



Lakeview Plaza Project

MSHCP Consistency Analysis and Habitat Assessment

prepared for

Lakeview Centre, LLC
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prepared by

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September 2019



RINCON CONSULTANTS, INC.

Environmental Scientists | Planners | Engineers
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Executive Summary

This Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis and Habitat Assessment Report was prepared for the Lakeview Plaza Project (project) given the project's location within the MSCHP Plan Area. The report was completed to document existing site conditions and to determine potential impacts to sensitive biological resources for consistency with the MSHCP. The project site consists of approximately 4.32 acres and is located in the city of Lake Elsinore (City), Riverside County, California, on a vacant lot northeast of West Lakeshore Drive, northwest of Manning Street, and southwest of Ryan Avenue. Rincon Consultants, Inc. (Rincon) understands that the entirety of the project site is currently proposed for the construction of a 43,120 square foot retail and restaurant development.

The Riverside County Integrated Project (RCIP) Conservation Summary Report was queried using the parcel information for the project site to determine potential MSHCP sensitive species survey and conservation requirements for the project. The proposed project does not occur within areas requiring surveys for amphibians, burrowing owl, mammals, Narrow Endemic Plant Species, or Criteria Area Plant Species. In addition, this MSHCP Consistency Analysis also includes assessments for riparian/riverine habitat, riparian/riverine species and vernal pool/fairy shrimp habitat.

The project site is undeveloped vacant land that has been disturbed by repeated disking. Only disturbed habitat is present on site. One drainage feature that drains into a culvert is also located on site. The drainage feature flows through the culvert under Lakeshore Drive into a larger drainage feature approximately 100 feet long that dissipates before reaching the shoreline at Lake Elsinore. No riparian vegetation is present on the study area and no riparian/riverine species were observed. Potential for suitable nesting bird habitat occurs in the study area in sparse scrub vegetation, scattered non-native trees, and on open ground potentially suitable for ground nesting birds.

Due to the potential presence of suitable habitat for nesting birds on and immediately adjacent to the study area, if clearing and grubbing occurs during the nesting season (February 1 through August 31), a survey for active nests should be conducted by a qualified biologist not more than one week prior to any ground disturbing activities.

With payment of MSHCP Development Mitigation Fees (whether special-status species are present or not), impacts to any special-status species covered under the "take" provisions of the MSHCP would be less than significant. The proposed project is not expected to result in any significant impacts to any species-status plant or wildlife species that are not covered under the "take" provisions of the MSHCP.

1 Introduction

This report documents the findings of a Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis and Habitat Assessment to comply with the MSHCP requirements. This assessment describes existing site conditions and includes a discussion of potential impacts to sensitive biological resources for the 4.32-acre Lakeview Plaza Project (project), located in the city of Lake Elsinore, Riverside County, California (~~Figure 1~~[Figure 1](#)). The report also contains the results of an MSHCP-required analysis of potential project-related impacts to the study area.

1.1 Project Location

The project site is a 4.32-acre lot located northeast of West Lakeshore Drive, northwest of Manning Street, and southwest of Ryan Avenue. The project site is in an urbanized area surrounded by residential development, undeveloped lots, and is less than 0.16-mile east of north of the Lake Elsinore shoreline (~~Figure 2~~[Figure 2](#)). The project site includes Assessor's Parcel Numbers 375-092-002, 375-092-003, 375-092-004, 375-092-005, 375-092-006, and is within the United States Geological Survey (USGS) *Lake Elsinore, California* 7.5-minute topographic quadrangle. The project site is in Township 6 South, Range 5 West, and Section 6, San Bernardino baseline and meridian.

1.2 Project Description

Rincon Consultants, Inc. (Rincon) understands that the entirety of the project site is currently proposed for the construction of a 43,120 square foot retail and restaurant development with associated infrastructure.

Figure 1 Project Location



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★ Project Location

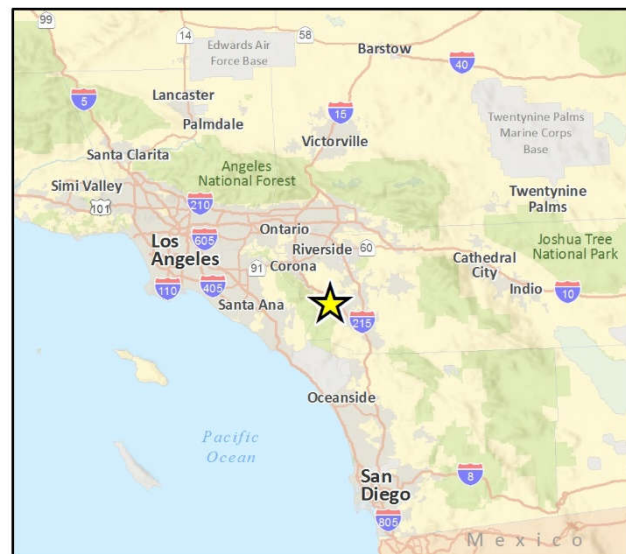


Fig 1 Regional Location

Figure 2 Topographic Map Location of Study Area



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Fig 2 Topographic Map Location of Study Area

2 Methodology

2.1 Western Riverside County MSHCP Consistency Analysis

The proposed project was analyzed to determine consistency with the requirements set forth in the MSHCP. The Riverside County Integrated Project (RCIP) Conservation Summary Report (Riverside County 2019) was queried using the parcel information for the study area to determine potential MSHCP sensitive species survey and conservation requirements for the project. According to the RCIP generator, the MSHCP identifies this area as not requiring habitat assessments or other focused surveys (Appendix A).

To ensure consistency with the requirements set forth in the MSHCP (Riverside County 2003), the study area was assessed, and geographic information systems (GIS) software was used to map the site in relation to MSHCP areas, including criteria cells, conservation areas, and wildlife movement corridors and linkages; study areas for plant, bird, mammal, and amphibian species; Criteria Area Species Study area (CASSA); and the Narrow Endemic Plant Study area (NEPSA).

The MSHCP also requires an assessment of the potentially significant project effects on riparian/riverine areas and vernal pools, if applicable. 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, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools. An assessment of potential indirect impacts to existing or proposed MSHCP conservation areas that may exist on or adjacent to the site through an urban/wildlands interface analysis must also be included.

2.2 Literature Review

Prior to the field visit, a literature review was conducted to establish the environmental and regulatory setting of the proposed project. Specific literature reviewed is provided in Section 7. The background and literature review included review of the U.S. Department of Agriculture (USDA) *Soil Survey for the Western Riverside Area* (2019a), *Lake Elsinore, California* USGS 7.5-minute topographic quadrangle, literature detailing the habitat requirements of subject species, and aerial photographs (Google Earth 2019) and topographic maps (USGS). The MSHCP, species accounts, and other reference materials were reviewed for habitat assessment requirements as well as habitat suitability elements for special-status species. The primary objective of the habitat assessment was to evaluate the study area's potential to support special-status species as well as to determine the applicability of other MSHCP and California Environmental Quality Act (CEQA) requirements as they pertain to the proposed project.

The California Department of Fish and Wildlife's (CDFW) California Natural Diversity Data Base (CNDDB; CDFW 2019b), Biogeographic Information and Observation System (BIOS; CDFW 2019c) and United States Fish and Wildlife Service (USFWS) Critical habitat Portal (USFWS 2019b) were reviewed to determine if any special-status wildlife, plant or vegetation communities were

previously recorded within five miles of the study area. The *National Wetlands Inventory* (NWI; USFWS 2019a) was reviewed to determine if any wetland and/or non-wetland waters had been previously documented and mapped on or in the vicinity of the proposed study area. Other resources included the California Native Plant Society (CNPS) online *Inventory of Rare and Endangered Plants of California* (2019), CDFW *Special Animals List* (2019a), and CDFW *Special Vascular Plants, Bryophytes, and Lichens List* (2019d).

2.3 Field Reconnaissance Surveys

A field reconnaissance survey of the study area was conducted to document existing site conditions and the potential presence of sensitive biological resources, including sensitive plant and wildlife species, sensitive plant communities, jurisdictional waters and wetlands, and habitat for nesting birds. Rincon Senior Biologist Ryan Gilmore and Biologist Brooke Pickett conducted the reconnaissance survey on August 14, 2019. The study area included the proposed limits of work (4.32-acre project site) and an additional 100-foot buffer. The biologists surveyed the study area on foot and visually inspected the area with the aid of binoculars (8 x 40) as necessary.

Identification of potentially jurisdictional aquatic resources during the reconnaissance survey included any potential wetlands and non-wetland waters that may constitute waters of the U.S., waters of the State, streambeds, and/or riparian/riverine or vernal pool resources. During the survey, field staff noted general site characteristics, documented vegetation, and took representative photographs. Current federal, state and regional methods and guidelines were used to identify and delineate potential jurisdictional areas, as described below. Survey conditions included a temperature of 82 degrees Fahrenheit (°F), clear skies, and wind 0-3 miles per hour (mph).

2.3.1 Vegetation Mapping

Vegetation communities observed on site were mapped on a site-specific aerial photograph. All accessible portions of the study area were covered on foot. Vegetation was generally classified using the systems provided in the *Preliminary Descriptions of the Terrestrial Communities of California* (Holland 1986), and modified using *A Manual of California Vegetation, Second Edition* (MCV) (Sawyer et al. 2009) as necessary to reflect the existing site conditions.

2.3.2 Flora

All plant species observed in the study area were noted, and plants that could not be identified in the field were identified later using taxonomic keys. The reconnaissance survey included a directed search for sensitive plants that would have been apparent at the time of the survey. Floral nomenclature for native and non-native plants follows Baldwin et al. (2012) as updated by The Jepson Online Interchange (University of California, Berkeley 2019). For ornamental plants, nomenclature follows U.S. Department of Agriculture (USDA) PLANTS Database (USDA 2019b), and for special-status plants follows Baldwin et al. (2012) and California Native Plant Society (CNPS 2019).

