

# **HABITAT ASSESSMENT AND MSHCP CONSISTENCY ANALYSIS**

**RIVERSIDE COUNTY CASE FILE # CUP 200002**

**APN 480-462-004**

**CITY OF WINCHESTER, COUNTY OF RIVERSIDE, CALIFORNIA  
(Township 6 South, Range 2 West, Section 32)**

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**Report Title:** Habitat Assessment and MSHCP Consistency Analysis

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## **SECTION 1: SUMMARY**

This report contains the results of a Habitat Assessment and Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis conducted by RCA Associates, Inc on a 2.935-acre parcel located in the City of Winchester, Riverside County, California (Figures 1, 2 and 3). The purpose of the Habitat Assessment is to identify potential impacts to biological resources associated with construction of the proposed commercial project. The project would consist of a gas station, express carwash and Starbucks.

This report describes the results of the site visit conducted on January 6, 2020, which assessed the Property for the potential to support special-status species, and the presence of other sensitive biological resources protected by local, state, and federal laws and regulations. If any special status species were observed during the site visit, they have been recorded accordingly. This report also contains an evaluation of potential impacts to special-status species and sensitive biological resources that may occur as a result of the proposed Project and potential mitigation measures to compensate for those impacts. The assessment includes a review of pertinent literature, a review of the California Natural Diversity Data Base (CNDDDB), field investigations, and analysis of potential impacts to biological resources. As per MSHCP requirements, a focused survey for the burrowing owl (*Athene cunicularia*) was also conducted.

## **SECTION 2: INTRODUCTION**

At the request of the project proponent, RCA Associates, Inc. conducted a habitat assessment and MSHCP Consistency Analysis for the 2.935-acre parcel located in the City of Winchester, Riverside County, California (Figures 1, 2, and 3). The proposed project will hereafter be referred to as the “project” or “project site.”

### **2.1 Project Location**

The project site is located at the intersection of Jean Nicolas Road and Highway 79 and is bordered along its southern boundary by Jean Nicolas Road and on the east by Highway 79 (Township 6 South, Range 2 West, Section 32) (Figure 2). Existing single-family developments are located south of the parcel and vacant lands border the site on the north. The 2.935-acre site is composed of a single parcel (APN 480-462-004). The site appears to have been previously cleared of vegetation several years ago; although, revegetation has occurred and the site now supports a ruderal plant community.

### **2.2 Project Description**

The project proponent is proposing to construct a commercial business on the site (Appendix A, Figure 6). The development would include a gas station, express carwash, and a Starbucks. Development activities would occur within the boundaries of the property, which as discussed above, has been previously disturbed (Figure XXX). The site is located inside the Riverside County HCP fee area for Stephen’s kangaroo rat (Riverside County Habitat Conservation Agency, 1995) (Figure 8).

**Figure 1**

**Figure 2**

**Figure 3**

## **SECTION 3: METHODS**

### **3.1 Western Riverside County MSHCP Consistency Analysis**

RCA Associates, Inc. evaluated the project site in relation to the MSHCP areas including Criteria Cells, Core Habitat, Linkages, and areas proposed for conservation. The MSHCP also requires a riparian/riverine and vernal pool habitat assessment within the project site which were conducted by a biologist from RCA Associates, Inc. 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. In addition, protection of species associated with riparian/riverine areas and vernal pools also needs to be addressed if such habitat is present on the site.

### **3.2 Literature Review**

Prior to conducting the field investigations, a literature review was conducted of all available background data as well as the environmental setting of the project site. The literature reviewed included, but was not limited to, the United States Department of Agriculture (USDA 1971) Soil Survey for the project site, U.S. Fish, and Wildlife Service (USFWS) data sources, and the California Natural Diversity Database (CNDDDB, 2019). The closest recorded location of sensitive species was determined through a five-mile radius query of the CNDDDB (2019) (Appendix A, Table 1). A search of the CNDDDB database was conducted for the Winchester USGS quadrangle and the surrounding eight quadrangles (See Appendix A for results of CNDDDB search.). The CNDDDB database was reviewed to locate the previously recorded locations of sensitive plant and wildlife occurrences and determine the distance from the project site. Additionally, the Riverside County MSHCP was reviewed for additional information on the known occurrence of the species within Riverside County.

