HABITAT ASSESSMENT AND MSHCP CONSISTENCY ANALYSIS

99 Cent Only Store Project

City of San Jacinto, Riverside County, California

San Jacinto USGS Topographic Quadrangle,

T4S, R1W, S27

Assessor's Parcel Numbers: APNs 434-080-025 & 026

Prepared for:

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Survey Conducted By: Ryan Young
Surveys Conducted: May-June 2022
Report Date: August 17, 2022

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Section 1: Summary

This report contains the results of a Habitat Assessment (HA), burrowing owl survey and Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis conducted by Phoenix Biological Consulting on a 14 acre project site located in the City of San Jacinto, Riverside County, California. The purpose of this Habitat Assessment is to identify potential impacts to biological recourses associated with the construct a 99 Cent Only Store. The project site contains non-native ruderal vegetation and non-native trees along the perimeter. There are no anticipated impacts to sensitive species.

Section 2: Introduction

At the request of the Rich Development, LLC, Phoenix conducted a habitat assessment and MSHCP Consistency Analysis for the 99 Cent Only Store Project located at the southeast corner of Ramona Expressway and State Street in the City of San Jacinto, California, hereafter referred to as project site or site.

2.1 Project Location

The project site is generally located in the northern portion of San Jacinto, along Ramona Expressway which borders the northern boundary of the site. Mt San Jacinto College is located just to the north of the site. State Street borders the western boundary of the site. There are existing residential tracts to the east and a small open disturbed lot to the south of approximately 8.5 acres (Exhibit 1). The north and west sides are bound by existing paved roads; Romana and State Street. The site is located within Section 27; Township 4 South, Range 1 West, USGS San Jacinto 7.5' topographic quadrangle.

2.2 Project Description

This number should be updated to be consistent with new site plan.

The project consists of a neighborhood oriented retail shopping center on approximately 14.5 acres of commercially zoned land in the city of San Jacinto. The area consists of approximately 120,000 square feet of retail, office, banking, service and restaurant tenants typically found in similar shopping centers in Riverside County.

Section 3: Methods

Prior to conducting a field site visit, the Regional Conservation Authority (RCA) Multi-Species Conservation Program (MSHCP) was queried to determine a general desktop analysis habitat assessment and potential survey requirements for the project site.

The MSHCP query results indicate that burrowing owl surveys are the only biological survey requirements for the project site. There are no criteria cells in close proximity nor are there any

defined waterways.

3.1 Western Riverside County MSHCP Consistency Analysis

Geographic Information System (GIS) software was utilized to map the project site in relation to the MSHCP areas including Criteria Cells, Core Habitat, Linkages, and areas proposed for conservation. RCA MSHCP online mapping program was queried to determine habitat assessment and potential survey requirements for the project site. According to the MSHCP, the project area lies within the burrowing owl survey requirement area. There are no other potential sensitive species or sensitive habitat identified in the online RCA MSHCP database query.

3.2 Literature Review

Prior to the field visit, a literature review was conducted of the environmental setting of the project site. Literature reviewed includes the United States Department of Agriculture (USDA 2022) Soil Survey for the project site, and the California Natural Diversity Database (CNDDB 2022). The closest recorded location of sensitive species was determined through a seven-mile radius query of the CNDDB (2022). The CNDDB ArcGIS database was utilized, together with ArcGIS software, to locate the previously recorded locations of sensitive plant and wildlife occurrences and determine the distance from the project site (Exhibit E). Additionally, the Riverside County MSHCP was reviewed for additional information on known occurrences of the species within Riverside County.

3.3 Plant Communities

The plant communities were mapped using aerial photography and ground truthed by pedestrian surveys of the sites. The plant communities within the project site were classified according to the California Department of Fish and Wildlife (CDFWs) List of Terrestrial Natural Communities (2003) and also cross-referenced to descriptions provided in Holland's Preliminary Descriptions of the Terrestrial Natural Communities of California (1986). When the conditions did not fit the descriptions provided by CDFW or Holland, Phoenix's biologist classified the habitat.

3.4 Riparian and Riverine Habitat and Jurisdictional Areas

Phoenix staff reviewed aerial photography, queried the United States Fish and Wildlife Wetland Inventory Mapper (USFWS, 2022) and the RCA MSHCP database prior to conducting general surveys. The information was used to locate and inspect any potential natural drainage features and water bodies that may be considered riparian/riverine habitat or under the jurisdiction of either the U.S. Army Corps of Engineers (USACE) and/or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potentially riparian/riverine habitat and may be subject to State and federal regulatory authority as

"waters" of the U.S.

Based on the MSHCP, riparian/riverine habitat is defined as lands which contain habitat dominated by trees, shrubs, persistent emergent vegetation, 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.

3.5 Field Investigation

Phoenix biologist, Ryan Young, conducted the survey of the project site on May 17, 2022 from 9:00 a.m. to 14:00 p.m. and June 27, 2022 from 7:00 a.m. to 3:00 p.m. The weather conditions during the surveys included mostly sunny skies with an average temperature of 89° F and 94° F (degrees Fahrenheit) for the two days. The biologist systematically walked the entire site and covered 100% of the project area using belt transects that were uploaded onto a hand-held Garmin GPS device. The entire project site was assessed to determine the extent of plant communities and to evaluate the presence of jurisdictional features, and riparian/riverine habitat. The burrowing owl surveys included walking parallel 20 meter transects throughout the site while looking for any potential burrows that would serve as refuge for burrowing owls. Additionally, the biologist looked for the presence of owl feathers, white wash and owl pellets. Buffer surveys were only conducted on the southern boundary where suitable habitat was present. Other considerations included documenting soil conditions, presence of indicator species, slope, aspect and hydrology.

