INFORMATION SUMMARY

A. Report Date: July 16th, 2022

B. Report Title: Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Biological Resources Compliance Analysis for the 35.65-Acre Duke Patterson & Nance Warehouse Project Site, City of Perris, Riverside County, California.

C. APN#: Onsite, 314-160-003 to -012, 314-153-015 to -030, 314-153-032 to -040, 314-153-042, -044, -046, Portion of 314-153-048, and -031. Offsite, Right of Ways, Portion of 314-153-031, -048, -050. -052, -072, and -077.

D. Project Location: USGS 7.5' Series Steele Peak and Perris Quadrangles, Township 4 South, Range 4 West, Section 1, East of Patterson Avenue, West of Nevada Street and bisected by Nance Street, as shown in Attachment A, *Regional Location Map* and Attachment B, *Vicinity Map*.

E. Applicant Rep: Albert A. Webb Associates
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F. MOU Principal: Cadre Environmental
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G. Date of Survey: March 4th, August 3rd, 5th, 12th, and 19th, 2021.

H. Summary: The 35.65-acre property (5.60-acre offsite impact area) is located within the MSHCP Mead Valley Area Plan. The project site is not located within an MSHCP Criteria Area, Cell Group, or Linkage Area. Therefore, no Habitat Evaluation and Acquisition Negotiation Strategy (HANS) or Joint Project Review (JPR) are required.

The MSHCP has determined that all of the sensitive species potentially occurring onsite have been adequately covered (MSHCP Table 2-2 Species Considered for Conservation Under the MSHCP Since 1999, 2004). However, additional surveys may be required for

narrow endemic plants, criteria area species, and specific wildlife species, if suitable habitat is documented onsite and/or if the property is located within a predetermined "Survey Area" (MSHCP 2004).

The project site does not occur within a predetermined Survey Area for criteria area or narrow endemic plant species. (RCA GIS Data Downloads 2022). No additional surveys are required.

The project site does not occur within a predetermined Survey Area for amphibians (RCA GIS Data Downloads 2022. No additional surveys are required.

The project site does not occur within a predetermined Survey Area for mammals (RCA GIS Data Downloads 2022). No additional surveys are required.

The project site occurs almost completely within a predetermined Survey Area for the burrowing owl (*Athene cunicularia*) as shown in Attachment C, *MSHCP Relationship Map*. Suitable burrowing owl burrows potentially utilized for refugia and/or nesting were documented within the property including foraging habitat throughout the project site. Based on the presence of suitable habitat, focused MSHCP burrowing owl surveys were conducted during the summer of 2021 to determine the presence/absence and status of the species within and adjacent to the project site. No burrowing owl or characteristic sign such as white-wash, feathers, tracks, or pellets were detected within or immediately adjacent to the project site during the 2021 survey effort (Cadre Environmental 2022). A 30-day MSHCP preconstruction survey will also be required immediately prior to the initiation of construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP.

No MSHCP 6.1.2 riparian or riverine resources were documented within or adjacent to the project site. Preparation of an MSHCP Determination of Biological Equivalent or Superior Preservation (DBESP) will not be required.

No riparian scrub, forest or woodland habitat is located within or adjacent to the project site. No suitable habitat for the least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*) or western yellow-billed cuckoo (*Coccyzus americanus*) is present onsite as detailed in the following report and shown in Attachment D, *Vegetation Communities Map*, and Attachments E to H, *Current Project Site Photographs*. No additional surveys are required.

No MSHCP Section 6.1.2 vernal pool resources, road ruts or depressions were documented onsite as described in detail in the following report. No additional surveys for fairy shrimp are required.

No features regulated by the Santa Ana Regional Water Quality Control Board, California Department of Fish and Wildlife and United States Army Corps of Engineers were documented within or adjacent to the project site. No regulatory permits or certifications are required.

SUBJECT

Western Riverside County Multiple Species Habitat Conservation Plan Biological Resources Compliance Analysis for the 35.65-Acre (5.60-Acre Offsite Impact Area) Duke Patterson & Nance Warehouse Project Site, City of Perris, Western Riverside County, California.

This report presents the findings of a biological resources Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) compliance analysis for the 35.65-acre (5.60-acre offsite impact area) Duke Patterson and Nance Warehouse project site "Project Site" located within the City of Perris, western Riverside County, California. Specifically, the Project Site is located within Assessor Parcel Numbers (APNs) 314-160-003 to -012, 314-153-015 to -030, 314-153-032 to -040, 314-153-042, -044, -046, Portion of 314-153-048, and -031: Offsite Right of Ways, Portion of 314-153-031, -048, -050. -052, -072, and -077. The purpose of this study, conducted by Cadre Environmental, is to document the existing biological resources, identify general vegetation types, and assess the potential biological and regulatory constraints associated with the proposed development and ensure compliance with the Western Riverside County MSHCP.

The Project Site is located within United States Geological Survey (USGS) 7.5' Series Steele Peak and Perris Quadrangles, Township 4 South, Range 4 West, Section 1. Specifically, the Project Site extends east of Patterson Avenue, west of Nevada Avenue and is bisected by Nance Street, as shown in Attachment A, *Regional Location Map* and Attachment B, *Vicinity Map*.

The Project Site is located within the MSHCP Mead Valley Area Plan. The Project Site is not located within an MSHCP Criteria Area, Cell Group, or Linkage Area.