The MSHCP Online Conservation Report Generator and Riverside County Land Information

System (RCLIS) databases were queried to determine the specific requirements for compliance with the policies of the MSHCP as described in Volume 1, Chapter 6 Implementation Structure (RCIP 2004), i.e. Reserve Assembly (6.1.1); Riparian/Riverine and Vernal Pools (6.1.2); Narrow Endemic Plants (6.1.3); Urban/Wildlands Interface (6.1.4); and Additional Survey Needs (6.2.3).

### **3.3 Plant Communities**

Plant communities on the site were initially evaluated using aerial photography and were evaluated on the ground using pedestrian surveys conducted by a biologist from RCA Associates, Inc. on January 6, 2020. The plant communities within the project site were classified according to the California Department of Fish and Wildlife (CDFW) List of Terrestrial Natural Communities (2003) and descriptions provided in Holland's Preliminary Descriptions of the Terrestrial Natural Communities of California (1986) were also reviewed.

### **3.4 Riparian/Riverine Habitat and Jurisdictional Areas**

Aerial photography was reviewed prior to conducting the field investigations in January 2020. The aerial photographs were used to determine if any potential natural drainage features and water bodies that may be considered riparian/riverine habitat or which may be under the jurisdiction of either the U.S. Army Corps of Engineers (USACE) and/or CDFW were present on the site. In general, surface drainage features are typically indicated as blue-line streams on USGS maps, which are expected to exhibit evidence of water flow through the channel. Such areas are considered potentially riparian/riverine habitat and may be subject to State and federal regulatory authority as "Waters of the State" or "Waters" of the U.S. Under the MSHCP, riparian/riverine habitat is defined 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 freshwater source, or areas with freshwater flow during all or a portion of the year.

### **3.5 Field Investigation**

RCA Associates, Inc. biologist Randall Arnold surveyed the project site on January 6, 2020 from

about 0730 to 1100 p.m. Weather conditions during the survey included about 25 percent cloud with temperatures ranging from mid-50's to mid-60's °F. The entire project site was assessed to determine the extent of plant communities and to evaluate the presence of any areas which may have any jurisdictional features or may support riparian/riverine habitat. Parameters assessed included soil conditions, the presence of indicator species, slope, aspect, and hydrology.

### **3.6 Plants**

Plant species observed during the field survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Samples of unusual and less familiar plants were collected and returned to the lab for identification using taxonomical guides. Soil maps were used to identify areas of the site which may contain suitable soils to support sensitive plant species. A list of all species observed on the project site was compiled from the survey data (Appendix A, Table 1). The taxonomic nomenclature used in this study follows the California Native Plant Society (CNPS 2019).

### **3.7 Wildlife**

Wildlife species detected during the field surveys were identified by sight, calls, tracks, scat, or other signs and were recorded in a field notebook. Field guides were used to assist with identification of species during surveys and included the Sibley Field Guide to Birds of Western North America (2017) and Burt and Grossenheider (1980) for mammals. Although common names of wildlife species are fairly well standardized, scientific names are used in this report and are provided in Appendix A for reference.

As part of the field investigations, the project site was also evaluated for the presence of suitable burrowing owl (*Athene cunicularis*) habitat. Field investigations for the species' habitat were conducted in conjunction with the general biological surveys. Burrowing owls use a variety of natural and modified habitats for nesting and foraging. As noted above, the site appears to have been cleared of some vegetation several years previous; although, revegetation has occurred

throughout the site. The site supports a ruderal plant community and supports suitable habitat for the burrowing owl. During the habitat assessment, transects were walked throughout the property to identify the presence of any owls or owl burrows. Numerous California ground squirrels were observed throughout the property and numerous suitable burrows for the owl were noted, and additional surveys during the breeding season may be required by CDFW.