3.6 Plants

During the field survey, plant species were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less familiar plants were identified off-site using taxonomical guides. A soils map was used to identify areas of the site, which contain suitable soils to support sensitive plant species. A list of all species observed on the project site was compiled from the survey data (Appendix B). Taxonomic nomenclature used in this study follows the California Native Plant Society (CNPS 2008). In this report, scientific names are noted immediately following common names of plant species (first reference only).

3.7 Wildlife

Wildlife species observed during field surveys were identified by sight, calls, tracks, scat, or other signs and recorded in a field notebook. When necessary, field guides were used to assist with identification of species during surveys and included the Sibley Field Guide to Birds of Western North America (2003) for birds, and Burt and Grossenheider (1980) for mammals. Although common names of wildlife species are fairly well standardized, scientific names are used in this report and are provided in Appendix B for reference.

Section 4: Existing Conditions

4.1 Environmental Setting

The project site is relatively flat with elevation at 1,519 feet above mean sea level (msl). The project does not a have any noticeable slope. The project area is highly disturbed dirt lot that is dominated by weeds and non-native herbs. There are no trees present on the site.

4.2 Soils

Exhibit D depicts soils that are mapped within the project site. USDA online soils data mapper was utilized to download shapefiles of the pertinent soil layers related to project boundary (USDA, 2022). The soils of the project site are comprised of Arlington fine sandy loam and Hanford fine sandy loam.

Each of the sandy loam series are well drained, and have slow to medium drainage. These soils are developed in alluvium consisting mainly of granitic materials. The project site has been highly modified in the past by commercial and residential development. None of these soils are listed as sensitive in the MSHCP or provide suitable habitat for any sensitive plant species.

4.3 Plant Communities

The proposed project potentially affects one distinct vegetation communities or land features described below (Exhibit G). There were no native plant species observed within the project site. A full floral compendium is included in Appendix A.

Ruderal

Areas mapped as ruderal or non-native grassland, per the MSHCP GIS layers, are characterized as disturbed areas that are dominated by non-native plant species adapted to disturbance. The common species observed in the ruderal community include leporinum barley (*Hordeum murinum* ssp. *leporinum*), tumbleweed (*Salsola sp*), ragweed (*Ambrosia artemisiifolia)*, red-stemmed stork's bill (*Erodium cicutarium*), horseweed (*Conyza canadensis*), and bur clover (*Medicago polymorpha*).

4.4 Jurisdictional Waters

The United States Army Corps of Engineers (USACE) regulates discharges of dredged or fill material into waters of the United States. The State of California also regulates waters of the State and streambeds under the Regional Board and CDFW jurisdiction. These waters include wetlands and non- wetland bodies of water that meet specific criteria. The project site does not contain features that are jurisdictional under the Clean Water Act or State regulation for isolated waters or streambeds.

4.5 Nesting Birds

The project site contains suitable ground nesting habitat for avian species. The MSHCP does not cover impacts to nesting birds, however, they are protected under section 3503 of CDFW code and the Migratory Bird Treaty Act (MBTA). Several common bird species were observed within the project area during the survey. No inactive or active nests were observed. All bird species observed are included in the faunal compendium in Appendix A.

4.6 MSHCP

The project site is within APN 434-080-025 & -026 within the Cities of San Jacinto. The project site is not within a Cell or any designated survey areas for sensitive species other than the burrowing owl. The project site does not contain any riverine/riparian habitat, vernal pools or Urban/Wildlands interface areas.

Section 5 – Project Impacts

5.1 Impacts per Plant Community

The flowing table provides the quantities for each habitat type within the project area:

Table 1: Impacts per Habitat Type

Habitat Type	Acres
Ruderal	14.44

5.2 Nesting Birds

There is a potential for nesting birds to utilize the non-native shrubs and ground nesting within the project site. There are no trees present on site. Potential impacts to nesting birds can be eliminated if vegetation suitable for nesting activity is removed outside of the nesting bird season. The nesting bird season is typically February to the end of August.

5.3 Burrowing Owls

Burrowing owl surveys were negative for the project area and surrounding buffer. There are several California ground squirrel (CGS) burrows present on site but none of the CGS burrows had any sign of burrowing owls such as feathers, tracks, whitewash, pellets or owls. The majority of the CGS burrows were active with CGS and fresh tracks of CGS. Numerous CGS were spotted perched near burrows

mounds or running across the project area during the pedestrian surveys.

Section 6: Western Riverside County MSHCP Consistency Analysis

6.1 MSHCP Requirements

The proposed project site is located in City of San Jacinto and is not within an MSHCP Criteria Cell (Exhibit H). The MSHCP also establishes habitat assessment requirements for certain species of plants, birds, mammals, and amphibians. Since the project is not within a mammal, amphibian survey area or riparian/riverine area, no additional analysis is required beyond the burrowing owl survey requirement for this project.

6.1.1 - Urban/Wildlands Interface Guidelines

According to the MSHCP, the Urban/Wildlands Interface Guidelines are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area (MSHCP, p 6-42). The project site is not within the vicinity of a conservation area (Exhibit H) and the Urban/Wildlife Interface Guidelines are not applicable.

6.1.2 - Sensitive Plant Species

The project site is not within the MSHCP Narrow Endemic Plant Species (NEPS) or Criteria Area Species (CAS) Survey Areas. There were no rare plants found within the project area and there is no suitable habitat for rare plants.

6.2 Jurisdictional Waters

There are no jurisdictional drainages within the project area.

6.2.1 - Riparian/Riverine Habitat

There is no riparian/riverine habitat found within the project site.

6.2.2 - Riparian/Riverine Species

None of the riparian/riverine species listed in Section 6.1.2 of the MSHCP were found within the project site.

6.2.3 - Vernal Pools/Fairy Shrimp Habitat

No depressions or areas where water would pool were observed within the project site. No vernal pools occur on the project site and there is no suitable habitat for fairy shrimp to occur.

