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# General Biological Resources Assessment, Burrowing Owl Survey, and Western Riverside County MSHCP Consistency Analysis

Brew Harley Knox Industrial Project  
Perris, Riverside County, California



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## List of Abbreviated Terms

AMSL	Above Mean Sea Level
APN	Assessor Parcel Number
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFGF	California Fish and Game Code
CFR	Code of Federal Regulations
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CWA	Clean Water Act
DBH	Diameter at Breast Height
EPA	Environmental Protection Agency
FESA	Federal Endangered Species Act
GIS	Geographic Information Systems
HCP	Habitat Conservation Plan
IPaC	Information for Planning and Consultation
MBTA	Migratory Bird Treaty Act
MSHCP	Western Riverside County Multiple Species Habitat Conservation Plan
NCCP	Natural Community Conservation Planning
NOAA	National Oceanic Atmospheric Administration
NPPA	Native Plant Protection Act
PVCCSP	Perris Valley Commerce Center Specific Plan
RCA	Regional Conservation Authority of Western Riverside County
NRCS	Natural Resource Conservation Service
RWQCB	Regional Water Quality Control Board
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
USACE	United States Army Corps Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey

## 1.0 INTRODUCTION

This report presents the results of MIG's general biological resources assessment of the approximately 4.01-acre Brew Harley Project property (Project Area). The purpose of this report is to verify the type, location, and extent of potential sensitive biological resources within the Project Area and vicinity. This report provides a thorough description of the biological setting of the Project Area and surrounding area, as well as a description of the vegetation communities and wildlife observed within the Project Area. This report also includes information regarding potential wildlife movement/migration corridors, potential special-status species, sensitive natural communities, and potential for jurisdictional waters and wetlands to occur within the Project Area. An assessment of the Project impacts and recommended mitigation measures to avoid, minimize, or compensate for potential adverse impacts to sensitive habitats and species is also included in the report. The evaluation of potential project impacts follows the checklist items from Appendix G of the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines) and has been prepared in a format suitable to support CEQA review and to submit with any future regulatory application packages.

Additionally, a Consistency Analysis for the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) is provided in Section 5.0 of this report. The Consistency Analysis was conducted to determine if the project is consistent with the requirements of the MSHCP. The project area is within an area where burrowing owl surveys are required based on the MSHCP maps (RCA 2023), but is not located within a Criteria Cell, Cell Group, Cores/Linkages, or any other special conservation area designated by the MSHCP.

### 1.1 Project Description and Area

#### **1.1.1 Project Description**

The proposed project consists of the development of an industrial building measuring 58,974 square feet, which includes 54,974 square feet of warehouse space and 4,000 square feet mezzanine/office area, on 4.01 gross acres. Development of the entire parcel is expected as part of the site plan (Figure 4). Construction activities will include those typical of warehouse projects, including site preparation (grading, site clearing, soil stabilization, etc.), utility installation (water, sewer, storm drain, electricity, etc.), pad installation, connections to municipal/public utilities immediately adjacent to the Project Area, and construction of the warehouse building and parking lot. Construction staging would be limited to on-site areas and parking during would be limited to paved roads subject to routine disturbances. No hydrology changes are anticipated as part of this project, as detention basins or other water quality features are proposed as part of this project and the project is not adjacent to any wetland or drainage features. Road improvements are expected to include only those necessary to install entrances and repair existing asphalt or duct banks if necessary to connect to existing utilities. No off-site roads or any other features are planned for this development. Avoidance or conservation areas are not planned or proposed as part of this development because proposed mitigation measures target the avoidance of sensitive species, and this project is not located within areas planned for conservation per the MSHCP.

#### **1.1.2 Project Area**

The 4.01-acre Project Area is located along the south side of Harley Knox Boulevard about 650 feet west of Perris Boulevard, east of Indian Avenue in the City of Perris, Riverside County, California. The Project Area is located within Section 6, Township 4S, Range 3W within the United States Geological Survey (USGS) 7.5' series Perris quadrangle (Figure 1, *Regional Map*, Figure 2, *USGS Topographic Map*). The

Project Area includes Assessor Parcel Numbers (APN) 302-090-021 (Figure 3, *Project Location Map*). The Project Area is flat with elevations ranging between 1,460-1,465 feet above mean sea level (AMSL) (Figure 2, *USGS Topographic Map*).

The Project Area consists entirely of a vacant lot. The Project Area is highly disturbed due to previous agricultural uses and was recently disced prior (estimated to be one week prior) to the biological survey. Remnant vegetation that was identified on the site consisted primarily of ruderal non-native plants.

The Project Area is surrounded primarily by industrial and commercial land uses. Immediately east and west of the Project Area are vacant lands that have been routinely subject to fire abatement treatments (e.g., discing, mowing). Immediately south and north of the Project Area are industrial warehouses, including the Home Depot Perris Distribution Center and National Retail Support (NRT), respectively. New commercial developments were being constructed at the northwest and northeast corners of the intersection of Perris and Harvey Knox Boulevards.



## 2.0 REGULATORY SETTING

The following discussion identifies federal, state, and local environmental regulations and policies that serve to protect sensitive biological resources relevant to the proposed Project Area and any subsequent CEQA review process.

### 2.1 Federal

#### **2.1.1 Federal Endangered Species Act**

The Federal Endangered Species Act (FESA) of 1973, as amended, provides the regulatory framework for the protection of plant and animal species (and their associated critical habitats), which are formally listed, proposed for listing, or candidates for listing as endangered or threatened under the FESA. Both the U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) share the responsibility for administration of the FESA. The FESA has the following four major components: (1) provisions for listing species, (2) requirements for consultation with the USFWS and/or the NOAA Fisheries, (3) prohibitions against "taking" (meaning harassing, harming, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting to engage in any such conduct) of listed species, and (4) provisions for permits that allow incidental "take". The FESA also discusses recovery plans and the designation of critical habitat for listed species. Section 7 requires Federal agencies, in consultation with, and with the assistance of the USFWS or NOAA Fisheries, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. Non-federal agencies and private entities can seek authorization for take of federally listed species under Section 10 of FESA, which requires the preparation of a Habitat Conservation Plan (HCP).

#### **2.1.2 The Migratory Bird Treaty Act**

The Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 et seq.), Title 50 Code of Federal Regulations (CFR) Part 10, prohibits taking, killing, possessing, transporting, and importing of migratory birds, parts of migratory birds, and their eggs and nests, except when specifically authorized by the Department of the Interior. As used in the act, the term "take" is defined as meaning, "to pursue, hunt, capture, collect, kill or attempt to pursue, hunt, shoot, capture, collect or kill, unless the context otherwise requires." Under the MBTA it is illegal to disturb a nest that is in active use, since this could result in killing a bird, destroying a nest, or destroying an egg.

#### **2.1.3 Clean Water Act Sections 404 and 401**

The U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA) regulate the discharge of dredged or fill material into waters of the United States, including wetlands, under Section 404 of the Clean Water Act (CWA) (33 USC 1344). Waters of the United States are defined in Title 33 CFR Part 328.3(a) and include a range of wet environments such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds. The lateral limits of jurisdiction in those waters may be divided into three categories – territorial seas, tidal waters, and non-tidal waters – and is determined depending on which type of waters is present (Title 33 CFR Part 328.4(a), (b), (c)). Activities in waters of the United States regulated under Section 404 include fill for development, water resource projects (e.g., dams and levees), infrastructure developments (e.g., highways, rail lines, and airports) and mining projects. Section 404 of the CWA requires a federal permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).

Section 401 of the CWA (33 U.S.C. 1341) requires an applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the United States to obtain a water quality certification from the state in which the discharge originates. The discharge is required to comply with the applicable water quality standards. A certification obtained for the construction of any facility must also pertain to the subsequent operation of the facility. The EPA has delegated responsibility for the protection of water quality in California to State Water Resources Control Board and its nine Regional Water Quality Control Boards (RWQCBs).

#### **2.1.4 National Pollutant Discharge Elimination System (NPDES)**

The NPDES program requires permitting for activities that discharge pollutants into waters of the United States. This includes discharges from municipal, industrial, and construction sources. These are considered point-sources from a regulatory standpoint. Generally, these permits are issued and monitored under the oversight of the State Water Resources Control Board and administered by each RWQCB. Construction activities that disturb one acre or more (whether a single project or part of a larger development) are required to obtain coverage under the state's General Permit for Dischargers of Storm Water Associated with Construction Activity. All dischargers are required to obtain coverage under the Construction General Permit. The activities covered under the Construction General Permit include clearing, grading, and other disturbances. The permit requires preparation of a Storm Water Pollution Prevention Plan (SWPPP) and implementation of Best Management Practices (BMPs) with a monitoring program. The Project will require coverage under the Construction General Permit.

## **2.2 State**

### **2.2.1 California Endangered Species Act**

The state of California enacted similar laws to the FESA, including the California Native Plant Protection Act (NPPA) in 1977 and the California Endangered Species Act (CESA) in 1984. The CESA expanded upon the original NPPA and enhanced legal protection for plants, but the NPPA remains part of the California Fish and Game Code (CFGF) (Section 2.2.2). To align with the FESA, CESA created the categories of "threatened" and "endangered" species. It converted all designated "rare" animals into the CESA as threatened species but did not do so for rare plants. Thus, these laws provide the legal framework for protection of California-listed rare, threatened, and endangered plant and animal species. The California Department of Fish and Wildlife (CDFW) implements NPPA and CESA, and its Wildlife and Habitat Data Analysis Branch maintains the California Natural Diversity Database (CNDDB), a computerized inventory of information on the general location and status of California's rarest plants, animals, and natural communities. During the CEQA review process, the CDFW is given the opportunity to comment on the potential of the proposed Project to affect listed plants and animals.

### **2.2.2 Native Plant Protection Act**

The NPPA of 1977 (CFGF, §§ 1900 through 1913) directed the CDFW to carry out the Legislature's intent to "preserve, protect and enhance rare and endangered plants in this State." The NPPA is administered by the CDFW, which has the authority to designate native plants as endangered or rare and to protect them from "take."

### **2.2.3 California Environmental Quality Act**

CEQA was enacted in 1970 to provide for full disclosure of environmental impacts to the public before issuance of a permit by state and local public agencies. CEQA (Public Resources Code Sections 21000 et.

seq.) requires public agencies to review activities which may affect the quality of the environment so that consideration is given to preventing damage to the environment. When a lead agency issues a permit for development that could affect the environment, it must disclose the potential environmental effects of the project. This is done with an Initial Study and Negative Declaration (or Mitigated Negative Declaration) or with an Environmental Impact Report. Certain classes of projects are exempt from detailed analysis under CEQA. CEQA Guidelines Section 15380 defines endangered, threatened, and rare species for purposes of CEQA and clarifies that CEQA review extends to other species that are not formally listed under the CESA or FESA but that meet specified criteria.

#### **2.2.4 Fully Protected Species and Species of Special Concern**

The classification of “fully protected” was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibian and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The CFGC Sections (fish at §5515, amphibian and reptiles at §5050, birds at §3511, and mammals at §4700) dealing with “fully protected” species states that these species “...may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species,” (CDFW Fish and Game Commission 1998) although take may be authorized for necessary scientific research. This language makes the “fully protected” designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with fully protected species were amended to allow CDFW to authorize take resulting from recovery activities for state-listed species.

Species of special concern are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing or they historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologist, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under the CEQA during project review.

#### **2.2.5 California Fish and Game Code Sections 3503 and 3513**

According to Section 3503 of the CFGC, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 specifically protects birds in the orders Falconiformes and Strigiformes (birds-of-prey). Section 3513 prohibits the take or possession of any migratory non-game bird. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered “take” by the CDFW.

#### **2.2.6 Other Sensitive Plants – California Native Plant Society**

The California Native Plant Society (CNPS), a non-profit plant conservation organization, publishes and maintains an Inventory of Rare and Endangered Vascular Plants of California in both hard copy and electronic version (<http://www.cnps.org/cnps/rareplants/inventory/>).