This report incorporates the findings of an extensive literature review, compilation of existing documentation, and field reconnaissance conducted on March 4th, 2021. This documentation is consistent with accepted scientific and technical standards, the requirements of the United States Fish and Wildlife Service (USFWS), and the California Department of Fish and Wildlife (CDFW). When appropriate, general biological resources are described in summary form in an effort to provide the reader with adequate background information. However, the report focuses on documenting those resources considered to be significant and/or sensitive as outlined by the California Environmental Quality Act (CEQA) and the Western Riverside County MSHCP.

The initial site assessment also focused on determining the extent of features onsite subject to the United States Army Corps of Engineers (USACE) jurisdiction pursuant to Section 404 of the Clean Water Act, CDFW jurisdiction pursuant to Division 2, Chapter 6, Section 1600 of the Fish and Wildlife Code, the Santa Ana Regional Water Quality Control Board (RWQCB) 401 certification/Waste Discharge Requirements (WDR's), and MSHCP jurisdiction pursuant to section 6.1.2 (MSHCP 2004).

Accordingly, this report provides an overview of potential USACE, RWQCB, CDFW, MSHCP riparian/riverine/vernal pool jurisdictional resources and a habitat assessment for species that may require additional focused surveys as outlined by the MSHCP.

PROJECT DESCRIPTION

The proposed project includes the construction of an approximately 769,668 square foot (SF) warehouse facility/offices and parking. Offsite impacts include improvements to Patterson Avenue, Nevada Avenue, Nance Street and connections to existing sewer, recycled water and storm drain alignments.

METHODS OF STUDY

APPROACH

Prior to visiting the Project Site, a review of all available and relevant data on the biological characteristics, sensitive habitats, and species potentially present on or adjacent to the Project Site was conducted. Additionally, aerial photography, and USGS topographic map were examined. After reviewing the available information, Cadre Environmental conducted a physical site assessment.

As required by the MSHCP, and during the initial property assessment process, all Project Site APN's were searched using the Regional Conservation Authority (RCA) Geographic Information System (GIS) Data to determine if the property falls within a "Criteria Area" and if additional surveys for narrow endemic/criteria area plant species or wildlife not adequately covered by the MSHCP may be required as shown in Attachment C, *MSHCP Relationship Map*.

Data, which contain digital images derived from aerial photography with orthographic projection properties, were used in conjunction with Cadre Environmental's in-house geographic information system (GIS) database as an important base layer to identify vegetation communities, drainage features, and USFWS designated critical habitat boundaries. Vegetation communities were then "ground-truthed" during field observations to obtain characteristic descriptions.

LITERATURE REVIEW

The study was initiated with a review of relevant literature on the biological resources of the Project Site and vicinity. The MSHCP list of covered species potentially occurring onsite was also examined (MSHCP Table 2-2 Species Considered for Conservation Under the MSHCP Since 1999, 2004). In addition, federal register listings, protocols, and species data provided by USFWS were reviewed in conjunction with anticipated federally listed species potentially occurring at the Project Site. The California Natural Diversity Database (CNDDB),[1] a review of the California Native Plant Society sixth inventory (Tibor

[1] California Natural Diversity Data Base, Department of Fish and Wildlife. March 2021. Natural Heritage Program: RareFind, Steele Peak and Perris Quadrangles.

2001), and Roberts et al. (2004) were also reviewed for pertinent information regarding the location of known occurrences of sensitive species in the vicinity of the property. In addition, numerous regional floral and faunal field guides were utilized in the identification of species and suitable habitats. Documents consulted regarding potential onsite biological conditions are listed in the references section at the end of this report.

FIELD INVESTIGATION

The Project Site was surveyed on March 4th, 2021. The survey included complete coverage of the Project Site, with special attention focused toward sensitive species or those habitats potentially supporting sensitive flora or fauna that would be essential to efficiently implementing the terms and conditions of the Western Riverside County MSHCP including features potentially subject to MSHCP 6.1.2 jurisdiction. Aerial photography of the Project Site and vicinity was utilized to accurately locate and survey the property. General plant communities were preliminarily mapped directly on the aerial photo using visible landmarks in the field, which are depicted in Attachment D, *Vegetation Communities Map*. Representative photographs of the Project Site's natural resources and existing conditions were taken during the field survey Attachment E to H, *Current Project Site Photographs*.

Plant Community/Habitat Classification and Mapping

Plant communities were preliminarily mapped with the aid of an aerial photograph using the MSHCP uncollapsed vegetation communities classification system when appropriate. When a vegetation community could not be accurately characterized using this information, an updated community classification code was developed to more accurately represent onsite habitat types.

General Plant Inventory

All plants observed during the survey efforts were either identified in the field or collected and later identified using taxonomic keys. Plant taxonomy and nomenclatural changes follow Baldwin et al. (2012) or the Jepson Flora Project (2022). Common names used in this report generally follow Roberts et al. (2004) or Baldwin et al. (2012). Scientific names are included only at the first mention of a species; thereafter, common names alone are used.

General Wildlife Inventory

General wildlife surveys were not conducted during the general biological habitat assessment. However, animals identified during the reconnaissance survey by sight, call, tracks, nests, scat, remains, or other signs were recorded in field notes. All wildlife was identified in the field with the aid of binoculars and taxonomic keys (if applicable). Vertebrate taxonomy followed in this report is according to the Center of North American Herpetology (2022) for amphibians and reptiles, the American Ornithologists' Union (1998 and supplemental) for birds, and Bradley et al. (2014) for mammals. Scientific names are used during the first mention of a species; common names only are used in the remainder of the text (if applicable).