2.3.3 Fauna

Animal species observed directly or detected from calls, tracks, scat, nests, or other signs in the study area were noted. The survey was performed during the day; therefore, the identification of nocturnal animals was limited to signs (if present). Zoological nomenclature for birds is in

accordance with the American Ornithologists' Union Checklist (2019) and for mammals, Wilson & DeeAnn M. Reeder (2005).

2.3.4 Jurisdictional Waters

Aerial imagery and the NWI (USFWS 2019a) were reviewed prior to conducting general surveys and were used to locate and inspect any potential drainage features or water bodies that may be considered riparian/riverine habitat or under the jurisdiction of United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), or CDFW.

2.3.5 Riparian/Riverine Habitat Assessment

MSHCP Section 6.1.2, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, describes the process through which protection of riparian/riverine areas, vernal pools, and fairy shrimp species will occur within the MSHCP Area. Protection of these resources is important for a number of MSHCP conservation objectives. An assessment of a project's potentially significant effects on riparian/riverine areas, vernal pools, and fairy shrimp habitat is required. Guidelines for determining whether or not these resources exist on site are described as follows:

- **Riparian/Riverine Areas** as described by the MSHCP as "lands which contain habitat dominated by trees, shrubs, persistent emergent, or emergent mosses and lichens which occur close to or which depend upon soil moisture from a nearby fresh water source or areas with fresh water flow during all or a portion of the year." Riparian/riverine areas under the MSHCP also include drainage areas that are vegetated or have upland (non-riparian/riverine) vegetation that drain directly into an area that is described for conservation under the MSHCP (or areas already conserved).
- **Vernal Pools** are described by the MSHCP as "seasonal wetlands that occur in depression areas that have wetland indicators of all three parameters (soils, vegetation, and hydrology) during the wetter portion of the growing season but normally lack wetland indicators of hydrology and /or vegetation during the drier portion of the growing season."
- **Listed Fairy Shrimp Habitat**, as described in the MSHCP as habitat for Riverside fairy shrimp (*Streptocephalus woottoni*), vernal pool fairy shrimp (*Branchinecta lynchi*), or Santa Rosa Plateau fairy shrimp (*Linderiella santarosae*), and includes ephemeral pools, artificially created habitat, and/or other features determined appropriate by a qualified biologist.

Section 6.1.2 of the MSHCP goes on to state:

"With the exception of wetlands created for the purpose of providing wetlands habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating characteristics as described above which are artificially created are not included in these definitions."

If found, riparian/riverine habitat and vernal pools within the study area were identified, mapped, and recorded during the field reconnaissance survey.

3 Existing Conditions

This section provides a brief discussion of the existing conditions observed on site. Site photographs are located in Appendix B. The study area is located in arid western Riverside County which is characterized by long, hot, dry summers and short, relatively wet winters. Average temperatures range from 64 to 100°F during the summer and 46 to 76 degrees °F during the winter. The average annual precipitation in the region is 12.45 inches (weathercurrents.com/Lake Elsinore), with 78% of the total occurring December to March and only 12% occurring between April and November (United States Climate Data 2019).

3.1 Land Use

Surrounding land uses include West Lakeshore Drive to the south, dispersed single-family residential development to the west, north, and east, and large areas of interspersed undeveloped land that is generally disturbed. The site is less than 0.16-mile north of the Lake Elsinore shoreline and a large eucalyptus woodland.

Rincon biologists conducting the reconnaissance survey observed evidence of relatively recent disking throughout the entire study area.

3.2 Watershed and Drainages

The study area is within the approximate 2,650-square mile Santa Ana River Watershed. The Santa Ana River Watershed spans from portions of San Jacinto Mountains, San Bernardino Mountains, San Gabriel Mountains, Santa Ana Mountains, to the cities of Rialto, Lake Elsinore, Anaheim, Huntington Beach, and Irvine. Two major rivers drain the Santa Ana River watershed: the Santa Ana River and the San Jacinto River.

A single drainage feature leads into a stormwater inlet culvert at the southwest corner of the study area and flows under West Lakeshore Drive ([Figure 3Figure 3](#)). A detailed description of this feature is provided in the Field Results and Discussion section below.

Figure 3 Study Area with Drainage Feature



3.3 Topography and Soils

The study area is undeveloped vacant land that has been disturbed by repeated disking. The study area gently slopes to the southwest toward West Lakeshore Drive, while the northwestern portion of the study area is relatively level. The elevation range of the study area ranges from 1,277 to 1,342 feet above mean sea level (msl).

The NRCS Web Soil Survey identifies two soil map units in the study area ([Figure 4](#); USDA NRCS 2019a). Based on Rincon's observations of soil surface conditions during the reconnaissance survey, the soils on site are generally consistent with those mapped by the NRCS Web Soil Survey. None of the soils that occur within the study area are designated as hydric. The descriptions of the soil map units are presented below.

Arbuckle Soils

Arbuckle gravelly loam, 8 to 15 percent slopes (AID) occurs in the majority of the study area, especially in the interior and near West Lakeshore Drive. Arbuckle Soil Series consists of very deep and well drained soils that formed in alluvium derived from sedimentary and metamorphic rock. Arbuckle soils are typically found on low terraces at elevations of 30 to 2,000 feet and have slopes of 0 to 75 percent. They are used for dryland and irrigated orchards, irrigated row and field crops, dry-farmed grain, and for range animals. Vegetation in uncultivated areas is typically annual grasses and associated herbaceous plants.

Lodo Soils

Lodo rocky loam, 25 to 50 percent slopes eroded (LpF2) is limited to the northeastern boundary of the study area along Ryan Road. Lodo Soil Series consists of fine-loamy or mixed, excessively drained soils that formed in material weathered from hard shale and fine-grained sandstone. Lodo soils are typically found on mountainous uplands at elevations of 300 to 3,400 feet and have slopes of 5 to 75 percent. They are used mostly for grazing, wildlife, and watershed. Vegetation in uncultivated areas is typically buckwheat, scattered oaks, foothill pines, or chaparral.

3.4 Vegetation Communities

Only one land cover type occurs within the study area: disturbed habitat ([Figure 5](#)). A list of plant species observed within the study area is included as Appendix C.

3.4.1 Disturbed Habitat

This land cover type is not formally recognized as an official vegetation community. Disturbed areas comprise the entire study area and generally consist of areas which have undergone prior grading and/or OHV recreational use and unimproved access roads. The site is heavily disked and largely unvegetated, making it difficult to access prior underlying habitat.

Figure 4 USDA Soils Map

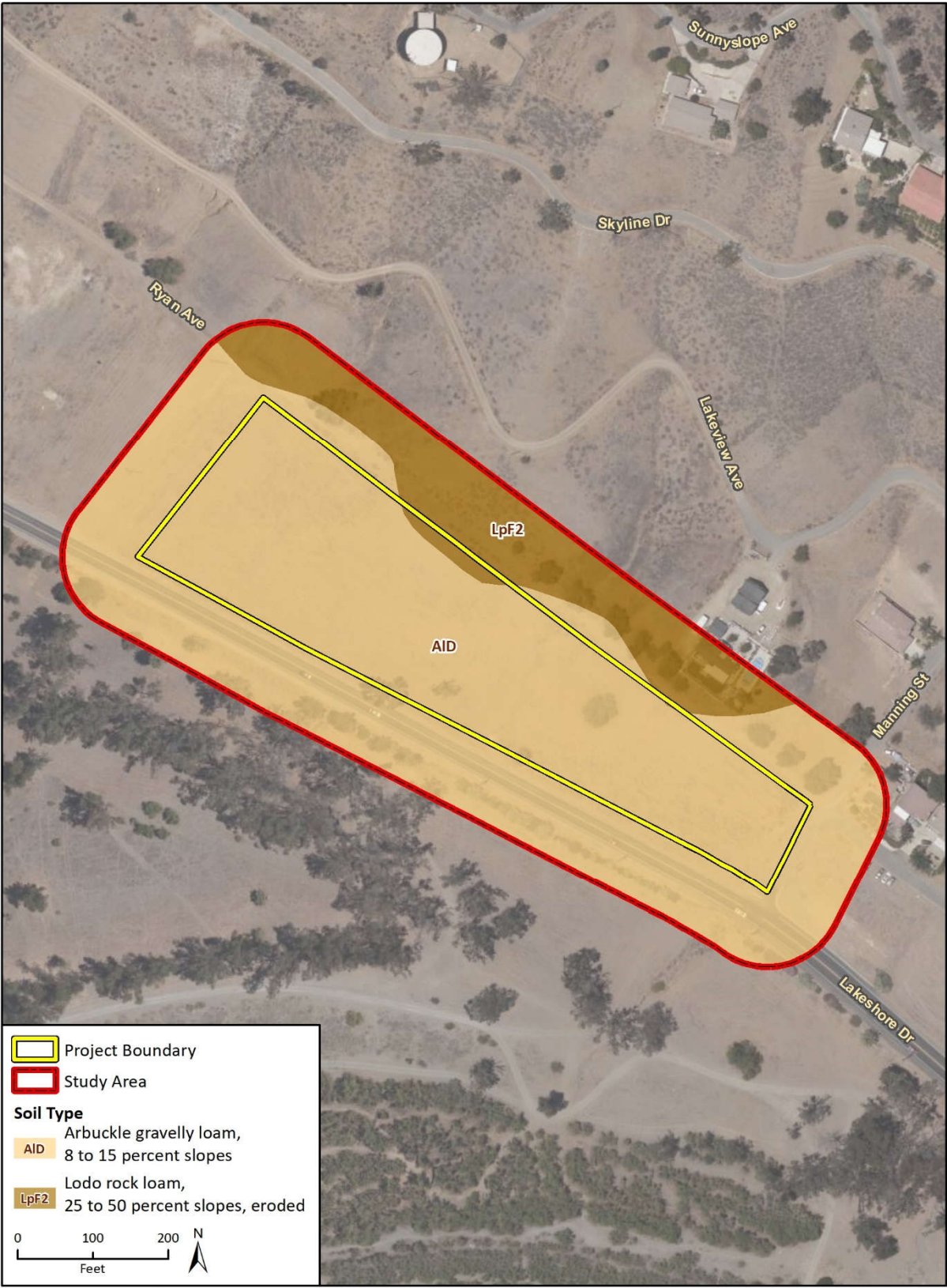


Figure 5 Vegetation Communities Map



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Fig. 5 Vegetation Communities Map

