L&L ENVIRONMENTAL, INC.
REGULATORY SERVICES
BIOLOGICAL & CULTURAL INVESTIGATIONS & MONITORING

REVISED HABITAT ASSESSMENT AND MSHCP CONSISTENCY DETERMINATION FOR APN 470-070-043 (HAN190029), RIVERSIDE COUNTY, CALIFORNIA

±9.2-Acre Parcel

APN 470-070-043, HAN190029, St. Johns Canyon Area, Section 13, Township 6 South, Range 1 West, USGS Hemet 7.5' Topographic Quadrangle Map

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Report Summary:

The parcel is located within Criteria Cell 4991, which is a part of Cell Group S'. Criteria for the Cell Group call for 75-85% conservation for the construction of Proposed Linkage 14. More than 98% of Cell Group S' remains available for conservation. The proposed project will permanently impact ±2.42 acres and provide ±6.78 acres of conservation land to the MSHCP. There are 1.20 acres of MSHCP Riverine and 0.05 acres of Riparian habitat onsite and will be avoided. There are no vernal pools or fairy shrimp habitat present. The project will avoid coast live oak trees and willows present onsite and focus development within the mostly disturbed western portion of the parcel. **The proposed project is consistent with the goals and objectives of the MSHCP.**

Surveys Conducted By: Guy Bruyea
Surveys Conducted On: October 10, 2019
Report Updated: April 23, 2020

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MANAGEMENT SUMMARY

L&L Environmental, Inc. conducted a habitat assessment of MMJ Construction, Inc.'s Parcel Map 18252 (HAN190029). The project site consists of APN 470-070-043, listed in the County's parcel report with a total area of 9.06 acres. County GIS files map the parcel as 9.20 acres, and this is the size used in this report to be consistent with the County's GIS data. A civil survey will be conducted to determine the actual acreage during the planning stage and make any corrections prior issuance of a grading permit.

The purpose of this study was to examine the subject property to determine presence/absence of biological resources on the property, potential for sensitive species to occur, and evaluate the proposed project for consistency with the MSHCP objectives for Cell Group S'. L&L evaluated whether vegetation and/or habitat for special status species exists onsite and whether any jurisdictional drainages or wetlands are within project boundaries.

During the course of our evaluation, L&L reviewed and commented on design alternatives to reduce potential direct and indirect impacts to biological resources.

The western, northwestern, and southwestern portions of the parcel are disturbed by periodic weed abatement activities and the addition of a row of non-native *Eucalyptus* trees. The remainder of the parcel is mostly undisturbed, except for small areas where roads have been cleared in the past. The entire parcel was surveyed and no special status species were detected. Three (3) coast live oak trees are present. Impacts to oak trees are regulated by Riverside County.

The parcel is located within Criteria Cell 4991, which is a part of Cell Group S'. Criteria for the Cell Group call for 75-85% conservation for the construction of Proposed Linkage 14. More than 98% of Cell Group S' remains available for conservation. The proposed project will permanently impact ±2.42 acres and provide ±6.78 acres of conservation land to the MSHCP. The 6.78 acres of conservation land will be conditioned for conveyance to the RCA prior to the issuance of grading permits. The project does not include any offsite development.

The project development area will be surrounded by a fence to prevent access to the adjacent MSHCP Conserved Area. Chain link fencing is proposed, but a fencing plan will be submitted for RCA review and approval prior to issuance of a grading permit.

Surveys for Los Angeles pocket mouse and slender-horned spineflower are not required by the MSHCP for this parcel.

The proposed project will avoid all coast live oak trees and willows present onsite and focus development within the mostly disturbed western portion of the parcel. There are 1.20 acres of MSHCP Riverine and 0.05 acres of Riparian habitat onsite and these resources will be avoided. Hydrology to support oaks and willows will not be impacted by the development. There are no vernal pools or fairy shrimp habitat present.

There is no suitable habitat for least Bell's vireo, southwestern willow flycatcher, or western yellow-billed cuckoo.

Due to (1) planned habitat (coastal sage scrub) and oak tree avoidance, (2) proposed conservation of habitat under the MSHCP, and (3) ability of remaining conservation goals to be met by additional available land that remains within Cell Group S' – **the proposed project is consistent with the goals and objectives of the MSHCP**.

1.0) INTRODUCTION

The following report was written by L&L Environmental, Inc. for MMJ Construction, Inc. It describes the results of a habitat assessment survey conducted for a proposed development located within the County of Riverside (HAN190029). The project site consists of APN 470-070-043 (Parcel Map 18252) listed in the County's parcel report as a total area of 9.06 acres. County GIS files map the parcel as 9.20 acres, which is the size used in this report to be consistent with the County's GIS data. A civil survey will be conducted to determine the actual acreage during the planning stage and make any corrections prior issuance of a grading permit.

Development onsite is intended to provide growing space for a commercial agricultural operation. The site will be surrounded by a fence and contain greenhouses, an access road, warehouses, solar panels, and a picnic/recreation area. Development will take place within 2.42 acres of the western portion of the site, primarily where disturbance has already occurred and native habitat is absent. The project does not include any offsite development.

Our assessment consisted of (1) a records search and literature review, conducted to determine what species of concern are in the project area, proximity to closest documented special status species, and MSHCP objectives and (2) field reconnaissance, intended to identify plants and animals on the property and presence/absence of habitat for species of concern.

1.1) Location

The site is located in the St. Johns Canyon area (Figure 1), just southeast of the intersection of Sage Road and Minto Way. The site is situated within Section 13 of Township 6 south, Range 1 west, within the USGS Hemet 7.5' series quadrangle map (Figure 2).

The site is generally bounded as follows: to the west by Sage Road, open space, and sparse rural residences; to the east by open space and sparse rural residences; to the north by open space, and sparse rural residences; and to the south by open space, and sparse rural residences (Figure 3).

1.2) Vegetation and Setting

The parcel is surrounded by unoccupied open space and sparsely inhabited rural residences. The western, southwestern, and northwestern edges of the parcel are disturbed by periodic weed abatement activities and a row of mature Eucalyptus trees is located along Sage Road. The remainder of the site is mostly undisturbed, except for a few additional cleared grassy areas and roads. Undisturbed or recovering areas are covered by chaparral and coastal sage scrub.