Section 7 Recommendations

7.1 Nesting Birds & Burrowing Owls

Due to the presence of numerous CGS burrows on site, a preconstruction survey for burrowing owl is recommended prior to ground disturbance to ensure no burrowing owls have moved onto the site since the burrowing owl survey was completed.

Ground disturbing and vegetation removal activities should be conducted outside of the nesting bird season. If these activities must occur during the nesting season, a nesting bird survey should be conducted within 7 days prior to any ground disturbing activities to determine if any nesting birds occur within the project site. If nesting birds are not found within the project site, no further actions are required. If nesting birds are observed on site, no impacts shall occur within 250 feet (500 feet for raptors) of any active nests. Construction activity may only occur within 250 feet of an active nest at the discretion of a biological monitor.

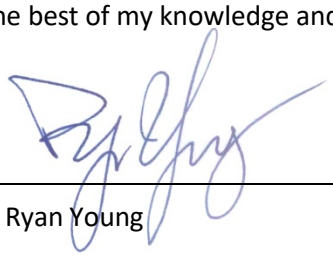
Section 8 Conclusions

No sensitive species of habitats were observed within the project site. The project site does not contain any riverine/riparian habitat, vernal pools or Urban/Wildlands interface areas. There are no sensitive plant or animal species present. The following recommended actions will ensure that the project is consistent with the MSHCP.

1) Preconstruction nesting bird survey if vegetation removal is conducted between February and August.
2) Burrowing owl preconstruction survey, thirty days prior to any ground disturbance.

Section 9 Certification

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

Date: August 17, 2022 Signed: 

Ryan Young

Exhibit A: Regional View

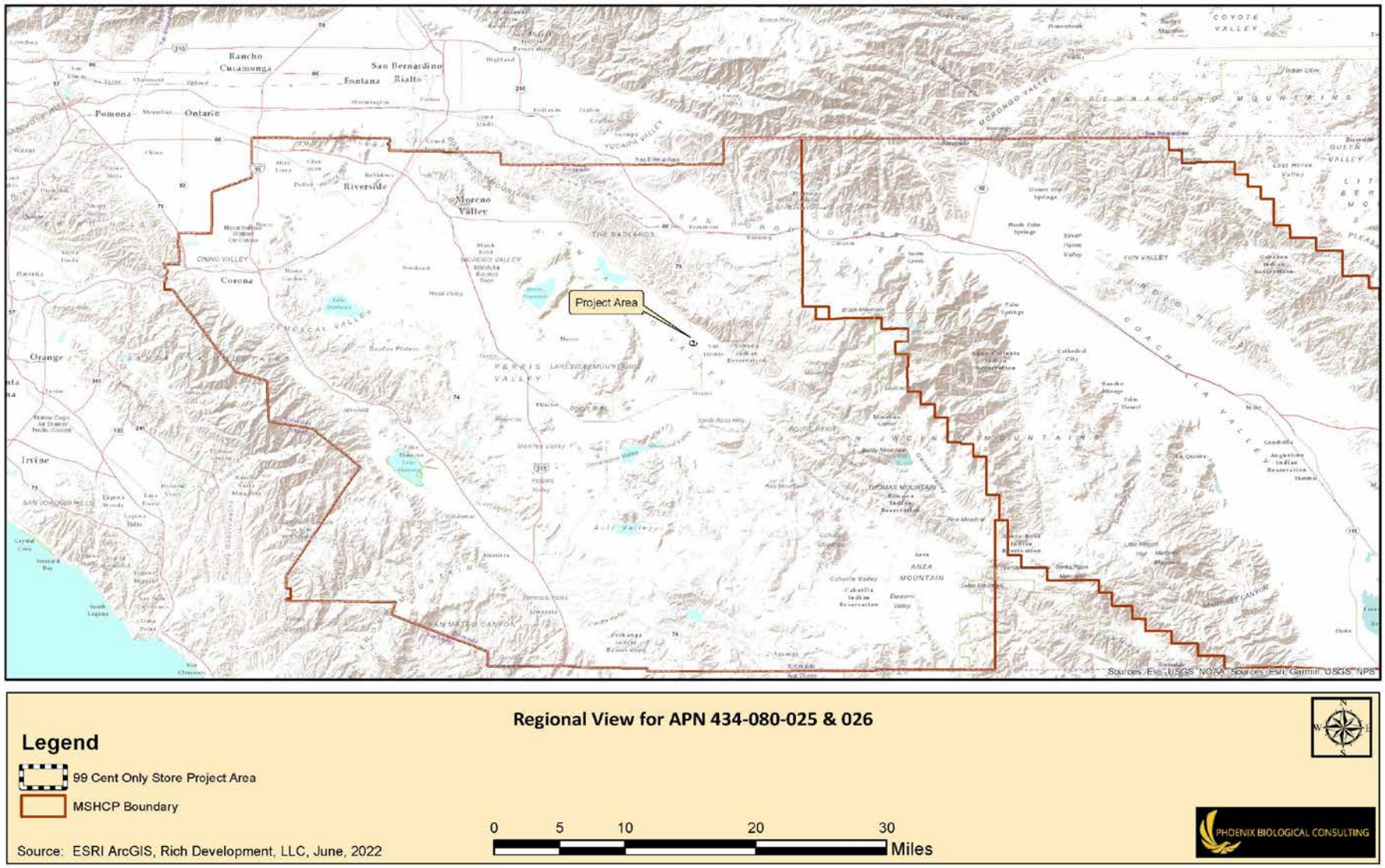
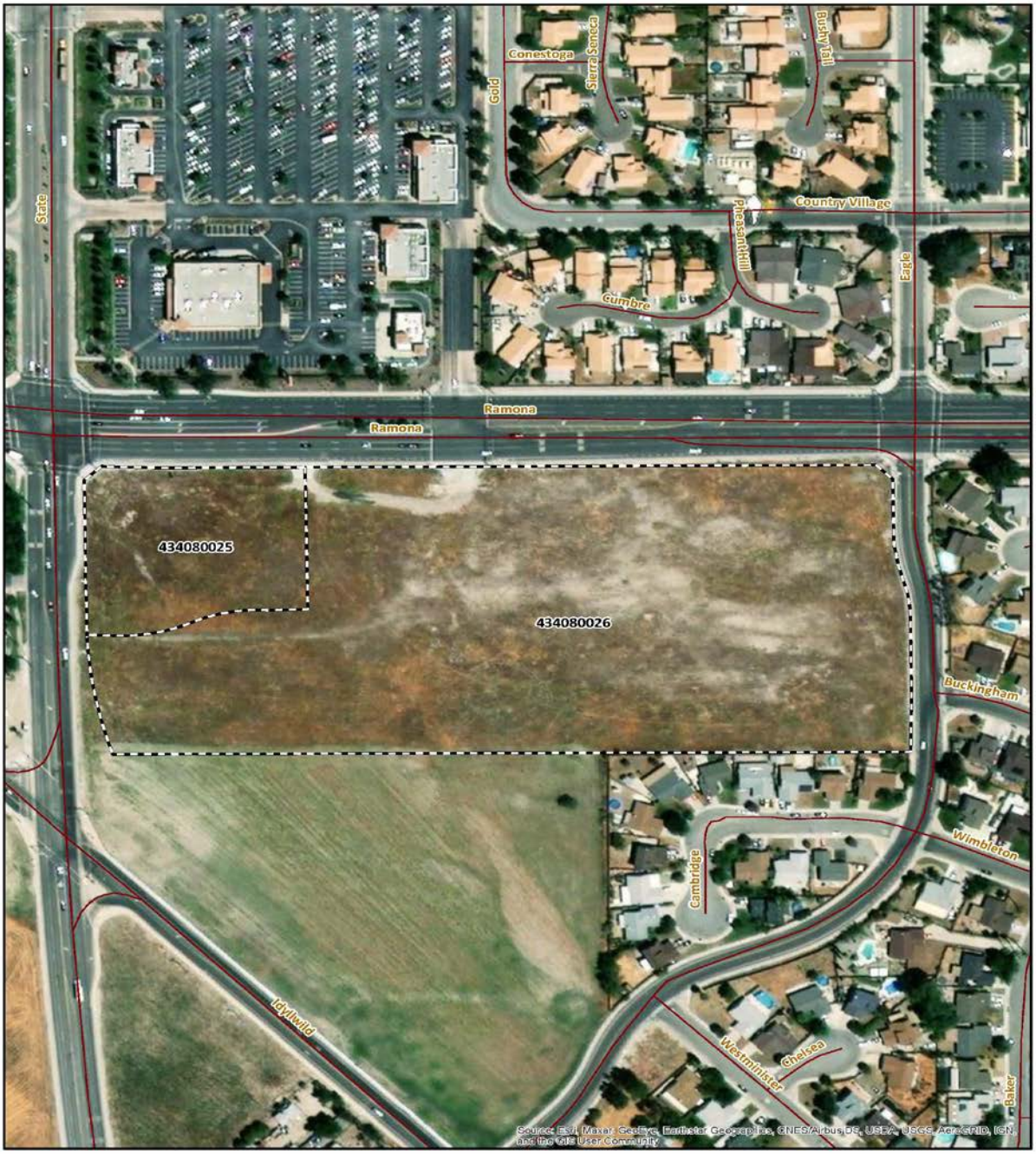