MSHCP Burrowing Owl Habitat Assessment

The majority of the Project Site occurs within an MSHCP burrowing owl (*Athene cunicularia*) survey area and a habitat assessment was conducted for the species to ensure compliance with MSHCP guidelines for the species.

In accordance with the MSHCP Burrowing Owl Survey Instructions (2006), survey protocol consists of two steps, Step I – Habitat Assessment and Step II – Locating Burrows and Burrowing Owls. The following section describes the approach to conducting the habitat assessment.

Step I – Habitat Assessment

Step 1 of the MSHCP habitat assessment for burrowing owl consists of a walking survey to determine if suitable habitat is present onsite. Cadre Environmental conducted the habitat assessment on March 4th, 2021. Upon arrival at the Project Site, and prior to initiating the assessment survey, Cadre Environmental used binoculars to scan all suitable habitats on and adjacent to the property, including perch locations, to ascertain owl presence.

All suitable areas of the Project Site were surveyed on foot by walking slowly and methodically while recording/mapping areas that may represent suitable owl habitat onsite. Primary indicators of suitable burrowing owl habitat in western Riverside County include, but are not limited to, native and non-native grassland, interstitial grassland within shrub lands, shrub lands with low density shrub cover, golf courses, drainage ditches, earthen berms, unpaved airfields, pastureland, dairies, fallow fields, and agricultural use areas. Burrowing owls typically use burrows made by fossorial mammals, such as ground squirrels (*Otospermophilus beecheyi*) or badgers (*Taxidea taxus*), but they often utilize man-made structures, such as earthen berms, cement culverts, cement, asphalt, rock, wood debris piles, openings beneath cement or asphalt pavement. Burrowing owls are often found within, under, or in close proximity to man-made structures.

According to the MSHCP guidelines, if suitable habitat is present, the biologist should also walk the perimeter of the property, which consists of a 150-meter (approximately 500 feet) buffer zone around the Project Site boundary. If permission to access the buffer area cannot be obtained, the biologist shall not trespass, but visually inspect adjacent habitats with binoculars. In addition to surveying the entire Project Site all bordering natural habitats located immediately adjacent to the Project Site were assessed.

Results from the habitat assessment indicate that suitable resources for burrowing owl are present within the Project Site.

Step II – Locating Burrows and Burrowing Owls

Concurrent with the initial habitat assessment, a detailed focused burrow survey was conducted and included documentation of appropriately sized natural burrows or suitable man-made structures that may be utilized by burrowing owl - as part of the MSHCP

protocol, which is described below under Part A. Focused Burrow Survey. The MSHCP protocol indicated that no more than 100 acres should be surveyed per day/per biologist.

Part A: Focused Burrow Survey

A systematic survey for burrows, including burrowing owl sign, was conducted by walking across all suitable habitats mapped within the Project Site on March 4th, 2021. Pedestrian survey transects were spaced to allow 100% visual coverage of the ground surface. The distances between transect centerlines were no more than 20 meters (approximately 66 ft.) apart, and owing to the terrain, often much smaller. Transect routes were also adjusted to account for topography and in general ground surface visibility.

All observations of suitable burrows or dens, natural or man-made, or sightings of burrowing owl, were recorded and mapped during the survey.

Part B: Focused Burrowing Owl Surveys

Four (4) focused burrowing owl surveys (in addition to the initial focused burrow survey – Step II, Part A) were conducted on August 3rd, 5th, 12th, and 19th, 2021 from one hour before sunrise to two hours after sunrise. During visual surveys, all potentially suitable burrow or structure entrances were investigated for signs of owl occupation, such as feathers, tracks, or pellets, and carefully observed to determine if burrowing owls utilize these features, when present. All burrows are monitored at a short distance from the entrance, and at a location that would not interfere with potential owl behavior, when present. In addition to monitoring potential burrow locations, all suitable habitats in the Study Area were walked along transects averaging 20 meters (approximately 66 feet) between centerlines

Regional Connectivity/Wildlife Movement Corridor Assessment

The analysis of wildlife movement corridors associated with the Project Site and its immediate vicinity is based on information compiled from literature, analysis of the aerial photograph, and direct observations made in the field during the site visit.

A literature review was conducted that included documents on island biogeography (studies of fragmented and isolated habitat “islands”), reports on wildlife home range sizes and migration patterns, and studies on wildlife dispersal. Wildlife movement studies conducted in southern California were also reviewed. Use of field-verified digital aerial data, in conjunction with the GIS database, allowed proper identification of vegetation communities and drainage features. This information was crucial to assessing the relationship of the property to large open space areas in the immediate vicinity and was also evaluated in terms of connectivity and habitat linkages. Relative to corridor issues, the discussions in this report are intended to focus on wildlife movement associated with the property and the immediate vicinity.

EXISTING CONDITIONS

The Project Site is generally flat and currently dominated by fallow field croplands. Disturbed and developed regions of the Project Site include the offsite alignments of Patterson Avenue, Nevada Avenue, and Nance Street as illustrated in Attachment, D *Vegetation Communities Map*, Attachments E to H, *Current Project Site Photographs*, and outlined in Table 1, *Project Site Vegetation Community Acreages*.