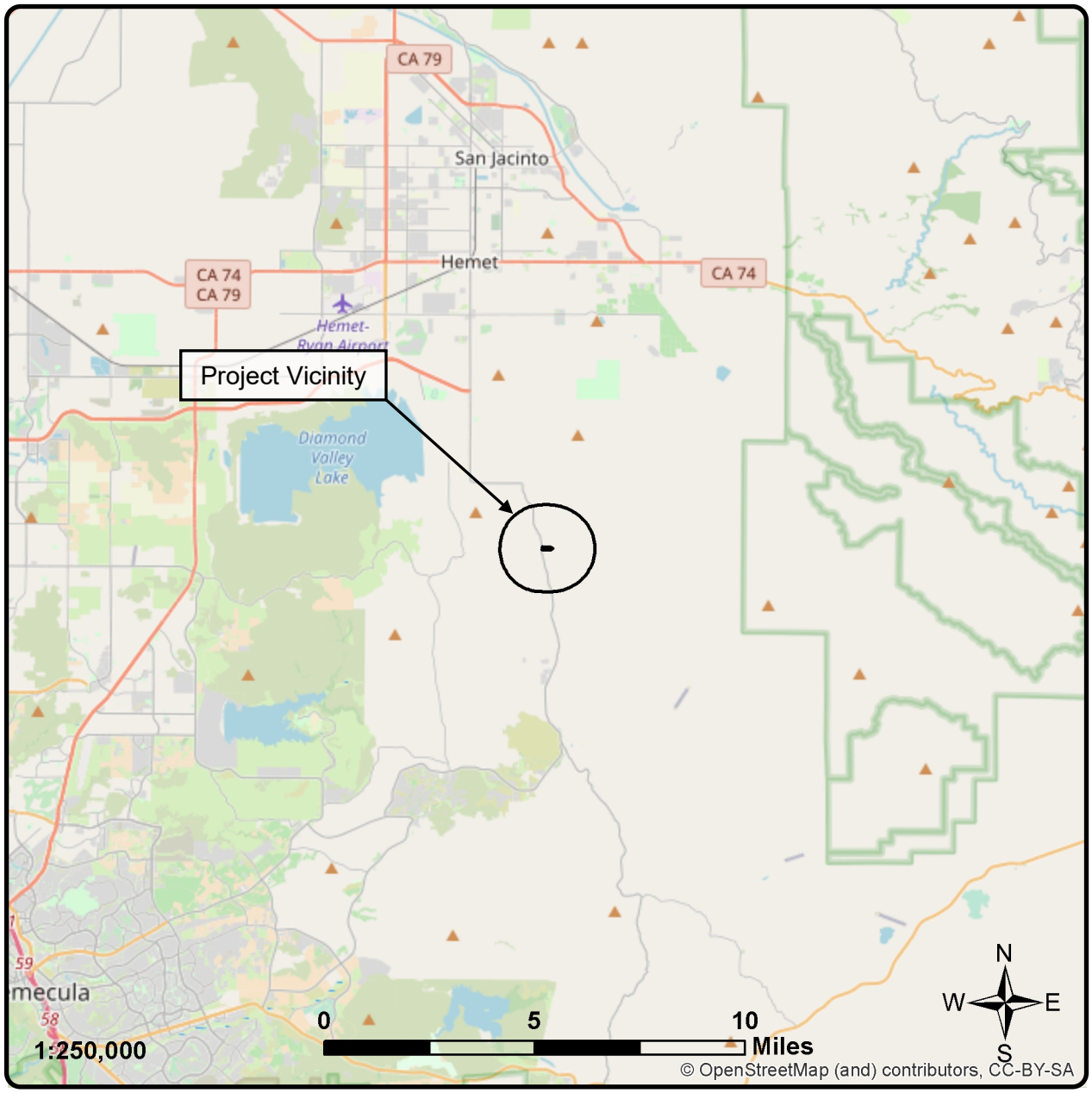

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Figure 1

Project Vicinity Map

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

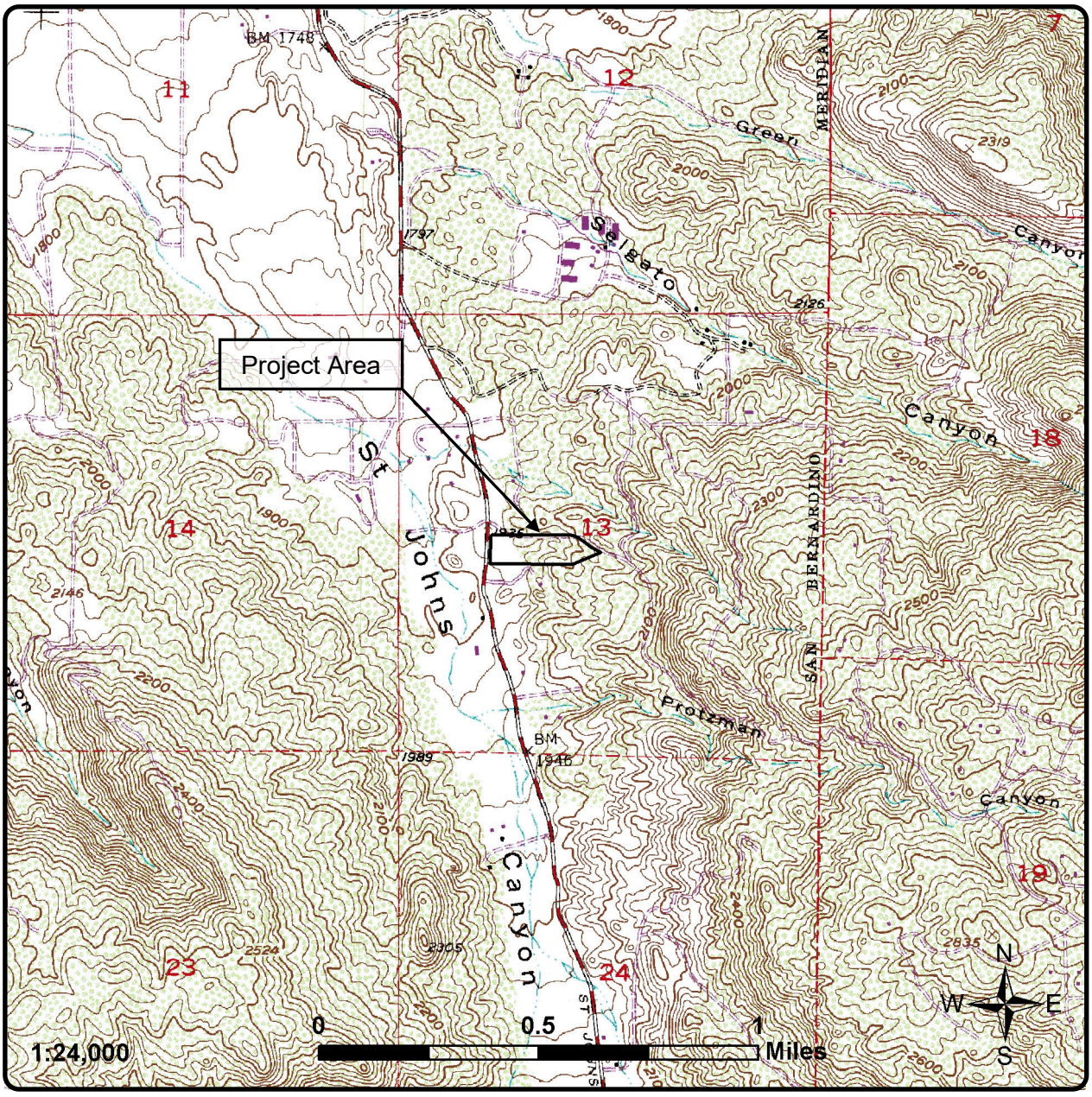

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Figure 2

Project Location Map
(USGS Hemet [1979] quadrangle,
Section 13, Township 6 South, Range 1 West)

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

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Figure 3

Aerial Photograph
(Aerial obtained from Google Earth, August 2018)

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

1.3) Soils and Topography

Soils onsite are mapped as Cieneba rocky sandy loam (15-50% slopes, eroded) and Vista coarse sandy loam (8-15% slopes, eroded – see Figure 4). Soils observed matched those mapped. Elevation onsite ranges between 2,047 feet above mean sea level (AMSL) at the eastern corner and 1,920 AMSL at the southwest corner of the parcel, adjacent to Sage Road.

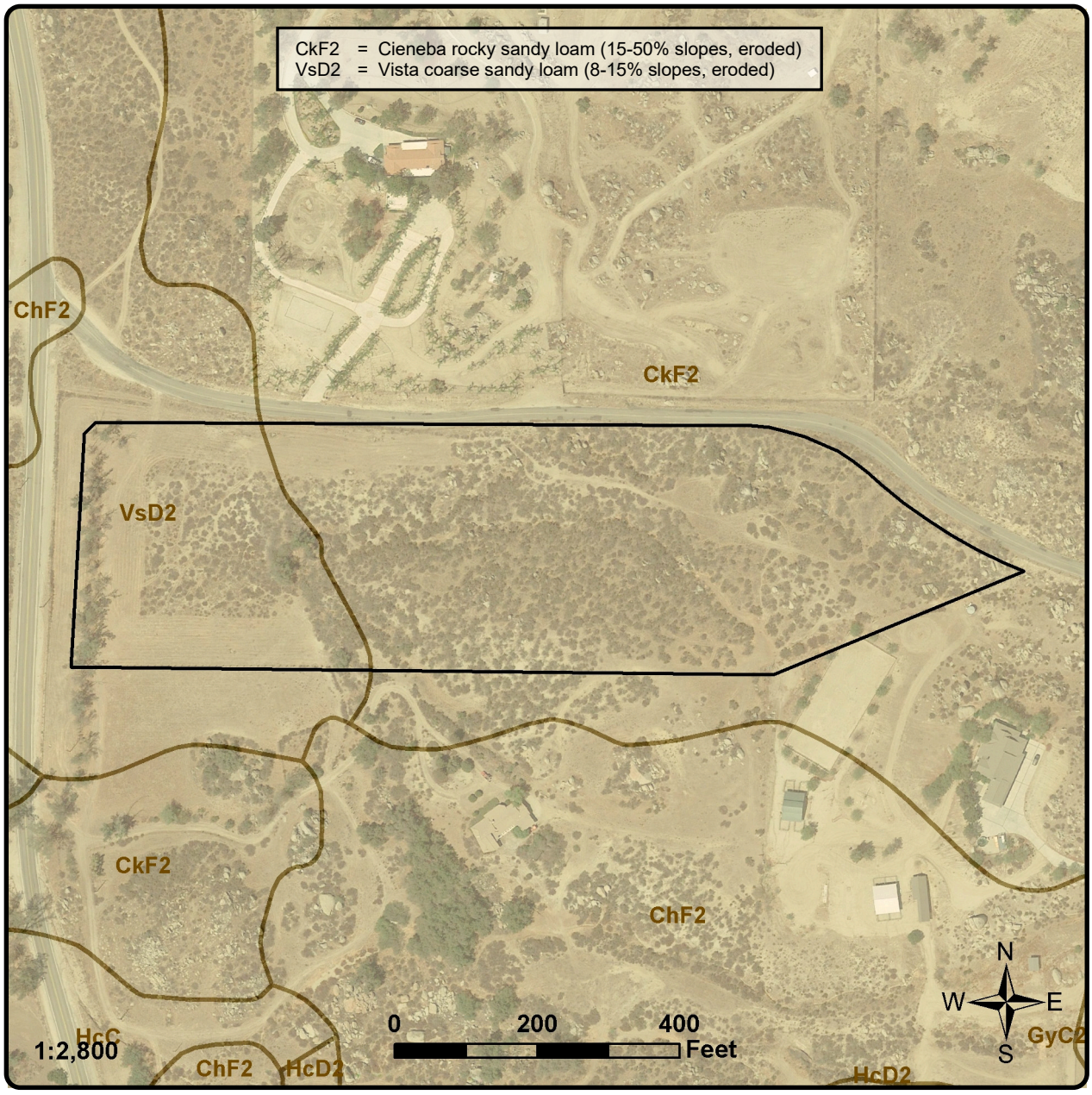

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Figure 4

Soils Map

(Aerial obtained from Google Earth, August 2018, USDA Nat. Res. Cons. Serv. SSURGO Data)

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

2.0) METHODS AND PERSONNEL

2.1) Literature Review

Pertinent literature was reviewed to identify local occurrences and habitat requirements of special status species and communities occurring in the region. Literature reviewed included the Western Riverside County MSHCP, and CNDDB (2019) reports for the vicinity.

Latin names of plants follow *The Jepson Manual* (Hickman 1993). Latin names of animals follow *A Field Guide to Western Reptiles and Amphibians* (Stebbins 1985) for reptiles and amphibians, *California Mammals* (Jameson and Peeters 1988) for mammals, American Ornithologists' Union (1983, 1989) and National Audubon Society, *The Sibley Guide to Birds* (2000) for birds, and *American Insects: A Handbook of the Insects of America North of Mexico* (Arnett 2000) for insects.

2.2) Habitat Assessment Survey Methods

L&L biologist Guy Bruyea visited the project area on October 10, 2019 to describe vegetation and habitat and evaluate probabilities that special status animals and plants might occur within the project site. The weather was 67° to 78° F and conditions were clear and hazy, with winds varying between 1-6 mph.

Table 1. Survey dates and conditions.

Date	Time	Weather	Wind	Biologist
10/10/2019	1030-1330	Clear (Hazy), 67-78°F	1-6 mph	Bruyea

A total of about three (3) person-hours were spent onsite. All habitat types on the site were visited on foot. The site was surveyed by conducting a series of transects across the subject property where possible, stopping periodically for observations and notations. A general habitat map and field notes were completed at the time of the survey. All field surveys were conducted during daylight hours. Digital photographs were taken to record condition of the site during the present survey.

Plants of uncertain identity were collected and subsequently identified from keys, descriptions, and illustrations in Abrams (1923, 1944, 1951, 1960), Abrams and Ferris (1960), Hickman (1993), Munz (1974), and Parker (1999). These procedures provide a general assessment of

habitat and vegetation on a site and act as a tool to determine the probability of special status species occurring onsite. A species list is included in Appendix A (Table 6).

2.3) Jurisdictional Delineation Methods

L&L reviewed the project and identified areas that are subject to Section 6.1.2 of the MSHCP. A jurisdictional delineation was conducted on March 27, 2020. The delineation report is provided under separate cover, but information relevant to MSHCP Riparian/Riverine habitat is summarized in this document.

2.3.1) Pre-Survey Research Methods and Purpose

A wealth of information is available online and is updated at regular intervals by the agencies and universities. To ensure efficiency and greater accuracy in the field, areas of interest are identified during the research stage prior to conducting the field survey. Useful maps are uploaded to handheld GPS and applications are downloaded in preparation for real-time data inquiries. Potential for jurisdictional features (streambeds/drainages) or wetlands to occur on the site is assessed via aerial photography, topographic mapping, soil types, trends to hydric conditions, area hydrology, and prior wetlands inventory mapping, etc. Finally, condition of area drainages is forecast based on available rainfall data.

Sources Project Level Engineering Topo (March 6, 2019) , LiDAR (The National Map https://viewer.nationalmap.gov/basic/), Wildlife agencies, CNPS, CNDDB, WebSoil, USDI Geological Survey, GlobeXplorer, Google Earth (1994-2018, accessed, July-August 2019), 2013 Arid West Regional Wetland Plant List, Natural Resources Conservation Service, University of California at Davis, Agriculture and Natural Resources, California Soil Resources Lab, U. S. Department of the Interior Geological Survey.