The Inventory assigns plants to the following categories:

- 1A Presumed extinct in California;
- 1B Rare, threatened, or endangered in California and elsewhere;
- 2 Rare, threatened, or endangered in California, but more common elsewhere;
- 3 Plants for which more information is needed – A review list; and
- 4 Plants of limited distribution – A watch list.

Additional endangerment codes are assigned to each taxon as follows:

- 1 Seriously endangered in California (over 80% of occurrences threatened/high degree of immediacy of threat).
- 2 Fairly endangered in California (20-80% occurrences threatened).
- 3 Not very endangered in California (<20% of occurrences threatened or no current threats known).

Plants on Lists 1A, 1B, and 2 of the CNPS Inventory consist of plants that may qualify for listing, by the CDFW, as well as other state agencies (e.g., California Department of Forestry and Fire Protection). As part of the CEQA process, such species should be fully considered, as they meet the definition of threatened or endangered under the NPPA and Sections 2062 and 2067 of the CFGC. California Rare Plant Rank 3 and 4 species are considered to be plants about which more information is needed or are uncommon enough that their status should be regularly monitored. Such plants may be eligible or may become eligible for state listing, and CNPS and CDFW recommend that these species be evaluated for consideration during the preparation of CEQA documents (CNPS 2018, CDFW 2018).

### **2.2.7 California Fish and Game Code Section 1600-1603**

Streams, lakes, and riparian vegetation, as habitat for fish and other wildlife species, are subject to jurisdiction by the CDFW under Sections 1600-1616 of the CFGC. Any activity that will do one or more of the following: (1) substantially obstruct or divert the natural flow of a river, stream, or lake; (2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or (3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake generally require a 1602 Lake and Streambed Alteration Agreement. The term “stream”, which includes creeks and rivers, is defined in the California Code of Regulations (“CCR”) as follows: “a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life”. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation” (14 CCR 1.72). In addition, the term stream can include ephemeral streams, dry washes, watercourses with subsurface flows, canals, aqueducts, irrigation ditches, and other means of water conveyance if they support aquatic life, riparian vegetation, or stream-dependent terrestrial wildlife (CDFW 1994). Riparian vegetation is defined as, “vegetation which occurs in and/or adjacent to a stream and is dependent on, and occurs because of, the stream itself” (CDFW 1994). In addition to impacts to jurisdictional streambeds, removal of riparian vegetation also requires a Section 1602 Lake and Streambed Alteration Agreement from the CDFW.

### **2.2.8 Sensitive Natural Communities**

Sensitive natural communities are habitats that are either unique in constituent components, of relatively limited distribution in the region, or of particularly high wildlife value. These communities may or may not

necessarily contain special-status species. Sensitive natural communities are usually identified in local or regional plans, policies or regulations, or by the CDFW or the USFWS. The CNDDDB identifies a number of natural communities as rare, which are given the highest inventory priority (CDFW 2023a). Impacts to sensitive natural communities and habitats must be considered and evaluated under the CEQA (CCR: Title 14, Div. 6, Chap. 3, Appendix G).

## **2.3 Local**

### **2.3.1 Western Riverside County Multiple Species Habitat Conservation Plan**

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) is a comprehensive plan that outlines a strategy for conserving and managing biological resources in Western Riverside County, California. The plan is now being implemented by the Western Riverside County Regional Conservation Authority (RCA). The MSHCP covers approximately 1.2 million acres and includes 146 species of plants and animals. The plan provides a framework for balancing development with the need to protect sensitive species and their habitats. The plan includes a variety of conservation measures, including: (1) acquisition of land for conservation, (2) creation of habitat corridors, (3) restoration of degraded habitat, (4) management of development to minimize impacts on sensitive species.

### **2.3.2 Mead Valley Area Plan**

The Mead Valley Area Plan is a document that outlines the future development of the Mead Valley community in Riverside County, California. The plan calls for the development of a mixed-use community with a focus on residential, commercial, and industrial uses. The plan also includes provisions for open space, recreation, and transportation. The plan also includes policies that are designed to protect and conserve natural resources, with emphasis on (1) conserving intact upland habitat blocks of coastal sage scrub and annual grassland habitats, (2) conserving clay soils in grassland communities and sandy-granitic soils in chaparral and coastal sage scrub habitats, (3) conserving known populations of California gnatcatcher and Bell's sage sparrow, (4) providing connections for intact habitats within reservations and conservation banks, (5) conserving vernal pool complexes, (6) protecting sensitive biological resources through following policies outlined in the MSHCP, the City of Perris General Plan and Open Space Element, and other applicable planning documents.

### **2.3.3 City of Perris General Plan, Conservation and Open Space Elements**

The City of Perris General Plan provides a framework for planning future population growth, which includes setting goals and policies that guide the process of physical development and conservation. Specifically, the following goals are included in the Conservation and Open Space Elements that serve to protect biological resources:

- Conservation Element Goal II: Preservation of areas with significant biotic communities.
- Conservation Element Goal III: Implementation of the Multi-Species Habitat Conservation Plan (MSHCP)
- Conservation Element Goal VII and Open Space Element Goal III: Protection of significant landforms.

### **2.3.4 Perris Valley Commerce Center Specific Plan**

The Project Area is within the Perris Valley Commerce Center Specific Plan (PVCCSP) planning area of the City of Perris. The PVCCSP was adopted by the City of Perris City Council on January 12, 2012 (Ordinance No. 1284) and has been subsequently amended several times, with the last amendment occurring in March 2023. Potential environmental impacts resulting from implementation of the PVCCSP have been evaluated in the PVCCSP Final Environmental Impact Report (FEIR) (State Clearinghouse No. 2009081086), which was certified by the City of Perris in January 2012. The PVCCSP EIR is a program EIR and project-specific evaluations in later-tier environmental documents for individual development projects within the Specific Plan area were anticipated.

The PVCCSP EIR analyzed the direct and indirect impacts resulting from implementation of the allowed development under the PVCCSP. Measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts resulting from that development are identified in the EIR. In conjunction with certification of the PVCCSP EIR, the City of Perris also adopted a Mitigation Monitoring and Reporting Program (MMRP). Additionally, the PVCCSP includes Standards and Guidelines to be applied to future development projects within the PVCCSP planning area. The City of Perris requires that future development projects within the PVCCSP planning area comply with the required PVCCSP Standards and Guidelines, and applicable PVCCSP EIR mitigation measures as outlined in the MMRP and that these requirements are implemented in a timely manner. Some of the PVCCSP EIR mitigation measures have been subsequently revised based on recent input from the CDFW. Other PVCCSP EIR mitigation measures are not applicable to the proposed project. Only PVCCSP EIR mitigation measures MM Bio 1 and MM Bio 2 are applicable to the proposed BHK project due to onsite conditions (see Section 6.2.2, *Recommended Measures*).

## 3.0 METHODS

This analysis of potential biological resources located at the Project Area includes a review of available background information in and around the vicinity of the Project Area and completion of a field survey.

### 3.1 Literature Review

Prior to conducting field surveys, MIG biologists reviewed available background information pertaining to the biological resources on and in the vicinity of the project. Available literature and resource mapping reviewed included the occurrence records for special-status species and sensitive natural communities and numerous other information sources listed below:

- CNDDDB record search for State and Federally Listed Endangered, Threatened, and Wildlife and Rare Plants of California within the Perris and surrounding eight USGS quadrangles: Lakeview, Steele Peak, Sunnymead, El Casco, Riverside East, Lake Elsinore, Romoland, and Winchester (CDFW CNDDDB 2023; Appendix A)
- CNPS Rare Plant Program, Inventory of Rare and Endangered Plants of California (CNPS 2023a) records search within the Perris and surrounding eight USGS quadrangles (Appendix A)
- USFWS Information for Planning and Consultation (IPaC; USFWS 2023a; Appendix A)
- Soil Survey Staff, Natural Resource Conservation Service (NRCS), United States Department of Agricultural (USDA NRCS 2023)
- CDFW California Natural Community List (CDFW 2022)
- USFWS National Wetlands Inventory (USFWS 2023b)
- iNaturalist, Search for Observations in Riverside County, CA (2023)
- eBird, Search for Hotspots in Riverside County, CA (2023)
- Western Riverside County Multiple Species Habitat Conservation Plan (Dudek 2003)

### 3.2 Field Surveys

A biological field survey was conducted by MIG biologists Elizabeth Kempton and Todd Easley on April 11, 2023. The field survey was conducted on foot to assess the existing conditions of the Project Area, including recording observed plant and wildlife species, characterizing, and delineating the vegetation communities and associated wildlife habitats, and evaluating the potential for these habitats to support special-status species and sensitive communities.

Specific MSHCP protocols followed for burrowing owl are discussed in Section 5.5.3.

#### **3.2.1 Plant Communities**

During the field survey, the MIG biologists traversed the entire Project Area by foot and evaluated the suitability of on-site vegetation communities to support special-status species. An attempt was made to classify plant communities according to the Second Edition of the Manual of California Vegetation (Sawyer et al. 2009) classification system, as this method is preferred (but not required) by CDFW. However, for certain vegetation types, this system is too species-specific in its definitions of plant associations and alliances and does not accurately characterize the highly variable species composition of plant communities. For this Project Area, it was necessary to identify variants of plant community types for ruderal and ornamental plant assemblages and unvegetated areas that are not described in the literature. The List of California Natural and Terrestrial Communities (CDFW 2022) was consulted to determine if any rare or

sensitive plant communities are present. In addition, plant communities were evaluated to determine if they are considered sensitive under federal and/or other state regulations and local policies. Plant communities within the Project Area were mapped in the field onto a color aerial photograph and digitized into ArcView Geographic Information System (GIS) shapefiles.

### **3.2.2 Jurisdictional Habitats and Aquatic Features**

The Project Area was inspected to determine if any wetlands and “other waters” or streambeds potentially subject to jurisdiction by the USACE, RWQCB, or CDFW were present. MIG certified wetland delineators Elizabeth Kempton and Todd Easley conducted a search for jurisdictional areas within the 4.01-acre Project Area on April 11, 2023 and none were found. Had any such areas been found, they would have been delineated according to the USACE’s 1987 Wetland Delineation Manual (Environmental Laboratory 1987) in conjunction with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Arid West Supplement) (USACE 2008a) and A Field Guide to the Identification of the Ordinary High-Water Mark (OHWM) in the Arid West Region of the Western United States (USACE 2008b). Wetland vegetation, hydric soils, and hydrology information would have also been collected according to the USACE’s routine methodology to determine if wetlands were present. The Project Area was also inspected for the presence of streams, drainages, and other aquatic features, including those that support stream-dependent (i.e., riparian) plant species that may be considered jurisdictional by CDFW. Evaluation of CDFW jurisdiction followed guidance in the CFGC and standard field practices by CDFW personnel.

Additionally, definitions for Riparian/Riverine and Vernal Pools (as excerpted in Section 5.3 of this report) were followed to identify any waters or seasonally mesic habitat(s) that could potentially support sensitive species that may occupy Riparian/ Riverine and/or Vernal Pool habitats that do not meet USACE criteria.

### **3.2.3 Special-Status Species Habitat Assessment**

The potential occurrence of special-status plant and animal species within the Project Area was initially evaluated by conducting a 9-quadrangle database records search<sup>1</sup> of CNDDDB, CNPS Electronic Inventory, and the USFWS IPaC database (Appendix A) to ensure a complete list of species was generated for the habitat assessment. Following the records search, the list of special-status species was developed (see Appendices B and C) and subsequently listing-status and habitat information was summarized for each species for comparison with habitats within the Project Area. The list of species was further refined by evaluating the habitat requirements of each species relative to the conditions observed during the field survey conducted by MIG biologists (see column titled “Discussion” in Appendices B and C). Species that would not be expected on-site are not evaluated further and no recommendations are provided for these species (see last column of Appendices B and C, species indicated with the classification of “None”). Recommendations (last column of Appendices B and C) are only provided for species that could occur at the Project Area and are intended to serve as avoidance and protection actions to reduce the potential for impacts to less than significant per CEQA.