Table 1, Project Site Vegetation Community Acreages

Vegetation Community	Project Site (ac)	Offsite (ac)	TOTAL Project Site (ac)
Field Croplands (fallow)	32.06	1.13	33.19
Developed	--	2.27	2.27
Disturbed	3.59	2.20	5.79
TOTAL	**35.65**	**5.60**	**41.25**

Source: Cadre Environmental 2022.

SOILS

The Soil Survey of Western Riverside Area has classified the Project Site as Exeter sandy loam, deep, 0 to 2 percent slopes (EpA), Greenfield sandy loam, 0 to 2 percent slopes (GyA), Pachappa fine sandy loam, 0 to 2 percent slopes (PaA), and Ramona sandy loam, 0 to 2 percent slopes (RaA), as illustrated in Attachment I, *Soils Association Map*. All soils documented within the Project Site are characterized as being well drained (drainage class).

PLANT COMMUNITY/HABITAT CLASSIFICATION

Field Croplands (Fallow)

The majority of the Project Site is characterized as fallow field croplands dominated by false barley (*Hordeum murinum*), ripgut grass (*Bromus diandrus*), foxtail chess (*Bromus madritensis* ssp. *rubens*), wild oat (*Avena fatua*), stinknet (*Oncosiphon piluliferum*), red-stemmed filaree (*Erodium cicutarium*), white-stemmed filaree (*Erodium moschatum*), tocalote (*Centaurea melitensis*), yellow star-thistle (*Centaurea solstitialis*), horseweed (*Erigeron canadensis*), Russian thistle (*Salsola tragus*), and common fiddleneck (*Amsinckia menziesii*).

Developed

The developed region of the Project Site includes the paved portion of Patterson Avenue.

Disturbed

Disturbed habitat documented within the Project Site include areas generally devoid of vegetation including Nevada Avenue and Nance Street right of ways.

WILDLIFE POPULATIONS

General wildlife species documented onsite or within the vicinity during the site visits include red-tailed hawk (*Buteo jamaicensis*), Anna's hummingbird (*Calypte anna*), mourning dove (*Zenaida macroura*), cliff swallow (*Petrochelidon pyrrhonota*), Phainopepla (*Phainopepla nitens*), American crow (*Corvus brachyrhynchos*), western kingbird (*Tyrannus verticalis*), Say's phoebe (*Sayornis saya*), western meadowlark (*Sturnella neglecta*), house finch (*Carpodacus mexicanus*), great egret (*Ardea alba*), desert cottontail (*Sylvilagus audubonii*), and California ground squirrel (*Otospermophilus beecheyi*).

REGIONAL CONNECTIVITY/WILDLIFE MOVEMENT

Overview

Wildlife corridors link together areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated "islands" of wildlife habitat. In the absence of habitat linkages that allow movement to adjoining open space areas, various studies have concluded that some wildlife species, especially the larger and more mobile mammals, will not likely persist over time in fragmented or isolated habitat areas because they prohibit the infusion of new individuals and genetic information (MacArthur and Wilson 1967, Soule 1987, Harris and Gallager 1989, Bennett 1990). Corridors effectively act as links between different populations of a species. A group of smaller populations (termed "demes") linked together via a system of corridors is termed a "metapopulation." The long-term health of each deme within the metapopulation is dependent upon its size and the frequency of interchange of individuals (immigration vs. emigration). The smaller the deme, the more important immigration becomes, because prolonged inbreeding with the same individuals can reduce genetic variability. Immigrant individuals that move into the deme from adjoining demes mate with individuals and supply that deme with new genes and gene combinations that increases overall genetic diversity. An increase in a population's genetic variability is generally associated with an increase in a population's health.

Corridors 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 fire, 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 movement activities usually fall into one of three movement categories: (1) dispersal (e.g., juvenile animals from natal areas, individuals extending range distributions); (2) seasonal migration; and (3) movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover). A number of terms have been used in various wildlife movement studies, such as "wildlife corridor", "travel route", "habitat linkage", and "wildlife crossing" to refer

to areas in which wildlife moves from one area to another. To clarify the meaning of these terms and facilitate the discussion on wildlife movement in this study, these terms are defined as follows:

Travel Route: A landscape feature (such as a ridge line, drainage, canyon, or riparian strip) within a larger natural habitat area that is used frequently by animals to facilitate movement and provide access to necessary resources (e.g., water, food, cover, den sites). The travel route is generally preferred because it provides the least amount of topographic resistance in moving from one area to another; it contains adequate food, water, and/or cover while moving between habitat areas; and provides a relatively direct link between target habitat areas.

Wildlife Corridor: A piece of habitat, usually linear in nature, that connects two or more habitat patches that would otherwise be fragmented or isolated from one another. Wildlife corridors are usually bounded by urban land areas or other areas unsuitable for wildlife. The corridor generally contains suitable cover, food, and/or water to support species and facilitate movement while in the corridor. Larger, landscape-level corridors (often referred to as "habitat or landscape linkages") can provide both transitory and resident habitat for a variety of species.

Wildlife Crossing: A small, narrow area, relatively short in length and generally constricted in nature, that allows wildlife to pass under or through an obstacle or barrier that otherwise hinders or prevents movement. Crossings typically are manmade and include culverts, underpasses, drainage pipes, and tunnels to provide access across or under roads, highways, pipelines, or other physical obstacles. These are often "choke points" along a movement corridor.