- http://agacis.rcc-acis.org/?fips=06065 (Accessed Mar 27, 2020)
- https://www.wunderground.com/dashboard/pws/KCAMONRO6 (Accessed Mar 27, 2020)
- http://wetland-plants.usace.army.mil/nwpl_static/v33/home/home.html (Accessed Mar 27, 2020)
- http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx (Accessed Mar 27, 2020)
- https://www.fws.gov/wetlands/Data/Mapper.html (Accessed April 1, 2020)
- https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/docs/2019/New/Chapter_3_June_2019.pdf (Accessed Mar 27, 2020)
- https://viewer.nationalmap.gov/basic/ (Accessed April 1, 2020)
- http://agacis.rcc-acis.org/?fips=06065 (Accessed April 1, 2020)
- https://viewer.nationalmap.gov/basic/ (Accessed April 1, 2020)

- https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=ca (Accessed April 1, 2020)
- https://msc.fema.gov/portal/search?AddressQuery=10701%20Desert%20Lawn%20Drive%2C%20Calimesa%2C%20Riverside%20County%2C%20CA#searchresultsanchor ((Accessed April 1, 2020)
- https://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/docs/rb8_map_index_hydrologic_areas.pdf (Accessed April 1, 2020)

2.3.2) Field Survey Methods and Purpose

The project boundaries are investigated to identify areas where water is received onto the property or transmitted offsite to downstream resources. Each feature is then walked, measured, and assessed via three criteria to determine the presence or absence of OHWM / evidence of flow, hydrophilic vegetation, or hydric soil conditions. Where evidence of flow is present, combined with or without hydrophytes, soils are examined for anoxic conditions. Soils identified as suitable for development of hydric conditions are given special attention. Soil color characteristics are evaluated using a "Munsell color chart" and all data are reported on appropriate Arid West Wetland Determination Data Forms. The hydrology criterion is satisfied by the observation of standing or flowing water. The soil condition is satisfied by the development of saturated soils with anoxic conditions. The vegetation criterion is satisfied if half or more of the dominant plant species on a site are ranked as "obligate wetland," "facultative wetland," or "facultative" species (OBL, FACW, or FAC, respectively, see Table 2) for federal jurisdiction or presence of any of these species for state/local jurisdiction.

Vernal Pools

In the course of our investigation of the property we searched for vernal pools. To meet the definition of a vernal pool three factors must be addressed: suitable soil and soil conditions, proper hydrology, and one or more indicator species.

Table 2. Summary of Wetlands Vegetation Indicator Categories

Indicator Status	Symbol	Definitions
Obligate	OBL	Almost always occur in wetlands. With few exceptions, these plants (herbaceous or woody) are found in standing water or seasonally saturated soils (14 or more consecutive days) near the surface.
Facultative Wetland	FACW	Usually occur in wetlands but may occur in non-wetlands. These plants predominantly occur with hydric soils, often in geomorphic settings where water saturates the soils or floods the soil surface at least seasonally.
Facultative	FAC	Occur in wetlands and non-wetlands. These plants can grow in hydric, mesic, or xeric habitats. The occurrence of these plants in different habitats represents responses to a variety of environmental variables other than just hydrology, such as shade tolerance, soil pH, and elevation, and they have a wide tolerance of soil moisture conditions.

Facultative Upland	FACU	Usually occur in non-wetlands but may occur in wetlands. These plants predominantly occur on drier or more mesic sites in geomorphic settings where water rarely saturates the soils or floods the soil surface seasonally.
Upland	UPL	Almost never occur in wetlands. These plants occupy mesic to xeric non-wetland habitats. They almost never occur in standing water or saturated soils. Typical growth forms include herbaceous, shrubs, woody vines, and trees.

3.0) RESULTS

3.1) Literature Review Results

Certain plants and animals have been listed as threatened or endangered under state or federal Endangered Species Acts. Other species have not been formally listed but declining populations or habitat availability are reasons for concern regarding their long-term viability. These species are included in lists compiled by resource management agencies or private conservation organizations. In this report the term "special status species" refers to all species included in one or more compendia or formal list of threatened or endangered species. The CNDDB was examined to determine if sensitive species (in particular those "not adequately conserved" under the MSHCP) have been previously documented onsite.

Since the site is not located inside of MSHCP Criteria Area, biological constraints on the site (associated with the MSHCP) are focused on species associated with riparian/riverine and vernal pool habitats. The MSHCP Conservation Summary Report (2019) does not identify any additional species that need to be assessed with regard to potential habitat and/or presence/absence onsite.

The parcel is located within Criteria Cell 4991, which is a part of Cell Group S' of the San Jacinto Valley Area Plan. The Cell Group criteria call for conservation of 75-85% of the Cell Group (see Section 5.7) and conservation of that area is intended to provide Proposed Linkage 14, which will provide chaparral, coastal sage scrub, grassland, Riversidean alluvial fan sage scrub, riparian scrub, woodland, and forest habitat for Quino checkerspot butterfly, Bell's sage sparrow, cactus wren, Stephens' kangaroo rat, bobcat, Los Angeles pocket mouse, and mountain lion.

3.2) Vegetation Series

A total of 47 plant species were observed and identified during the survey. A list of observed plant species is included in Table 6 in Appendix A.

3.2.1) *Adenostoma fasciculatum* Shrubland Alliance

This habitat type is identified as "Chaparral" in Figure 5a. Conspicuous perennials observed in mixed chapparal areas of the site include (but were not limited to) chamise (*Adenostoma fasciculatum*), scrub oak (*Quercus berberidifolia*), hollyleaf redberry (*Rhamnus ilicifolia*), valley cholla (*Cylindropuntia californica*), southern honeysuckle (*Lonicera subspicata*), yellow bush

penstemon (*Keckiella antirrhinoides*), and coast figwort (*Scrophularia californica*). Annuals observed in these areas include (but are not limited to) wild cucumber (*Marah macrocarpus*), phacelia (*Phacelia* sp.), chia (*Salvia columbariae*), sapphire woolstar (*Eriastrum sapphirinum*), and fescue (*Festuca* sp.)

3.2.2) *Quercus agrifolia* Woodland Alliance

Only three (3) coast live oak trees (*Quercus agrifolia*) are present within the parcel (see Figure 5a). These trees are also associated with 4-5 immature and small red willows (*Salix laevigata*), poison oak (*Toxicodendron diversilobum*), yerba santa (*Eriodictyon crassifolium*), and giant wild rye (*Leymus condensatus*).

3.2.3) *Eriogonum fasciculatum* Shrubland Alliance

This habitat is identified as "Coastal Sage Scrub" in Figure 5a. Plants observed include California buckwheat (*Eriogonum fasciculatum*), slender buckwheat (*Eriogonum gracile*), brittlebush (*Encelia farinosa*), blue elderberry (*Sambucus nigra* ssp. *caerulea*), deerweed (*Acmispon glaber*), slender tarweed (*Deinandra fasciculata*), dot-seed plantain (*Plantago erecta*), wreath plant (*Stephanomaria* sp.), and fiddleneck (*Amsinckia menziesii* var. *intermedia*). Various non-native grasses have invaded these areas.

3.2.4) Disturbed Non-Native Grasses

Areas of disturbance are associated primarily with the western, northwestern, and southwestern edge of the parcel where weed abatement occurs (Figure 5a). The western edge of the parcel also contains mature Eucalyptus trees along Sage Road. Many weedy non-native plant species have invaded this area, including non-native grasses (*Bromus* spp., *Avena barbata*), mustards (*Hirschfeldia* and *Sisymbrium*), Russian thistle (*Salsola tragus*), tumble pigweed (*Amaranthus albus*), tocolate (*Centaurea melitensis*), and prickly-lettuce (*Lactuca serriola*). Other plants observed in more open and disturbed areas of the site include jimsonweed (*Datura wrightii*), horseweed (*Erigeron canadensis*), and telegraph weed (*Heterotheca grandiflora*).

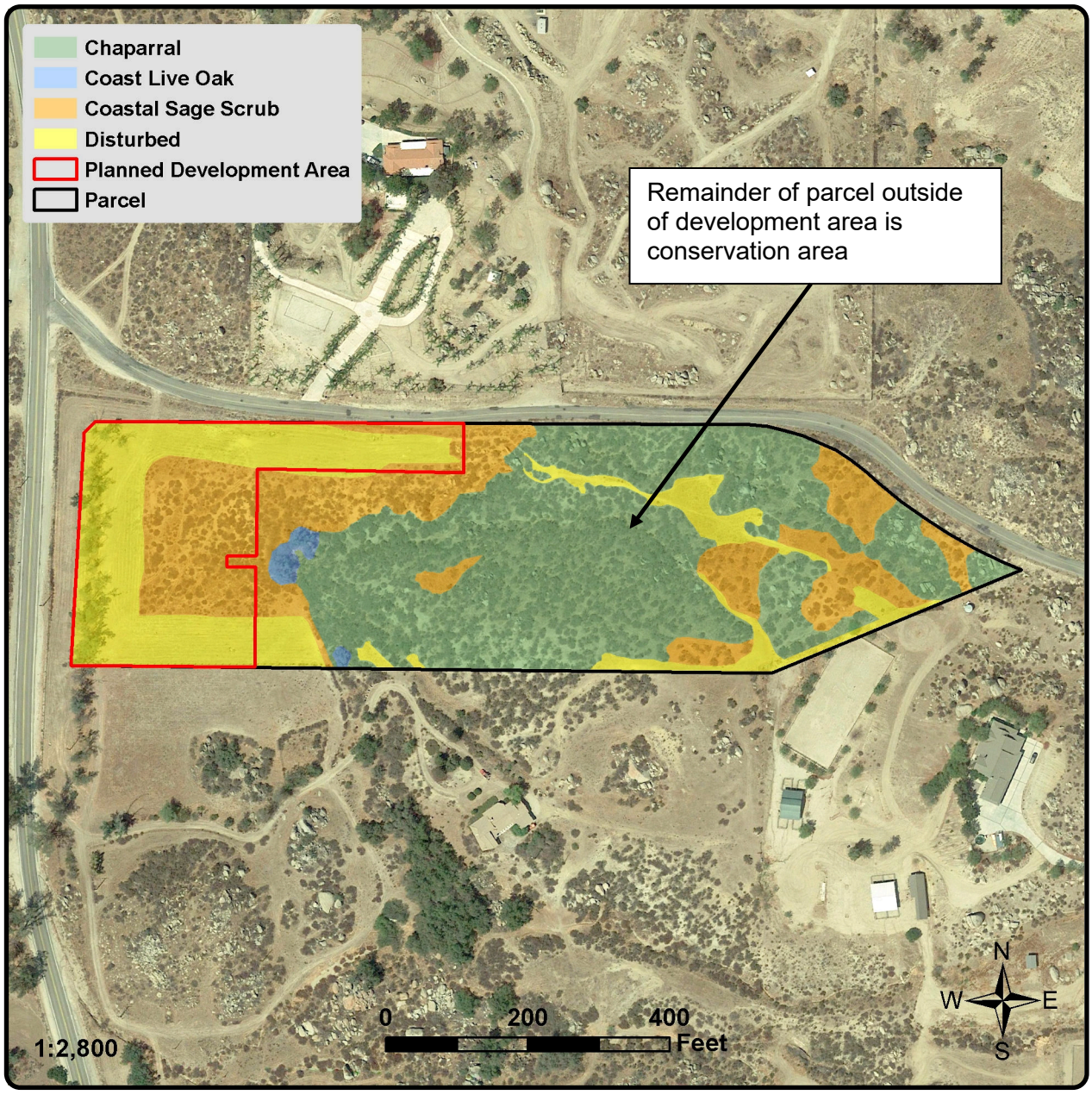

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Figure 5a

Habitat Map
(Aerial obtained from Google Earth, August 2018)