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<sup>1</sup> A 9-quadrangle search is conducted using a U.S. Geological Survey 7.5-minute topographic quadrangle map. The search includes the quadrangle where the Project Area is located (Perris) and the eight surrounding quadrangles Lakeview, Steele Peak, Sunnymead, El Casco, Riverside East, Lake Elsinore, Romoland, and Winchester).



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Nomenclature used for plant names follows the Second Edition of The Jepson Manual (Baldwin et al. 2012). Nomenclature for wildlife follows CDFW's Complete List of Amphibian, Reptile, Bird, And Mammal Species in California (CDFW 2016) and any changes made to species nomenclature as published in scientific journals since the publication of CDFW's list.

## 4.0 EXISTING CONDITIONS

The following provides a description of the soils, vegetation communities, wildlife, and wildlife movement corridors present within the Project Area. Wildlife and plant species that were observed within the Project Area during the biological field survey, on April 11, 2023, are listed in Appendix D.

### 4.1 Physical Characteristics

The Project Area is located within the United States Geological Survey (USGS) 7.5' series Perris quadrangle (Figure 1, Regional Map, Figure 2, USGS Topographic Map). The Project Area is flat with elevations ranging between 1,460-1,465 feet above mean sea level (AMSL) (Figure 2, *USGS Topographic Map*). The Project Area consists entirely of a vacant lot. The Project Area is highly disturbed due to previous agricultural uses and was recently disced prior (estimated to be one week prior) to the biological survey. Remnant vegetation that was identified within the Project Site consisted primarily of ruderal non-native plants.

### 4.2 Soils

The USDA Web Soil Survey reports three soil units within the boundary of the 4.01-acre Project Area (USDA NRCS 2023), and none of these are classified as hydric soils:

- EwB Exeter very fine sandy loam, 0 to 5 percent slopes
- EyB Exeter very fine sandy loam, deep, 0 to 5 percent slopes
- HgA Hanford fine sandy loam, 0 to 2 percent slopes

The “Exeter very fine sandy loam, 0 to 5 percent slopes” soil type is generally comprised of alluvium derived from granite and typically found in alluvial fans. Overall slopes associated with this soil type are 0 to 5 percent, and this soil type is rarely flooded and would not be considered hydric. Conditions present within the Project Area were consistent with those reported by the Web Soil Survey (USDA NRCS 2023) with the exception that the soils had marked disturbance from previous agricultural use, and therefore strata were indiscernible.

The “Exeter very fine sandy loam, deep, 0 to 5 percent slopes” soil type is generally comprised of alluvium derived from granite and typically found in alluvial fans. Overall slopes associated with this soil type are 0 to 5 percent, and this soil type is rarely flooded and would not be considered hydric. Conditions present within the Project Area were consistent with those reported by the Web Soil Survey (USDA NRCS 2023) with the exception that the soils had marked disturbance from previous agricultural use, and therefore strata were indiscernible.

The “Hanford fine sandy loam, 0 to 2 percent slopes” soil type is generally comprised of soil type is generally comprised of alluvium derived from granite and typically found in alluvial fans. Overall slopes associated with this soil type are 0 to 2 percent, and this soil type is rarely flooded and would not be considered hydric. Conditions present within the Project Area were consistent with those reported by the Web Soil Survey (USDA NRCS 2022) with the exception that the soils had marked disturbance from previous agricultural use, and therefore strata were indiscernible.

### 4.3 Plant Communities & Associated Wildlife Habitats

Plant communities on-site were evaluated to determine if they are considered sensitive under federal, state, or local regulations or policies. Biological communities were classified as sensitive or non-sensitive as defined

by CEQA and other applicable laws and regulations. The 4.01-acre Project Area is considered highly disturbed due to previous agricultural uses, fire abatement mowing and recent discing. The majority of the 4.01-acre Project Area is unvegetated due to recent discing that is evident (see Figure 10, Photo 5). Most of the vegetation within the Project Area is ruderal; however, some native plants were observed on site. The landcover type observed during the field survey is described in more detail below.

#### *Disturbed and/or Developed (4.01 acres)*

The entire Project Area has been historically altered by agriculture, and as such, all the landcover within the Project Area can be classified as Disturbed and/or Developed. Based on the percent cover of dominant plants (*Hordeum murinum*) the MCV classification corresponds to *Avena* spp. - *Bromus* spp. Herbaceous Semi-Natural Alliance (wild oats and annual brome grasslands) following the MCV (CNPS 2023b). Much of the vegetation present at the Project Area is non-native, and the site receives regular clearing to maintain compliance with fire code. A species list is provided in Appendix D.

## **4.4 Sensitive Plant Communities**

No sensitive plant communities were observed within the Project Area, and the site does not exhibit the characteristic attributes that may support (such as the known distribution and elevation, landscape position, plant species composition, soil and/or substrate type, water chemistry, and/or hydroperiod) as the Project Area is highly disturbed. Four Sensitive Plant Communities were uncovered by the CDFW CNDDDB (2023) search and is outlined at the end of Appendix B; however, none of these are expected to occur within the Project Area. In addition, no USFWS-designated critical habitat areas for any federally listed animals are present (Figure 7).

## **4.5 Special-Status Plants**

Special-status plants are defined here to include: (1) plants that are federal- or state-listed as rare, threatened, or endangered, (2) federal and state candidates for listing, (3) plants assigned a Rank of 1 through 4 by the CNPS Inventory, and (4) plants that qualify under the definition of "rare" in CEQA, Section 15380. The Project Area was initially determined to provide potentially suitable habitat for a total of 80 special-status plant species based on the proximity of the Project Area to previously recorded occurrences in the region, vegetation types and habitat quality, topography, elevation, soil types, and other species-specific habitat requirements (CDFW CNDDDB 2023). Based on results of the habitat suitability analysis and survey conducted on April 11, 2023, none of the 48 plant species are expected to occur within the Project Area, primarily due to the level of discing evident within the Project Area. A table presenting the special-status plant species considered and evaluated for their potential occurrence within the Project Area, including plant species' habitat requirements and reported blooming periods, is provided in Appendix B.

## **4.6 Special-Status Wildlife**

Special-status wildlife species include those species listed as endangered or threatened under the FESA or CESA; candidates for listing by the USFWS or CDFW; and species of special concern to the CDFW; and birds protected by the CDFW under CFGC Sections 3503 and 3513 and the MBTA. It was initially determined that 58 special-status wildlife species have been recorded in the vicinity of the Project Area (CDFW CNDDDB 2023). Of these wildlife species, 56 are not expected to occur within the Project Area (species with Recommendations listed as "None" in the table provided in Appendix C). Reasons include the absence of essential habitat requirements for the species, the distance to known occurrences and/or the species distributional range, the limited availability of foraging and nesting habitat, amount of site disturbance from

past and present land uses, and/or the proximity of existing human-related disturbances (see Discussion column in table). A table presenting the special-status wildlife species considered and evaluated for their potential occurrence within the Project Area, including species-specific habitat requirements, is provided in Appendix C.

Two (2) wildlife species have potential to occur within the Project Area, including Cooper's hawk (*Accipiter cooperii*) and burrowing owl (*Athene cunicularia*), both of which are listed as covered species by the MSHCP. It is assumed that both Cooper's hawk and burrowing owl could potentially present within the Project Area, even though the quality of the habitat is relatively poor (due to agricultural uses and mowing); these species have probability to occur because they occupy disturbed habitats, urban areas, and/or similar open conditions present within the Project Area. It is not expected the Cooper's hawk would nest in the low areas of the Project Area; however, immediately adjacent tall structures/buildings and trucks could provide nesting urban sites and the undeveloped Project Area could provide potential foraging habitat. Please also see discussion regarding burrowing owl included in Section 5.5.3 for MSHCP required content, as burrowing owl may also colonize and nest on the site based on habitat observed within the Project Area.

No USFWS Critical Habitat is located within or immediately adjacent to the Project Area (Figure 5).

#### *Nesting Birds*

Nesting birds are protected under CFGC 3503, 3503.5, and 3512 and the MBTA, which prohibits the take of active bird nests. Ruderal vegetation and ornamental trees within the Project Area provide marginally suitable nesting habitat for songbirds, including common species protected by the code. There is potential for ground- and tree-nesting birds to establish nests within the Project Area prior to initiation of project construction.

No other special-status wildlife species are expected to be impacted by project construction due to a lack of suitable habitat (refer to Appendix C) and high degree of site disturbance due to existing development within and surrounding the Project Area.

## **4.7 Wildlife Movement Corridors**

Providing functional habitat connectivity between natural areas is essential to sustaining healthy wildlife populations and allowing for the continued dispersal of native plant and animal species. The regional movement and migration of wildlife species has been substantially altered due to habitat fragmentation over the past century. This fragmentation is most commonly caused by development of open areas, which can result in large patches of land becoming inaccessible and forming a functional barrier between undeveloped areas. Additional roads associated with development, although narrow, may result in barriers to smaller or less mobile wildlife species. Habitat fragmentation results in isolated islands of habitat, which affects wildlife behavior, foraging activity, reproductive patterns, immigration and emigration or dispersal capabilities, and survivability. Wildlife corridors can consist of a sequence of stepping-stones across the landscape (i.e., discontinuous areas of habitat such as isolated wetlands), continuous lineal strips of vegetation and habitat (e.g., riparian strips and ridge lines), or they may be parts of larger habitat areas selected for its known or likely importance to local wildlife. The Project Area does not act as a wildlife movement corridor due to the current built environment as well as the presence of urban/suburban development surrounding the site. The Project Area is expected to be utilized by common, non-special-status wildlife for foraging and possibly breeding. However, the Project Area is situated in an urbanized area and does not represent a wildlife movement corridor as it (along with other small neighboring vacant lots) is largely bound on all sides by developments, possesses vegetation that is largely non-native that would support high levels of species

diversity, and it is too small of an area to support significant wildlife movement. This Project Area does not connect large areas of native habitats and development at this site would not preclude wildlife movement in otherwise open areas.

#### **4.8 Jurisdictional Waters/Wetlands**

No waterways, wetlands, or riparian vegetation subject to regulation by the USACE, CDFW, or RWQCB are present within the Project Area. No features were detected by the National Wetlands Inventory (as shown on Figure 6) at or immediately adjacent to the Project Area. The nearest potential jurisdictional drainage is an unnamed storm drain channel (that appears to originate near March Air Force Base / Inland Port Airport and connects to the Perris Valley Storm Drain to the east of the Project Area); the Project Area is fully separated from this drainage by Harvey Knox Blvd. and a large warehouse industrial complex as well as other developments that are currently being constructed. There is no evidence (e.g., watermarks, vegetation, or other characteristics) that water flows from any jurisdictional waterway that may enter the Project Area. No evidence of previous ponding (no hydric vegetation, no hydric or clay soils, no evidence of hydrology/watermarks) was observed during the visit or historical aerial photos that would suggest any suitable areas for vernal pools or vernal pool species.

### **5.0 MSHCP CONSISTENCY ANALYSIS**

This section is included to provide information in the format organized like the most recent template (v. 01/2023) provided by the RCA for Consistency Analyses. In this document, please see Section 1.0 for other MSHCP-required project information provided in the Introduction.

The purpose of the MSHCP Consistency Analysis is to provide an overview of the potential biological resources within the Project Area of the proposed Brew Harley Knox Industrial Project and to document and analyze the project's consistency with the goals and objectives of the Western Riverside County MSHCP. The proposed project consists of the development of an industrial building measuring 58,974 square feet, which includes 54,974 square feet of warehouse space and 4,000 square feet mezzanine/office area, on 4.01 gross acres.

A summary of the factors considered in the MSHCP Consistency Analysis is provided in Table 1, below.