3.5 General Wildlife

The study area provides limited habitat for wildlife species that commonly occur within urban communities in Riverside County. Common urban-adapted avian species such as turkey vulture (*Cathartes aura*), band-tailed pigeon (*Patagioenas fasciata*), Nuttall's woodpecker (*Picoides nuttallii*), common raven (*Corvus corax*), rock pigeon (*Columba livia*), mourning dove (*Zenaida macroura*), Cassin's kingbird (*Tyrannus vociferans*), bushtit (*Psaltiriparus minimus*), hooded oriole (*Icterus cucullatus*), California towhee (*Melospiza crissalis*) and Anna's hummingbird (*Calypte anna*) were observed on site during the surveys. Additionally, two avian species generally associated with the nearby Lake Elsinore flew over the site: osprey (*Pandion haliaetus*) and red-winged blackbird (*Agelaius phoeniceus*). Desert cottontail (*Sylvilagus audubonii*) and California ground squirrel (*Otospermophilus beecheyi*) were the only live mammals observed within the study area, although burrows that appeared to be created by pocket gopher (*Thomomys* sp.) were also detected within the study area. Additionally, coyote (*Canis latrans*) scat was observed within the study area. Western fence lizard (*Sceloporus occidentalis*) was the only reptile observed within the study area. Sensitive species with potential to occur within the study area are discussed in Section 4.0.

4 Western Riverside County MSHCP Consistency Analysis

4.1 MSHCP Requirements

The MSHCP establishes habitat assessment requirements for certain species of plants, birds, mammals, and amphibians. The proposed project is located within the Elsinore Area Plan. It is not located within a Cell group or Criteria Cell, but it is within the Santa Ana Mountains Habitat Management Unit. The study area does not occur within any required habitat assessment areas or other study areas (Appendix A).

This habitat assessment addresses the potential for sensitive biological resources to occur within the study area. The habitat assessment addresses the presence/absence of riparian/riverine areas and vernal pools in the study area, includes an urban/wildlands interface analysis, and identifies any migratory corridors and linkages located on or in the vicinity of the study area.

4.2 Habitat Assessment

4.2.1 Riparian/Riverine, Vernal Pool Areas and Jurisdictional Features

Section 6.1.2 of the MSHCP describes the process to protect species associated with riparian/riverine areas and vernal pools. As defined in the MSHCP, riparian/riverine areas are lands which contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or depend on a nearby freshwater source or areas that contain a freshwater flow during all or a portion of the year. These areas may support one or more species listed in Section 6.1.2 of the MSHCP. Vernal pools are seasonal wetlands that occur in depressions, typically have wetland indicators that represent all three parameters (soils, vegetation, and hydrology), and are defined based on vernal pool indicator plant species during the wetter portion of the growing season but normally lack wetland indicators associated with vegetation and/or hydrology during the drier portion of the growing season.

The ditch on site was inspected for riparian habitat characteristics such as dominance of hydrophytic vegetation, suitable topography and hydrology, suitable soil substrate, and the suitability to support associated species. This assessment is independent from considerations given to Waters of the U.S. and Waters of the State under the Clean Water Act (CWA) or the state Porter-Cologne Water Quality Control Act, or from the CDFW lake and streambed alteration program (California Fish and Game Code 1600 et seq.).

Based upon the findings of Rincon's reconnaissance survey, a single ditch is present within the study area (Figure 3). This ditch originates from runoff from improved roads generally east of the property and conveys flows northeast to southwest onto the study area along the eastern property boundary. It is an approximately 20-foot long incised, ephemeral ditch which enters a culvert pipe and flows under Lakeshore Drive and continues into a larger, offsite ditch approximately 100 feet

long that dissipates before reaching the shoreline at Lake Elsinore. No surface water was present within this ditch during the field survey. It was primarily unvegetated, but did contain a single California buckwheat (*Eriogonum fasciculatum*), a few doveweed (*Croton setigerus*), and dry shortpod mustard (*Hirschfeldia incana*). The large, offsite portion of the ditch was heavily vegetated with dry shortpod mustard. The average width of this ditch is 2 feet on site.

The single ditch observed within the study area does not drain into areas designated for conservation under the MSHCP. Further, this ditch does not provide wetland habitat, did not result from human actions to create open waters, or from the alteration of natural stream courses, and does not contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, and is therefore excluded from the definitions of riparian/riverine areas and vernal pools. Additionally, the ditch described does not contain suitable habitat for MSHCP-covered species that occur in riparian/riverine areas (e.g., least Bell's vireo [*Vireo bellii pusillus*], southwestern willow flycatcher [*Empidonax traillii extimus*], western yellow-billed cuckoo [*Coccyzus americanus occidentalis*], etc.). For these reasons, the ditch has been determined to not provide any function or value to these MSHCP-covered species.

4.2.2 Jurisdictional Drainages and Wetlands

Waters of the U.S. and Waters of the State are defined under the Clean Water Act (USACE 33 CFR Part 328) and the Porter-Cologne Water Quality Control Act (CA Water Code Section 13000 et seq.). Waters of the U.S. or Waters of the State fall under the jurisdiction of the USACE, RWCQB, and CDFW and may require acquisition of permits for impacts to them.

U.S. Army Corps of Engineers

The USACE's Clean Water Rule (2015) excludes ditches with ephemeral flow except where a ditch is excavated in or relocates a covered tributary. This is an active topic, however, as the regulations recently changed and this rule will be ineffective beginning November 2019. Additionally, water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand or gravel that fill with water and drainage features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, and non-wetland swales are not "waters of the United States".

The ditch within the study area contains ephemeral flow and was not excavated in, and did not relocate, a covered tributary. It does not fall under the jurisdiction of USACE due to its isolation and substantial distance from navigable or interstate waters.

For these reasons, Rincon has preliminarily determined that USACE-jurisdictional "waters of the United States" are not present within the study area.

California Regional Water Quality Control Board

Current regulatory practice by the RWQCB has led Rincon to the conclusion that the ditch and culvert inlet does not comprise RWQCB-jurisdictional “waters of the State” as they are man-made and/or originate from localized erosion and road runoff, and do not contain a natural water source.

California Department of Fish and Wildlife

The ditch and culvert inlet are derived from localized erosion and road runoff, and do not contain a natural water source, with no real origin or destination beyond the offsite portion of the ditch. This ditch does not contain distinct habitat for wildlife species separate from the adjacent upland habitat. The vegetation type associated with this ditch is entirely upland; and no hydrophytic vegetation is present.

4.2.3 Urban/Wildlands Interface Guidelines

According to section 6.1.4 of the MSHCP, the Urban/Wildlands Interface Guidelines are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area. The study area is not near a conservation area (the closest is located approximately 0.75 miles northeast of the study area) and therefore the Urban/Wildlife Interface Guidelines are not applicable. Furthermore, the study area is separated from the nearest conservation area by Highway 74 and a residential area.

4.3 Other Sensitive Biological Resources

Sensitive biological resources not addressed by the MSHCP include USFWS critical habitat, nesting birds, and protected trees.

4.3.1 Critical habitat

As indicated by the USFWS Critical habitat portal (USFWS 2019b) and the CDFW BIOS (CDFW 2019c), critical habitat for San Diego ambrosia (*Ambrosia pumila*) is located approximately 1.4 miles north of the study area and Critical habitat the USFWS Critical habitat for coastal California gnatcatcher (*Polioptila californica californica*) is located approximately 1.4 miles northeast of the study area. San Diego ambrosia is listed as Endangered by USFWS and has a rank of 1B.1 by the CNPS. California coastal gnatcatcher is listed as a Species of Special Concern in California and is listed as Threatened by the USFWS. Based on the distance of critical habitat from the study area and lack of suitable habitat, the proposed project is not expected to affect Critical habitat for these species.

4.3.2 Nesting Birds

California Fish and Game Code Section 3503 and the Migratory Bird Treaty Act (MBTA) protect native birds and their nests from direct take. The study area contains trees, shrubs and ground surfaces suitable for nesting birds. The properties adjacent to the study area contain ornamental/landscaping that may provide suitable nesting habitat for several avian species. Additionally, large stands of eucalyptus and riparian woodlands exist about 106 feet southwest of the study area, adjacent to Lakeshore Drive and along the lake shore.

4.3.3 Protected Trees

There is a single Canary Island date palm (*Phoenix canariensis*) present on the study area that is protected by the Lake Elsinore Significant Palm Trees Ordinance (Chapter 5.116). Based on review of the site plan the date palm will require removal to accommodate the proposed project footprint. The City requires a palm tree removal permit to remove palm trees that exceed five feet in height measured from the ground at the base of the trunk to the base of the crown. The palm tree removal permit application requires an arborist report be prepared to City standards pursuant to the ordinance. Removed significant palms are to be relocated within the City or are replaced/mitigated with palm tree(s) of like species and quantity and of commensurate aesthetic value as determined by the Director of Community Services.

4.3.4 Special-status Plants

No special-status plant species were observed on the study area during the survey. All species with recorded occurrences in the study area vicinity are associated with habitats not found on the study area.

5 Impact Analysis and Mitigation Measures

This section discusses the possible adverse impacts to biological resources that may occur from implementation of the proposed project and suggests appropriate avoidance, minimization, and mitigation measures that would reduce those impacts to less than significant levels.

5.1 MSHCP Requirements

The project site falls within the MSHCP fee area. Payment of any necessary development mitigation fees (whether special-status species are present or not), as well as compliance with the requirements of Section 6.0 of the MSHCP, is intended to provide full mitigation under CEQA, the National Environmental Policy Act (NEPA), the California Endangered Species Act (CESA), and the Federal Endangered Species Act (FESA) for impacts on species and habitats covered by the MSHCP, pursuant to agreements with the USFWS and the CDFW, as set forth in the implementing agreement for the MSHCP.