Exhibit B: Aerial View



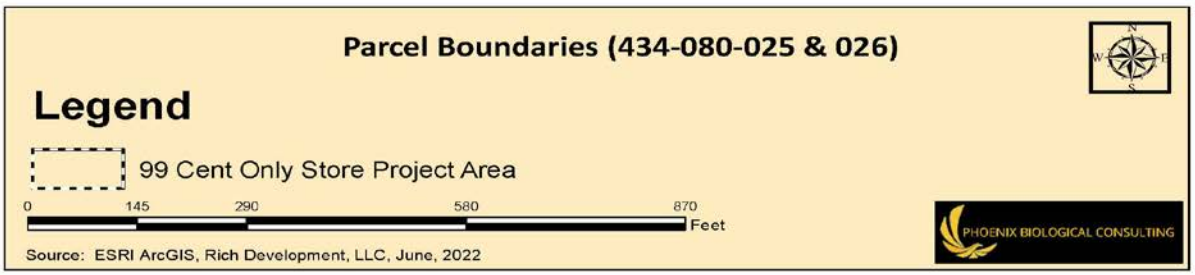


Exhibit C: Topographic View

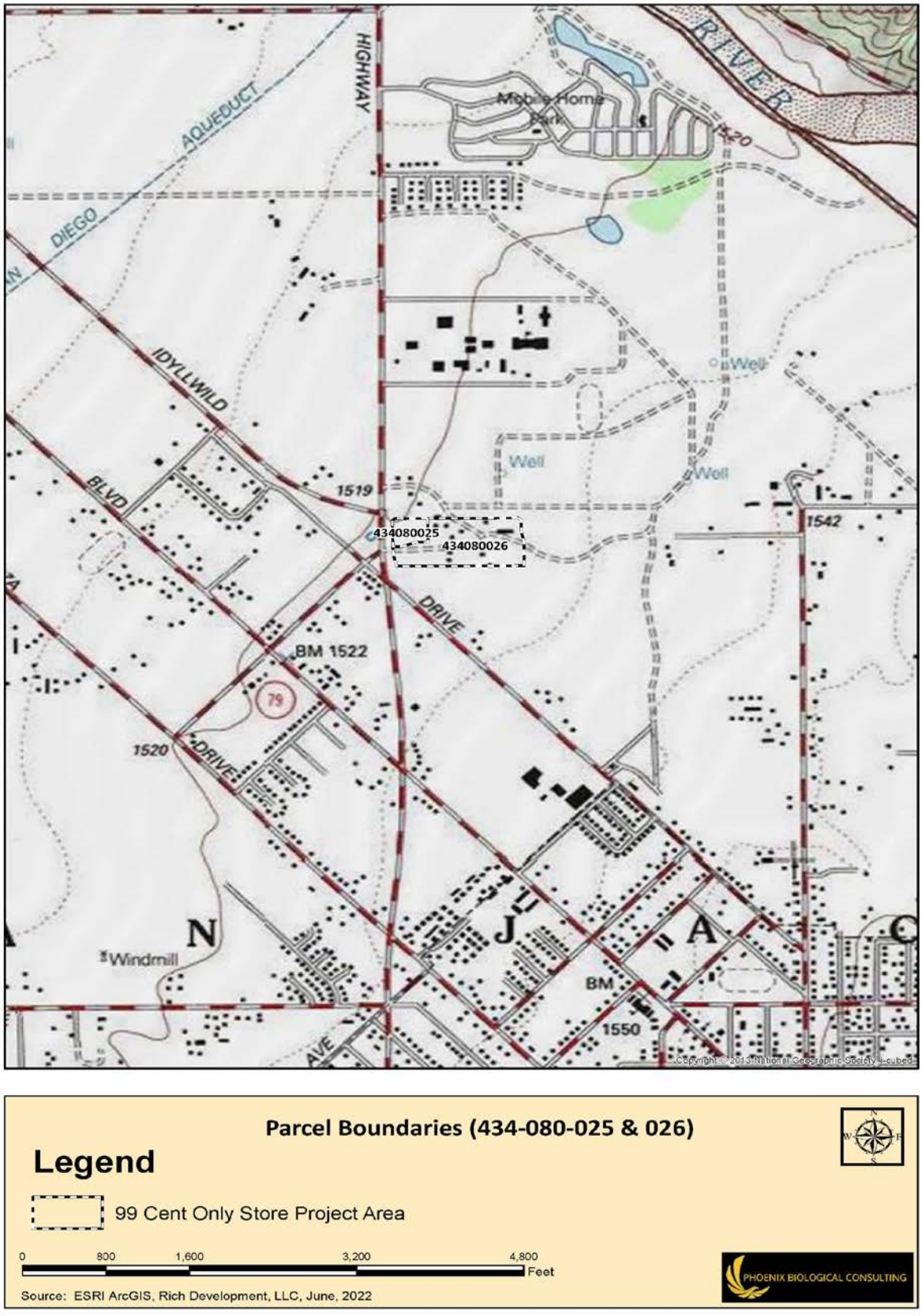