**Table 1. MSHCP Consistency Analysis Applicability Summary**

<b>Factor</b>	<b>Not Applicable</b>	<b>Applicable</b>	<b>Justification of Applicability/Inapplicability</b>
Covered Roads	X		Not mapped or described in Project Area.
Covered Public Access Activities	X		Not mapped or described in Project Area.
Reserve Assembly Analysis	X		Project Area is not within any criteria area, cell, or other special MSHCP area.
Constrained Linkages	X		Not mapped or described in Project Area.
Core Areas	X		Not mapped or described in Project Area.
Linkages	X		Not mapped or described in Project Area.
Habitat Block	X		Not mapped or described in Project Area.
Criteria Cell	X		Not mapped or described in Project Area.
Other Conservation Area	X		Not mapped or described in Project Area.
PQP Lands	X		Not mapped or described in Project Area.
Vegetation Mapping	X		Area recently disced, uniform disturbed habitat.
Riparian/Riverine Resources	X		Not present within Project Area.
Vernal Pools	X		Not present within Project Area.
Fairy Shrimp	X		Suitable habitats are absent from Project Area.
Riparian Birds	X		Suitable habitats are absent from Project Area.
Other Section 6.1.2 Species	X		Not mapped or described in Project Area.
Narrow Endemic Plant Species	X		Not mapped or described in Project Area.
Criteria Area Plant Species	X		Not mapped or described in Project Area.
Amphibians	X		Not mapped or described in Project Area.
Burrowing Owl		X	Applicable; however, the Project Area was disced immediately prior to the survey to comply with fire code requirements. No potential burrows were observed due to discing.
Mammals	X		Not mapped or described in Project Area.
Delhi Sands Flower Loving Fly	X		Not mapped or described in Project Area.
Coastal California Gnatcatcher	X		Not mapped or described in Project Area.
Species Not Adequately Conserved	X		Not mapped or described in Project Area.
Guidelines Pertaining to the Urban /Wildlife Interface	X		Not mapped or described in Project Area.
Construction Guidelines	X		Not mapped or described in Project Area.
Best Management Practices		X	See Appendix E for an excerpt of MSHCP BMPs.

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JPR	X		Not mapped or described in Project Area.
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### **5.0.1 MSHCP Covered Roads**

No MSHCP Covered Roads (existing or proposed) are planned to be improved or newly constructed with this project; therefore, this section of the MSHCP Analysis is not applicable.

### **5.0.2 MSHCP Covered Public Access Activities**

No MSHCP Covered Public Access Activities (existing or proposed) are planned to be improved or newly constructed with this project; therefore, this section of the MSHCP Analysis is not applicable.

## **5.1 MSHCP Reserve Assembly Analysis**

The Project Area is not located within or adjacent to any criteria cell. The nearest Criteria Cells (2432 and 2434) are approximately 2.20 miles away (Section 8, Figure 9) and are not adjacent to the Project Area.

### **5.1.1 MSHCP Public Quasi-Public Lands**

No Public Quasi-Public Lands are located within or adjacent to the boundary of the Project Area (see Figure 9) and, therefore, this section is not applicable.

## **5.2 Vegetation Mapping and Species Compendia**

No vegetation map was created for this report, as the entire Project Area had been recently disced within a week prior to the survey. The vegetation/landcover type “Disturbed and/or Developed” observed within the Project Area is provided in Section 4.3 and a Species Compendia is provided in Appendix D.

## **5.3 Protection of Species Associated with Riparian / Riverine Areas and Vernal Pools (MSHCP Section 6.1.2)**

Jurisdictional features as defined by the USACE generally correspond to Riparian/Riverine Areas or Vernal Pools as defined by the MSHCP; however, the MSHCP requires evaluation of additional areas that do not meet typical USACE standards (vegetation, soils, hydrology) for wetlands, but may provide suitable habitat or function and values that support sensitive plants and wildlife that could occupy permanent or temporarily mesic waters. For example, the MSHCP requires evaluation of stock ponds and other areas that pond that may not meet USACE wetland criteria but may support sensitive fairy shrimp or riparian bird species.

Guidance provided by the RCA to detect Riparian/Riverine Resources and Vernal Pools that meet the MSHCP definition of protected waterways was also reviewed and is excerpted below (from Section 3.1.2 of the MSHCP):

***Riparian/Riverine Areas*** are lands which contain Habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year.

***Vernal pools*** are seasonal wetlands that occur in depression areas that have wetlands indicators of all three parameters (soils, vegetation and hydrology) during the wetter portion of the growing season but normally lack wetlands indicators of hydrology and/or vegetation during the drier portion of the growing season. Obligate hydrophytes and facultative wetlands plant species are normally dominant during the wetter portion of the growing season, while upland species (annuals) may be dominant



*during the drier portion of the growing season. The determination that an area exhibits vernal pool characteristics, and the definition of the watershed supporting vernal pool hydrology, must be made on a case-by-case basis. Such determinations should consider the length of the time the area exhibits upland and wetland characteristics and the manner in which the area fits into the overall ecological system as a wetland. Evidence concerning the persistence of an area's wetness can be obtained from its history, vegetation, soils, and drainage characteristics, uses to which it has been subjected, and weather and hydrologic records.*

**Fairy Shrimp.** *For Riverside, vernal pool and Santa Rosa fairy shrimp, mapping of stock ponds, ephemeral pools and other features shall also be undertaken as determined appropriate by a qualified biologist.*

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

### **5.3.1 Riparian/Riverine**

As noted in Section 4.8, there are no waterways present within the Project Area, and there is no evidence of waterflows within the Project Area; therefore, this section is not applicable. Also please see Section 3.2.2 for a description of the methods used to evaluate the presence or absence of waterways and Section 5.3, above, for additional consideration of MSHCP definitions and requirements for evaluating Riparian/Riverine Resources.

### **5.3.2 Vernal Pools**

As noted in Section 4.8, there are no waterways or temporarily mesic areas present within the Project Area, and there is no evidence of waterflows or ponding within the Project Area; therefore, this section is not applicable. Also please see Section 3.2.2 for a description of the methods used to evaluate the presence or absence of waterways and Section 5.3, above, for additional consideration of MSHCP definitions and requirements for evaluating ponded areas.

### **5.3.3 Fairy Shrimp**

No vernal pools or similar ponded habitats that could support sensitive fairy shrimp are present within the Project Area; therefore, this section is not applicable.

### **5.3.4 Riparian Birds**

No streams, lakes, waterways, or similarly ponded habitats that could support sensitive riparian birds are present within the Project Area, and no riparian vegetation is present within the Project Area; therefore, this section is not applicable.

### **5.3.5 Other Section 6.1.2 Species**

No riparian vegetation streams, lakes, waterways, or similarly ponded habitats that could support sensitive species identified in Section 6.1.2 of the MSHCP are present within the Project Area; therefore, this section is not applicable.

### **5.4 Protection of Narrow Endemic Plant Species (MSHCP Section 6.1.3)**

The Project Area is not within a MSHCP designated Narrow Endemic Plant Species Survey Area; therefore, this section is not applicable.

### **5.5 Additional Survey Needs and Procedures (Section 6.3.2)**

#### **5.5.1 Criteria Area Plant Species**

The Project Area is not within a MSHCP designated Criteria Area Plant Species Survey Area; therefore, this section is not applicable.

#### **5.5.2 Amphibians**

The Project Area is not within a MSHCP designated Amphibians Survey Area; therefore, this section is not applicable.

#### **5.5.3 Burrowing Owl**

The Project Area is within a MSHCP designated Burrowing Owl Survey Area. A discussion is provided below.

##### **5.5.3.1 Methods**

Surveys were conducted in accordance with the *Western Riverside County MSHCP Burrowing Owl Instructions* (2006). The surveys were conducted on the morning of April 11, from approximately 8:30-10:00 AM under normal weather conditions (59-65° F, 0-5 mph wind, clear skies). No heavy rain occurred within 5 days prior to conducting the survey. Biologists conducting the survey included Elizabeth Kempton and Todd Easley. The surveys consisted of Step 1 (habitat assessment) and Step II-A (focused burrow surveys) based on findings from on-site conditions. The results of the habitat assessment (Step 1) warranted performing focused burrow surveys as the habitat type consisted of "Disturbed and/or Developed," which is known to support burrowing owl. Step II-A was completed with transects spaced approximately 100 feet apart such that 100% coverage was attained; however, due to recent discing of the Project Area the probability of detecting relict burrows or burrow complexes was low. The buffer area around the Project Area (500 feet) was surveyed via binoculars due to lack of permission to access. Results of Step II-A yielded no finding of burrows or burrow surrogates and therefore Step II-B of the protocol was not performed.

##### **5.5.3.2 Existing Conditions and Results**

The entire Project Area consisted of suitable habitat "Disturbed and/or Developed" and vegetation associations that could support burrowing owl. No burrowing owl sign (whitewash, pellets, vocalization, visual

observation, etc.) was found during the survey. No burrows or burrow surrogates (pipes, debris piles, or other burrow-like structures) were identified during the survey, as the Project Area had been very recently disced. Photos of the Project Area illustrating the level of discing that was observed on-site are provided in Section 8.0. Even though burrowing owl burrows were determined to be undetectable due to recent discing, potentially obscured relict burrow complexes may be revealed by future soil sedimentation or burrows may be easily re-established by animals in friable soils.

#### 5.5.3.3 Impacts

See Section 6.2.1, Impact BIO-2: Burrowing Owl

#### 5.5.3.4 Mitigation

See Section 6.2.2, MM-BIO-2.

### **5.5.4 Mammals**

The Project Area is not within a MSHCP designated Mammal Survey Area; therefore, this section is not applicable.

## **5.6 Information on Other Species**

### **5.6.1 Delhi Sands Flower-Loving Fly**

The Project Area is not within areas mapped by the MSHCP or USDA Soil Service (2023) as Delhi Sands or similar soils; therefore, this species is not expected, and this section is not applicable.

### **5.6.2 Coastal California Gnatcatcher**

Suitable habitat (i.e., Riversidian Sage Scrub) for Coastal California Gnatcatcher is not present within the Project Area. No impacts or mitigation would be expected based on this habitat assessment for the project and therefore this section is not applicable.

### **5.6.3 Species Not Adequately Conserved (MSHCP Table 9-3 Species)**

As of January 21, 2022, the RCA has reported that 19 species have not yet been adequately conserved based on the goals of the MSHCP (RCA 2022). A habitat assessment to determine species potential for occurrence was evaluated for the *MSHCP Table 9-3 Species* was performed following the same methodology described in Section 3.2.3, excepting that results are summarized below. Based on the habitat assessment, none of the 19 species identified in the MSHCP Table 9-3 have the potential to occur within the Project Area, primarily due to the poor habitat quality of the recently disced site. None of the 10 plants identified in MSHCP Table-3 are expected to occur due to lack of suitable habitat at the Project Area, including the following: California bedstraw (*Galium californicum* ssp. *primum*), California muhly (*Muhlenbergia californica*), chickweed oxytheca (*Oxytheca caryophylloides*), Cleveland's bush monkeyflower (*Mimulus clevelandii*), cliff cinquefoil (*Potentilla rimicola*), lemon lily (*Lilium parryi*), Mojave tarplant (*Deinandra mohavensis*), ocellated Humboldt lily (*Lilium humboldtii* ssp. *ocellatum*), shaggy-haired alumroot (*Heuchera hirsutissima*) and sticky-leaved dudleya

(*Dudleya viscida*). The remaining nine (9) animal species are not expected to occur because the Project Area lacks suitable plants or vegetation associations needed to support them, including: California spotted owl (*Strix occidentalis occidentalis*), Grasshopper sparrow (*Ammodramus savannarum*), Lincoln's sparrow (*Melospiza lincolni*), San Bernardino flying squirrel (*Glaucomys sabrinus californicus*), San Bernardino Mountain Kingsnake (*Lampropeltis zonata parvirubra*), San Diego Mountain kingsnake (*Lampropeltis zonata pulchra*), Southern rubber boa (*Charina bottae umbratica*), Southern sagebrush lizard (*Sceloporus graciosus vandenburgianus*), and Williamson's sapsucker (*Sphyrapicus thyroideus*). No take is anticipated to be possible for these MSHCP Table 9-3 Species and therefore no further discussion is warranted.

## **5.7 Guidelines Pertaining to the Urban/Wildlands Interface (MSHCP Section 6.1.4)**

The project is not in a MSHCP designated Criteria Area, Group or Cell; therefore, this section is not applicable.