5.2 Habitat Assessment

The project will not impact narrow endemic plant species, riparian/riverine habitat or species, vernal pools/fairy shrimp habitat, or conservation areas. Therefore, the project will not conflict with Sections 6.1.2, 6.1.3, and 6.3.2 of the MSHCP. Under the requirements of Section 6.3.1 of MSHCP, vegetation mapping is provided herein to assess the presence of suitable habitat for Criteria Area Plant Species.

5.3 Riparian/Riverine and Jurisdictional Features

The study area contains a single ditch; however, the ditch is not consistent with the MSHCP definition of a riparian/riverine system. No riparian/riverine species, pursuant to MSHCP guidelines, were observed. Therefore, no further actions under the MSHCP are recommended. The ditch is also not under the jurisdiction of the USACE, RWQCB, or CDFW.

5.4 Nesting Birds

Migratory or other common bird species may nest in the red gum (*Eucalyptus camaldulensis*), Canary island date palm, and Peruvian pepper trees (*Schinus molle*) on site or the adjacent offsite grove of red gum on the other side of Lakeshore Drive to the southwest. Therefore, construction of the project has the potential to directly (by destroying a nest) or indirectly (through construction noise, dust, and other human disturbances that may cause a nest to fail) impact nesting birds protected under the CFGC and MBTA if construction occurs during the nesting bird season (February 1 through August 31). Implementation of the following recommended measures would help assure avoidance and/or minimization of potential impacts to nesting birds and raptors:

- To avoid take of nesting birds, vegetation removal and initial ground disturbance should occur outside the nesting bird breeding season, which is approximately February 1 through August 31.

If construction must begin within the bird breeding season, then no more than one (1) week prior to ground disturbance and/or vegetation removal, a nesting bird preconstruction survey should be conducted by a qualified biologist within the disturbance footprint plus a 300-foot buffer. If no nests are observed, no further action is required.

- If nests are found, their locations should be flagged and then mapped onto an aerial photograph of the project site and/or recorded with the use of a GPS unit. An appropriate avoidance buffer (size of buffer depending upon the species and the proposed work activity) should be determined and demarcated by a qualified biologist. No work should occur within the avoidance buffer, and a qualified biologist should be present on site to monitor bird behavior and ensure no disturbance to the nest occurs as necessary.
- If disturbance is detected (e.g., alarm calling, flight from the nest) as determined by the qualified biologist, work in the area should halt immediately until such time as the young have left the nest of their own volition. Work may take place on other areas of the project site as long the activity does not likewise result in disturbance to the nest or nesting bird, as determined by a qualified biologist.

6 Limitations, Assumptions, and Use Reliance

An MSHCP consistency analysis and habitat assessment has been performed in accordance with professionally accepted biological investigation practices conducted at this time and in this geographic area. The biological investigation is limited by the scope of work performed. In addition, general biological (or protocol) surveys do not guarantee that the organisms are not present and will not be discovered in the future within the site. In particular, mobile wildlife species could occupy the site on a transient basis, or re-establish populations in the future. Additionally, plants may not be identifiable outside the normal blooming period and it may not be possible to detect them during surveys. Plants could also become present if environmental conditions change, such as rain events, and dormant individual blooms. Our field studies were based on current industry practices, which change over time and may not be applicable in the future. No other guarantees or warranties, expressed or implied, are provided. The findings and opinions conveyed in this report are based on findings derived from site reconnaissance, jurisdictional areas, review of CNDDDB RareFind5, and specified historical and literature sources. Standard data sources relied upon during the completion of this report, such as the CNDDDB, may vary with regard to accuracy and completeness. In particular, the CNDDDB is compiled from research and observations reported to CDFW that may or may not have been the result of comprehensive or site-specific field surveys. Although Rincon believes the data sources are reasonably reliable, Rincon cannot and does not guarantee the authenticity or reliability of the data sources it has used. Additionally, pursuant to our contract, the data sources reviewed included only those that are practically reviewable without the need for extraordinary research and analysis.

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8 Certification and List of Preparers

I hereby certify that the statements furnished above and in the attached exhibits present data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: September 19, 2019

Signed:



Ryan Gilmore, Senior Biologist

RINCON CONSULTANTS, INC.

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Appendix A

The Riverside County Integrated Project (RCIP) Conservation Summary Report

Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

APN	Cell	Cell Group	Acres	Area Plan	Sub Unit
375092002	None	None	0.62	Elsinore Plan	None
375092003	None	None	0.59	Elsinore Plan	None
375092004	None	None	0.27	Elsinore Plan	None
375092005	None	None	2.59	Elsinore Plan	None
375092006	None	None	0.25	Elsinore Plan	None

Habitat Assessments

Habitat assessment shall be required and should address at a minimum potential habitat for the following species:

APN	Amphibia Species	Burrowing Owl	Criteria Area Species	Mammalian Species	Narrow Endemic Plant Species	Special Linkage Area
375092002	No	No	No	No	No	No
375092003	No	No	No	No	No	No
375092004	No	No	No	No	No	No
375092005	No	No	No	No	No	No
375092006	No	No	No	No	No	No

Criteria Area Species

The project site is not in a criteria area species study area.

Background

The final MSHCP was approved by the County Board of Supervisors on June 17, 2003. The federal and state permits were issued on June 22, 2004 and implementation of the MSHCP began on June 23, 2004.

For more information concerning the MSHCP, contact your local city or the County of Riverside for the unincorporated areas. Additionally, the Western Riverside County Regional Conservation Authority (RCA), which oversees all the cities and County implementation of the MSHCP, can be reached at:

Western Riverside County Regional Conservation Authority
 3403 10th Street, Suite 320
 Riverside, California 92501
 Phone: (951) 955-9700
 Fax: (951) 955-8873
www.wrc-rca.org

Introduction

As urbanization has increased within western Riverside County, state and federal regulations have required that public and private developers obtain "Take permits" from Wildlife Agencies for impacts to endangered, threatened, and rare species and their Habitats. This process, however, has resulted in costly delays in public and private Development projects and an assemblage of unconnected Habitat areas designated on a project-by-project basis. This piecemeal and uncoordinated effort to mitigate the effects of Development does not sustain wildlife mobility, genetic flow, or ecosystem health, which require large, interconnected natural areas.

A variety of capitalized terms are used in this report. Definitions for those terms are provided at the end of this report.

The MSHCP is a criteria-based plan, focused on preserving individual species through Habitat conservation. The MSHCP is one element of the Riverside County Integrated Project (RCIP), a comprehensive regional planning effort begun in 1999. The purpose of the RCIP is to integrate all aspects of land use, transportation, and conservation planning and implementation in order to develop a comprehensive vision for the future of the County. The overall goal of the MSHCP is rooted in the RCIP Vision Statement and supporting policy directives. The MSHCP will enhance maintenance of biological diversity and ecosystem processes while allowing future economic growth. Preserving a quality of life characterized by well-managed and well-planned growth integrated with an open-space system is a component of the RCIP vision. The MSHCP proposes to conserve approximately 500,000 acres and 146 different species. Approximately 347,000 acres are anticipated to be conserved on existing Public/Quasi-Public Lands, with additional contributions on approximately 153,000 acres from willing sellers. The overall goal of the MSHCP can be supported by the following:

- **Biological Goal:** In the MSHCP Plan Area, conserve Covered Species and their Habitats.
- **Economic Goal:** Improve the future economic development in the County by providing an efficient, streamlined regulatory process through which Development can proceed in an efficient way. The MSHCP and the General Plan will provide the County with a clearly articulated blueprint describing where future Development should and should not occur.
- **Social Goal:** Provide for permanent open space, community edges, and recreational opportunities, which contribute to maintaining the community character of Western Riverside County.

This report has been generated to summarize the guidance in the MSHCP Plan that pertains to this property. Guidelines have been incorporated in the MSHCP Plan to allow applicants to evaluate the application of the MSHCP Criteria within specific locations in the MSHCP Plan Area. Guidance is provided through Area Plan Subunits, Cell Criteria, Cores and Linkages and identification of survey requirements. The guidance and Criteria incorporate flexibility at a variety of levels. The information within this report is composed of three parts: a summary table, Reserve Assembly guidance and survey requirements within the MSHCP Plan Area. The summary table provides specific information on this property to help determine whether it is located within the MSHCP Criteria Area or any study areas. The Reserve Assembly guidance provides direction on assembly of the MSHCP Conservation Area if the property is within the Criteria Area. The survey requirements section describes the surveys that must be conducted on the property if Habitat is present for certain identified species within the Criteria Area or mapped study areas.

Reserve Assembly Guidance within the Criteria Area

The Reserve Assembly guidance only pertains to properties that are within the Criteria Area. Please check the summary table to determine whether this property is within the Criteria Area. If it is located inside of the Criteria Area, please read both this section and the section about survey requirements within the MSHCP Plan Area. If the property is located outside the Criteria Area, only read the survey requirements within the MSHCP Plan Area section.

The Area Plan Subunits, Cell Criteria and Cores and Linkages provide guidance on assembly of the MSHCP Conservation Area. The Area Plan Subunits section lists Planning Species and Biological Issues and Considerations that are important to Reserve Assembly within a specific Area Plan Subunit. The Cell Criteria identify applicable Cores or Linkages and describe the focus of desired conservation within a particular Cell or Cell Group. Cores and Linkages guidance includes dimensional data and biological considerations within each identified Core or Linkage.

The following is the Area Plan text and Cell Criteria that pertains specifically to this property. The Area Plan text includes the target acreage for conservation within the entire Area Plan, identification of Cores and Linkages within the entire Area Plan and Area Plan Subunit Planning Species and Biological Issues and Considerations. It is important to keep in mind that the Area Plan Subunits, Cell Criteria and Cores and Linkages are drafted to provide guidance for a geographic area that is much larger than an individual property. The guidance is intended to provide context for an individual property and, therefore, all of the guidance and Criteria do not apply to each individual property.