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

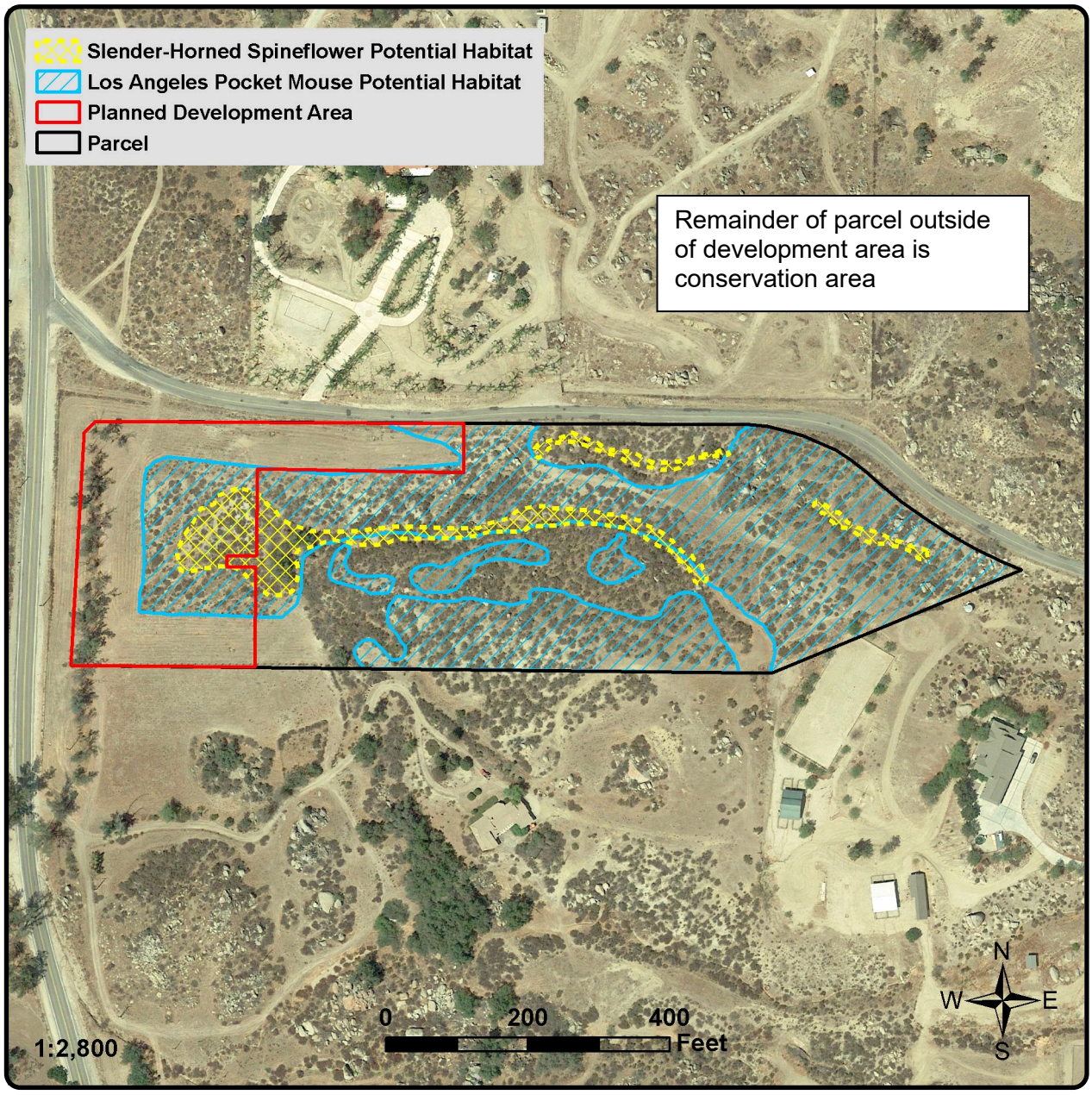

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Figure 5b

Potential Habitat Map
(Aerial obtained from Google Earth, August 2018)

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

A summary of total habitat present onsite and total planned habitat impacts (all considered permanent, no temporary impacts are planned) is provided below in Table 3. The project does not include any offsite development. The project parcel area is based upon Riverside County GIS. A civil survey will be conducted to determine the actual acreage during the planning stage and make any corrections prior issuance of a grading permit.

Planned impacts will be located in the western portion of the parcel, where the site is disturbed and little native habitat is present. Paved roads are located on two (2) sides (see Figure 5a). The boundary between area to be developed and MSHCP Conserved Area is exactly as mapped on the "Final Intake Map" received and dated 11/4/2019.

Table 3. Summary of habitat present onsite and planned impacts.

Habitat Type	Present Onsite [in acres]	Planned Impacts (all permanent) [in acres]
Chaparral	4.4	0.00
Coast Live Oak	0.1	0.00
Coastal Sage Scrub	2.5	0.90
Disturbed	2.2	1.52
Total	**9.2**	**2.42**

3.3) Plant Species

In addition to identification of coast live oak trees (protected by Riverside County) a search for habitat to support or evidence concerning the presence of special status plant species known from the general region was performed as part of this study. This included a search for habitat to support slender-horned spineflower (*Dodecahema leptoceras*), a federally listed as endangered plant species (covered by the MSHCP). Based upon presence of a sandy historic drainage area, undisturbed scrub habitat, and its historically documented occurrence in the vicinity in the CNDDB (1937 original reference, but not found in 2005 fieldwork), this species has a moderate to high probability for occurrence on the subject property. Based on the timing of this survey (fall), most annual plant species had senesced making detection and identification difficult or not possible. No slender-horned spineflower or other sensitive plant species were observed during this assessment. Merely for reference (since slender-horned spineflower is covered by the MSHCP and presence absence surveys are not required), Figure 5b identifies potential habitat for the species onsite.

3.4) MSHCP Riparian/Riverine and Vernal Pool Habitat

Section 6.1.2 of the MSHCP requires an assessment of the potentially significant effects of the proposed project on Riparian/Riverine areas, and vernal pools as currently required by CEQA using available information augmented by project-specific mapping. Riparian/Riverine areas and vernal pools are defined as follows:

- Riparian/Riverine Areas are lands that have flow for all or a portion of the year and 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.

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.

The parcel was evaluated for the presence of woody water dependent vegetation (willow, mulefat, etc.) associated with a drainage feature, pond, or waterway. Woody riparian vegetation is present on the property. A small patch which contains a single mature but damaged and decaying willow is present at the terminal end of the combined drainages. Located in this area are two mature oaks and annual herbaceous vegetation that was not included in the riparian total.

Figure 6a shows the combined riparian habitat and riverine features present on the parcel and acreages are summarized in Table 4. As a supplement to the use of aerial photos, topo, and a site visit, the USFWS Wetland Mapper was accessed on October 22, 2019 (Figure 6b).

3.4.1) Riparian Habitat

The parcel was evaluated for the presence of woody water dependent vegetation (willow, mulefat, etc.) associated with a drainage feature, pond or waterway. Woody riparian vegetation is present on the property. A small patch which contains a single mature but damaged and decaying willow is present at the terminal end of the combined drainages. Located in this area are two mature oaks and annual herbaceous vegetation which was not included in the riparian total. The MSHCP riparian habitat is calculated as 0.05 acres and 73 feet in length.

3.4.2) Riverine Habitat

L&L evaluated the parcel for the presence of discrete (individual, separate and distinct) flow lines where water is present for all or a portion of the year and which connect to downstream resources. There is currently no evidence that surface water leaves the property as a discrete flow confined to a discernable drainage. It appears that water is absorbed into the ground within or just below the riparian area. The MSHCP riverine habitat is calculated as 1.20 acres and 1,839 feet in length.

Riverine Feature #1

Riverine Feature #1 begins at the most northeasterly boundary of the property and roughly follows Minto Way and then merges with Feature #1a and ends just below a wetland which confines flows into a pipe. Thereafter flows disappear into the sandy substrate. Riverine Feature #1 ranges in width between 1 foot and 8 feet with cut vertical sidewalls that range in height of 3 inches at trail crossing to as deep as 4 feet within the steeper walled canyons. The deepest cuts are within loamy soils with annual grass cover and the shallowest cutting occurs near granite rock boulders which range in size between 3 feet in diameter and as large as 12 feet. Vegetation in this feature outside of the riparian area is either annual grasses or chamise chaparral with occasional buckwheat.

Riverine Feature #1a

Riverine Feature #1a begins at a graded and disturbed area on the southeasterly boundary of the parcel just downhill from an adjacent ranch. Riverine Feature #1a flows west and then curves north to connect with Streambed 1 upstream of the state wetland.

Very similar to Riverine Feature #1, Riverine Feature #1a ranges in width between 1 foot and 12 feet with cut vertical sidewalls that range in height of 3 inches at trail crossing to as deep as 6

feet within the steeper walled canyons. The deepest cuts are within loamy soils with annual grass cover and the shallowest cutting occurs near granite rock boulders which range in size between 3 feet in diameter and as large as 12 feet. The major difference between the two drainages are that Feature 1a is a bit less arid, falling within a steeper more confined canyon, and it contains more granite boulders. It also has less hiking trails, but more apparent disturbance on the upper end, apparently related to a graded driveway entrance and gate. Vegetation in this feature is either annual grasses or dense chamise chaparral with occasional buckwheat.

Table 4. MSHCP Riparian/Riverine Area.

Feature	Area (acres)	Length (feet)
Riparian		
Wetland #1	0.05	73
Riverine		
Feature #1	0.76	1,257
Feature #1a	0.44	582
Total Riverine	1.20	1,839

3.4.3) Vernal Pool Habitat

Vernal pools and vernal pool habitat were not observed on the Project. Soil types are not consistent with an alkali playa or vernal pool complex and pools or depressions characteristic of vernal pool habitat were not noted as present on the subject property. Vernal pools are defined as:

> ". . . 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.

3.4.4) Adjacent MSHCP Section 6.1.2 Habitat

During the course of our investigation, L&L searched for evidence of adjacent habitat subject to MSHCP Section 6.1.2 that could be indirectly impacted by development of the parcel. Land along the western, northern, and eastern boundaries, and portions of the southern boundary contains cleared areas, paved or unpaved roads, trails, driveways, or developed and ornamental vegetation. Only one (1) area of adjacent habitat was found and this is a small

patch of contiguous chamise chaparral and buckwheat, punctuated by a single overhanging mature oak. This vegetation is present on a downslope and contains mostly upland natives with ornamental landscaped plantings. We did not find riparian/riverine habitat present along the boundary.

The project boundaries were investigated to identify areas where water is received onto the property or transmitted offsite to downstream resources. In the current condition, flows are generated within the parcel or generated within a short distance upstream near ridgelines and travel westward conjoining into a central area within the southern mid-third of the site. A watermark is present below the wetland for a distance of approximately 40 feet; thereafter surface evidence of flow is lost and absorbed into the deep coarse sand bed which is present between the wetland and Sage Road. Because of the amount of disturbance in the general area, which includes the construction of Sage Road and Minto Way and the upstream development of several large parcels, L&L investigated the history and timing of disturbance on the property and in the general area that may have influenced current hydrogeomorphology.

Google Earth aerial photos are available for the property between June 1996 and 2018. The 1996 aerial shows an area of disturbance that is fairly consistent with the current condition, with one (1) exception, the presence of evidence of flow across the westerly (disturbed/graded) portion of the site flowing in a southwesterly direction. The 2002 photo is essentially the same, but shows evidence of development uphill of the site.