## **5.8 Construction Guidelines (MSHCP Section 7.5.3)**

The project is not a Covered Facility and the Project Area is not within the within a MSHCP designated Criteria Area or PQP Lands; therefore, this section is not applicable.

## **5.9 Best Management Practices (MSHCP Volume I, Appendix C)**

In order to comply with the conditions of the MSHCP, Best Management Practices will be followed as part of this project. The Best Management Practices required by the MSHCP are reproduced in Appendix E of this report. With the exception of BMP 10, all measures shall be followed verbatim and shall be required as part of the Conditions of Approval prior to grading. For BMP 10, biological monitoring shall be conducted full-time during portions of the project where ground disturbance is occurring (i.e., grading, vegetation removal); biological monitoring can be changed to periodic (i.e., weekly, biweekly, or monthly) in duration based on discretion of the qualified biologist if potential impacts to biological resources are expected to be low based on project activities.

## 6.0 ENVIRONMENTAL COMPLIANCE

This section describes potential impacts to sensitive biological resources—including special-status plants and animals, and aquatic resources that may occur within the Project Area. Each impact discussion includes mitigation measures that would be implemented during the project to avoid and/or reduce the potential for and/or level of impacts to each resource. With the implementation of the recommended mitigation measures, all impacts to biological resources are anticipated to be reduced to less than significant levels pursuant to CEQA.

### 6.1 Thresholds of Significance

This section describes potential impacts to biological resources that may occur as a result of the construction of the proposed project. The State CEQA Guidelines provide guidance in evaluating project impacts and determining whether impacts may be significant. CEQA defines “significant effect on the environment” as “a substantial adverse change in the physical conditions which exist in the area affected by the proposed project.” In accordance with Appendix G of the State CEQA Guidelines, a project could have a significant environmental impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS
- Have a substantial adverse effect on any sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFW or USFWS
- Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the CWA (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrologic interruption, or other means
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted HCP, Natural Community Conservation Plan (NCCP), or other approved local, regional, or state HCP

### 6.2 Potential Impacts and Mitigation Measures

Consistent with the requirements of CEQA and local regulations, the significance of potential impacts is evaluated through the application of the significance criteria described above. The objective of the biological resources analysis is to identify potential adverse effects and/or significant impacts on biological resources. Avoidance is often the preferred approach for the management of biological resources; however, it is not always possible to completely avoid impacts. Mitigation measures to avoid or minimize impacts are identified, as appropriate, including procedures to be followed if significant biological resources are identified prior to the initiation of construction.

## **6.2.1 Potential Impacts**

### **Special Status Plants, Plant Communities, Jurisdictional Waters, and Other Sensitive Biological Resources**

The Project Area is located within the Stephen's Kangaroo Rat Mitigation Fee Area, and incidental take for this species is permitted provided that the applicant fulfills payment of the development fee (already required upon issuance of a grading permit or Condition of Approval) that funds management of seven Core Reserves for under the Stephen's Kangaroo Rat Conservation Plan. Please note that the payment of the mitigation fee, while not specifically a mitigation measure for this project, is required for the project and permittee/lead agency to comply with the terms of the Stephen's Kangaroo Rat Conservation Plan.

No other special-status plants, plant communities, jurisdictional waters, or other sensitive biological resources areas (i.e., Critical Habitat, Reserves, Preserves) are expected to be present within the Project Area due the lack of formal designation or suitable habitat (refer to Appendix B); therefore, no impacts to these resources are anticipated as a result of project implementation, and no further mitigation is required.

### **Special-Status Wildlife**

#### **Impact BIO-1: Nesting Birds (including special-status birds)**

Native and ornamental trees, as well as various other substrates within the Project Area, have the potential to provide nesting habitat for bird species protected by the CFGC Sections 3503 and 3513 and the MBTA. There is potential for ground- and tree-nesting birds to establish nests within the Project Area prior any project-related construction. Construction activities including site mobilization, tree removal, other vegetation clearing, grubbing, grading, and noise and vibration from the operation of heavy equipment have the potential to result in significant direct (i.e., death or physical harm) and/or indirect (i.e., nest abandonment) impacts to nesting birds. The loss of an active nest of common or special-status bird species and/or their eggs or young as a result of project construction would be considered a violation of the CFGC, Section 3503, 3503.5, 3513 and the MBTA, and therefore would be considered a potentially significant impact. Implementation of mitigation measure MM-BIO-1 would be required to reduce impacts to nesting birds to a less than significant level.

#### **Impact BIO-2: Burrowing Owl**

Suitable habitat type (Disturbed and/or Developed) for burrowing owl was also determined to be present on-site. Construction activities may impact burrowing owl in a manner like those already described under Impact-BIO-1 for nesting birds. Mitigation measure MM-BIO-2 would be required to reduce impacts to burrowing owl to a less than significant level.

### **MSHCP Consistency**

The project is consistent with the MSHCP as currently designed (see Section 5.0 for analysis), with incorporation of Best Management Practices (see Appendix E) required by the MSHCP. If any changes to the Covered Activities provided in the project description to this report are made, a reassessment would be required to determine consistency with the MSHCP. Please note that the Best Management Practices of the

MSHCP, while not mitigation measures for this project, are required to be implemented for the project to be in compliance with the terms of the MSHCP.

### **6.2.2 Recommended Measures**

While not explicitly mitigation measures, the project is also required to do the following as part of project design:

- REQ-BIO-1. Pay mitigation fees to comply with the Stephen's Kangaroo Rat Conservation Plan
- REQ-BIO-2: Comply with the BMP requirements of the MSHCP (provided as Appendix E in this document)

The following mitigation measures are proposed to mitigate potential impacts of the proposed project that are not already employed as part of habitat conservation plans (i.e., via implementing BMPs or in-lieu fees discussed above) or project design. With the incorporation of the following mitigation measures, impacts to biological resources per CEQA are expected to be less than significant. Mitigation measures MM-BIO 1 and MM-BIO-2 replace PVCCSP EIR mitigation measures MM Bio 1 and MM Bio 2 per recent direction from the CDFW.

**MM-BIO-1 Pre-construction Surveys for Nesting Birds.** In order to avoid violation of the MBTA and the California Fish and Game Code, site preparation activities (ground disturbance, construction activities, staging equipment, and/or removal of trees and vegetation) for the project shall be avoided, to the greatest extent possible, during the nesting season of potentially occurring native and migratory bird species. The nesting season in Riverside County extends from February 1 through September 1, although the nesting season may be extended due to weather and drought conditions.

If site-preparation activities are proposed during the nesting/breeding season, the project proponent shall retain a qualified biologist to conduct a pre-activity field survey prior to the issuance of grading permits for the project to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present within the construction zone.

If active nests are not located within the Project Area and an appropriate buffer of 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed), or 100 feet of sensitive or protected songbird nests, then construction may be conducted during the nesting/breeding season. However, if active nests are located during the pre-activity field survey, then the biologist shall immediately establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience. The biologist shall monitor the nest at the onset of project activities and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the biologist determines that such project activities may be causing an adverse reaction, the biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The on-site qualified biologist shall review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey

and nesting bird monitoring, a report shall be prepared and submitted to City for mitigation monitoring compliance record keeping.

MM-BIO-2: Burrowing Owl Surveys Preconstruction Surveys. The project proponent shall retain a qualified biologist to conduct a pre-construction survey for resident burrowing owls within 30 days prior to commencement of grading and construction activities within the Project Area. The survey shall include the Project Area and all suitable burrowing owl habitat within a 500-foot buffer. The results of the survey shall be submitted to the City prior to obtaining a grading permit. In addition, if burrowing owls are observed during the MBTA nesting bird survey, to be conducted within three days prior to ground disturbance or vegetation clearance, the observation shall be reported to the Wildlife Agencies. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The preconstruction survey and any relocation activity shall be conducted in accordance with the current Burrowing Owl Survey Instructions for the Western Riverside MSHCP.

If burrowing owl are detected, the CDFW shall be sent written notification by the City within three days of detection of burrowing owls. If active nests are identified during the pre-construction survey, the nests shall be avoided and the qualified biologist and project applicant shall coordinate with the City of Perris Planning Division, the USFWS, and the CDFW to develop a Burrowing Owl Plan to be approved by the City in consultation with the CDFW and the USFWS prior to commencing project activities. The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and MSHCP. The Burrowing Owl Plan shall describe proposed avoidance, minimization, relocation, and monitoring as applicable. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls and/or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls may also be required in the Burrowing Owl Plan. The permittee shall implement the Burrowing Owl Plan following CDFW and USFWS review and concurrence. A final letter report shall be prepared by the qualified biologist documenting the results of the Burrowing Owl Plan. The letter shall be submitted to the CDFW prior to the start of project activities. When a qualified biologist determines that burrowing owls are no longer occupying the Project Area per the criteria in the Burrowing Owl Plan, project activities may begin.

If burrowing owls occupy the Project Area after project activities have started, then construction activities shall be halted immediately. The project proponent shall notify the City and the City shall notify the CDFW and the USFWS within 48 hours of detection. A Burrowing Owl Plan, as detailed above, shall be implemented.



## 7.0 REFERENCES

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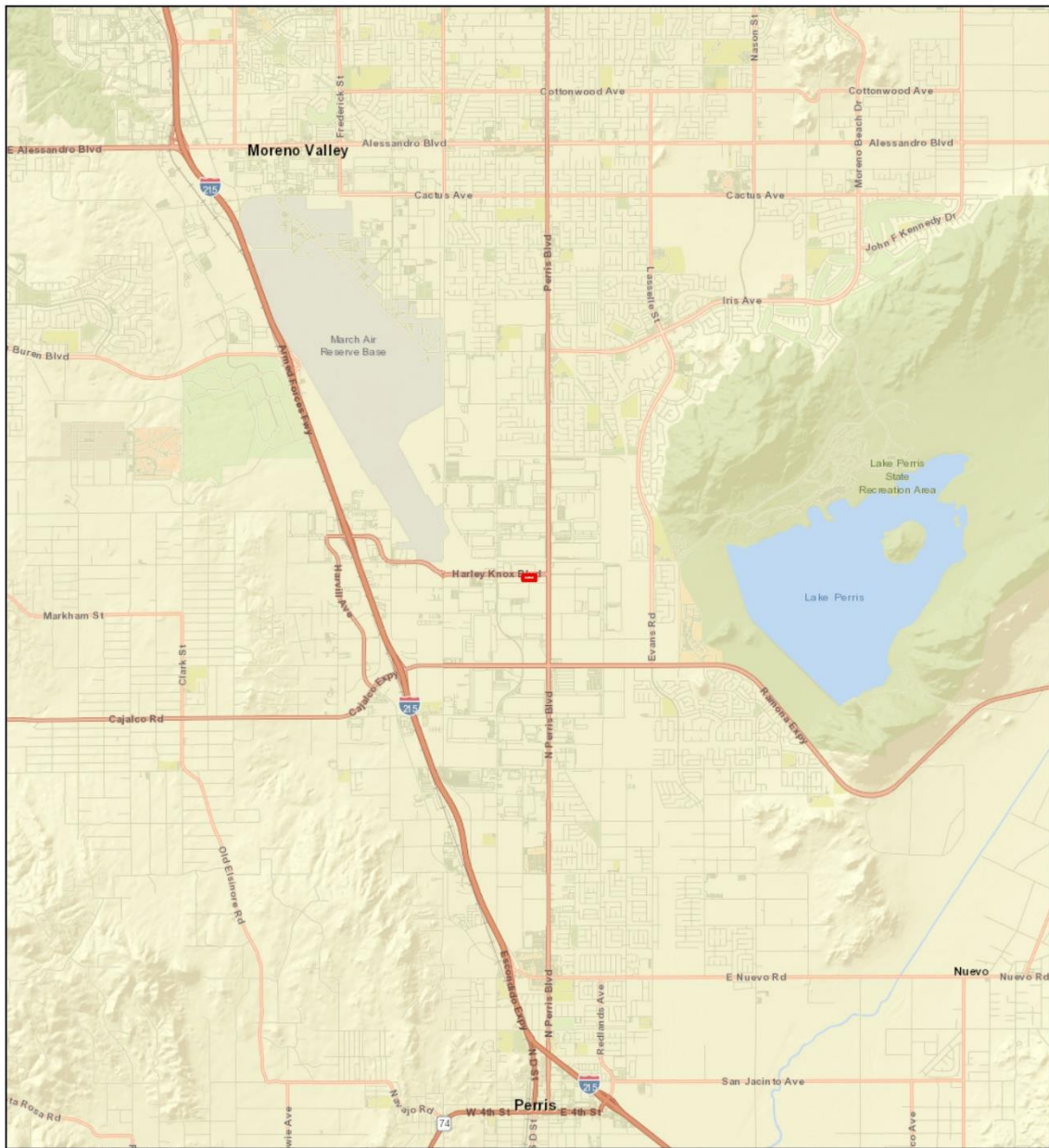
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## 8.0 FIGURES