Wildlife Movement within the Project Site

The Project Site does not represent a regional wildlife movement corridor. The Project Site is not located within an MSHCP designated core, extension of existing core, non-contiguous habitat block, constrained linkage, or linkage area.

SENSITIVE BIOLOGICAL RESOURCES

OVERVIEW OF CLASSIFICATIONS

The following discussion describes the plant and wildlife species present, or potentially present, within the property boundaries, that have been afforded special recognition by federal, state, or local resource conservation agencies and organizations, principally due to the species' declining or limited population sizes, usually resulting from habitat loss. Also discussed are habitats that are unique, of relatively limited distribution, or of particular value to wildlife. Protected sensitive species are classified by either state or federal resource management agencies, or both, as threatened or endangered under provisions of the state and federal Endangered Species Acts. Vulnerable or "at-risk" species that are proposed for listing as threatened or endangered are categorized

administratively as "candidates" by the USFWS. The CDFW uses various terminology and classifications to describe vulnerable species. There are additional sensitive species classifications applicable in California. These are described below.

Sensitive biological resources are habitats or individual species that have special recognition by federal, state, or local conservation agencies and organizations as endangered, threatened, or rare. The CDFW, the USFWS, and special groups like the California Native Plant Society (CNPS) maintain watch lists of such resources. For the purpose of this assessment, sources used to determine the sensitive status of biological resources are:

Plants: USFWS (2020), CNDDB (CDFW 2021a), CDFW (2021b), CNPS (2021), and Skinner and Pavlik (1994),

Wildlife: California Wildlife Habitat Relationships (2008), USFWS (2020), CNDDB (CDFW 2021a), and CDFW (2021b).

Habitats: CNDDB (CDFW 2021a).

Federal Protection and Classifications

The Federal Endangered Species Act of 1973 (FESA) defines an endangered species as "any species that is in danger of extinction throughout all or a significant portion of its range." Threatened species are defined as "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Under provisions of Section 9(a)(1)(B) of the FESA, it is unlawful to "take" any listed species. "Take" is defined as follows in Section 3(18) of the FESA: "...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Further, the USFWS, through regulation, has interpreted the terms "harm" and "harass" to include certain types of habitat modification as forms of a "take." These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species. In a case where a property owner seeks permission from a federal agency for an action that could affect a federally listed plant and animal species, the property owner and agency are required to consult with the USFWS. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants. Recently, the USFWS instituted changes in the listing status of former candidate species. Former C1 (candidate) species are now simply referred to as candidate species and represent the only candidates for listing. Former C2 species (for which the USFWS had insufficient evidence to warrant listing at this time) and C3 species (either extinct, no longer a valid taxon, or more abundant than was formerly believed) are no longer considered as candidate species. Therefore, these species are no longer maintained in list form by the USFWS, nor are they formally protected. However, some USFWS field offices have issued memoranda stating that former C2 species are henceforth to be considered Federal Species of Concern. This term is employed in this document, but carries no official protections. All references to federally protected species in this report (whether listed, proposed for listing, or a candidate) include the most current published status or candidate category to which each species has been assigned by the USFWS.

For purposes of this assessment, the following acronyms are used for federal status species:

FE	Federal Endangered
FT	Federal Threatened
FPE	Federal Proposed Endangered
FPT	Federal Proposed Threatened
FC	Federal Candidate for Listing

State of California Protection and Classifications

The California Endangered Species Act (CESA) defines an endangered species as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease." The State defines a threatened species as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species." Candidate species are defined as "...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list." Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike the federal FESA, the CESA does not include listing provisions for invertebrate species.

Article 3, sections 2080 through 2085 of the CESA addresses the taking of threatened or endangered species by stating "no person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided..." Under the CESA, "take" is defined as "...hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Exceptions authorized by the state to allow "take" require "...permits or memorandums of understanding..." and can be authorized for "...endangered species, threatened species, or candidate species for scientific, educational, or management purposes." Sections 1901 and 1913 of the California Fish and Game Code provide that notification is required prior to disturbance.

Additionally, some sensitive mammals and birds are protected by the State as Fully Protected Mammals or Fully Protected Birds, as described in the California Fish and Game Code, sections 4700 and 3511, respectively. California Species of Special

Concern ("special" animals and plants) listings include special status species, including all state and federal protected and candidate taxa, Bureau of Land Management and U.S. Forest Service sensitive species, species considered to be declining or rare by the CNPS or National Audubon Society, and a selection of species that are considered to be under population stress but are not formally proposed for listing. This list is primarily a working document for the CDFW CNDDB project. Informally listed taxa are not protected per se, but warrant consideration in the preparation of biotic assessments. For some species, the CNDDB is only concerned with specific portions of the life history, such as roosts, rookeries, or nest sites. For the purposes of this assessment, the following acronyms are used for state status species:

SE	State Endangered
ST	State Threatened
SCE	State Candidate Endangered
SCT	State Candidate Threatened
SFP	State Fully Protected
SP	State Protected
SR	State Rare
CSC	California Species of Special Concern
WL	California Watch List

Nesting birds, including raptors, are protected under California Fish and Game Code Section 3503, which reads, "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." In addition, under California Fish and Game Code Section 3503.5, "it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto". Passerines and non-passerine land birds are further protected under California Fish and Game Code 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by CDFW.