By October 2003, development had occurred near the southeastern boundary and dirt paths and hiking trails are present on the parcel along the northern and southern boundary. Some evidence of clearing and leveling had occurred in these areas. Three (3) years later, the disturbed areas were recovering somewhat, though a row of eucalyptus trees had been planted along Sage Road and the drainage no longer appears to connect to downstream waters. The site may have been cut off from upstream flows by the development of a ranch facility immediately to the west. By June 2009, site development and disturbances had been confined to the shape and condition that appear today.

An evaluation of the site on Historicaerials.com shows that disturbance to the area planned for impact during project development, plus a larger area totaling an estimated 30 percent of the property, had been cleared and somewhat leveled as early as 1967.

Currently, the site shows no surface hydrological connection to downstream waters, due primarily to the porosity of the soils and low volume flows, as well as historic disturbance. Consequently, the proposed project will not impact downstream hydrology.

Because the project will avoid or conserve all of the resources within the site and no impacts to riparian or riverine resources are proposed, a Determination of Biologically Equivalent or Superior Preservation (DBESP) analysis is not required.

Soil types onsite (coarse and rocky sand) are not consistent with an alkali playa or vernal pool complex and pools or depressions characteristic of vernal pool habitat are not present on the subject property. Neither Cieneba nor Vista soils are known for hydric properties and no MSHCP species listed for protection associated with riparian/riverine areas and vernal pools were observed. No fairy shrimp or potential fairy shrimp habitat was observed during this study. Soils are sandy and rocky and do not allow pooling of water. Checked or cracked soils were not observed, due primarily to the sandy nature of the soils within the lowest portions of the parcel. The sloped nature of the parcel may also contribute to movement of water until it is absorbed into the ground.

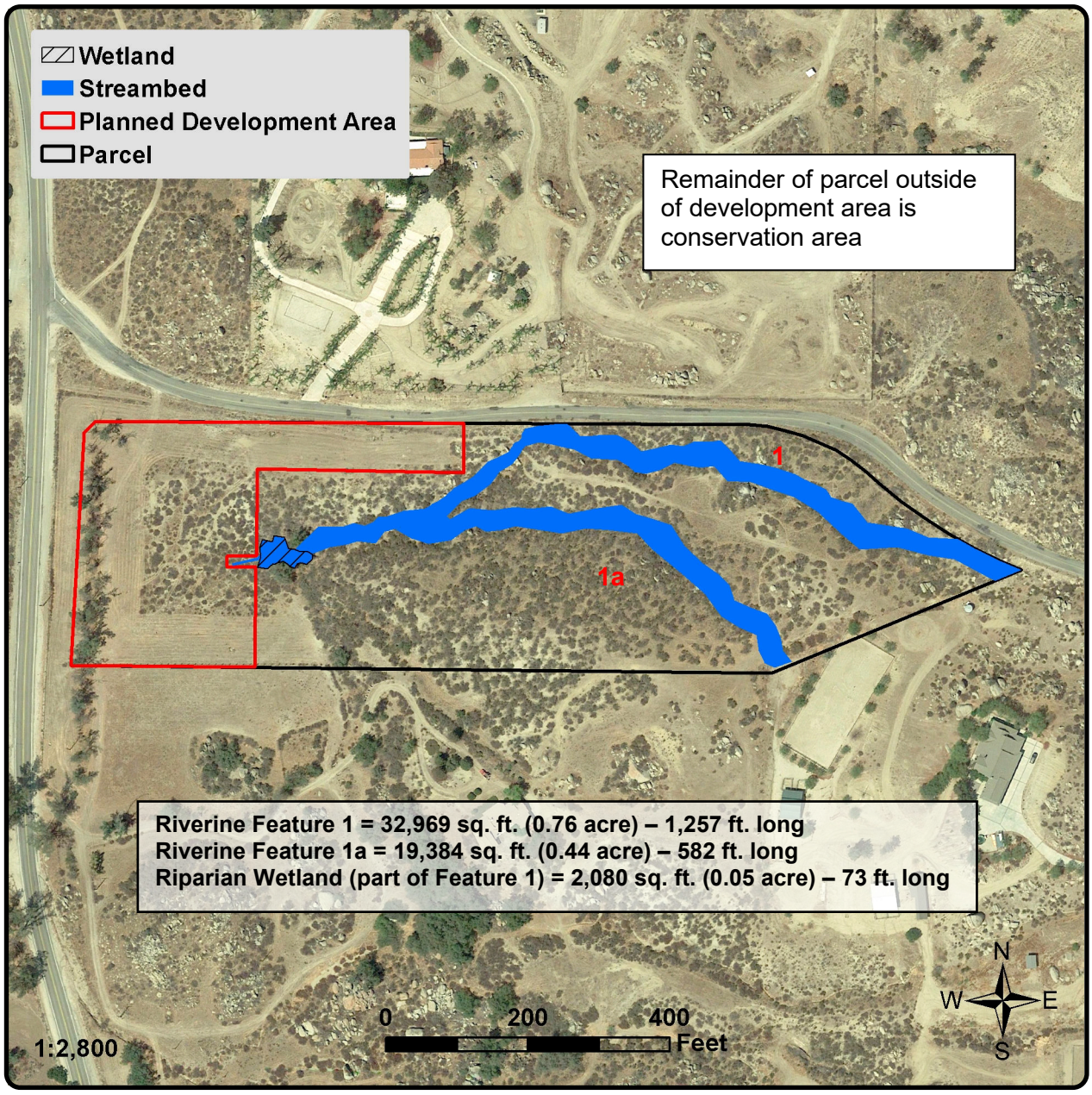

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Figure 6a

MSHCP Riparian/Riverine
(Aerial obtained from Google Earth, August 2018)

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

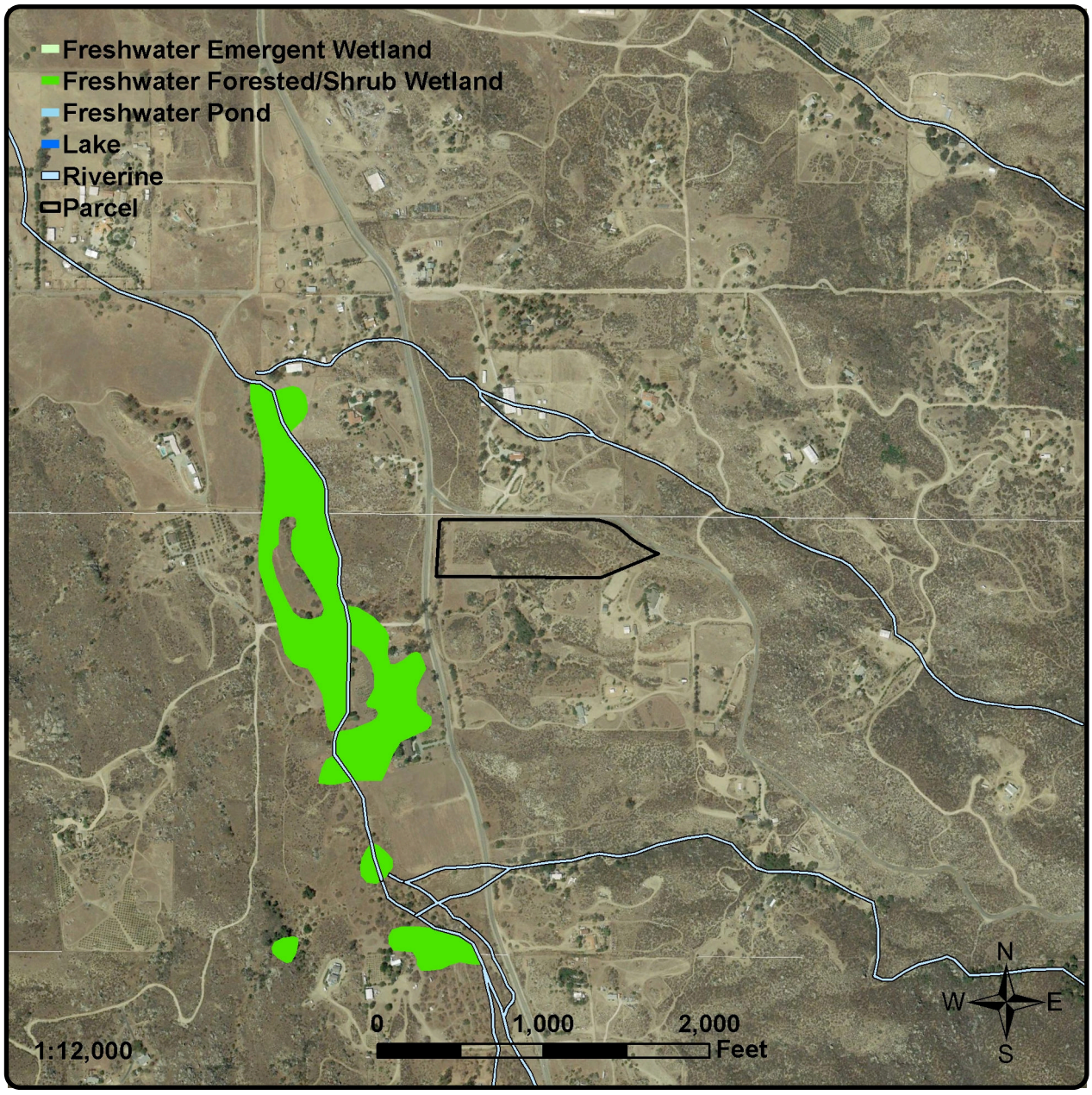

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Figure 6b

Mapped USFWS Wetland & Riverine Habitat

(Aerial obtained from Google Earth, August 2018)

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

Three (3) mature coast live oak trees are present and associated with a 4-5 immature and small red willows, all of which have been avoided by the project design. The willows intergrade with upland species (non-native grasses and buckwheat) around the base of the oaks and range in height between 3 and 6 feet. Direct impact will not occur to either the oaks or the willows, both will be conserved in place. No reduction in upstream hydrology that supports the oaks and the willows will occur as a result of the project, as planned impacts are west of and at a lower elevation than the trees.

Oaks and willows are not the dominant vegetation in the Feature; however, avoidance of these trees and contribution of the land to the RCA will provide long-term conservation value to the area and to Riverside County as a whole. Habitat within the parcel is likely to support nesting birds, but the willows do not present enough structure or cover to support riparian birds.

Habitat within the Riparian/Riverine habitat is not proposed for deed restriction or a conservation easement, as it will be acquired by the RCA during the HANs process.

3.5) Wildlife Species

During the field survey the most prominent wildlife species were birds. A total of 11 birds, three (3) mammals, and one (1) reptile were observed and identified during the survey (see Table 6 in Appendix A). No special status wildlife species were located.

Raptor Nesting

Mature *Eucalyptus* trees are present along the western parcel boundary and are potential nesting habitat for raptors or other birds. No nests were found onsite, but offsite (just south of the project area) one (1) inactive nest was observed in a *Eucalyptus* tree.

Riparian Birds

Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*) is federally listed as threatened and state listed as endangered. It is a covered species under the MSHCP and considered adequately conserved, but surveys are required in suitable habitat as described in MSHCP Section 6.1.2. This species inhabits extensive riparian thickets or forests with dense, low-level or understory foliage and abutting on slow-moving watercourses, backwaters, or seeps. The few willows present on the site are small, scattered, and isolated and do not provide the extensive and dense riparian habitat required by this species. Therefore, there is no

suitable habitat for western yellow-billed cuckoo and this species is considered absent from the site.