### **3.8 Regional Connectivity/Wildlife Habitat Linkages**

The analysis of wildlife habitat linkages associated with the Study Area is based on information compiled from literature, including MSHCP-mapped habitat linkages (Figure 3-2, Schematic Cores and Linkages Map in the MSHCP [2004]); analysis of aerial photographs; and direct observations (including sign, tracks and physical movement barriers, including recent development) made in the field during the January 2020 field investigations. This information was crucial to assessing the relationship of the project site to large open space areas in the region. The discussions in this report are intended to focus on wildlife movement associated with the property and the immediate vicinity.

Wildlife habitat linkages mitigate the effects of habitat fragmentation by (1) allowing animals to move between remaining habitats, which allows depleted populations to be replenished and promotes genetic diversity; (2) providing escape routes from natural disasters, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fires or disease) will result in population or local species extinction; and (3) serving as travel routes for individual animals as they move within their home ranges in search of food, water, mates, and other needs (Noss 1983, Fahrig and Merriam 1985, Simberloff and Cox 1987, Harris and Gallagher 1989). Wildlife linkages are landscape features that connect and link habitat patches or habitat cores with each other. They serve a similar purpose in that they are areas that allow for animal movement, but they may not have all the resources a particular species needs to complete its life cycle.

## **SECTION 4:           EXISTING CONDITIONS**

### **4.1     Environmental Setting**

The property site has been disturbed by past human activities, and appears to have been cleared of native vegetation in previous years. The property supports a ruderal plant community and is flat with a slight slope to the south. The project site is located within an area of the City of Winchester that has been developed or disturbed over the last few decades. The property is bordered on the south and west by an existing residential community and on the north and northwest by vacant lands. Highway 79 borders the site on the east (Figures 1 and 2).

### **4.2     Soils**

The soils in the eastern portion of the property consist of Yokohl loam soils (YbC) usually located on 2 to 8 percent slopes (Figure 9). Placentia fine loam (PIB) occurs in the central area of the site and are located on 0 to 5 percent slopes (Figure 9). Porterville gravelly clay (PVD2) and Porterville clay (PsC) soils are located in the western portion of the property and are typically found on 2 – 15 percent slopes and 2 – 8 percent slopes respectively (Figure 9). None of these soils are listed as hydric soils (U.S. Department of Agriculture [USDA] National List of Hydric Soils, 2018).

### **4.3     Plant Communities**

The site has been disturbed by past human activities and some clearing of native vegetation was removed in previous years (Figures 5 and 6). Yellow-green matchweed (*Gutierrezia sarothrae*), sunflower (*Helianthus annuus*), and various grass species (*Festuca* sp., *Avena* sp., and *Bromus* sp.) were the dominant species. Other plants scattered throughout the site included sage (*Salvia mellifera*), buckwheat (*Eriogonum fasciculatum*), Encelia (*Encelia farinosa*), and fiddleneck (*Amsinckia intermedia*). Several western yellow pine trees (*Pinus jeffreyi*) and ornamental shrubs (unidentified) have been planted along the southern and western edge of the property within the

road right-of-way for Jean Nicholas Road and Highway 79. A compendium of all plant species observed during the January 2020 survey is provided in Table 1 (Appendix A).

#### **4.4 Jurisdictional Waters**

The United States Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States, and the State of California also regulates waters of the State and streambeds under the prevue of regional water quality boards and CDFW jurisdiction. These waters include wetlands and non-wetland bodies of water that meet specific criteria. No jurisdictional areas were observed on the site, nor were any riparian habitats noted. In addition, plant species typically associated with jurisdictional and/or riparian areas (e.g., persistent emergent, emergent mosses, willows, and sedges, etc.) were not observed.

#### **4.5 Nesting Birds**

The property contains marginal nesting bird habitat for avian species given the presence of a few trees and shrubs along the southern and eastern edges of the site. Nesting birds are protected under section 3503 of the CDFW code and/or the Migratory Bird Treaty Act (MBTA). A few common bird species were observed within the project area during the surveys including ravens (*Corvus corax*), Anna's hummingbird (*Calypte anna*), mourning dove (*Zenaida macroura*), and white-crowned sparrow (*Zonotrichia leucophrys*). All bird species observed are included in the faunal compendium in Appendix A, Table 2. As noted in Section 3.7, the site does support some habitat which could potentially be utilized by burrowing owls (BUOW), and numerous California ground squirrel burrows which could potentially provide burrows for the owl were observed on the site.