California Native Plant Society

The CNPS is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in the state. This organization has compiled an inventory comprised of the information focusing upon geographic distribution and qualitative characterization of rare, threatened, or endangered vascular plant species of California (Tibor 2001). The list serves as the candidate list for listing as threatened and

endangered by the CDFW. The CNPS has developed five categories of rarity (California Rare Plant Rank [CRPR]):

CRPR 1A	Presumed extinct in California
CRPR 1B	Rare, threatened, or endangered in California and elsewhere
CRPR 2A	Plants presumed extirpated in California but common elsewhere
CRPR 2B	Plants rare, threatened, or endangered in California but more common elsewhere
CRPR 3	Plants about which we need more information – a review list
CRPR 4	Species of limited distribution in California (i.e., naturally rare in the wild), but whose existence does not appear to be susceptible to threat

As stated by the CNPS:

Threat Rank is an extension added onto the California Rare Plant Rank and designates the level of endangerment by a 1 to 3 ranking with 1 being the most endangered and 3 being the least endangered. A Threat Rank is present for all California Rare Plant Rank 1B, 2, 4, and the majority of California Rare Plant Rank 3. California Rare Plant Rank 4 plants are seldom assigned a Threat Rank of 0.1, as they generally have large enough populations to not have significant threats to their continued existence in California; however, certain conditions exist to make the plant a species of concern and hence be assigned a California Rare Plant Rank. In addition, all California Rare Plant Rank 1A (presumed extinct in California), and some California Rare Plant Rank 3 (need more information) plants, which lack threat information, do not have a Threat Rank extension (CNPS 2012).

0.1	Seriously threatened in California (over 80 percent of occurrences threatened/high degree and immediacy of threat)
0.2	Fairly threatened in California (20-80 percent occurrences threatened/moderate degree and immediacy of threat)
0.3	Not very threatened in California (<20 percent of occurrences threatened/low degree and immediacy of threat or no current threats known)

POTENTIALLY SENSITIVE SPECIES/RESOURCES

Determinations of MSHCP sensitive species that could potentially occur on the Project Site are based on one or both of the following: (1) a record reported in the CNDDB or CNPS inventory and; (2) the Project Site is within the known distribution of a species and contains suitable habitat or species documented onsite.

Sensitive Plant Communities

As stated by CDFG:

> "*One purpose of the vegetation classification is to assist in determining the level of rarity and imperilment of vegetation types. Ranking of alliances according to their degree of imperilment (as measured by rarity, trends, and threats) follows NatureServe's Heritage Methodology, in which all alliances are listed with a G (global) and S (state) rank. For alliances with State ranks of S1-S3, all associations within them are also considered to be highly imperiled*" (CDFG 2012)

No sensitive plant communities were documented onsite.

Sensitive Plant Species

The MSHCP has determined that all of the sensitive species potentially occurring onsite have been adequately covered (MSHCP Table 2-2 Species Considered for Conservation Under the MSHCP Since 1999, 2004). However, additional surveys may be required for narrow endemic plants and/or criteria area plant species if suitable habitat is documented onsite and/or if the property is located within a predetermined "Survey Area" (MSHCP 2004).

The Project Site does not occur within a predetermined Survey Area for MSHCP criteria area or narrow endemic plant species. (RCA GIS Data Downloads 2022).

No surveys are required.

Tree Resources

The following regulations apply to tree removal within Riverside County.

- Riverside County Code of Ordinances, Section 12.08.050 requires a permit from the county transportation Director to remove or severely trim any tree planted in the right-of-way of any county highway.

- Riverside County Code of Ordinances, Section 12.24 or Ordinance No. 559 requires a permit to "remove any living native tree on any parcel or property greater than one-half acre in size, located in an area above 5,000 feet in elevation and within the unincorporated area of the County of Riverside."

- The Riverside County Oak Tree Management Guidelines address the treatment of oak woodlands and their preservation.

No coast live oak or native trees will be directly or indirectly impacted as a result of project initiation. No Impact.

Sensitive Wildlife Species

The MSHCP has determined that all of the sensitive wildlife species potentially occurring onsite have been adequately covered (MSHCP Table 2-2 Species Considered for Conservation Under the MSHCP Since 1999, 2004). However, additional surveys may be required for criteria area wildlife species if suitable habitat is documented onsite and/or if the property is located within a predetermined "Survey Area" (MSHCP 2004).

The Project Site does not occur within a predetermined Survey Area for amphibians (RCA GIS Data Downloads 2022). No surveys are required.

The Project Site does not occur within a predetermined Survey Area for mammals (RCA GIS Data Downloads 2022). No surveys are required.

Burrowing Owl

The Project Site occurs almost completely within a predetermined Survey Area for the burrowing owl (*Athene cunicularia*) as shown in Attachment C, *MSHCP Relationship Map*. Suitable burrowing owl burrows potentially utilized for refugia and/or nesting were documented within the property including foraging habitat throughout the Project Site. Based on the presence of suitable habitat, focused MSHCP burrowing owl surveys were conducted during the summer of 2021 to determine the presence/absence and status of the species within and adjacent to the Project Site. No burrowing owl or characteristic sign such as white-wash, feathers, tracks, or pellets were detected within or immediately adjacent to the Project Site during the 2021 survey effort (Cadre Environmental 2022). A 30-day MSHCP preconstruction survey will also be required immediately prior to the initiation of construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP.

No riparian scrub, forest or woodland habitat is located within or adjacent to the project site. No suitable habitat for the least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*) or western yellow-billed cuckoo (*Coccyzus americanus*) is present onsite as detailed in the following report and shown in Attachment D, *Vegetation Communities Map*, and Attachments E to H, *Current Project Site Photographs*. No surveys are required.

