent to the tributary, determine if these waters/wetlands significantly affect the chemical, physical, and biological integrity of the TNWs. Factors considered in the significant nexus evaluation include:

(1) The consideration of hydrologic factors including, but not limited to, the following:

- volume, duration, and frequency of flow, including consideration of certain physical characteristics of the tributary
- proximity to the TNW
- size of the watershed average annual rainfall
- average annual winter snow pack

(2) The consideration of ecologic factors including, but not limited to, the following:

- the ability for tributaries to carry pollutants and flood waters to TNWs
- the ability of a tributary to provide aquatic habitat that supports a TNW
- the ability of wetlands to trap and filter pollutants or store flood waters
- maintenance of water quality

November 18, 2020

Candice Assadzadeh, Senior Planner
City of Riverside
Community and Economic Development Department, Planning Division
3900 Main Street, 3rd Floor
Riverside, California 92522

Dear Ms. Candice Assadzadeh:

Please find the following JPR attached:

JPR 08 01 29 01. The Local Identifier is APN 256-050-012. The JPR file attached includes the following:

- RCA JPR Findings
- Exhibit A, Regional
- Exhibit B, Vicinity Map with MSHCP Schematic Cores and Linkages
- Exhibit C, Vegetation
- Exhibit D, Soil
- Exhibit E, Conservation and Avoidance Areas

Thank you,

Wendy Worthey
Western Riverside County Regional Conservation Authority

cc: Karin Cleary-Rose
U.S. Fish and Wildlife Service
777 East Tahquitz Canyon Way,
Suite 208
Palm Springs, California 92262

Heather Pert
California Dept. of Fish and Wildlife
3602 Inland Empire Blvd. #C220
Ontario, California 91764

RCA Joint Project Review (JPR)

JPR #: 08 01 29 01
Date: ~~2/12/08~~ Amended 11/18/20

Project Information

Permittee: **City of Riverside**

Case Information: **Crestview Apartments/P19-0775-0777, -0905, P20-0307-0310** ~~**P06-0846 Alexan Cityscape**~~

Site Acreage: **9.42 acres** ~~**9.45 acres**~~ **(8.89 acres planned for development)**

Portion of Site Proposed for MSHCP Conservation Area: **0.53 acre** ~~**0.45 acre**~~

Criteria Consistency Review

Consistency Conclusion: The project is consistent with both the Criteria and other Plan requirements.

These Findings are consistent with *Section 3.3.1* of the MSHCP (Volume I) that states, *[w]hen project consistency findings have been made and accepted by the Local Permittees, the Reserve Assembly Criteria in Sections 3.3.2 through 3.3.17 of the Plan will no longer apply to the project site for which such consistency findings have been made*. Furthermore, *[o]nce consistency findings are made for a project, substantial permits for the same project are only subject to substantial conformance review when subsequent permits are issues.* As such the amended Findings presented in this document only address those proposed project elements that are incrementally different that what was proposed in the original JPR Findings dated 02/12/2008.

Data:

Applicable Core/Linkage: Proposed Constrained Linkage 7
Area Plan: Highgrove

APN	Sub-Unit	Cell Group	Cell
256-050-012[1] ~~256-050-007~~ ~~256-050-008~~	SU1 – Sycamore Canyon/Box Springs Central	Independent	721

Comments:

a. Proposed Constrained Linkage 7 is comprised of upland Habitat in the vicinity of Central Avenue. It is the only connection from Sycamore Canyon Park to Box Springs Reserve. This Linkage is important for species dispersal and would reduce the likelihood of species extinction as a result of population isolation. Habitat for Planning Species such as cactus wren and Bell's sage sparrow occurs within this Linkage. This Linkage likely provides for movement of common mammals such as bobcat. Maintenance

[1] Encompasses old APNs 256-050-007 and 256-050-008.

of contiguous Habitat with appropriate refugia for resting, such as rockpiles, brushpiles, windfalls, hollow snags, and hollow trees, is important for dispersal of juveniles.

b. The dimensional data provided for Proposed Constrained Linkage 7 indicate a width ranging from 750 to 1,500 feet in this area.