Elsinore Area Plan

This section identifies target acreages, applicable Cores and Linkages, Area Plan Subunits and Criteria for the Elsinore Area Plan. For a summary of the methodology and map resources used to develop the target acreages and Criteria for the MSHCP Conservation Area, including this Area Plan, see Section 3.3.3.

Target Acreages

The target conservation acreage range for the Elsinore Area Plan is 66,500 – 73,315 acres; it is composed of approximately 54,800 acres of existing Public/Quasi-Public Lands and 11,700 – 18,515 acres of Additional Reserve Lands. The City of Canyon Lake and the City of Lake Elsinore sit entirely within the Elsinore Area Plan. The target acreage range within the City of Canyon Lake is 30 – 50 acres. The target acreage range within the City of Lake Elsinore is 4,830 – 7,870 acres. The target acreages of both Cities are included within the 11,700 – 18,515 acre target conservation range on Additional Reserve Lands for the entire Elsinore Area Plan.

Applicable Cores and Linkages

The MSHCP Conservation Area comprises a variety of existing and proposed Cores, Linkages, Constrained Linkages and Noncontiguous Habitat Blocks (referred to here as “Cores and Linkages”). The Cores and Linkages listed below are within the Elsinore Area Plan. For descriptions of these Cores and Linkages and more information about the biologically meaningful elements of the MSHCP Conservation Area within the Elsinore Area Plan, see Section 3.2.3 and MSHCP Volume II, Section A.

Cores and Linkages within the Elsinore Area Plan

- Contains all of Proposed Constrained Linkage 5
- Contains all of Proposed Constrained Linkage 6
- Contains most of Proposed Core 1
- Contains a portion of Proposed Extension of Existing Core 2
- Contains all of Proposed Extension of Existing Core 3
- Contains all of Proposed Linkage 1
- Contains all of Proposed Linkage 2
- Contains a portion of Proposed Linkage 3
- Contains a portion of Proposed Linkage 7
- Contains a large portion of Proposed Linkage 8

Descriptions of Planning Species, Biological Issues and Considerations and Criteria for each Area Plan Subunit within the Elsinore Area Plan are presented later in this section. These descriptions, combined with the descriptions of the Cores and Linkages referred to above, provide information about biological issues to be considered in conjunction with Reserve Assembly within the Elsinore Area Plan. As noted in Section 3.1, the Area Plan boundaries established as part of the Riverside County General Plan were selected to provide an organizational framework for the Area Plan Subunits and Criteria. While these boundaries are not biologically based, unlike the Cores and Linkages, they relate specifically to General Plan boundaries and the jurisdictional boundaries of incorporated Cities and were selected to facilitate implementation of the MSHCP in the context of existing institutional and planning boundaries.

Area Plan Subunits

The Elsinore Area Plan is divided into six Subunits. For each Subunit, target conservation acreages are established along with a description of the Planning Species, Biological Issues and Considerations, and Criteria for each Subunit. For more information regarding specific conservation objectives for the Planning Species, see Section 9.0. Subunit boundaries are depicted on the Cells and Cell Groupings map displays (Figures 3-6 and 3-7). Table 3-4 presents the Criteria for the Elsinore Area Plan.

Surveys within the MSHCP Plan Area

Of the 146 species covered by the MSHCP, no surveys will be required by applicants for public and private projects for 106 of these Covered Species. Covered Species for which surveys may be required by applicants for public and private Development projects include 4 birds, 3 mammals, 3 amphibians, 3 crustaceans, 14 Narrow Endemic Plants, and 13 other sensitive plants within the Criteria Area. Of these 40 species, study area maps are provided for 34 species, and surveys will be undertaken within suitable Habitat areas in locations identified on these maps in the MSHCP Plan. The remaining six species are associated with riparian/riverine areas and vernal pools and include least Bell's vireo, southwestern willow flycatcher, western yellow-billed cuckoo, Riverside fairy shrimp, Santa Rosa Plateau fairy shrimp, and vernal pool fairy shrimp. Although there are no study area maps for these six species, surveys for these species, if necessary, will be undertaken as described below. It is the goal of the MSHCP to provide for conservation of Covered Species within the approximately 500,000 acre MSHCP Conservation Area (comprised of approximately 347,000 acres of existing Public/Quasi-Public Lands and 153,000 acres of new conservation on private lands).

Conservation that may be identified to be desirable as a result of survey findings is not intended to increase the overall 500,000 acres of conservation anticipated under the MSHCP. Please refer to Section 6.0 of the MSHCP Plan, Volume I for more specific information regarding species survey requirements.

As projects are proposed within the MSHCP Plan Area, an assessment of the potentially significant effects of those projects on riparian/riverine areas and vernal pools will be performed as currently required by the California Environmental Quality Act (CEQA) using available information augmented by project-specific mapping. If the mapping identifies suitable habitat for any of the six species associated with riparian/riverine areas and vernal pools listed above and the proposed project design does not incorporate avoidance of the identified habitat, focused surveys for these six species will be conducted, and avoidance and minimization measures will be implemented in accordance with the species-specific objectives for these species. For more specific information regarding survey requirements for species associated with riparian/riverine areas and vernal pools, please refer to Section 6.1.2 of the MSHCP Plan, Volume I.

Habitat conservation is based on the particular Habitat requirements of each species as well as the known distribution data for each species. The existing MSHCP database does not, however, provide the level of detail sufficient to determine the extent of the presence or distribution of Narrow Endemic Plant Species within the MSHCP Plan Area. Since conservation planning decisions for these plant species will have a substantial effect on their status, additional information regarding the presence of these plant species must be gathered during the long-term implementation of the MSHCP to ensure that appropriate conservation of the Narrow Endemic Plants occurs. For more specific information regarding survey requirements for Narrow Endemic Plants, please refer to Section 6.1.3 of the MSHCP Plan, Volume I.

In addition to the Narrow Endemic Plant Species, additional surveys may be needed for certain species in conjunction with Plan implementation in order to achieve coverage for these species. The MSHCP must meet the Federal Endangered Species Act issuance criteria for Habitat Conservation Plans (HCP) which require, among other things, that the HCP disclose the impacts likely to result from the proposed Taking, and measures the applicant will undertake to avoid, minimize and mitigate such impacts. For these species in which coverage is sought under the MSHCP, existing available information is not sufficient to make findings necessary to satisfy these issuance criteria for Take authorization. Survey requirements are incorporated in the MSHCP to provide the level of information necessary to receive coverage for these species in the MSHCP.

Efforts have been made prior to approval of the MSHCP and will be made during the early baseline studies to be conducted as part of the MSHCP management and monitoring efforts to collect as much information as possible regarding the species requiring additional surveys. As data are collected and conclusions can be made regarding the presence of occupied Habitat within the MSHCP Conservation Area for these species, it is anticipated that survey requirements may be modified or waived. Please refer to Sections 6.1.3 and 6.3.2 of the MSHCP Plan, Volume I for more specific information regarding survey requirements.

MSHCP Definitions

Adaptive Management	To use the results of new information gathered through the Monitoring Program of the Plan and from other sources to adjust management strategies and practices to assist in providing for the Conservation of Covered Species.
Adaptive Management Program	The MSHCP's program of Adaptive Management described in Section 5.0 of the MSHCP, Volume I.
Additional Reserve Lands	Conserved Habitat totaling approximately 153, 000 acres that are needed to meet the goals and objectives of the MSHCP and comprised of approximately 56, 000 acres of State and federal acquisition and mitigation for State Permittees, and approximately 97, 000 acres contributed by Local Permittees (Lands acquired since February 3, 2000 are included in the Local Permittees' Additional Reserve Lands contribution pursuant to correspondence discussed in Section 4.0 of the MSHCP, Volume I and on file with the County of Riverside)
Agriculture	For the species analyses, references to agriculture refer to the Vegetation Community, Agriculture, as depicted on the MSHCP Vegetation Map, Figure 2- 1 of the MSHCP, Volume I.
Agricultural Operations	The production of all plants (horticulture), fish farms, animals and related production activities, including the planting, cultivation and tillage of the soil, dairying, and apiculture; and the production, plowing, seeding, cultivation, growing, harvesting, pasturing and fallowing for the purpose of crop rotation of any agricultural commodity, including viticulture, apiculture, horticulture, and the breeding, feeding and raising of livestock, horses, fur-bearing animals, fish, or poultry, the operation, management, conservation, improvement or maintenance of a farm or ranch and its buildings, tools and equipment; the construction, operation and maintenance of ditches, canals, reservoirs, wells and/or waterways used for farming or ranching purposes and all uses conducted as a normal part of such Agricultural Operations; provided such actions are in compliance with all applicable laws and regulations. The definition of Agricultural Operations shall not include any activities on state and federal property or in the MSHCP Conservation Area.
Allowable Uses	Uses allowed within the MSHCP Conservation Area as defined in Section 7.0 of the MSHCP, Volume I.
Annual Report	The reports prepared pursuant to the requirements of Section 6.11 of the MSHCP, Volume I.
Area Plan	A community planning area defined in the County of Riverside General Plan. Sixteen County of Riverside Area Plans are located within the MSHCP Plan Area.
Area Plan Subunit	A portion of an Area Plan for which Biological Issues and Considerations and target acreages have been specified in Section 3.3 of the MSHCP, Volume I.
Biological Issues and Considerations	A list of biological factors to be used by the Plan Participants in assembly of the MSHCP Conservation Area. Biological Issues and Considerations are identified for each Area Plan Subunit in Section 3.3 of the MSHCP, Volume I.
Biologically Equivalent or Superior Determination	Documentation that a particular project alternative will be biologically equivalent or superior to a project consistent with the guidelines and thresholds established in the policies for the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools set forth in Section 6.1.2 of the MSHCP, policies for the Protection of Narrow Endemic Plant Species set forth in Section 6.1.3 of the MSHCP, Additional Survey Needs and Procedures policies set forth in Section 6.3.2 of the MSHCP, and the Criteria Refinement Process set forth in Section 6.5 of the MSHCP.
Biological Monitoring Program	The program detailing the requirements for monitoring of the MSHCP Conservation Area as set forth in Section 5.3 of the MSHCP, Volume I.