Stephens' Kangaroo Rat

The Project Site falls within the Stephens' kangaroo rat (*Dipodomys stephensi*, SKR) Fee Area outlined in the Riverside County SKR Habitat Conservation Plan (HCP).

Nesting Bird Habitat

The fallow field croplands represent suitable nesting habitat for common and MSHCP covered sensitive bird species. Potential indirect impacts to regulated nesting birds will require compliance with CDFG Codes Section 3503, 3503.5, and 3513.

MSHCP Section 6.1.2 Riparian, Riverine, Vernal Pool Resources

Vernal Pool Resources

No MSHCP 6.1.2 riparian or riverine resources were documented within or adjacent to the Project Site. Preparation of an MSHCP Determination of Biological Equivalent or Superior Preservation (DBESP) will not be required.

No evidence of vernal pools, seasonal depressions, seasonally inundated road ruts or other wetland features were recorded on the Project Site. Vernal pools are depressions in areas where a hard-underground layer prevents rainwater from draining downward into the subsoils. When rain fills the pools in the winter and spring, the water collects and remains in the depressions. In the springtime, the water gradually evaporates away, until the pools became completely dry in the summer and fall. Vernal pools tend to have an impermeable layer that results in ponded water. The soil texture (the amount of sand, silt, and clay particles) typically contains higher amounts of fine silts and clays with lower percolation rates. Pools that retain water for a sufficient length of time will develop hydric cells. Hydric cells form when the soil is saturated from flooding for extended periods of time and anaerobic conditions (lacking oxygen or air) develop.

Consistent with conditions documented onsite and as previously stated, the Project Site is characterized as Exeter sandy loam, Greenfield sandy loam, Pachappa fine sandy loam, and Ramona sandy loam, all types possessing well drained substrates (drainage class). No indication of clay substrates or hydric soils were documented within the Project Site.

A review of historic aerials was conducted to determine if inundated features were present during years of high rainfall when features would certainly be documented. Historic aerials taken in 2011 represent an ideal baseline during which know (previously documented) inundated vernal pools, seasonal depressions and road ruts can easily be seen. No sign or indication of inundation was documented within the Project Site during a review of historic aerials.

In summary, none of the conditions (i.e., no inundated depressions including road ruts, hydric soils, historic inundation, etc.) were observed on documented within the Project Site. No features are present that would support fairy shrimp. No standing water or other sign of areas that pond water was recorded.

Riparian/Riverine Resources

No MSHCP riparian, riverine or vernal pool resources (Section 6.1.2) were documented within or immediately adjacent to the Project Site.

Jurisdictional Resources

No features regulated by the Santa Ana Regional Water Quality Control Board, California Department of Fish and Wildlife and United States Army Corps of Engineers were

documented within or immediately adjacent to the Project Site. No regulatory permits will need to be acquired.

SUMMARY OF COMPLIANCE WITH MSHCP POLICIES

The purpose of this report is to document the existing biological resources, identify general vegetation types, and assess the potential biological and regulatory constraints associated with the proposed development within the Project Site as outlined by the MSHCP. The following sections summarize the Project Site's relationship to MSHCP criteria areas and MSHCP compliance guidelines.

CRITERIA AREAS

The Project Site is located within the Western Riverside County MSHCP Mead Valley Area Plan. The Project Site is not located within an MSHCP Criteria Area, Cell Group, or Linkage Area.

No Habitat Evaluation and Acquisition Negotiation Strategy (HANS) or Joint Project Review (JPR) are required.

CRITERIA AREA SPECIES SURVEY AREA

The Project Site does not occur within a predetermined Survey Area for MSHCP criteria area plant species; therefore, no surveys are required (RCA GIS Data Downloads 2022).

The project is consistent with MSHCP Section 6.3.2.

NARROW ENDEMIC PLANT SPECIES SURVEY AREA

The Project Site does not occur within a predetermined Survey Area for MSHCP narrow endemic plant species; therefore, no surveys are required (RCA GIS Data Downloads 2022).

The project will be consistent with MSHCP Section 6.1.3

AMPHIBIAN SPECIES SURVEY AREA

The Project Site does not occur within the Amphibian Species Survey Area; therefore, no surveys are required (RCA GIS Data Downloads 2022).

The project is consistent with MSHCP Section 6.3.2.

MAMMAL SPECIES SURVEY AREA

The Project Site does not occur within the Mammal Species Survey Area; therefore, no surveys are required (RCA GIS Data Downloads 2022).

The project is consistent with MSHCP Section 6.3.2.

BURROWING OWL SURVEY AREA

The Project Site occurs almost completely within a predetermined Survey Area for the burrowing owl, as shown in Attachment C, *MSHCP Relationship Map*. Suitable burrowing owl burrows potentially utilized for refugia and/or nesting were documented within the property including foraging habitat throughout the Project Site. Based on the presence of suitable habitat, focused MSHCP burrowing owl surveys were conducted during the summer of 2021 to determine the presence/absence and status of the species within and adjacent to the Project Site. No burrowing owl or characteristic sign such as white-wash, feathers, tracks, or pellets were detected within or immediately adjacent to the Project Site during the 2021 survey effort (Cadre Environmental 2022). A 30-day MSHCP preconstruction survey will also be required immediately prior to the initiation of construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP.