c. The project is located in Cell 721. Conservation within this Cell will contribute to assembly of Proposed Constrained Linkage 7. Conservation within this Cell will focus on coastal sage scrub Habitat and riparian scrub, woodlands, and forests. Areas conserved within this Cell will be connected to coastal sage scrub Habitat proposed for Conservation to the north in Cell 635 and to the west in Cell 719 in the City of Riverside. Conservation within this Cell will range from 35% to 45% of the northeastern and central portions of the Cell.

d. The project consists of a development plan to construct a total of 237 one, two, and three-bedroom residential apartment units in seven three story and two to four split story-buildings. The project includes the following amenities: on-site leasing office, garages, carports, mail lounge, putting green, outdoor resort style pool and spa, dog run area, dog wash station, fitness center, clubhouse with patio, shade structure with BBQ and tables, walking perimeter loop trail (1/2 mile loop) with learning or exercise stations.~~168-unit apartment complex with associated recreational facilities and infrastructure~~. The project includes Conservation of 0.53~~0.45~~ acre associated with riparian vegetation. The site is described as having one hill on site, and contains disturbed/graded areas along with ruderal, Riversidean sage scrub, and southern willow scrub Habitats. The eastern portion of the project site has been impacted by Caltrans in conjunction with their activities related to Sycamore Canyon Boulevard and Interstate 215, located to the east of the project site. Since the project site is located in the northwestern portion of Cell 721, the project would not conflict with the Reserve Assembly.

e. Documents provided for this amended JPR include: Joint Project Review Application (10/07/2020), and Joint Project Review Conformance Analysis for the Crestview Apartments Project (October 2020), both prepared by the City of Riverside, and Site Plan (09-25-2020), prepared by Architects Orange, and the Habitat Assessment and Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis (October 2020), prepared by ELMT Consulting, Inc.

Other Plan Requirements

Data:

Section 6.1.2 – Was Riparian/Riverine/Vernal Pool Mapping or Information Provided?

Yes. There are riparian/riverine drainages on site. There are no vernal pools or fairy shrimp Habitat on site.

Section 6.1.3 – Was Narrow Endemic Plant Species Survey Information Provided?

No. The project site is not located within a Narrow Endemic Plant Species Survey Area.

Section 6.3.2 – Was Additional Species Survey Information Provided?

Yes. The project site is located in a Criteria Area Species Survey Area (CASSA) for Nevin's barberry, smooth tarplant, and round-leaved filaree. The project is also located in an Additional Survey Area for burrowing owl.

Section 6.1.4 – Was Information Pertaining to Urban/Wildland Interface Guidelines Provided?

Yes. The property is located near Conservation Areas.

Comments:

a. Section 6.1.2: Based on the *MSHCP Consistency Analysis* prepared by Michael Brandman Associates (MBA) dated December 11, 2007, there is one feature located in the southwestern corner of the project site that meets the definition of riverine/riparian per Section 6.1.2. This drainage feature is reported by MBA to receive water from the Box Springs Mountains and contained running water during the site visit in July 2007. The southern willow scrub Habitat associated with this area is suitable Habitat for least Bell's vireo but is not suitable for southern willow flycatcher or yellow-billed cuckoo. Given that this riverine/riparian area is proposed for Conservation, no focused surveys were conducted. The project proposes to convey 0.53 acre, including the riparian/riverine area, to the Regional Conservation Authority (RCA). **The project will be conditioned by the City of Riverside to convey the 0.53-acre area of conservation to the RCA prior to issuance of the grading permit to ensure long-term conservation.** MBA reports that the soils on site are rocky to coarse sandy loams, and there are no depressions or ponded areas that would support vernal pools or fairy shrimp Habitat. Based on this information, along with the proposed Conservation, the project demonstrates compliance with Section 6.1.2 of the MSHCP.

b. Section 6.3.2: The project site is located in a CASSA for Nevin's barberry, smooth tarplant, and round-leaved filaree. The project site was surveyed by MBA in July 2006 for suitable Habitat for these three plants. MBA concluded that the site does not support suitable soils or vegetation types that would be associated with these plant species. Additional surveys[2] were conducted by ELMT Consulting Inc. (ELMT) on October 17, 2018, and December 10, 2019. The survey results were consistent with the July 2006 survey, and no suitable soils or vegetation types associated with CASSA plants were observed on the site. Therefore. CASSA plant species are considered absent from the project site.