Southwestern willow flycatcher (*Empidonax trailii extimus*) is state and federally listed as endangered. It is a covered species under the MSHCP and considered adequately conserved, but surveys are required in suitable habitat as described in MSHCP Section 6.1.2. This species inhabits dense riparian forests with ample numbers of willows and other associated trees and shrubs. The few willows present on the site are small, scattered, and isolated and do not provide the dense riparian habitat required by this species. Therefore, there is no suitable habitat for southwestern willow flycatcher and this species is considered absent from the site.

Least Bell's vireo (*Vireo bellii pusillus*) is state and federally listed as endangered. It is a covered species under the MSHCP and considered adequately conserved, but surveys are required in suitable habitat as described in MSHCP Section 6.1.2. This species is migratory and breeds in California, arriving in March and departing by September or October. Males establish and defend territories in riparian woodlands and riparian scrub. Dense shrub cover is required for nesting. The few willows present on the site are small, scattered, and isolated and do not provide the dense riparian habitat required by this species. Therefore, there is no suitable habitat for least Bell's vireo and this species is considered absent from the site.

3.6) Sensitive Biological Resources

No special status plant or wildlife species were identified onsite during the present survey. Three (3) coast live oak trees are present. Riverside County regulates impacts to oak trees.

4.0) MSHCP CONSISTENCY DETERMINATION

The purpose of this study was to identify possible biological resources as required under the MSHCP, which includes determination of potential jurisdictional waters/wetlands onsite, determination of the presence/absence of riparian/riverine areas, vernal pools, associated species, and fairy shrimp identified in section 6.1.2 of the MSHCP, and evaluation of the planned development plans to determine if they are consistent with implementation of the Western Riverside County MSHCP. The effects and recommendations identified are based on the literature review, L&L's biological knowledge of species and habitats in the site vicinity, the biological field survey, and an evaluation of the goals and objectives of the MSHCP.

4.1) Summary of Survey Findings

No special status species were identified onsite during the present survey.

Prior to visiting the site a list of special status species found in the vicinity was compiled for evaluation of probability of presence onsite, based upon habitat that might be observed during the field survey. Table 6 in Appendix A lists the species evaluated and the probability they might occur onsite. Those species with "moderate" to "high" probability of presence onsite (or for usage at various times) are: slender-horned spineflower (high), Bell's sage sparrow (moderate-high), Stephens' kangaroo rat (low-moderate), bobcat (high), Los Angeles pocket mouse (moderate), mountain lion (high), and coast horned lizard (moderate). Three (3) coast live oak trees are also present (see Figure 5a) in association with a few scattered red willows. Surveys for slender-horned spineflower and Los Angeles pocket mouse are not required for this parcel and the oaks and willows (along with their supporting upstream hydrology) are avoided by the project design. Suitable habitat for riparian birds (least Bell's vireo, southwestern willow flycatcher, and western yellow-billed cuckoo) is not present. As a result, no direct or indirect impacts to riparian birds are anticipated as a result of the proposed project.

Trees suitable for raptor nesting are present along the western parcel boundary. No nests were found within the parcel, but just south of the project area (along Sage Road) in a *Eucalyptus* tree located in a row of trees on the adjacent parcel an inactive nest was identified. Presence of this potential habitat is the basis for recommendation of a preconstruction clearance survey (valid for 30 days) for nesting birds (raptors in particular) prior to any site disturbance during the nesting season (February 1 through August 31). If nesting raptors are present, avoidance of nesting trees will be required and a buffer of at least 500 ft. is recommended until juvenile birds have fledged and/or an authorized biologist has verified that the nest has become inactive.

There are 1.20 acres of MSHCP Riverine and 0.05 acres of Riparian habitat onsite and these resources will be avoided. There are no vernal pools or fairy shrimp habitat present.

4.2) Availability of Conservation Area within Cell Group S'

The MSHCP calls for conservation within Cell Group S' of 75-85%. The proposed project intends to develop a commercial agricultural operation within the western portion of the parcel (Figure 7). The majority of the area is already disturbed and associated with regular weed abatement activities and non-native *Eucalyptus* trees. Figure 8 identifies already conserved land in the vicinity and Figure 9 indicates that more than 98% of Cell Group S' is still available for conservation.

Cell Group S' is part of Proposed Linkage 14 (see Figure 12 in Section 5.7). In that figure the linkage appears to be focused on area right through the middle of the project parcel; however, Proposed Linkage 14 is two (2) to three (3) miles wide, not a narrow travel path. Based upon location of drainage features where vegetation is denser (allowing for better obscuring of movements), Figure 10 shows the locations of most likely wildlife movement within Proposed Linkage 14. Proposed parcel development is not with a primary/highest probability travel path; however, mountain lions have been seen in the vicinity.

Table 7 in Appendix A lists species of concern that may use the linkage area and their probability of occurrence onsite. Species with "moderate" to "high" probability of site usage are: slender-horned spineflower, Bell's sage sparrow, Stephens' kangaroo rat, bobcat, Los Angeles pocket mouse, mountain lion, and coast horned lizard. Three (3) coast live oak trees are present.

As proposed, the project would impact 2.42 acres of the parcel, 1.52 acres of which are already entirely disturbed. The proposed project will also avoid coast live oak trees that are present onsite. 6.78 acres of the site will be conserved and become a part of MSHCP conserved land. The 6.78 acres planned for conservation will be conditioned for conveyance to the RCA prior to the issuance of grading permits. A civil survey will be conducted to determine the actual acreage during the planning stage and make any corrections prior issuance of a grading permit.

The project development area will be surrounded by a fence to prevent access to the adjacent MSHCP Conserved Area. Chain link fencing is proposed, but a fencing plan will be submitted for RCA review and approval prior to issuance of a grading permit.

Since more than 98% of Cell Group S' remains available for conservation, this project's use of 2.42 acres and conservation of 6.78 acres is consistent with the goals and objectives of the MSHCP. A summary of factors leading to determination of consistency with the MSHCP is provided in Table 5.

4.3) Proposed Mitigation Measures

As indicated above, 6.78 acres of the parcel will be conserved under the MSHCP and conditioned for conveyance to the RCA prior to the issuance of grading permits. This conserved land will enable continued use of the majority of the site by wildlife.

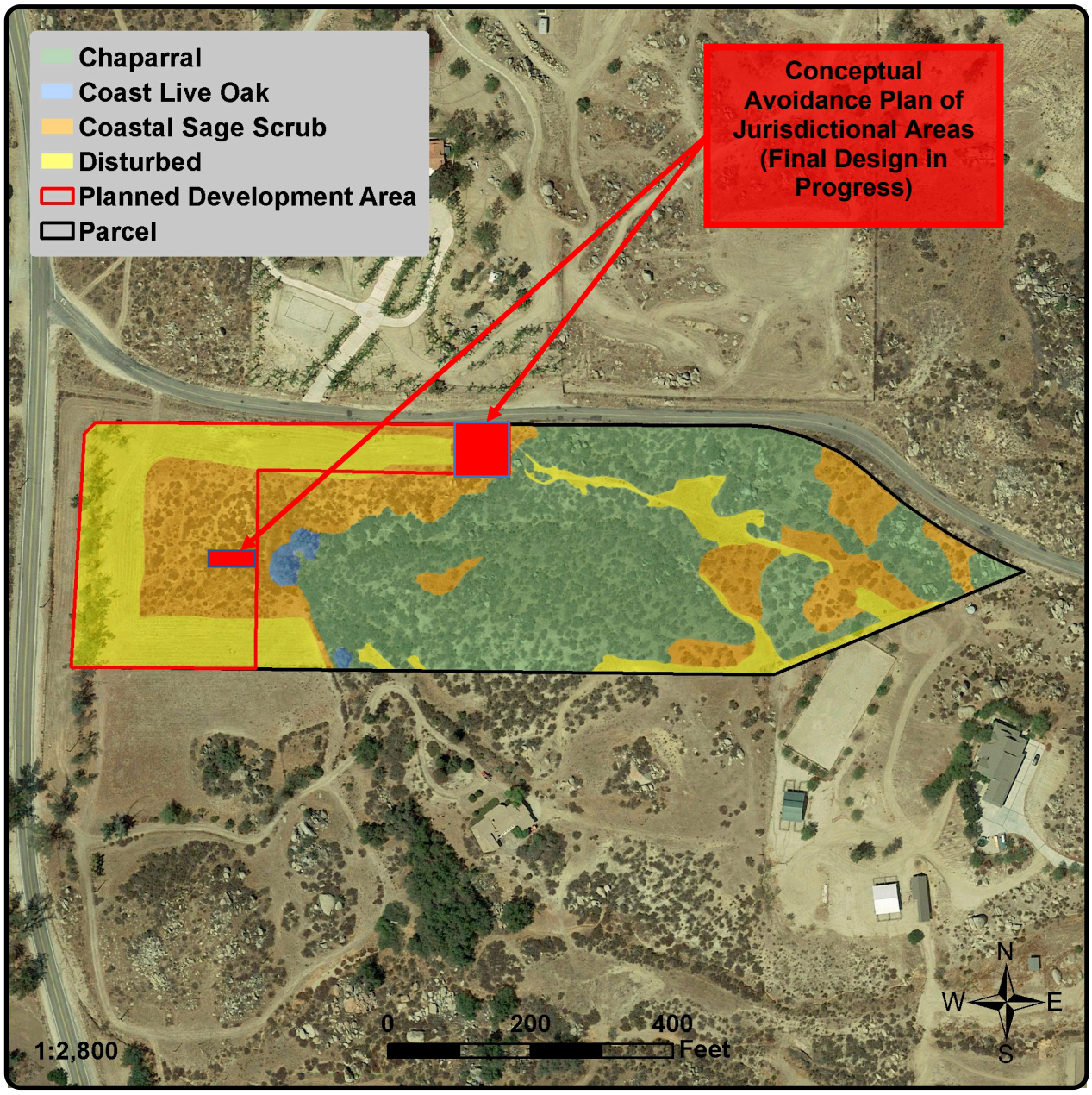

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Figure 7a

Conceptual Avoidance Plan
(Aerial obtained from Google Earth, August 2018)