Following submittal, review and approval of the 30-day burrowing owl preconstruction survey report by the City of Perris and compliance with all species-specific conservation goals, if detected, the project will be consistent with MSHCP Section 6.3.2.

MSHCP SECTION 6.1.2 RIPARIAN/RIVERINE AREAS AND VERNAL POOLS

No MSHCP 6.1.2 riparian or riverine resources were documented within or adjacent to the Project Site. Preparation of an MSHCP Determination of Biological Equivalent or Superior Preservation (DBESP) will not be required.

Riparian Birds

No riparian scrub, forest or woodland habitat is located within or adjacent to the project site. No suitable habitat for the least Bell's vireo, southwestern willow flycatcher or western yellow-billed cuckoo is present onsite as detailed in the following report and shown in Attachment D, *Vegetation Communities Map*, and Attachments E to H, *Current Project Site Photographs*.

Vernal Pool Resources

No evidence of vernal pools, seasonal depressions, seasonally inundated road ruts or other wetland features were recorded on the Project Site. Vernal pools are depressions in areas where a hard-underground layer prevents rainwater from draining downward into the subsoils. When rain fills the pools in the winter and spring, the water collects and remains in the depressions. In the springtime, the water gradually evaporates away, until the pools became completely dry in the summer and fall. Vernal pools tend to have an impermeable layer that results in ponded water. The soil texture (the amount of sand, silt, and clay particles) typically contains higher amounts of fine silts and clays with lower percolation rates. Pools that retain water for a sufficient length of time will develop hydric

cells. Hydric cells form when the soil is saturated from flooding for extended periods of time and anaerobic conditions (lacking oxygen or air) develop.

Consistent with conditions documented onsite and as previously stated, the Project Site is characterized as Exeter sandy loam, Greenfield sandy loam, Pachappa fine sandy loam, and Ramona sandy loam, all types possessing well drained substrates (drainage class). No indication of clay substrates or hydric soils were documented within the Project Site.

A review of historic aerials was conducted to determine if inundated features were present during years of high rainfall when features would certainly be documented. Historic aerials taken in 2011 represent an ideal baseline during which know (previously documented) inundated vernal pools, seasonal depressions and road ruts can easily be seen. No sign or indication of inundation was documented within the Project Site during a review of historic aerials.

In summary, none of the conditions (i.e., no inundated depressions including road ruts, hydric soils, historic inundation, etc.) were observed on documented within the Project Site. No features are present that would support fairy shrimp. No standing water or other sign of areas that pond water was recorded.

The project is consistent with MSHCP Section 6.1.2.

URBAN/WILDLANDS INTERFACE

The MSHCP Urban/Wildlands Interface guidelines presented in Section 6.1.4 are intended to address indirect effects associated with locating commercial, mixed uses and residential developments in proximity to a MSHCP Conservation Area. The Project Site is not located adjacent to an existing or proposed MSHCP Conservation Area. No mitigation proposed or required.

The project is consistent with MSHCP Section 6.1.4.

FUELS MANAGEMENT

The fuels management guidelines presented in Section 6.4 of the MSHCP are intended to address brush management activities around new development within or adjacent to MSHCP Conservation Areas. The Project Site is not located adjacent to an existing or proposed MSHCP Conservation Area. No mitigation proposed or required.

The project is consistent with MSHCP Section 6.4.

MSHCP COMPLIANCE MEASURES

Implementation of Mitigation Measures BIO-CM1 through BIO-CM4 and complying with the Recommendation Section below would reduce all potential significant unavoidable

impacts on biological resources below a level of significance, thereby ensuring compliance with CEQA and MSHCP guidelines.

BIO-CM1 MSHCP Local Development Mitigation Fee

The project applicant shall pay MSHCP Local Development Mitigation fees as established and implemented by the City of Perris.

BIO-CM2 SKR Mitigation Fee

The Project Site falls within the SKR Fee Area outlined in the Riverside County SKR HCP. The project applicant shall pay the fees pursuant to County Ordinance 663.10 for the SKR HCP Fee Assessment Area as established and implemented by the County of Riverside.

BIO-CM3 MSHCP 30-Day Burrowing Owl Preconstruction Surveys

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

BIO-CM4 CDFG Nesting Bird Code Compliance

Potential indirect impacts to regulated nesting birds will require compliance with CDFG Codes Section 3503, 3503.5, and 3513. Construction outside the nesting season (between September 16th and January 31st do not require pre-removal nesting bird surveys. If construction is proposed between February 1st and September 15th, a qualified biologist must conduct a nesting bird survey(s) no more than three (3) days prior to initiation of grading to document the presence or absence of nesting birds within or directly adjacent (100 feet) to the Project Site impact area.

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ATTACHMENTS

A – Regional Location Map
B – Vicinity Map
C – MSHCP Relationship Map
D – Vegetation Communities Map
E – Current Project Site Photographs
F – Current Project Site Photographs
G – Current Project Site Photographs
H – Current Project Site Photographs
I – Soils Association Map
J – Vegetation Communities Impact Map

APPENDIX

A – Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Focused Burrowing Owl Surveys for the 35.65-Acre (5.60-acre offsite) Duke Patterson & Nance Warehouse Project Site, City of Perris, Riverside County, California. (Cadre Environmental 2022)

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*"

Author:_____ Date: July 16th, 2022

Fieldwork Performed by:_____ Date: July 16th, 2022