   The project is also located in an Additional Survey Area for burrowing owl. Suitable Habitat was determined to be on site for burrowing owl; therefore, MBA conducted focused burrowing owl surveys on July 18, 19, 20, and 25, 2006. MBA reported that the site lacked suitable grassland Habitat and that there was generally a lack of suitable burrows on site. No indication of burrowing owls or their sign was observed during the focused surveys. Additional habitat suitability surveys were conducted by ELMT on October 17, 2018, and December 10, 2019. Results of the habitat suitability surveys were consistent

[2] For JPR Amendments, the MSHCP requires that surveys only need to be performed for "newly" proposed impact areas.

with the 2006 survey efforts. The project site consists of compacted soils, and no burrows or burrow surrogates were detected on the site. In addition, no burrowing owl or burrowing owl sign was detected on the site. The project site is also adjacent to telephone poles that would provide perching habitat for predators. However, the report does state that the rocky outcrops on the site have the potential to provide minimal nesting, foraging, and dispersal habitat for burrowing owl.

Based on the presence of potential suitable burrowing owl habitat a 30-day pre-construction survey for burrowing owls is required prior to initial ground-disturbing activities (e.g., vegetation clearing, clearing and grubbing, grading, tree removal, site watering, equipment staging) to ensure that no owls have colonized the site in the days or weeks preceding the ground-disturbing activities. If burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities, the project proponent will immediately inform the RCA and the Wildlife Agencies, and will need to coordinate further with RCA and the Wildlife Agencies, including the possibility of preparing a Burrowing Owl Protection and Relocation Plan, prior to initiating ground disturbance. If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure that burrowing owl have not colonized the site since it was last disturbed. If burrowing owl is found, the same coordination described above will be necessary.

Due to the lack of suitable Habitat for the three CASSA plant species and the negative focused burrowing owl surveys, the project demonstrates compliance with Section 6.3.2 of the MSHCP.

c. Section 6.1.4: Conservation Areas are located adjacent to the site. To preserve the integrity of areas dedicated as MSHCP Conservation Areas that are proposed to occur adjacent to this project, the guidelines contained in Section 6.1.4 related to controlling adverse effects for development adjacent to the MSHCP Conservation Area should be considered by the Permittee in their actions relative to the project. Specifically, the Permittee should include as project conditions of approval the following measures:

   i. Incorporate measures to control the quantity and quality of runoff from the site entering the MSHCP Conservation Area. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into MSHCP Conservation Areas.

   ii. Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts, such as manure, that are potentially toxic or may adversely affect wildlife species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. The greatest risk is from landscaping fertilization overspray and runoff.

   iii. Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased. Lighting is proposed on the walkway and is required for safety.

iv. 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.

v. Consider the invasive, non-native plant species listed in Table 6-2 of the MSHCP in approving landscape plans to avoid the use of invasive species for the portions of the project that are adjacent to the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography, and other features.

vi. Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate, in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping into the MSHCP Conservation Areas. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms. The project proposes the construction of 6-foot high tubular steel fence around the outer edge of the project site. In addition, in the southwest corner of the site, a series of terraced retaining walls is proposed that will separate the perimeter walkway and fence and the conservation area. The series of terraced retaining walls includes 5 retaining walls, up to 5 feet tall, with a 2:1 slope between the walls. The project will be conditioned by the City of Riverside to submit the fencing plan to the RCA for review and approval prior to issuance of the building permit.

vii. Manufactured slopes associated with the proposed site development shall not extend into the MSHCP Conservation Area. Fuel management areas shall not extend into the MSHCP Conservation Area.

SNS/BD

Proposed Development - Amended from Original Proposed Conservation

Original Proposed Development - Removed

Proposed Conservation - Amended from Original Proposed Development

Proposed Conservation - Newly Added

Rough Step 2

City of Riverside

0 125 250 Feet

- Amended JPR Project Boundary
- Proposed Development - Removed
- Proposed Development - Amended from Original Proposed Conservation
- Proposed Conservation - Added
- Proposed Conservation - Amended from Original Proposed Development
- Proposed Development
- Proposed Public Project
- Proposed MSHCP Conservation
- Proposed Other Conservation
- RCA MSHCP Conserved Land
- Public/Quasi-Public Conserved Land
- RCA Conservation Easement
- MSCHP Covered Road
- Rough Step Unit
- Criteria Cell
- City Boundary
- Parcel Boundary
- Highway
- Centerline

San Bernardino County; Eastern Riverside County; Western Riverside County; Orange County; San Diego County

SOURCE: Western Riverside County Regional Conservation Authority 2020; County of Riverside 2020; Earthstar Geographics 2019 (Esri). Map created on 11/16/2020.