#### **4.6 Multiple Species Habitat Conservation Plan (MSHCP)**

The project site is located within the MSHCP Additional Survey Areas for Burrowing Owl (Figure 7); therefore, a pre-construction survey for the species will be required prior to development of the site.

#### **4.7 Federal and State Listed Species**

There are several special status wildlife species which have been documented in the region and those species occurring in the Winchester Quadrangle and the surrounding eight quadrangles. The CNDDDB tables for these quadrangles are provided in Appendix A and lists the federal and State listed species, as well as other special status wildlife species.

There are eight federal and/or State listed wildlife species which have been documented in the region including Stephen's kangaroo rat (*Dipodomys stephensii*), coastal California gnatcatcher (*Polioptila californica californica*), tricolored blackbird (*Agelaius tricolor*), yellow-billed cuckoo (*Coccyzus americanus occidentalis*), San Bernardino kangaroo rat (*Dipodomys merriami parvus*), least Bell's vireo (*Vireo bellii pusillus*), bald eagle (*Haliaeetus leucocephalus*), and Swainson's hawk (*Buteo swainsoni*). There are five federal and/or State listed invertebrates species occurring in the region including crotch bumble bee (*Bombus crotchii*), quino checkerspot butterfly (*Euphydras edith quino*), Riverside fairy shrimp (*Streptocephalus woottoni*), vernal pool fairy shrimp (*Brachinecta lynchi*), and San Diego fairy shrimp (*B. sandiegonensis*). Each of the above listed species has specific habitat requirements in order to support populations of the species, and the probability of the site supporting any of these species is discussed in Section 6.3.

There are ten federal and/or State listed plants that have been documented in the region including San Diego button-celery (*Eryngium aristulatum var. paishii*), spreading navarretia (*Navarretia fossalis*), California Orcutt grass (*Orcuttia californica*), three-leaved brodiaea (*Brodiaea filifolia*), San Jacinto Valley crownscale (*Atriplex coronata var. notatior*), Munz's onion (*Allium munzii*), San Diego ambrosia (*Ambrosia pumila*), Mojave tarplant (*Deinandra mohavensis*), slender-horned spineflower (*Dodecahema leptoceras*), and Nevin's barberry (*Berberis nevinii*). The probability of any of these plants occurring on the site is discussed in Section 6.3.

#### **4.8 Wildlife Species of Special Concern and Special Status Plants**

Focused surveys were not conducted for any of the species of special concern; except for the

burrowing owl. The burrowing owl could potentially inhabit the site in the future given the fact owls are sometimes found in disturbed urban areas, and there are numerous existing burrows on the site which are suitable for use by the species. No owls were observed during the field investigations conducted on the site in January 2020; however, given the presence of suitable burrows, CDFW will require a focused/protocol survey be conducted during the breeding season to determine if the site is being utilized by owls. In terms of the special status plants which have been documented in the region, these plants are unlikely to occur on the site given the past disturbances which have occurred during previous years (Appendix A, CNDDDB tables)

## **SECTION 5: WESTERN RIVERSIDE COUNTY MSHCP CONSISTENCY ANALYSIS**

### **5.1 MSHCP Requirements**

The purpose of this discussion is to provide an analysis of the proposed project with respect to compliance with biological aspects of the Western Riverside County MSHCP. Specifically, this analysis evaluates the proposed project with respect to the project's compliance with MSHCP Reserve Assembly Requirements (Section 6.1.1); Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2); Protection of Narrow Endemic Plant Species (Section 6.1.3); Guidelines Pertaining to the Urban/Wildlands Interface (Section 6.1.4), and Additional Survey Needs and Procedures (Section 6.3.2).

### **5.2 Project Relationship to Reserve Assembly**

The subject property is located within Criteria Cell #5479 (Figure 4). The MSHCP established habitat assessment requirements for certain species of plants, birds, mammals, and amphibians. The MSHCP Conservation Areas (3.2.2) may be described in terms of bioregions, vegetation, soils, patch size, and edge affected lands. In regards to bioregions, the site is located in a developed area of the City of Winchester and is not within an area of public/quasi-public conserved lands or within any pre-existing conservation agreements. In addition, the site is not located within any lands that have been designated as American Indian Lands.