Biological Monitoring Report	Reports prepared pursuant to the requirements of Section 5.3.7 of the MSHCP, Volume I.
Bioregion	A generalized area with similar elevation, topography, soils and floristic characteristics within the MSHCP Plan Area. Seven Bioregions are identified in the MSHCP Plan Area and are depicted in Figure 2-6 of the MSHCP, Volume I.
California Department of Fish and Game	CDFG, a department of the California Resources Agency.
California Department of Transportation	Caltrans, a department of the California Business, Transportation and Housing Agency.
Cell	A unit within the Criteria Area generally 160 acres in size, approximating one quarter section.
Cell Group	An identified grouping of Cells within the Criteria Area.
California Environmental Quality Act	CEQA (California Public Resources Code, Section 21000 et seq.) and all guidelines promulgated thereunder, as amended. For the MSHCP, the County shall be the lead agency under CEQA as defined under State CEQA Guidelines section 15367.
California Endangered Species Act	CESA (California Fish and Game code, Section 2050 et seq.) and all rules, regulations and guidelines promulgated thereunder, as amended.
Changed Circumstances	Changes in circumstances affecting a Covered Species or the geographic area covered by the MSHCP that can reasonably be anticipated by the Parties and that can reasonably be planned for in the MSHCP. Changed Circumstances and the planned responses to those circumstances are more particularly described in Section 11.4 of the IA, and Section 6.8 of the MSHCP, Volume I. Changed Circumstances do not include Unforeseen Circumstances.
Cities	The cities of Banning, Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, and Temecula, collectively.
Community and Environmental Transportation Acceptability Process	CETAP, a process overseen by RCTC to identify Acceptability Process future transportation and communication corridors designed to relieve current traffic congestion and provide for the County's and the Cities' future transportation and communication needs.
Conceptual Reserve Design	A reserve concept developed for purposes of providing quantitative parameters for MSHCP species analyses, MSHCP Conservation Area description and target acreages within Area Plan Subunits. The Conceptual Reserve Design is intended to describe one way in which the Additional Reserve Lands could be assembled consistent with MSHCP Criteria.
Conservation	To use, and the use of, methods and procedures within the MSHCP Conservation Area and within the Plan Area as set forth in the MSHCP Plan, that are necessary to bring any listed species to the point at which the measures provided pursuant to FESA and the California Fish and Game Code are no longer necessary. However, Permittees will have no duty to enhance, restore or revegetate MSHCP Conservation Area lands unless required by the MSHCP Plan or agreed to through implementation of the Plan.
Conservation Strategy	The overall approach to assure conservation of individual species within the MSHCP Plan Area; for each individual species, the Conservation Strategy is comprised of four elements: (1) a global conservation goal; (2) global conservation objectives; (3) species-specific conservation objectives that are measurable; and (4) management and monitoring activities.
Conserved Habitat	Land that is permanently protected and managed in its natural state for the benefit of the Covered Species under legal arrangements that prevent its conversion to other land uses, and the institutional arrangements that provide for its ongoing management.

Constrained Linkage	A constricted connection expected to provide for movement of identified Planning Species between Core Areas, where options for assembly of the connection are limited due to existing patterns of use.
Cooperative Organizational Structure	The local administrative structure for Implementation and management of the MSHCP, as set forth in Section 6.6 of the MSHCP, Volume I.
Core Area	A block of Habitat of appropriate size, configuration, and vegetation characteristics to generally support the life history requirements of one or more Covered Species.
Corridor	Refers to the alignment area or footprint for manmade linear projects such as transportation facilities, pipelines and utility lines. Corridor does not have a biological meaning in the MSHCP lexicon.
County	County of Riverside
County Flood Control	Riverside County Flood Control and Water Conservation District
County Parks	Riverside County Regional Parks and Open Space District
County Waste	Riverside County Waste Management District
Covered Activities	Certain activities carried out or conducted by Permittees, Participating Special Entities, Third Parties Granted Take Authorization and others within the MSHCP Plan Area, and described in Section 7 of the MSHCP, Volume I, that will receive Take Authorization under the Section 10(a) Permit and the NCCP Permit, provided these activities are otherwise lawful.
Covered Species	The current 146 species within the MSHCP Plan Area that will be conserved by the MSHCP when the MSHCP is implemented. These species are discussed in Section 2.1.4 of the MSHCP, Volume I, and listed in Exhibit C to the IA and Section 9.2 of the MSHCP, Volume I.
Covered Species Adequately Conserved	The initial 118 Covered Species and any of the remaining 28 Covered Species where the species objectives, set forth in Section 9.2 of the MSHCP, Volume I and Table 9-3, are met and which are provided Take Authorization through the NCCP Permit and for animals through the Section 10(a) Permit issued in conjunction with the IA. These species are discussed in Section 2.1.4 of the MSHCP, Volume I, and listed in Exhibit "D" to the IA and Section 9.2 of the MSHCP, Volume I.
Criteria	Descriptions provided for individual Cells or Cell Groups within the Criteria Area to guide assembly of the Additional Reserve Lands.
Criteria Area	The area comprised of Cells depicted on Figure 3-1 of the MSHCP, Volume I.
Criteria Refinement Process	The process through which changes to the Criteria may be made, where the refined Criteria result in the same or greater Conservation value and acreage to the MSHCP Conservation Area as determined through an equivalency analysis provided in support of the refinement.
Critical habitat	Habitat for species listed under FESA that has been designated pursuant to Section 4 of FESA and identified in 50 C.F.R. §§ 17.95 and 17.96.
Development	The uses to which land shall be put, including construction of buildings, structures, infrastructure and all alterations of the land.
Discretionary Project	A proposed project requiring discretionary action or approval by a Permittee, as that term is used in CEQA and defined in State CEQA Guidelines section 15357, including issuance of a grading permit for County projects.
Edge Effects	Adverse direct and indirect effects to species, Habitats and Vegetation Communities along the natural urban/wildlands interface. May include predation by mesopredators (including native and non-native predators), invasion by exotic species, noise, lighting, urban runoff and other anthropogenic impacts (trampling of vegetation, trash and toxic materials dumping, etc.).
Effective Date	Date on which the IA takes effect, as set forth in Section 19.1 of the IA.

Endangered Species	Those species listed as endangered under FESA and CESA.
Environmental Laws	Includes state and federal laws governing or regulating the impact of development activities on land, water or biological resources as they relate to Covered Species, including but not limited to CESA, FESA, the NCCP Act, CEQA, the National Environmental Policy Act ("NEPA"), the federal Migratory Bird Treaty Act ("MBTA"), the Fish and Wildlife Coordination Act, the Fish and Wildlife Act of 1956, the Federal Water Pollution Control Act (33 U.S.C., Section 1251 et seq.), the Native Plant Protection Act (California Fish and Game Code, Section 1900 et seq. and Sections 1801, 1802, 3511, 4700, 5050 and 5515) and includes any regulations promulgated pursuant to such laws.
Executive Director	Director of the Regional Conservation Authority
Existing Agricultural Operations	Those lands within the MSHCP Plan Area that are actively used for ongoing Agricultural Operations, as further defined in Section 11.3 of the IA and Section 6.2 of the MSHCP, Volume I.
Existing Agricultural Operations Database	The database created by the County to identify Existing Agricultural Operations, as further defined in Section 11.3 of the IA.
Federal Endangered Species Act	FESA (16 U.S.C., Section 1531 et seq.) and all rules and regulations promulgated thereunder, as amended.
Feasible	Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.
Funding Coordination Committee	A committee formed by the Regional Conservation Authority Board of Directors to provide input on local funding priorities and Additional Reserve Land acquisitions.
Habitat	The combination of environmental conditions of a specific place providing for the needs of a species or a population of such species.
HabiTrak	A GIS application to provide data on Habitat loss and Conservation which occurs under the Permits.
Implementing Agreement	The executed agreement that implements the terms and conditions of the MSHCP.
Incidental Take (also see Take)	Take of Covered Species Adequately Conserved incidental to and not the purpose of, an otherwise lawful activity, including, but not limited to, Take resulting from modification of Habitat as defined in FESA and its implementing regulations.
Independent Science Advisors	The qualified biologists, conservation experts and others that may be appointed by the Regional Conservation Authority Executive Director to provide scientific input to assist in the implementation of the MSHCP for the benefit of the Covered Species, as set forth in Section 6.6.7 of the MSHCP, Volume I.
Linkage	A connection between Core Areas with adequate size, configuration and vegetation characteristics to generally provide for "Live-In" Habitat and/or provide for genetic flow for identified Planning Species.
Live-In Habitat	Habitat that contains the necessary components to support key life history requirements of a species; e.g., year-round Habitat for permanent residents or breeding Habitat for migrant species.
Local Development Mitigation Fee	The fee imposed by applicable Local Permittees on new development pursuant to Government Code Section 66000 et seq.
Local Permittees	The Regional Conservation Authority, the County, County Flood Control, County Parks, County Waste, RCTC and the Cities.
Locality(ies)	An area with multiple occurrences of a species based on the MSHCP species occurrence data base or literature citations as noted in individual species accounts.
Long-Term Stephens' Kangaroo Rat	The Long-Term SKR HCP in Western Riverside County dated Habitat Conservation Plan. March 1996, more particularly described in Section 16.2 of the IA.