Exhibit D: Soils Map

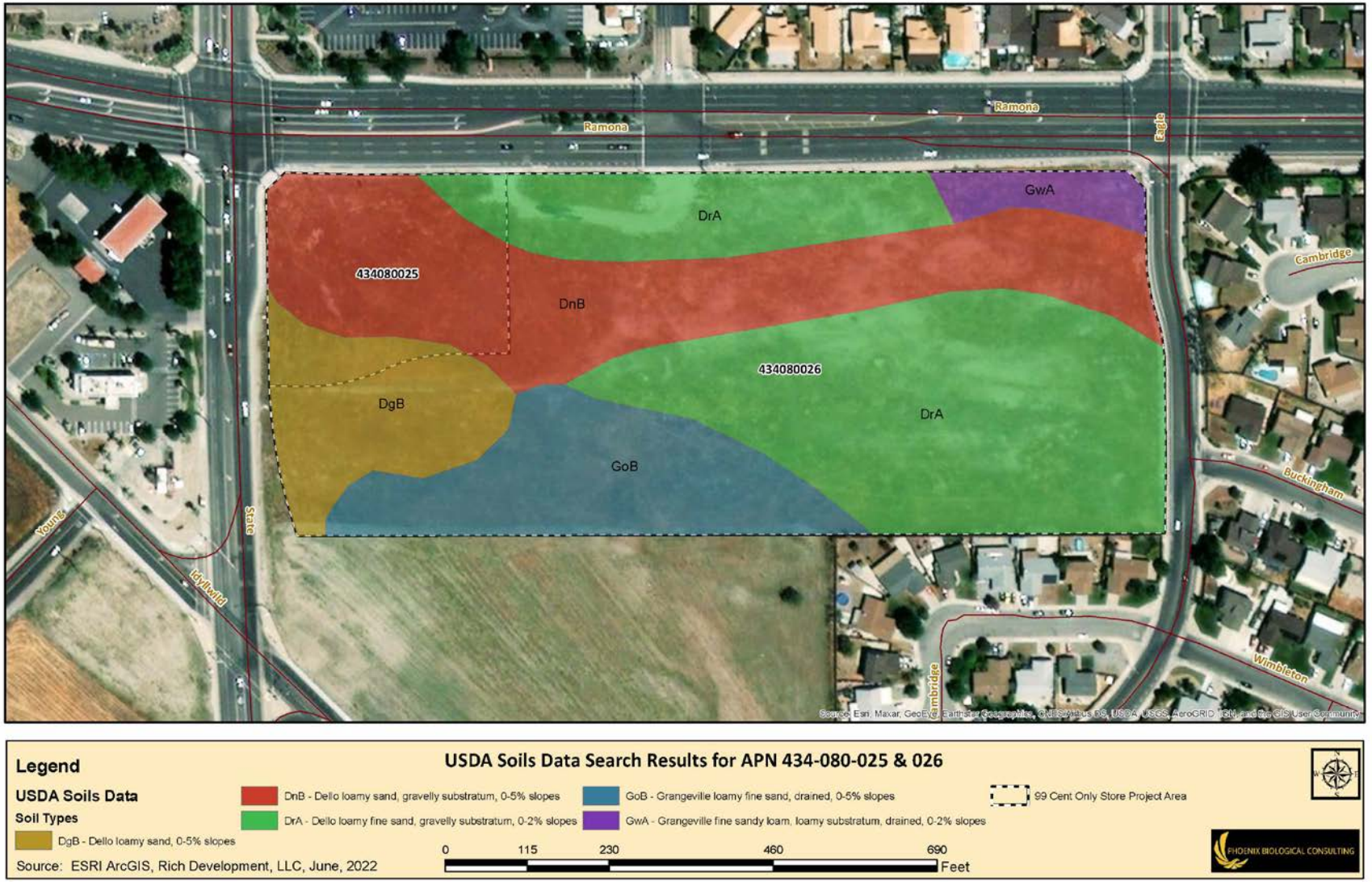


Exhibit E: CNDDB Results

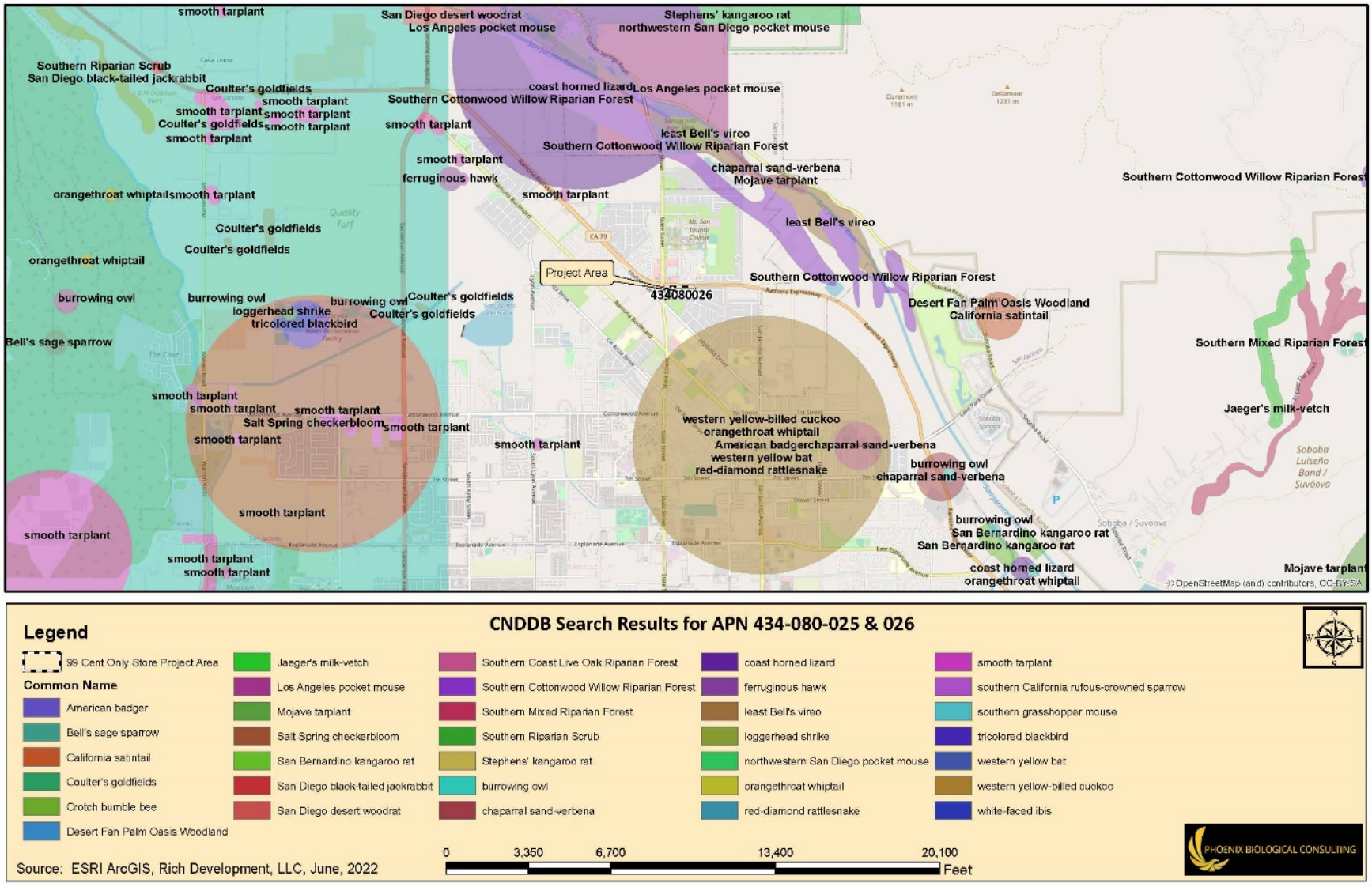