### **5.3 Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools**

None of the riparian/riverine species listed in Section 6.1.2 of the MSHCP were found on the property nor were any riparian plant species observed during the field investigations. In addition, there are no features on the site that meet the MSHCP definition of vernal pools. In order to be considered a vernal pool under the MSHCP, a feature must be a wetland (based on the presence of hydrophytic vegetation, hydric soil, and wetland hydrology). The feature must also have a natural

origin. No vernal pools were observed during the field investigations on the project site; consequently, the site does not support suitable habitat for fairy shrimp. The lack of suitable habitat for fairy shrimp is due to the soil that is made up of sandy loam soil which cannot hold water for a long enough duration to allow for the formation of vernal pools. Therefore, the site is also unable to support any sensitive plants that are associated with wetland features. Other non-vernal pool features such as depressions, drainages, and road ruts, which may provide habitat for fairy shrimp, were absent from the site. It is RCA Associates' opinion that the site lacks suitable habitat for fairy shrimp. In addition, no riparian/riverine habitat is present on the site and plant species typically associated with riparian/riverine areas were not present on the property.

#### **5.4 Jurisdictional Waters**

No potential jurisdictional waters (i.e., streams, ponds, lakes, etc.) were observed on the site during the January 2020 field investigations.

#### **5.5 Protection of Narrow Endemic Plant Species**

The project site is not located within the MSHCP Narrow Endemic Plant Species Survey Area (NEPSSA); therefore, focused plant surveys were not conducted for species identified under Section 6.1.3 of the MSHCP. In addition, the property has been disturbed by past human activities and is very unlikely to support any rare plants at the present time. No focused surveys for rare plants are required and the project is consistent with the Narrow Endemic Plant Species requirements of the MSHCP.

#### **5.6 Guidelines Pertaining to the Urban/Wildland Interface**

The MSHCP Urban/Wildland Interface Guidelines are intended to address indirect effects associated with locating development in proximity to MSHCP Conservation Areas. The project site is located in Criteria Cell #5479 and within Subunit 5. There are several main biological issues for this area including: conserve upland habitat, conserve key populations of Quino ckeckerspot

butterfly, conserve key populations of California gnatcatchers, conserve golden eagle nest sites, maintain Bell's vireo populations, maintain habitat for mountain plovers, maintain core areas and linkages for the bobcat, mountain lion, Stephen's kangaroo rat, Quino checkerspot butterfly, and western pond turtle. Given the location of the site in a developed area, and past human disturbances which have occurred on the site, the proposed project is not expected to result in any significant indirect impacts to special-status biological resources. Implementation of Best Management Practices (BMPs) as required by the MSHCP would ensure that the project is in compliance with the MSHCP.

- **Drainage:** The project shall not create additional flow offsite. Measures should be taken to assure that the project stormwater discharge is no greater in volume and velocity than current undeveloped conditions and that the water leaving the site complies with all applicable water quality standards.
- **Toxics:** In concert with drainage requirements, the project is subject to Riverside County Water Quality Management Plan (WQMP) for Urban Runoff, Santa Ana Region, adopted September 17, 2004, and the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharge Associated with Construction Activity (General Permit). Implementation of both the WQMP and the general permit would reduce potential impacts of toxics to the MSHCP conservation area to a level of less than significant.
- **Lighting:** Night lighting shall be directed in such a way as to protect wildlife species from direct night lighting. Shielding shall be incorporated into project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.
- **Noise:** The project area is already subject to relatively high ambient noise levels due to street traffic and noise from adjacent residential developments. The completed project would not impact any MSHCP Conservation Areas with noise levels above the existing ambient noise level. The construction site is far enough away from any MSHCP Conservation Areas that temporary construction-related noise impacts would not negatively impact biological resources within a Conservation Area.

- Invasive Species: No invasive species from MSHCP (Table 6.2) shall be included in any landscaping for the project.
- Barriers: As needed, the project should include the incorporation of rocks/boulders, fencing, walls, signage, and/or other appropriate measures to minimize unauthorized public access, domestic animal predation, and illegal trespass and dumping into the MSHCP Conservation Area. Any barriers shall be outside of the MSHCP Conservation Area.
- Grading: Project related grading would be outside of any MSHCP Conservation Areas.