Maintenance Activities	Those Covered Activities that include the ongoing maintenance of public facilities as described in Section 7.0 of the MSHCP, Volume I.
Major Amendments	Those proposed amendments to the MSHCP and the IA as described in Section 20.5 of the IA and Section 6.10 of the MSHCP, Volume I.
Management Unit	Broad areas planned to be consolidated for overall unified management of the MSHCP Conservation Area. Five management units have been defined and are depicted in Figure 5-1 of the MSHCP, Volume I.
Migratory Bird Treaty Act	Federal MBTA (16 U.S.C., Section 702 et seq.) and all rules and regulations promulgated thereunder, as amended.
Migratory Bird Treaty Special Purpose Permit	Act A permit issued by the USFWS under 50 Code of Federal Regulations, section 21.27, authorizing Take under the MBTA of the Covered Species Adequately Conserved listed as endangered or threatened under FESA in connection with the Covered Activities.
Ministerial Approvals	Certain City approvals involving little or no judgement by the City prior to issuance but that could have adverse impacts to Covered Species and their habitat.
Minor Amendments	Minor changes to the MSHCP and the IA as defined in Section 20.4 of the IA and Section 6.10 of the MSHCP, Volume I.
Mitigation Lands	Subset of Additional Reserve Lands totaling approximately 103, 000 acres, comprised of approximately 97, 000 acres contributed by Local Permittees, and approximately 6, 000 acres contributed by State Permittees.
Monitoring Program	The monitoring programs and activities set forth in Section 5.3 of the MSHCP, Volume I.
Monitoring Program Administrator	The individual or entity responsible for administering the Monitoring Program, as described in Section 5.0 of the MSHCP, Volume I.
MSHCP Conservation Area	Approximately 500, 000 acres comprised of approximately 347, 000 acres of Public/Quasi-Public Lands and approximately 153, 000 acres of Additional Reserve Lands within Western Riverside County. The MSHCP Conservation Area provides for the conservation of the Covered Species.
MSHCP Plan Area	The boundaries of the MSHCP, consisting of an approximate 1, 966 square-mile area in Western Riverside County, as depicted in Figure 1-2 of the MSHCP Plan, Volume I, and Exhibit B of the IA.
Multiple Species Habitat	Western Riverside County Multiple Species Habitat Conservation
Conservation Plan (MSHCP)	Plan, a comprehensive habitat conservation planning program that addresses multiple species' needs, including Habitat, and the preservation of native vegetation in Western Riverside County, as depicted in Figure 3-1 of the MSHCP Plan, Volume I, and Exhibit A of the IA.
NCCP Act	California Natural Community Conservation Planning Act (California Fish and Game Code, Section 2800 et seq.) including all regulation promulgated thereunder, as amended.
NCCP Permit	The Permit issued in accordance with the IA by CDFG under the NCCP Act to permit the Take of identified species, including rare species, species listed under CESA as threatened or endangered, a species that is a candidate for listing, and unlisted species.
National Environmental Policy Act	NEPA (42 U.S.C., Section 4321-4335) and all rules, regulations promulgated thereunder, as amended. For the purposes of the MSHCP, USFWS is the lead agency under NEPA as defined in 40 Code of Federal Regulations section 1508.16.
Narrow Endemic Plant Species	Plant species that are highly restricted by their Habitat affinities, edaphic requirements or other ecological factors, and for which specific conservation measures have been identified in Section 6.1.3 of the MSHCP, Volume I.

New Agricultural Lands	The acreage converted to Agricultural Operations after the Effective Date of the IA, as described in Section 11.3 of the IA and Section 6.2 of the MSHCP, Volume I.
New Agricultural Lands Cap	A designated maximum number of acres of New Agricultural Land within the Criteria Area, as described in Section 11.3 of the IA and Section 6.2 of the MSHCP, Volume I.
No Surprises Assurance	Provided Permittees are implementing the terms and conditions of MSHCP, the IA, and the Permit(s), the USFWS can only require additional mitigation for Covered Species Adequately Conserved beyond that provided for in the MSHCP as a result of Unforeseen Circumstances in accordance with the "No Surprises" regulations at 50 Code of Federal Regulations sections 17.22(b)(5) and 17.32(b)(5) and as discussed in Section 6.8 of the MSHCP, Volume I.
Non-contiguous Habitat Block	A block of Habitat not connected to other Habitat areas via a Linkage or Constrained Linkage.
Other Species	Species that are not identified as Covered Species under the MSHCP.
Participating Special Entity	Any regional public facility provider, such as a utility company or a public district or agency, that operates and/or owns land within the MSHCP Plan Area and that applies for Take Authorization pursuant to Section 11.8 of the IA.
Party and Parties	The signatories to the IA, namely the Regional Conservation Authority, the County, County Flood Control, County Parks, County Waste, RCTC, the Cities, Caltrans, State Parks, USFWS and CDFG and any other city within the Plan Area that incorporates after the Effective Date and complies with Section 11.6 of the IA.
Permit(s)	Collectively, the Section 10(a) Permit and NCCP Permit issued by the Wildlife Agencies to Permittees for Take of Covered Species Adequately Conserved pursuant to FESA, CESA and the NCCP Act and in conformance with the MSHCP and the IA.
Permittees	The Regional Conservation Authority, the County, County Flood Control, County Parks, County Waste, RCTC, the Cities, Caltrans and State Parks.
Plan Area	See "MSHCP Plan Area."
Plan Participants	The Regional Conservation Authority, the County, County Flood Control, County Parks, County Waste, RCTC, the Cities, Caltrans and State Parks and others receiving Take Authorization under the Permits.
Planning Agreement	The document prepared pursuant to the NCCP Act to guide development of the MSHCP, that is contained in Appendix A of the MSHCP, Volume I.
Planning Species	Subsets of Covered Species that are identified to provide guidance for Reserve Assembly in Cores and Linkages and/or Area Plans.
Public/Quasi-Public Lands	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), as generally depicted in Figure 3-1 of the MSHCP, Volume I.
Riverside County Transportation Commission	RCTC, created pursuant to California Public Utilities Code section 130050.
Regional Conservation Authority	The Western Riverside County Regional Conservation Authority, a joint regional authority formed by the County and the Cities to provide primary policy direction for implementation of the MSHCP, as set forth in Section 6.6 of the MSHCP, Volume I, and Section 11.2 of the IA.
Reserve Assembly	Acquisition and Conservation of Additional Reserve Lands.

Reserve Management Oversight	The committee established by the Executive Director to provide Committee biological, technical and operational expertise for implementation of the MSHCP, including oversight of the MSHCP Conservation Area as described in Section 11.2 of the IA and Section 6.6 of the MSHCP, Volume I.
Reserve Management Plan(s)	The plan(s) setting forth management practices for identified portions of the MSHCP Conservation Area prepared and adopted as described in Section 5 of the MSHCP, Volume I.
Reserve Managers	The entities managing identified portions of the MSHCP Conservation Area for the benefit of the Covered Species as described in Section 6.6.5 of the MSHCP, Volume I.
Rough Step	A Reserve Assembly accounting process to monitor Conservation and loss of specified Habitats within the Criteria Area.
Rough Step Analysis Unit	A geographic unit within which Rough Step is tracked. Rough Step Analysis Units are depicted in Figure 6-6 of the MSHCP, Volume I.
Rural Mountainous	A County of Riverside General Plan land use designation currently permitting single-family residential uses with a minimum lot size of 10 acres with limited animal keeping and agricultural uses allowed; characterizes areas of at least 10 acres where a minimum of 70% of the area has slopes of 25% or greater
Section 10(a) Permit	The permit issued by the USFWS to Permittees, in conformance with the IA and pursuant to 16 U.S.C. section 1539(a), authorizing Take of Covered Species Adequately Conserved.
State Assurances	Except for provisions in Section 15.5 of the IA, provided Permittees are implementing the terms and conditions of the MSHCP, the IA, and the Permits, if there are Unforeseen Circumstances, CDFG shall not require additional land, water or financial compensation or additional restrictions on the use of land, water or other natural resources for the life of the NCCP Permit without the consent of the Permittees, unless CDFG determines that continued implementation of the IA, the MSHCP, and/or the Permits would jeopardize the continued existence of a Covered Species, or as required by law and would therefore lead to NCCP Permit revocation or suspension.
State Parks	California Department of Parks and Recreation, a department of the California Resources Agency.
State Permittees	Caltrans and State Department of Parks and Recreation.
Take	The definition of such term in FESA with regard to species listed under FESA, and the definition of such term in the California Fish and Game Code with regard to species listed under CESA.
Take Authorization	The ability to Take species pursuant to the Section 10(a) Permit and/or the NCCP Permit.
Third Party Granted Authorization	Take Any Third Party that receives Third Party Take Authorization in compliance with Section 17 of the IA.
Third Party Take Authorization	Take Authorization received by a landowner, developer, farming interest or other public or private entity from the Permittees pursuant to Section 17 of the IA, thereby receiving Take Authorization for Covered Species Adequately Conserved pursuant to the Permits and in conformance with the MSHCP and IA.
Threatened Species	Those species listed as threatened under FESA and CESA.

Unforeseen Circumstances	Changes in circumstances affecting a Covered Species Adequately Conserved or geographic area covered by the MSHCP that could not reasonably have been anticipated by the Parties at the time of the MSHCP's negotiation and development, and that result in a substantial and adverse change in the status of the Covered Species Adequately Conserved. The term "Unforeseen Circumstances" as defined in the IA is intended to have the same meaning as it is used: 1) to define the limit of the Permittees' obligation on the "No Surprises" regulations set forth in 50 Code of Federal Regulations, sections 17.22 (b)(5) and 17.32 (b)(5); and 2) in California Fish and Game Code section 2805(k).
Unlisted Species	A species that is not listed as rare, endangered or threatened under FESA, CESA or other applicable state or federal law.
United States Fish and Wildlife Service	USFWS, an agency of the United States Department of the Interior.
Urban/Wildlands Interface	The area where structures and other human development occurs in proximity to the MSHCP Conservation Area.
Vegetation Community(ies)	A group of plants that tend to occur together in consistent, definable groups based on typical constituents as depicted on the MSHCP Vegetation Map, Figure 2-1 of the MSHCP, Volume I.
Wildlife Agencies	The USFWS and CDFG, collectively.