Exhibit F: Riverside MSHCP Burrowing Owl Survey Areas

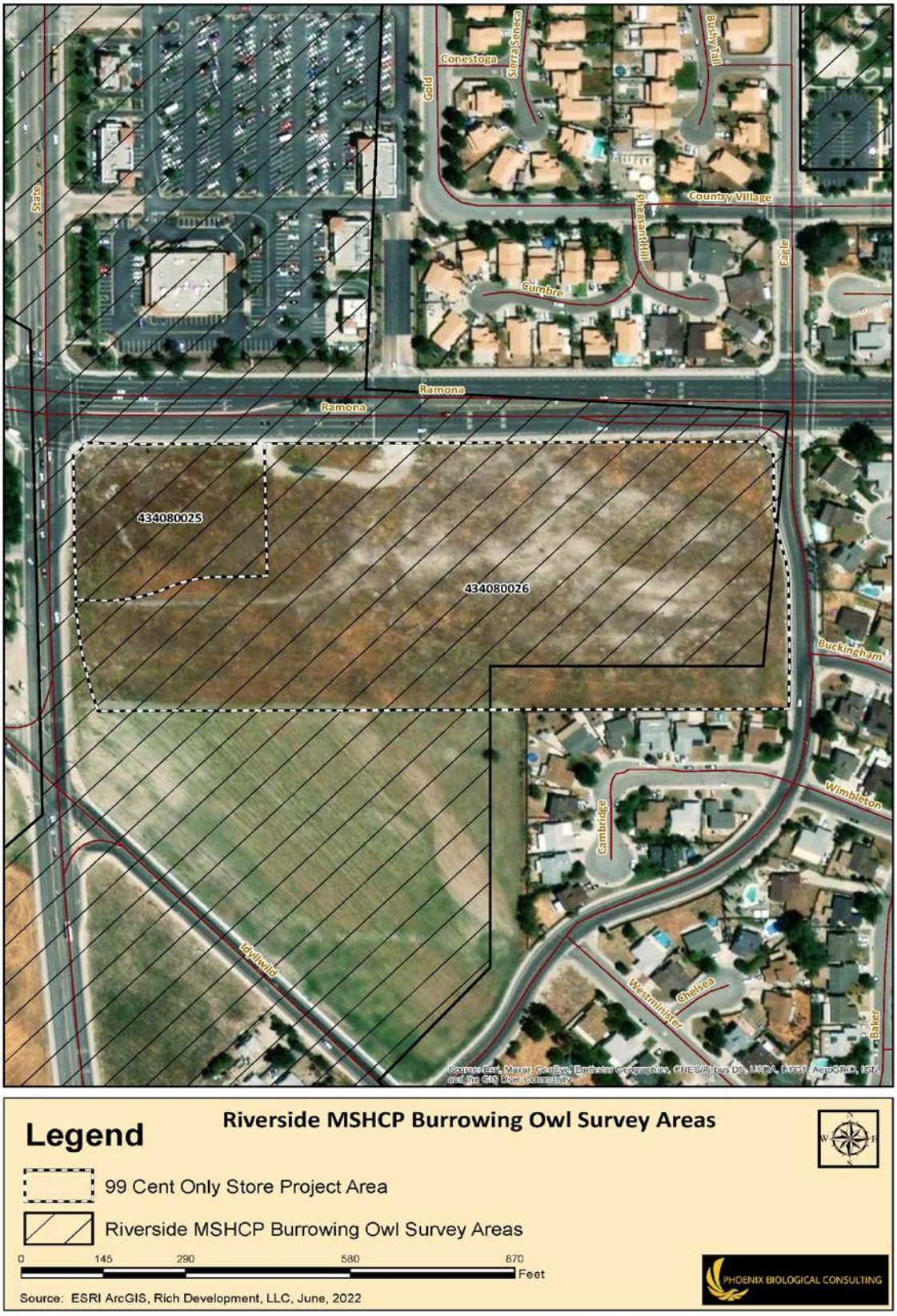
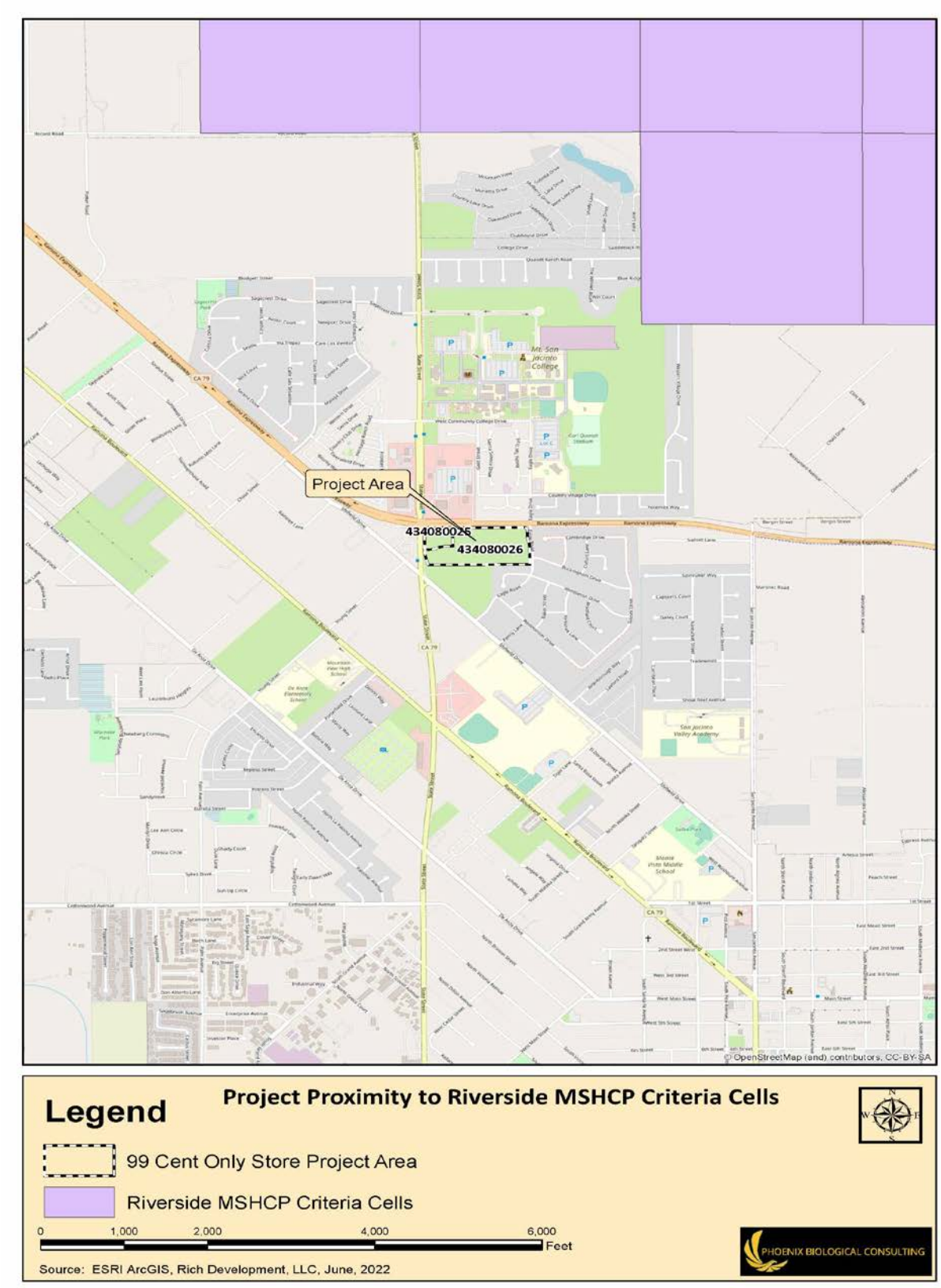