## **5.7 Wildlife Habitat Linkage**

According to the MSHCP (Figure 3-2: Schematic Cores and Linkages Map), there are no documented terrestrial migration corridors in the immediate vicinity of the project site. Furthermore, the project site is within a developed portion of the County and there are numerous existing residential developments in the immediate area. The site does not provide any wildlife corridors which are used for migration, movement or dispersal of wildlife.

## **5.8 Additional Survey Needs and Procedures**

The project site is located within the MSHCP Additional Survey Areas for Burrowing Owl; however, no surveys will be required for Amphibians, Criteria Area Species, Mammals, or Special Linkage Areas. A burrowing owl survey may be required in order that the project will be consistent with the Additional Survey Needs and Procedures of the MSHCP. As previously noted, there are numerous California ground squirrel burrows which do provide suitable (i.e., occupiable) burrows for the owl.

**Figure 5**

## **SECTION 6: PROJECT IMPACTS AND MITIGATION**

### **6.1 Impacts Per Plant Community**

The proposed project will impact approximately 2.94-acres of ruderal vegetation. Loss of the existing ruderal vegetation would also affect some wildlife species; although, the number of species that would be impacted is relatively low given the small size of the parcel and the absence of any extensive areas of native vegetation.

### **6.2 Nesting Birds**

There is relatively low potential for nesting birds to utilize the few shrubs on the site and the trees along the edge of the property. Potential impacts to nesting birds can be eliminated or significantly reduced if vegetation suitable for nesting birds is removed outside of the nesting bird season. The nesting season for birds typically occurs from February 15<sup>th</sup> to August 31<sup>st</sup>. Therefore, vegetation removal activities should be conducted outside of the nesting bird season, if possible. If grading and clearing activities must occur during the nesting season, a nesting bird survey should be conducted within seven days prior to the start of any ground disturbing activities to determine if any nesting birds occur within the project site. If nesting birds are not found within the project site, no further actions will be required. If nesting birds are observed, no impacts shall occur within 250 feet (500 feet for raptors) of any active nests. Also, construction activity may only occur within 250 feet of an active nest at the discretion of the project's biological monitor.

### **6.3 Federal and State Listed Species and Special Status Species**

Based on the presence of numerous suitable (i.e., occupiable) burrows on the site, a focused survey should be conducted during the breeding season (February 15<sup>th</sup> – August 31<sup>st</sup>.) to determine if the property is being utilized by burrowing owls. In addition, a pre-construction survey for burrowing owl will be required 30-days prior to the start of ground disturbance activities in order to assess the presence of burrowing owl on the property. Owls observed during the pre-construction survey

will be documented and passive relocation may be necessary, under the direction of CDFW as per *The California Burrowing Owl Consortium, 1993*. If burrowing owls have colonized the site prior to initiation of site development, the project proponent should inform the Regional Conservation Authority (RCA) and the wildlife agencies.

#### **6.4 Habitat Fragmentation and Wildlife Movement**

As previously noted, the property is located in an area where habitat has been fragmented due to past development activities, agricultural activities, and on-going developments in the surrounding region. Therefore, the incremental loss of wildlife habitat associated with the proposed development is expected to be negligible. There are no wildlife corridors present on the site and the proposed project will not impede regional wildlife movement or impact any MSHCP-designated corridors or habitat linkages. Therefore, the proposed project is not expected to have any significant impacts in regard to habitat fragmentation and regional wildlife movement.

#### **6.5 Critical and Sensitive Habitat and Jurisdictional Waters**

No depressions or areas where water would pool were observed within the project site which would be classified as vernal pools. Consequently, the site does not support suitable habitat for fairy shrimp. None of the riparian/riverine species listed in Section 6.1.2 of the MSHCP were found within the project site during the January 2020 field investigations, nor were any sensitive plants identified during the field investigations.

#### **6.6 Local Policies and Ordinances**

The proposed project will not conflict with or have any adverse impact on any local policies or ordinances.