Regional Conservation Authority, Western Riverside County

RC14010167
Permittee: City of Riverside
0 1,000 2,000 Feet

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EXHIBIT A

Amended JPR Log No. 08-01-29-01 - Regional

JPR Log No. 08-01-29-01

Proposed Linkages:
- Constrained Linkage
- Linkage
- Existing Channel

Existing Cores & Linkages:
- Constrained Linkage
- Core
- Linkage
- Noncontiguous Habitat Block

Proposed Cores & Habitat Blocks:
- Core
- Proposed Extension of Existing Cores
- Noncontiguous Habitat Block

SOURCE: Western Riverside County Regional Conservation Authority (WRC-RCA). Map created on 10/14/2020

Regional Conservation Authority
Western Riverside County

RC14010167
Permittee: City of Riverside

0 2 4 Miles

EXHIBIT B

Amended JPR Log No. 08-01-29-01 - Vicinity Map with MSHCP Schematic Cores and Linkages

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634

635

719

721

SYCAMORE CANYON BLVD

POARCH RD

WATKINS DR

GERNERT RD

CENTRAL AVE

HARVARD WAY

Proposed Development -
Amended from Original Proposed Conservation

Proposed Conservation -
Amended from Original Proposed Development

Proposed Conservation - Newly Added

Original Proposed Development - Removed

Amended JPR Project Boundary
Proposed Conservation
Proposed Development - Removed
Proposed Conservation - Added
Proposed Conservation - Amended from Original Proposed Development
Proposed Development - Amended from Original Proposed Conservation

Vegetation Types

Chaparral
Coastal Sage Scrub
Developed or Disturbed Land
Riparian Scrub, Woodland, Forest
Criteria Cell
Highway
Centerline

SOURCE: WRC-RCA MSHCP Baseline Vegetation (1994). Map created on 11/16/2020.

Regional Conservation Authority
Western Riverside County

RC14010167
Permittee: City of Riverside
0 125 250 Feet

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EXHIBIT C

Amended JPR Log No. 08-01-29-01 - Vegetation

634

635

719

721

SYCAMORE CANYON BLVD

PCARCH RD

WATKINS DR

GERNERT RD

CENTRAL AVE

HARVARD WAY

Proposed Development -
Amended from Original Proposed Conservation

Proposed Conservation -
Amended from Original Proposed Development

Proposed Conservation - Newly Added

Original Proposed Development - Removed

Amended JPR Project Boundary
Proposed Conservation
Proposed Development - Removed
Proposed Conservation - Amended from Original Proposed Development
Proposed Development - Amended from Original Proposed Conservation
Proposed Conservation - Added

Soil Types

Cieneba rocky sandy loam, 15 to 50 percent slopes, eroded
Cieneba sandy loam, 15 to 50 percent slopes, eroded
Hanford coarse sandy loam, 2 to 8 percent slopes
Hanford coarse sandy loam, 8 to 15 percent slopes, eroded
Monserate sandy loam, 5 to 8 percent slopes, eroded
Monserate sandy loam, 8 to 15 percent slopes, eroded
Terrace escarpments
Tujunga loamy sand, channeled, 0 to 8 percent slopes
Vista coarse sandy loam, 8 to 15 percent slopes, eroded
Criteria Cell
Highway
Centerline

SOURCE: Western Riverside County Regional Conservation Authority 2020; County of Riverside 2020; USDA/NRCS Soils 2017

Regional Conservation Authority
Western Riverside County

RC14010167
Permittee: City of Riverside

0 125 250 Feet

EXHIBIT D

Amended JPR Log No.08-01-29-01 - Soil

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SOURCE: Western Riverside County Regional Conservation Authority 2020; County of Riverside 2020; Earthstar Geographics 2019 (Esri). Map created on 11/16/2020.

Regional Conservation Authority
Western Riverside County

RC14010167
Permittee: City of Riverside

0 100 200 Feet

EXHIBIT E

Amended JPR Log No. 08-01-29-01 - Conservation and Avoidance Areas