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

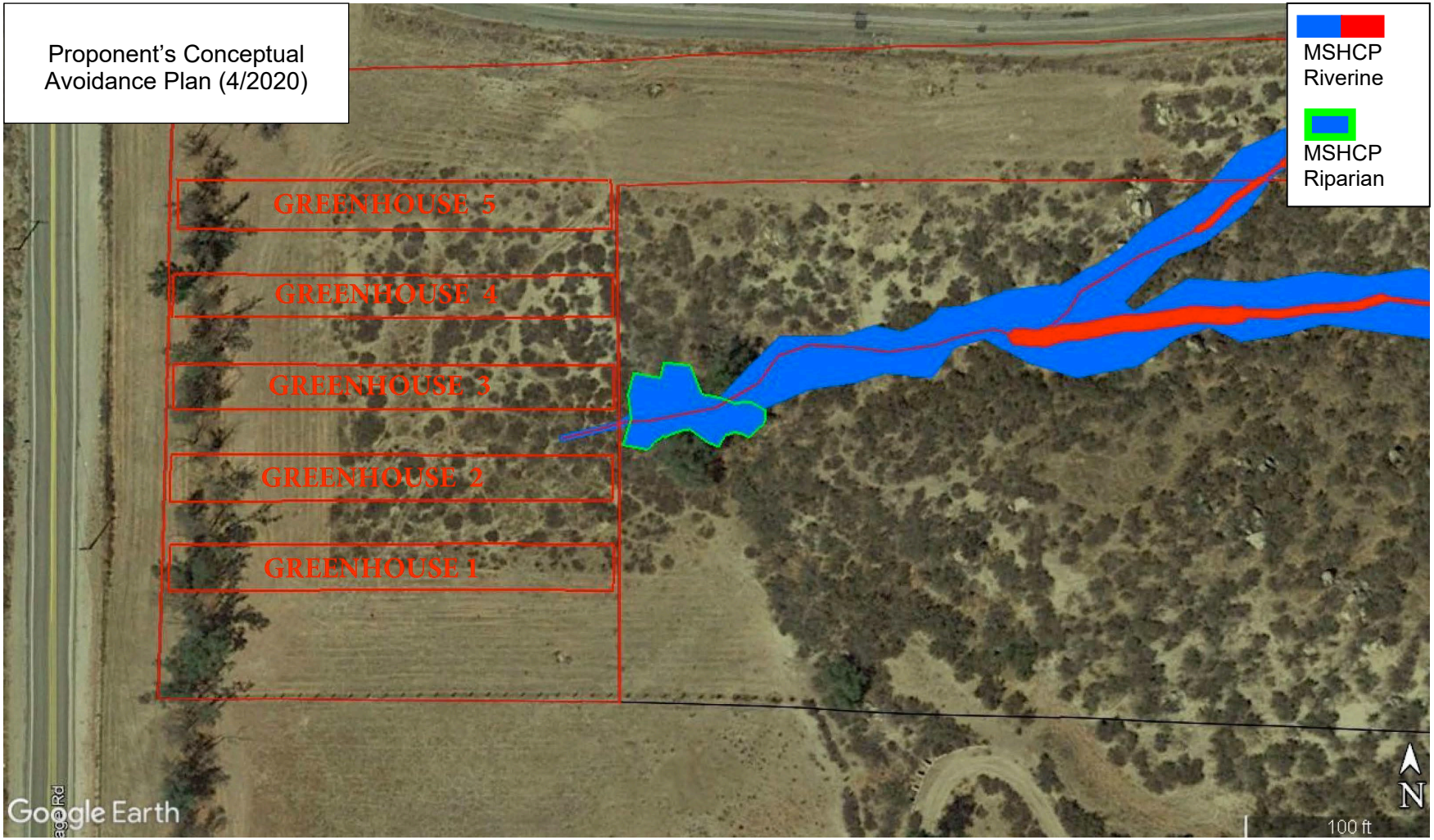

Figure 7b. Proponent's Conceptual Avoidance Plan (April 2020).

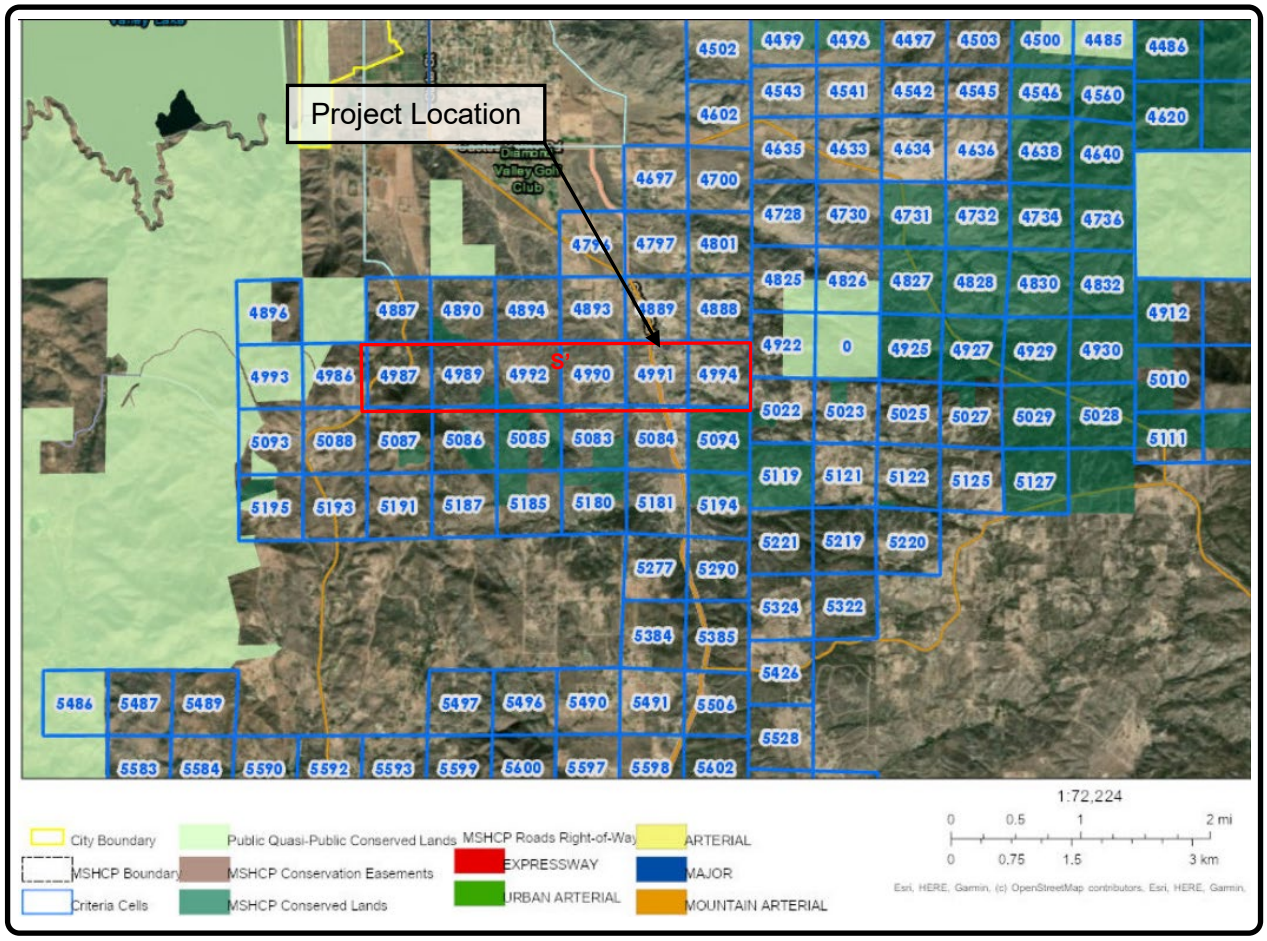

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Figure 8

MSHCP Conserved Areas

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

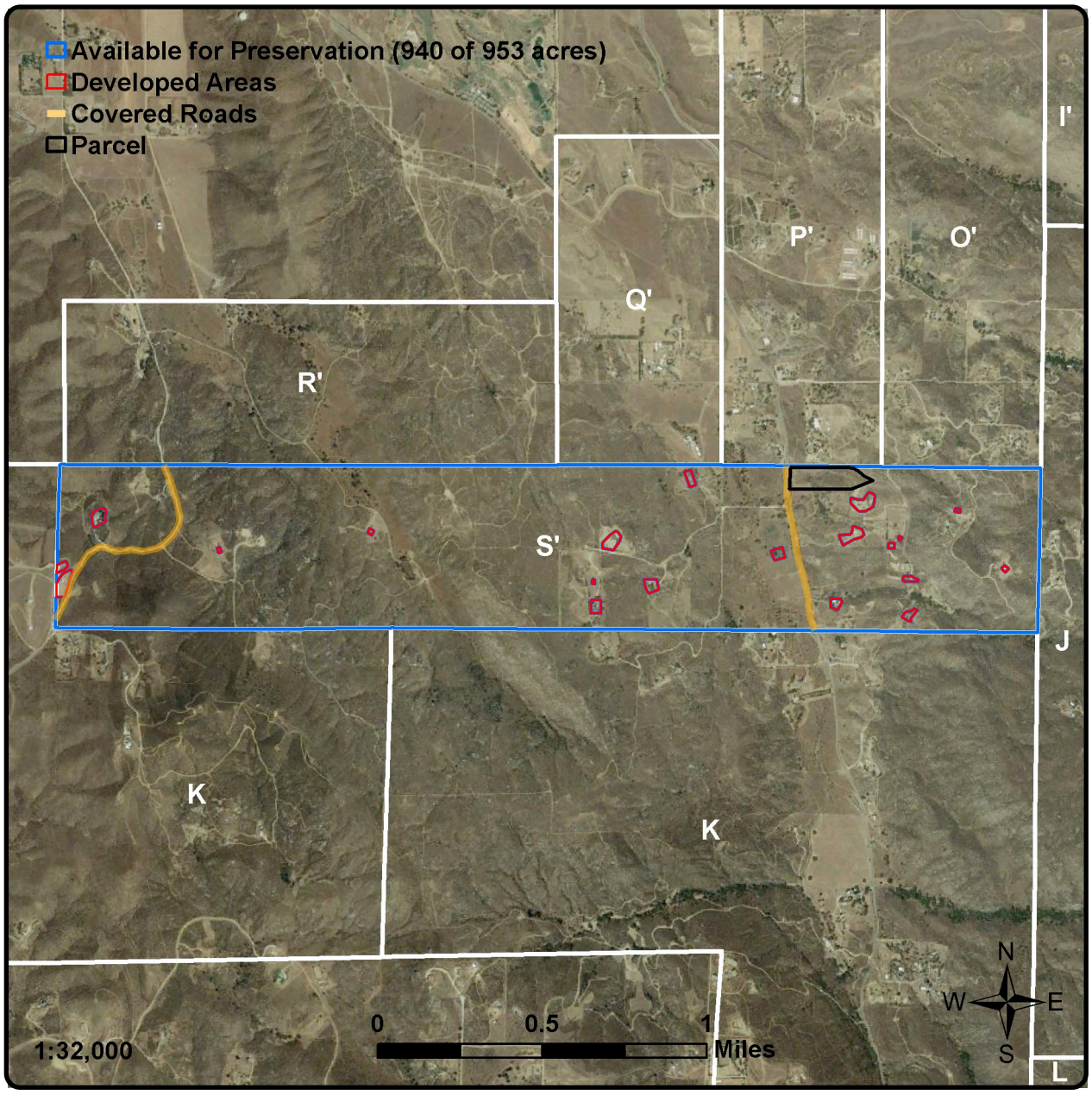

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Figure 9

Available Areas for Conservation Remaining

(USGS Hemet [1979] quadrangle,
Section 13, Township 6 South, Range 1 West)