## **SECTION 7: CONCLUSIONS**

No listed or special status plant or wildlife species or sensitive habitats were observed within the project site during the field investigations conducted on January 6, 2020. The property does not contain any vernal pools or Urban/Wildlands interface areas. The following recommended actions will ensure that the project is consistent with the MSHCP:

- Conduct nesting bird surveys if vegetation removal is conducted between February and August, and conduct a focused survey for the burrowing owl during the breeding season.
- A pre-construction survey for burrowing owls should be conducted 30 days prior to the start of any ground disturbance activities to ensure no burrowing owls have moved onto the site since the initial field surveys conducted in January 2020.

If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.

**SECTION 8: CERTIFICATION**

I hereby certify that the statements furnished above and in the attached exhibits, present the 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. Fieldwork conducted for this assessment was performed by me or other biologists under my direct supervision. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the project applicant or applicant's representative and that I have no financial interest in the project.

Date: January 31, 2020      Signed: *Randall Arnold*

Work Performed By:                      Randall Arnold  
President and Principal Biologist

## SECTION 9: REFERENCES

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## **Appendix A**

### **Figures and Tables**

## **Appendix B**

### **Site Photographs**



**CNDDDB Summary Tables for the Winchester Quadrangle and  
Surrounding Eight Quadrangles**

**Table 1 - Plants observed on the site and known to occur in the area.**

Note: The following Tables are not comprehensive lists of every plant or animal species which may occur in the area, but are a list of those common species which have been identified on the site or in the region by biologists from RCA Associates, Inc.

<b>Common Name</b>	<b>Scientific Name</b>	<b>Comments</b>
Yellow-green matchweed	<i>Gutierrezia sarothrea</i>	On-site and Surrounding Area
Plantago	<i>Plantago erecta</i>	Surrounding area
Fiddleneck	<i>Amsinckia tessellata</i>	On-site and surrounding area
Black mustard	<i>Brassica nigra</i>	“
Brome grass	<i>Bromus sp.</i>	“
Tree tobacco	<i>Nicotianna glauca</i>	Surrounding area
Olive tree	<i>Olea europaea</i>	“
Sunflower	<i>Helianthus annuus</i>	On-site
Encelia	<i>Encelia farinosa</i>	“
Russian thistle	<i>Salsola tragus</i>	Surrounding Area
Dove weed	<i>Eremocarpus setigerus</i>	“
Lamb's quarters	<i>Chenopodium album</i>	“
Heliotrope	<i>Heliotropium sp.</i>	“
Buckwheat	<i>Eriogonum fasciculatum</i>	On-site
Phacelia	<i>Phacelia distans</i>	Surrounding area
Goldfields	<i>Lasthenia californica</i>	“
Sage	<i>Salvia mellifera</i>	On-site
Yellow pine trees	<i>Pinus jeffreyi</i>	“
Festuca	<i>Festuca sp.</i>	“
Wild oat	<i>Avena sp.</i>	“

**Table 2 - Wildlife observed on the site and those species expected to the area.**

Note: The above Tables are not comprehensive lists of every plant or animal species which may occur in the area, but are a list of those common species which have been identified on the site or in the region by biologists from RCA Associates, Inc.