Exhibit G: Riverside MSHCP Vegetation Layers

Exhibit H: Proximity to Criteria Cells



Section 10 References

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https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm Soil Survey: Riverside County, California. Department of the Interior. U.S. Government Printing Office. Washington, DC.

Appendix A: Floral & Fauna Compendia

Flora Compendia

Asteraceae		**Sunflower Family**
Chamomilla	*suaveolens*	pineapple weed
Conyza	*canadensis*	horseweed prickly
Lactuca	*serriola asper*	lettuce sow thistle
Sonchus	*oleraceus*	common sow thistle
Sonchus	*officinale*	common dandelion
Taraxacum		
Brassicaceae		**Mustard Family**
Sisymbrium	*irio*	London rocket
Fabaceae		**Legume Family**
Medicago	*polymorpha*	California bur clover
Geraniaceae		**Geranium Family**
Erodium	*cicutarium*	red-stemmed stork's bill
Malvaceae		**Mallow Family**
Malva	*parviflora*	cheeseweed
Oxalidaceae		**Oxalis Family**
Oxalis	*radicosa*	dwarf wood-sorrel
Plantaginaceae		**Plantain Family**
Plantago	*lanceolata*	English plantain
Poaceae		**Grass Family**
Bromus	*catharticus*	rescue grass
Cynodon	*dactylon*	Bermuda grass hard
Festuca	*brevipila*	fescue leporinum
Hordeum	*murinum ssp. leporinum*	barley annual
Poa	*annua*	bluegrass

Fauna Compendia

Phrynosomatidae		**Lizards**
Sceloporus	*occidentalis*	western fence lizard
Falconidae		**Falcons**
Falco	*sparverius*	American kestrel
Trochilidae		**Hummingbirds**
Calypte	*anna*	Anna's hummingbird
Mimidae		**Mockingbirds/Thrashers**
Mimus	*polyglottos*	northern mockingbird
Fringillidae		**Finches**
Carpodacus	*mexicanus*	house finch
Passeridae		**True sparrows**
Passer	*domesticus*	house sparrow
Sciuridae		**Squirrels**
Spermophilus	*beecheyi*	California ground squirrel
Geomyidae		**Pocket Gophers**
Thomomys	*bottae*	Botta's pocket gopher

Appendix B: Site Photographs

	Northeast Corner. Facing SW
	Southeast Corner. Facing NW.

	Southwest Corner. Facing NE.
	Northwest Corner. Facing SE.

Appendix C: Regulatory Background

REGULATORY BACKGROUND

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

FEDERAL ENDANGERED SPECIES ACT

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

Section 9 of the FESA prohibits "take" of threatened or endangered species. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. The presence of any federally threatened or endangered species that are in a project area generally imposes severe constraints on development, particularly if development would result in "take" of the species or its habitat. Under the regulations of the FESA, the USFWS may authorize "take" when it is incidental to, but not the purpose of, an otherwise lawful act.

CALIFORNIA ENDANGERED SPECIES ACT

The CDFG administers the California Endangered Species Act (CESA). The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens.

State threatened and endangered species are fully protected against take, as defined above.

SECTION 3503 AND 3511 OF CALIFORNIA FISH AND GAME CODE

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

MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act (MBTA) makes it unlawful to pursue, capture, kill, or possess or attempt to do the same to any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and the countries of the former Soviet Union.

WESTERN RIVERSIDE COUNTY MSHCP

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

The approval of the MSHCP and execution of the Implementing Agreement (IA) by the wildlife agencies allows signatories of the IA to issue "take" authorizations for all species covered by the MSHCP, including State- and federal-listed species as well as other identified sensitive species and/or their habitats. Each city or local jurisdiction will impose a Development Mitigation Fee for projects within their jurisdiction. With payment of the mitigation fee to the County and compliance with the survey requirements of the MSHCP where required, full mitigation in compliance with the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), CESA, and FESA will be granted. The Development Mitigation Fee varies according to project size and project description. The fee for residential development ranges from approximately $800 per unit to $1,600 per unit depending on development density (County Ordinance 810.2). Payment of the mitigation fee and compliance with the requirements of Section 6.0 of the MSHCP are intended to provide full mitigation under CEQA, NEPA, CESA, and FESA for impacts to the species and habitats covered by the MSHCP pursuant to agreements with the USFWS, the CDFG, and/or any other appropriate participating regulatory agencies and as set forth in the IA for the MSHCP.