Figure 1: Regional Map



Source: ESRI, Riverside County, MIG, 2023

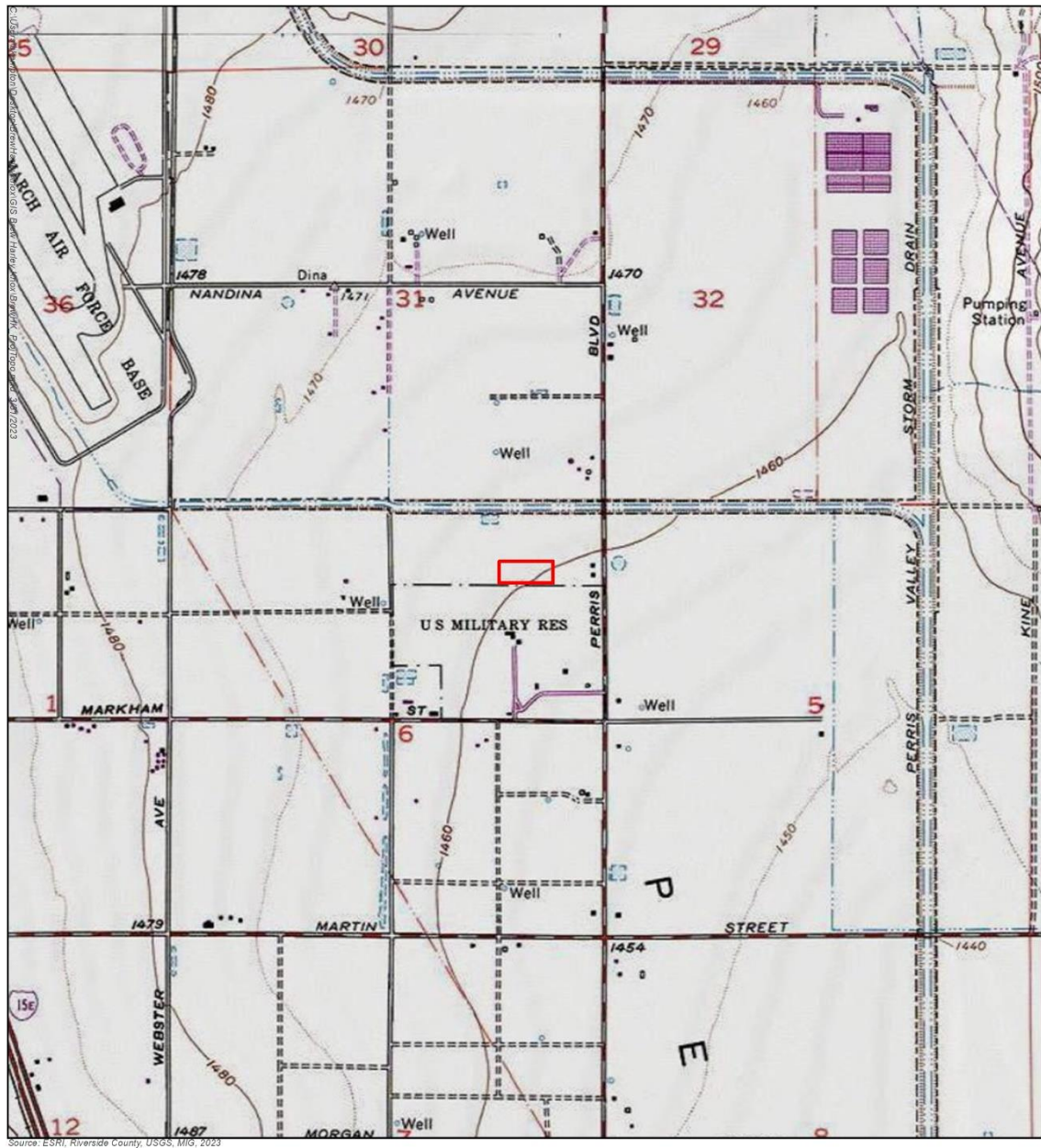
**Legend**

Project Area

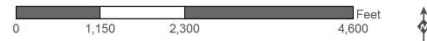


**Figure 1. Project Vicinity Map**  
 Brew Harley Knox  
 City of Perris, CA

Figure 2: USGS Topographic Map

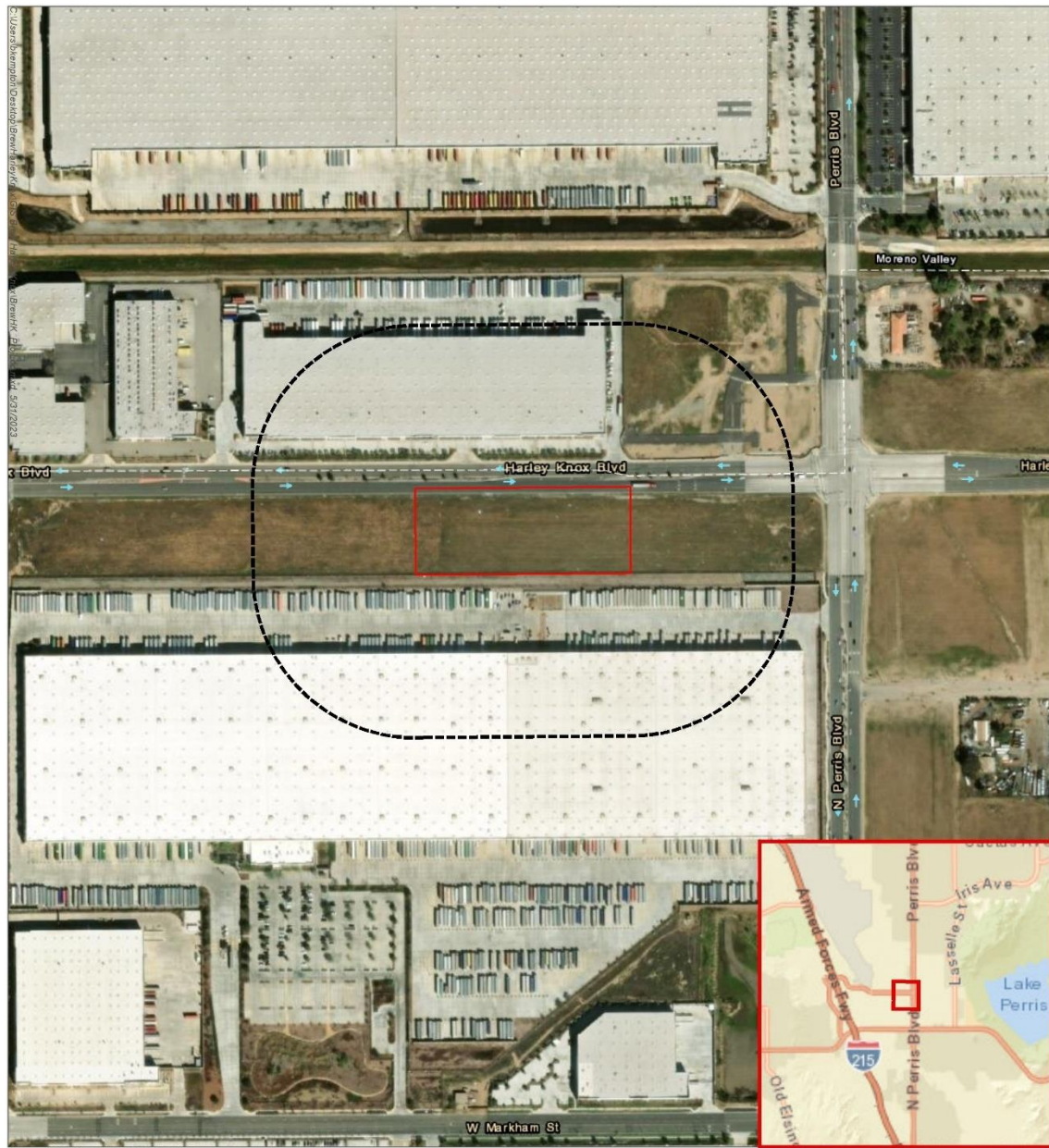


**Legend**  
 Project Area



**Figure 2. USGS Topographic Map**  
 Brew Harley Knox  
 City of Perris, CA

Figure 3: Project Location Map



Source: ESRI, Riverside County, MIG, 2023

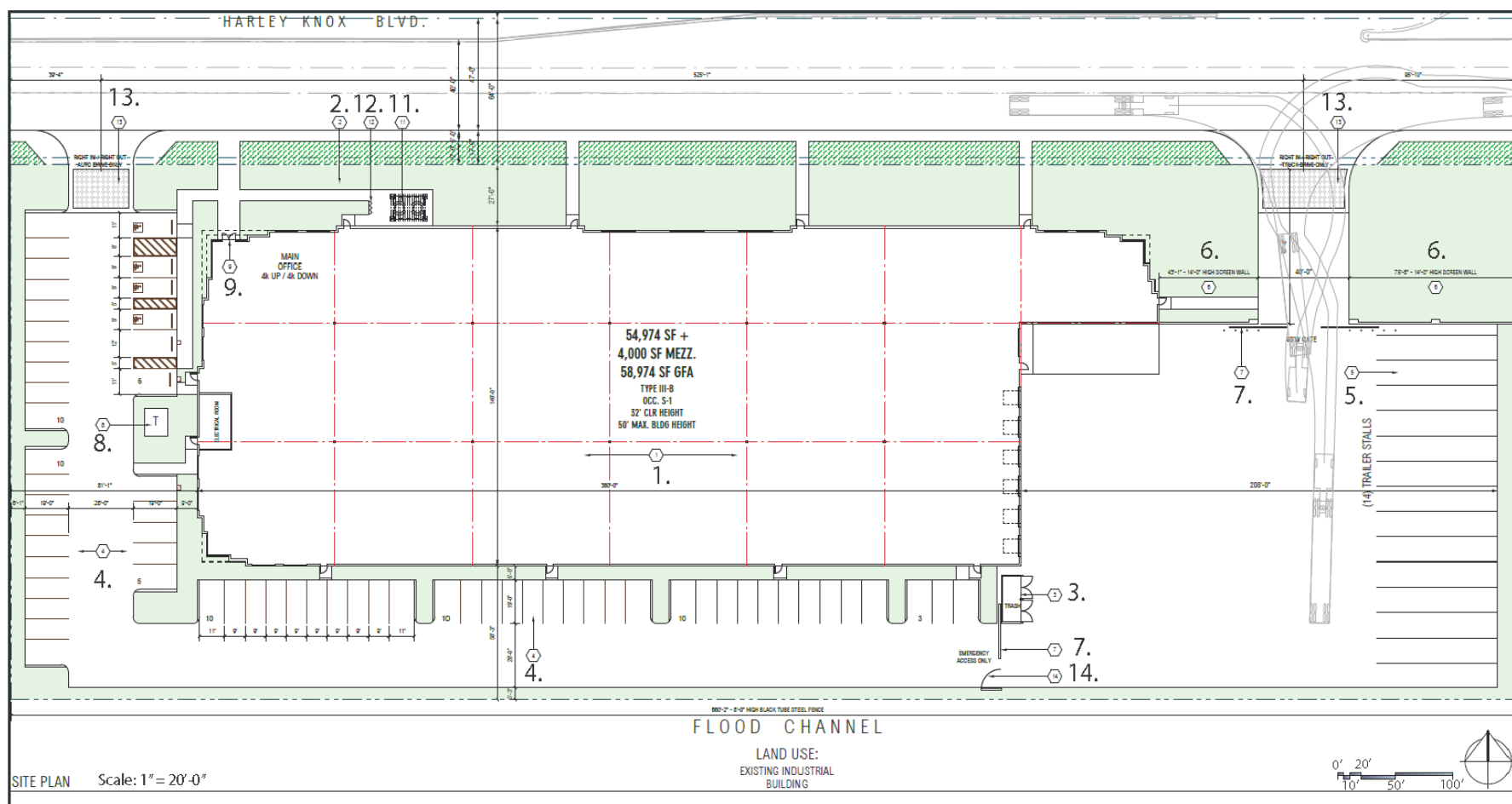
**Legend**

- Project Area
- 500ft Buffer



**Figure 3. Project Location**  
 Brew Harley Knox  
 City of Perris

Figure 4: Site Plan



**Keynotes**

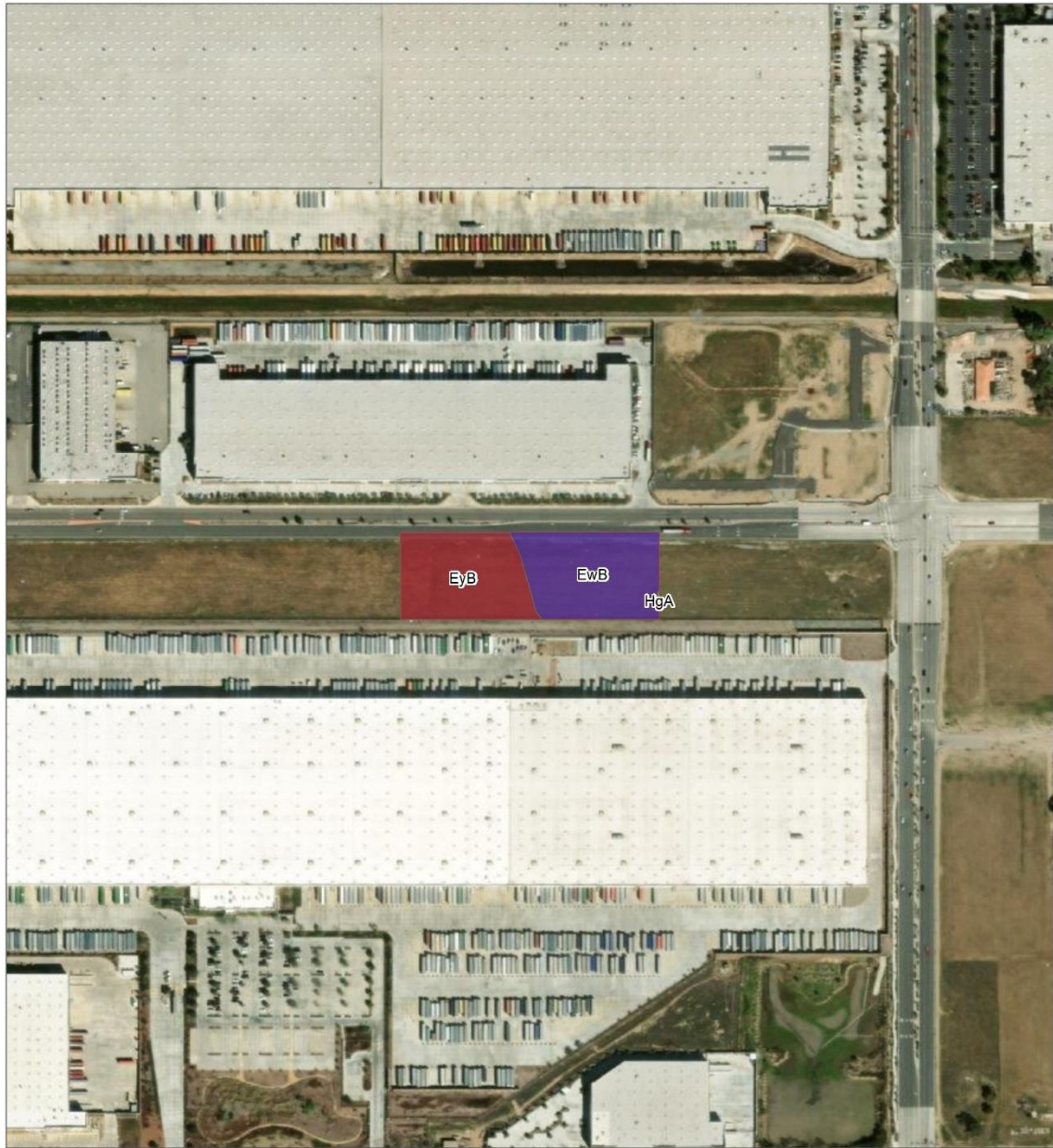
- 1. Painted Concrete Tilt-Up Warehouse / Office / Manufacturing Facility
- 2. Shaded Area: Proposed Irrigated Landscaping per CC&R Guidelines with Minimum 6" Concrete Curbs at all Perimeters
- 3. Painted Concrete Trash Enclosure Screen Walls Shall be Minimum 6'-0" High with Canopy Top. See Sheet A2-1P for Elevations and Sections