Common Name	Scientific Name	Comments
<b>Mammals</b>		
Desert cottontail	<i>Sylvilagus auduboni</i>	Observed on-site
California ground squirrel	<i>Spermophilus beecheyi</i>	“
Coyote	<i>Canis latrans</i>	Known to occur in area
Deer mouse	<i>Peromyscus maniculatus</i>	May occur on-site.
California mouse	<i>P. californicus</i>	“
Botta’s pocket gopher	<i>Thomomys bottae</i>	Occurs in area
<b>Birds</b>		
Raven	<i>Corvus corax</i>	Observed on-site.
Crow	<i>C. brachyrhynchus</i>	“
Western meadowlark	<i>Sturnella neglecta</i>	Observed in area
Western kingbird	<i>Tyrannus verticalis</i>	“
Say’s Phoebe	<i>Sayornis saya</i>	“
Northern mockingbird	<i>Mimus polyglottus</i>	“
Anna’s hummingbird	<i>Calypte anna</i>	“
Mourning dove	<i>Zenaida macroura</i>	“
California quail	<i>Callipepla Californica</i>	“
White-crowned sparrow	<i>Zonotrichia leucophrys</i>	“
Red-tail Hawk	<i>Buteo jamaicensis</i>	“
American robin	<i>Turdus migratorius</i>	“
Ash-throated flycatcher	<i>Myiarchus cinerascens</i>	“
Rock pigeon	<i>Columba livia</i>	“
Brewer’s blackbird	<i>Euphagus cyanocephalus</i>	“
Lark sparrow	<i>Chondestes grammacus</i>	“
House finch	<i>Carpodacus mexicanis</i>	“
Bullock’s oriole	<i>Icterus bullockii</i>	“
Sage sparrow	<i>Amphispiza belli</i>	“
Costa hummingbird	<i>Calypte costae</i>	“
<b>Reptiles and Amphibians</b>		
Gopher snake	<i>Pituophis melanoleucus</i>	Occurs in area
Common garter snake	<i>Thamnophis sirtalis</i>	“
Side-blotched lizard	<i>Uta stansburiana</i>	“
Western fence lizard	<i>Sceloporus occidentalis</i>	“
Granite spiny lizard	<i>Sceloporus orcuttii</i>	“

**SOURCES:**

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## **Appendix 3**

### **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.

### **CEQA GUIDELINES SECTION 15380**

Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines Section 15380(b) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definition in FESA and the section of the California Fish and Game Code dealing with rare or endangered plants or animals. This section was included in CEQA primarily to deal with situations in which a public agency is reviewing a project that may have a significant effect on, for example, a candidate species that has not been listed by either USFWS or CDFW. Thus, CEQA provides an agency with the ability to protect a species from the potential impacts of a project until the respective government agencies have an opportunity to designate the species as protected if warranted. CEQA also calls for the protection of other locally or regionally significant resources, including natural communities. Although natural communities do not at present have legal protection of any kind, CEQA calls for an assessment of whether any such resources would be affected and requires findings of significance if there would be substantial losses. Natural communities listed by CNDDDB as sensitive are considered by CDFW to be significant resources and fall under the CEQA Guidelines for addressing impacts. Local planning documents such as general plans often identify these resources as well.

### **FEDERAL ENDANGERED SPECIES ACT**

The U.S. 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 in 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 project area generally imposes severe constraints on development, particularly if the 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 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 taking, as defined above.

### **SECTION 3503 AND 3511 OF CALIFORNIA FISH AND WILDLIFE CODE**

The CDFW administers the California Fish and Wildlife 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.

### **CALIFORNIA NATIVE PLANT PROTECTION ACT**

The California Native Plant Protection Act (CNPPA) of 1977 (Fish and Wildlife Code Sections 1900–1913) is intended to preserve, protect, and enhance endangered or rare native plants in California and gives the CDFW authority to designate state endangered, threatened, and rare plants

and provides specific protection measures for identified populations. The Act also directs the California Fish and Game Commission to adopt regulations governing taking, possessing, propagation, and sale of any endangered or rare native plant.

Vascular plants listed as rare or endangered by the California Native Plant Society (2011), but which have no designated status or protection under federal or state endangered species legislation, are defined as follows:

- Rank 1A: Plants Believed Extinct.
- Rank 1B: Plants Rare, Threatened, or Endangered in California and elsewhere.
- Rank 2: Plants Rare, Threatened, or Endangered in California, but more numerous elsewhere.
- Rank 3: Plants About Which More Information is Needed - A Review List.
- Rank 4: Plants of Limited Distribution - A Watch List.

#### **NATURAL COMMUNITY CONSERVATION PLANNING PROGRAM**

The Natural Community Conservation Program (NCCP) Act, Sections 2800-2840 of the state Fish and Game Code, authorized the preparation of NCCPs to protect natural communities and species while allowing a reasonable amount of economic development. The MSHCP, adopted by the County of Riverside on June 17, 2003, serves as a Habitat Conservation Plan (HCP) pursuant to the NCCP Act and pursuant to Section 10 (a)(1)(B) of the FESA.