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Appendix B

Site Photographs



Photograph 1. View northwest from the southern corner of the study area.



Photograph 2. View northwest of City protected Canary Island palm tree located along West Lakeshore Drive.



Photograph 3. Upstream view of ditch from its north end near the southern corner of the property with West Lakeshore Drive in the background.



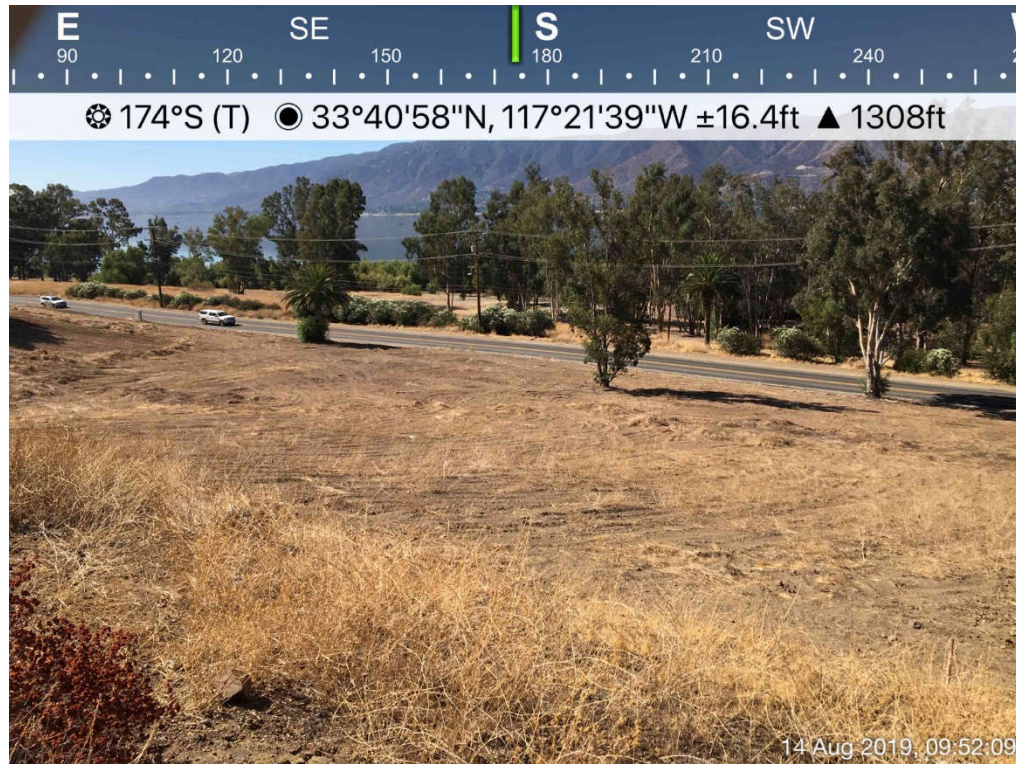
Photograph 4. Downstream view of ditch south of the study area and West Lakeshore Drive.



Photograph 5. South-facing view from Ryan Road near the center of the study area. Note native California buckwheat vegetation.



Photograph 6. View northeast from the eastern corner of the study area.



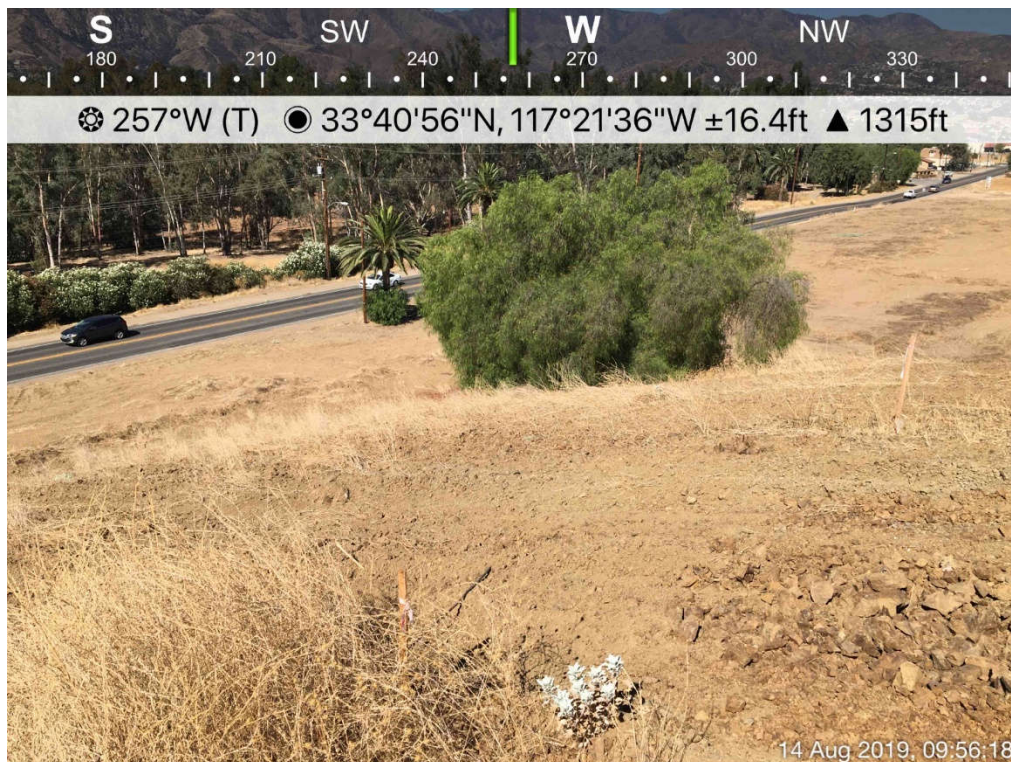
Photograph 7. South-facing view of central portion of the study area towards West Lakeshore Drive. Note large eucalyptus woodland west of the study area. .



Photograph 8. View northeast from the southern corner of the study area.



Photograph 9. Two drainage pipes located south of Ryan Road. Do not appear to have a connection to opposite side of Ryan Road. No observation of erosion or BUOW sign.



Photograph 10. Southwest-facing photo of general site conditions with a non-protected Peruvian pepper tree. Note the large eucalyptus woodland west of the study area and West Lakeshore Drive.

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Appendix C

Observed Plant Species Lists

Observed Plant Species List

Scientific Name ¹	Common Name	Indicator Status ² : Arid West Region
<i>Avena fatua</i>	wildoats	NL (UPL)
<i>Bromus madritensis</i> ssp. <i>rubens</i>	red brome	UPL
<i>Centaurea melitensis</i>	toalote	NL (UPL)
<i>Croton setiger</i>	doveweed	NL (UPL)
<i>Cucurbita foetidissima</i>	Missouri gourd	NL (UPL)
<i>Datura wrightii</i>	jimsonweed	UPL
<i>Encelia farinosa</i>	brittlebush	NL (UPL)
<i>Eriogonum fasciculatum</i>	California buckwheat	FACU
<i>Eucalyptus camaldulensis</i>	red gum	FAC
<i>Euphorbia polycarpa</i>	smallseed sandmat	NL (UPL)
<i>Hirschfeldia incana</i>	shortpod mustard	NL (UPL)
<i>Phoenix canariensis</i>	Canary island date palm	NL (UPL)
<i>Salsola tragus</i>	Russian thistle	FACU
<i>Schinus molle</i>	Peruvian pepper tree	FACU
<i>Schismus barbatus</i>	Mediterranean schismus	NL (UPL)
<i>Tribulus terrestris</i>	puncture vine	NL (UPL)
<i>Trichostema lanceolatum</i>	vinegar weed	FACU

¹ Scientific Name as listed in the State of California 2016 Wetland Plant List for listed species, or from Jepson eFlora for taxa not currently included in the State of California 2016 Wetland Plant List

² Indicator Status Codes:

FAC Equally likely to occur in wetlands and non-wetlands.

FACU Plants that typically occur in xeric or mesic non-wetland habitats but may frequently occur in standing water or saturated soils.

UPL Plants that rarely occur in water or saturated soils.

NL (UPL) Species is not listed and therefore treated as an upland plant in this region

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Appendix D

Regulatory Background

Regulatory Background

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 the threat to continued existence and existing knowledge of population levels.

Federal Endangered Species Act

The United States Fish and Wildlife Service (USFWS) administers the federal Endangered Species Act (FESA) that provides a process for listing species as either threatened or endangered, and the methods of protecting listed species. The FESA defines as “endangered” any plant or animal species that is in danger of extinction throughout all or a significant portion of its range. A “threatened” species is a species that is likely to become endangered in the near future. A “proposed” species is one that has been officially proposed by USFWS for addition to the federal threatened and endangered species list.

Section 9 of the FESA prohibits “take” of threatened or endangered species. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. The presence of any federally threatened or endangered species that are in a study 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 FESA, the USFWS may authorize “take” when it is incidental to, but not the purpose of, an otherwise lawful act.

California Endangered Species Act

The California Department of Fish and Wildlife (CDFW) administers the California Endangered Species Act (CESA). 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.

Section 3503 and 3511 of California Fish and Game Code

The CDFW administers the California Fish and Game Code. There are particular sections of the Code that are applicable to natural resource management. For example, section 3503 of the Code states it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3511 of the 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 fully protected by the State include golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*).

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) makes it unlawful to pursue, capture, kill, or 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.

Western Riverside County Multiple Species Habitat Conservation Plan

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) is a comprehensive, multi-jurisdictional Habitat Conservation Plan (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), California Endangered Species Act (CESA), and FESA will be granted. The Development Mitigation Fee varies according to project size and project description. The fee for commercial development is currently \$ 7,382 per acre (<http://www.wrc-rca.org/wp-content/uploads/FY2020-MSHCP-Fees.pdf>). 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.

Local Jurisdiction

City of Lake Elsinore (City) has guidelines for Significant Palm Tree impacts and significance thresholds for projects in the City and are described in the City’s Municipal Code sections 5.116 (Municipal Code 1999).