- 4. Typical Standard Parking Stall Minimum 9' x 19' - Stripe per City Standards
- 5. Truck Trailer Parking
- 6. New 14'-0" Concrete Tilt-Up Screen Walls At Truck Yard. See Plan for Minimum Heights as Measured from Inside the Truck Yard.

- 7. Rolling 8'-0" High Wrought Iron Fence into the Truck Court
- 8. Transformer Pad Location.
- 9. Accessible Primary Entrance to the Building with Bike Racks.
- 10. Provide Bocce Court and Kit Area.
- 11. Concrete Covered Lunch Patio with Landscape Furniture, See Sheet A3-1P.
- 12. CalGreen Required Bike Racks, See Tabulations for Number of Bike Racks.
- 13. Decorative Paving at Entry Driveway.
- 14. 8'-0" Tube Steel Swing Gate with KNox Lock for Emergency Trucks Only.



Not to Scale

Figure 5: Soils Map



Source: ESRI, USDA-NRCS, Riverside County, MIG, 2023

**Legend**

Project Area

**USDA Natural Resources Conservation Service (NRCS) Soils**

- EwB, Exeter very fine sandy loam, 0 to 5 percent slopes
- EyB, Exeter very fine sandy loam, deep, 0 to 5 percent slopes
- HgA, Hanford fine sandy loam, 0 to 2 percent slopes



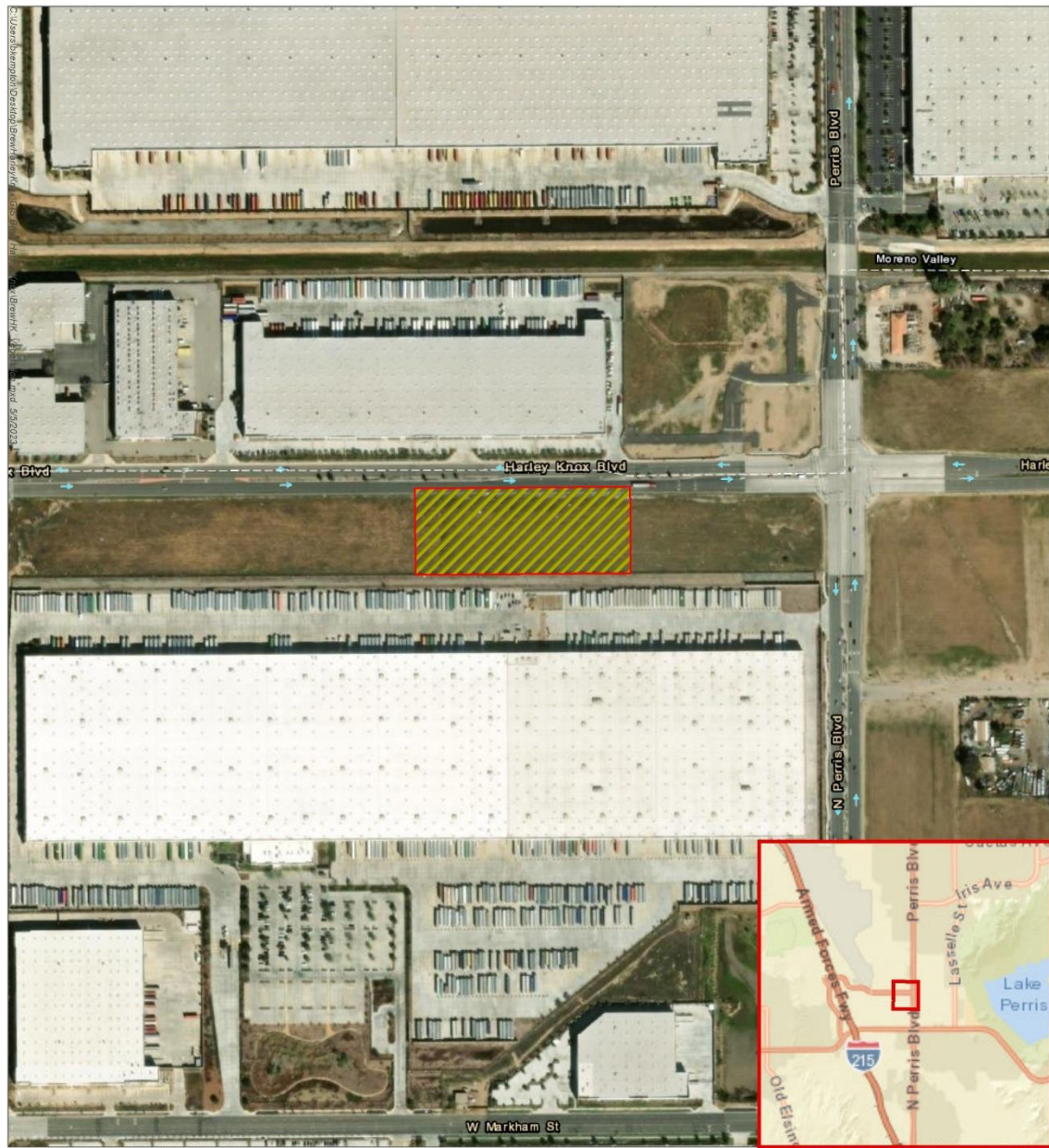
**Figure 5. Soils Map**

Brew Harley Knox

City of Perris, CA



Figure 6: Vegetation Map



Source: ESRI, Los Angeles County, M/G, 2023

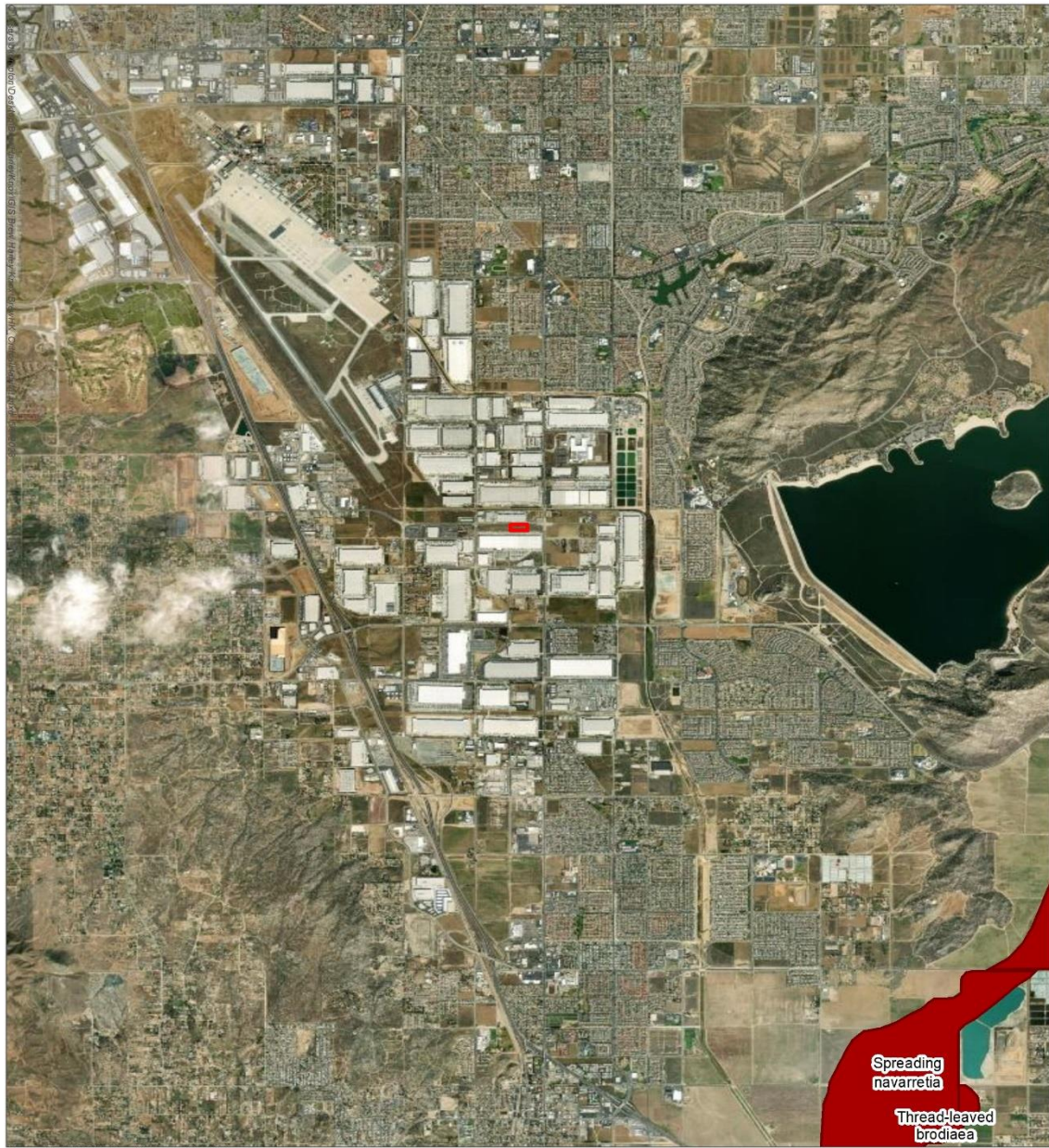
**Legend**

- Project Area
- Non-native Annual Grassland



**Figure 3. Project Location**  
 Brew Harley Knox  
 City of Perris

Figure 7: Critical Habitat Map

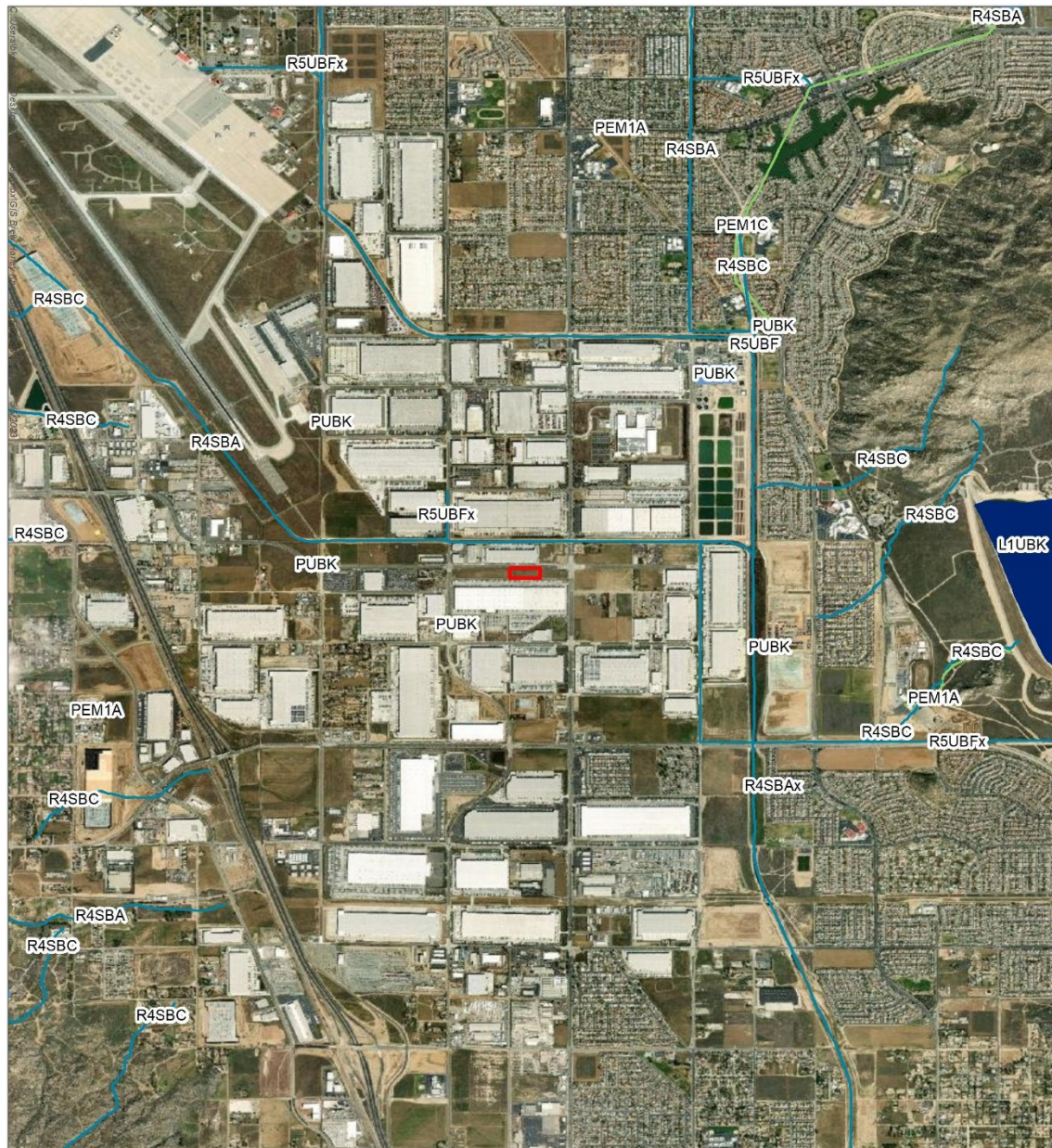


**Legend**  
 ■ Critical Habitat - Polygon Features - Final

0 3,350 6,700 13,400 Feet

**Figure 7. USFWS Critical Habitat Map**  
 Brew Harley Knox  
 City of Perris, CA

Figure 8: National Wetlands Inventory Map



Source: ESRI, USFWS, MIG, 2023

**Legend**

Project Area

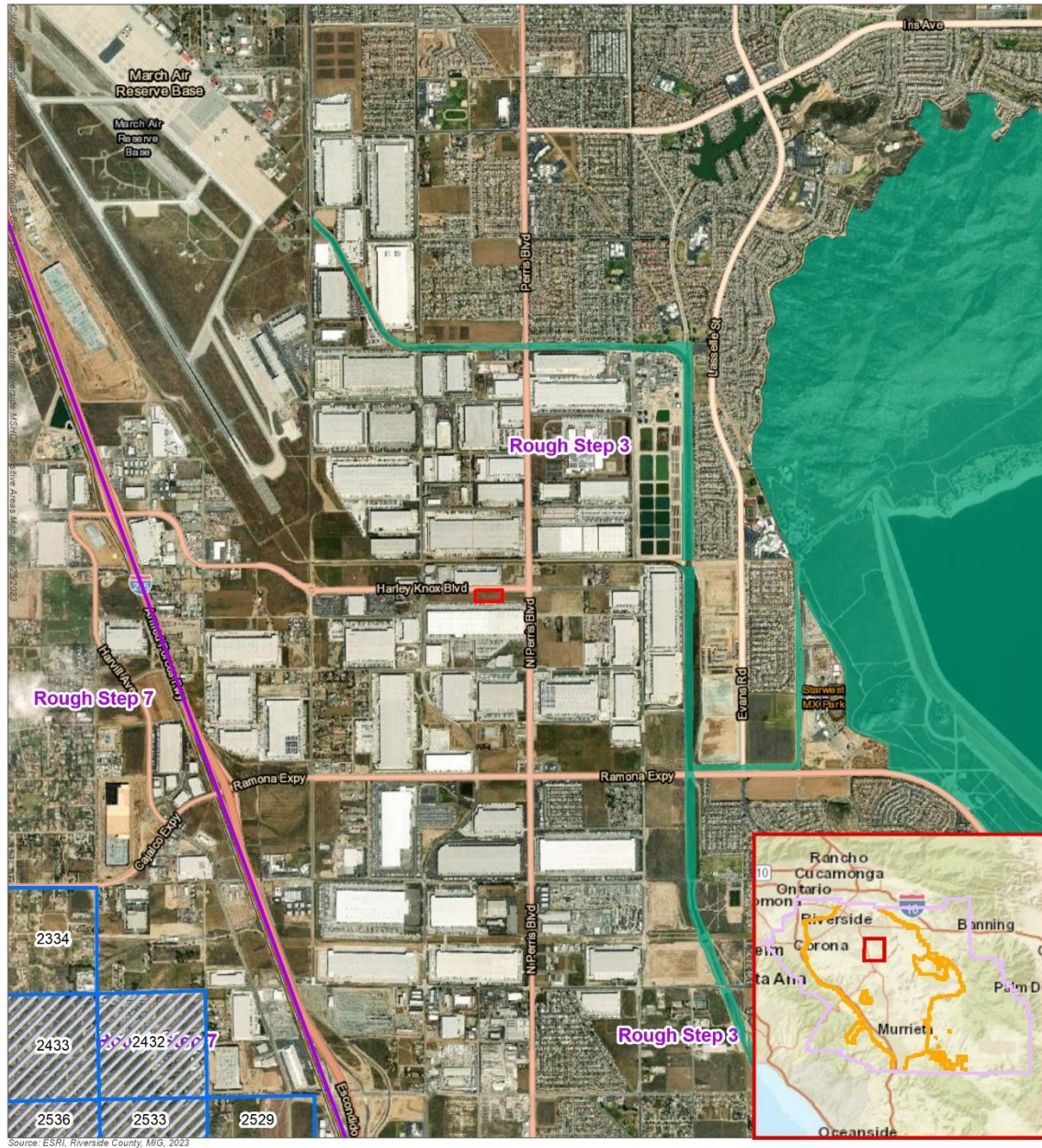
NW Wetland Types:

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

**Figure 8. National Wetlands Inventory Map**  
Brew Harley Knox

City of Perris, CA

Figure 9: Local Sensitive Planning Areas Map



Source: ESRI, Riverside County, MIG, 2023

**Legend**

- Project Area
- Public/Quasi-Public Lands
- WRCMSHCP Criteria Cells
- WRCMSHCP Cell Groups
- WRCMSHCP Rough Step Units
- WRCMSHCP Boundary
- Stephen's Kangaroo Rat Conservation Plan and Fee Area

**Figure 9. Local Sensitive Planning Areas  
Brew Harley Knox**

City of Perris

**Figure 10: Current Project Area Photographs**



Photo 1. Looking northwest from southeast corner of property. Note contiguous vacant lands to the west of the property.



Photo 2. Looking north from southeast corner of property.



Photo 3. View from southwest corner toward the northeast corner of the property.



Photo 4. Looking east from the southwest corner of property. Note the presence of logistics operations to the south of the project site.



Photo 5. Looking at ground, showing level of discing which prevented detection of burrowing animal dens..



Photo 6. Looking at harvest mouse under old sign on property.

## APPENDICES

**Appendix A**  
**Special Status Species Database Search Results**

**Appendix B**  
**Special-Status Plant Species with Potential to Occur at the Project Area**



**Appendix C**  
**Special-Status Wildlife Species with Potential to Occur at the Project Area**

**Appendix D**  
**Floral and Faunal Compendium**