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

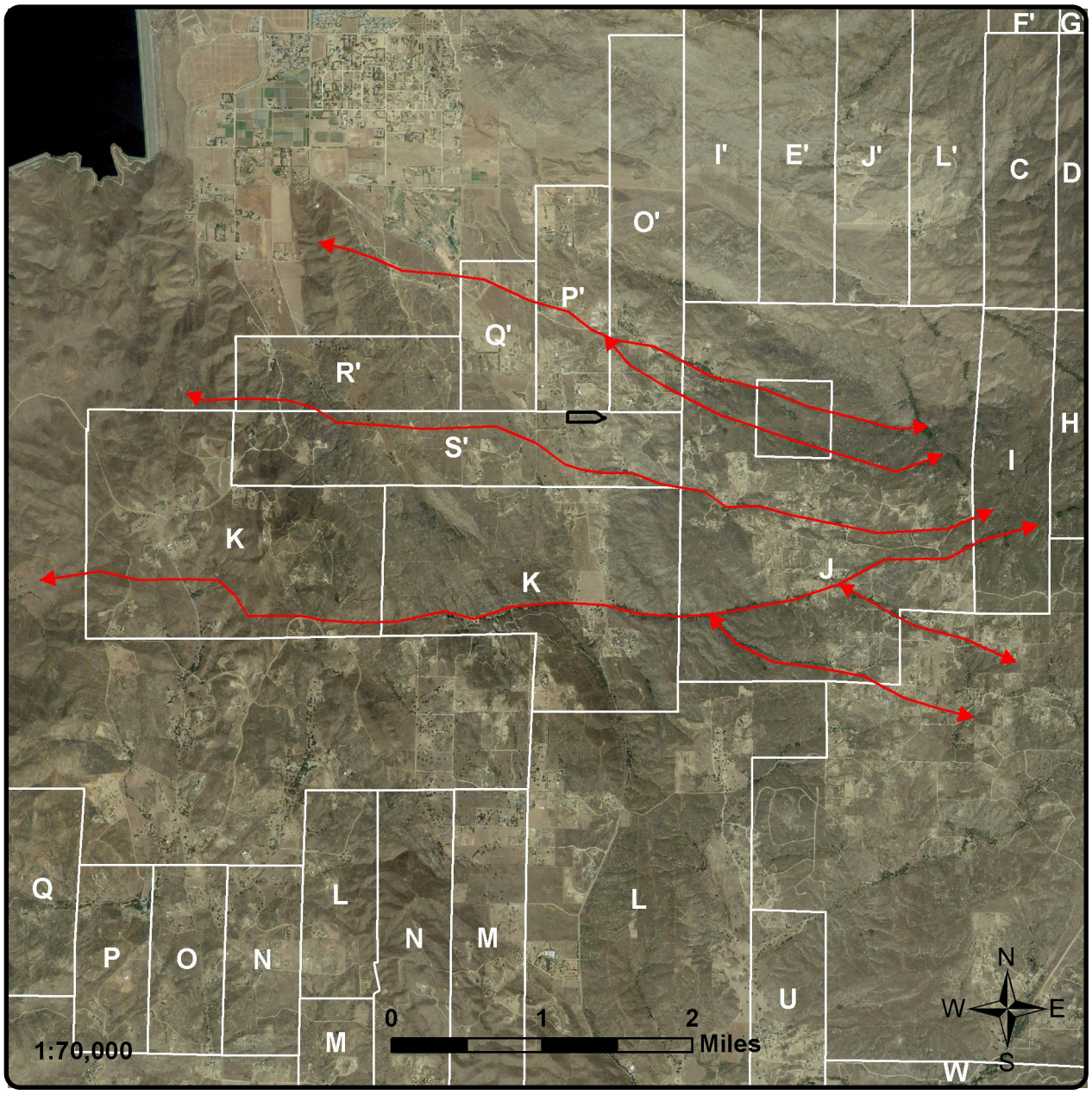

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Figure 10

Most Likely Travel Routes

(USGS Hemet [1979] quadrangle,
Section 13, Township 6 South, Range 1 West)

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

Table 5. Cell Group S' analysis.

Cell Group S'		
Feature	**Acres**	**Comments**
Total Area of Cell Group S'	**953.0**	**Described 75-85%, focused in eastern portion**
Proposed Project Development Area	2.42	All project-related development.
Existing and/or Planned Development	26.0	No other developments noted or documented.
Future Covered Roads	----	All covered roads already exist.
Public/Quasi-Public (PQP) Land	---	None within Cell Group S'.
Other Easements/ Rights-of-Way	---	None.
Exempt Lands	---	None.
Undeveloped Lands that Would Not Contribute.	---	Everything else is equivalent to what is onsite.
Subtotal – Development within Cell Group S'	**28.42**	
ARL Conserved Lands (Existing and Pending)		
RCA Owned/Managed Lands	23.0	
Other Existing Conserved Lands (MOU with RCA)	---	
Subtotal – ARL Conserved Lands	23.0	
Undeveloped Lands Potentially Available for Conservation		
Undeveloped Lands Potentially Contributing to Proposed Linkage 14	901.58	Total of Cell Group S' (953.0) – Development (28.42) – ARL Conserved Lands (23.0)
Determination		
Cell Group S' = Total Conserved + Undeveloped and Available for Conservation	924.58	To meet mid-range goal of 80%, **need 762 acres** of Conserved Lands. This project is consistent with MSHCP Reserve Assembly.

Due to the presence of mature *Eucalyptus* trees onsite and in the vicinity and potential habitat for other nesting birds protected by the Migratory Bird Treaty Act (Bell's sage sparrow), a preconstruction clearance survey for nesting birds should occur within 7 days prior to initial ground clearing activities (if that clearing will begin between February 1 and August 31). If nesting birds are identified onsite an appropriate buffer and avoidance area will be determined; however, due to planned development of a relatively small western portion of the parcel, all planned clearing would likely have to wait until nesting activity has ended, as determined by a qualified biologist.

4.3.1) Urban/Wildlands Interface Guidelines (MSHCP Section 6.1.4)

The guidelines in Section 6.1.4 of the MSHCP are intended to address indirect effects associated with development near MSHCP Conserved Areas. The eastern 6.78 acres of the parcel are planned for conservation and will be conditioned for conveyance to the RCA prior to the issuance of grading permits.

Based on a review of the RCA MSHCP Information Map, there are no other conservation areas adjacent to the project site. The nearest conserved lands are PQP lands approximately 0.9 mile to the east of the site and RCA MSHCP conserved lands to the south of the site. Development of the proposed project will not affect these conservation lands.

The area between the project site and PQP and RCA MSHCP conserved lands consists of undeveloped and relatively undisturbed lands with a few rural roads and scattered rural residential properties. At the current level of development, there are opportunities for wildlife movement throughout the area.

Developments in proximity to MSHCP Conserved Areas may result in "edge effects" that might adversely affect biological resources within MSHCP Conserved Areas. To minimize such "edge effects" the following guidelines will be implemented for this project.

Drainage: The proposed project will incorporate measures, including measures required through the National Pollutant Discharge Elimination System (NPDES) requirements, to ensure that the quantity and quality of runoff discharged from the site is not altered in an adverse way when compared with existing conditions. Measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into any MSHCP Conserved Area. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials, or other elements that might degrade or harm biological resources or ecosystem processes within MSHCP Conserved Area or any state or federal jurisdictional areas downstream. A detention basin, grass swales, or mechanical trapping devices are acceptable methods. Regular maintenance will occur to ensure effective operation of runoff control systems.

Toxics: Land use in proximity to MSHCP Conserved Area that uses chemicals or generates bioproducts that are potentially toxic or may adversely affect wildlife species, habitat, or water quality will incorporate measures to ensure that application of such chemicals does not result in discharge into MSHCP Conserved Area or any state or federal jurisdictional areas downstream.

Measures such as those employed to address drainage issues (see above) will be implemented.

Lighting: Night lighting within the project development area will be directed away from MSHCP Conserved Area to protect species within the area from direct night lighting. Shielding will be incorporated in project designs to ensure ambient lighting in MSHCP Conserved Area is not increased.

Noise: Proposed noise generating land uses affecting MSHCP Conserved Area will incorporate setbacks, berms, or walls to minimize the effects of noise on MSHCP Conserved Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards. For planning purposes, wildlife within MSHCP Conserved Area should not be subject to noise that would exceed residential noise standards.

Invasives: Invasive, non-native plant species listed in MSHCP Table 6-2 (see Appendix B) will not be used onsite. Materials from greenhouses will be contained and treated so that no potentially invasive plant material (such as mature seed) leaves the development area and might spread to nearby riparian habitat (to the west, across Sage Road).

Barriers: The project development area will be surrounded by a fence. Fencing will prevent access to adjacent MSHCP Conserved Area. The fencing will also minimize unauthorized public access, domestic animal predation, illegal trespass, and/or dumping in MSHCP Conserved Area. Chain link fencing is proposed, but a fencing plan will be submitted for RCA review and approval prior to issuance of a grading permit.

Grading/Land Development: Manufactured slopes associated with proposed development adjacent to MSHCP Conserved Area will not extend into MSHCP Conserved Area.

5.0) REGULATORY ENVIRONMENT

5.1) Federal Endangered Species Act

The U.S. Fish and Wildlife Service (USFWS), under the auspices of the federal Endangered Species Act (FESA) of 1973 (as amended), manages and protects species listed as endangered or threatened. An endangered species is defined as a species "in danger of extinction throughout all or a significant portion of its range" while a threatened species is defined as "likely to become endangered in the foreseeable future."

"Take" of listed species is prohibited under Section 9 (a)(1)(B) of the FESA. The term "take" is defined as follows in Section 3 (18) of the FESA: "harass, harm, pursue, hunt, shoot, wound, trap, kill, capture or collect or to engage in any such conduct." Harm is further defined as significant habitat alteration that results in death or injury to listed species by significantly impairing behavior patterns such as breeding, feeding, or sheltering. The USFWS can issue a permit for "take" of listed species incidental to otherwise lawful activities. Procedures for obtaining a permit for incidental take are identified under Section 7 of FESA for federal properties or where federal actions are involved, and are identified under Section 10 of FESA for non-federal actions. The County of Riverside has been issued a Section 10(a) permit for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), which this project falls within.

5.2) Jurisdictional Determination of Wetlands, "Waters of the U.S."

Three agencies generally regulate activities within streams, wetlands, and riparian areas in California: (1) the Army Corps of Engineers (ACOE) regulates activities under Section 404 of the federal Clean Water Act; (2) the Regional Water Quality Control Board (RWQCB) regulates activities under Section 401 of the federal Clean Water Act (CWA); and (3) the California Department of Fish and Game (CDFG) regulates activities within wetlands under Fish and Game Code Sections 1600-1616.

5.2.1) United States Clean Water Act, Section 404

The ACOE has jurisdiction over "Wetlands" and "Waters of the United States" under Section 404 of the Clean Water Act (CWA). Permitting is required for activities that will result in discharge of dredge or fill material into Waters of the United States or adjacent wetlands and associated habitat. By definition these include all waterways, streams, intermittent streams, and

their tributaries that could be used for interstate commerce. The term "interstate commerce" has been broadly interpreted to include use by migratory waterfowl and out-of-state tourism. In non-tidal waters jurisdictional limits extend to the ordinary high water mark (OHWM), which is defined as that line on the shore established by fluctuations of water and indicated by physical characteristics such as clear natural line impression on the bank, shelving, changes in the character of soil, and destruction of the surrounding area. The upstream limit of ACOE jurisdiction is that point on the stream where the OHWM is no longer perceptible. Since flow patterns vary drastically from event to event alluvial fans do not always exhibit an OHWM or other evidences of repeated water flow. That portion of an alluvial fan that experiences sheet flow is not generally regulated as Waters of the United States, however an inter-braided streambed, evidenced by an OHWM, is within ACOE jurisdiction. Vernal pools and other types of wetlands are also regulated by the ACOE as Waters of the United States.

5.2.2) United States Clean Water Act, Section 401

The RWQCB has jurisdiction over similar "Wetlands" and "Waters of the United States" under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act under the California Water Code. Permitting is required for activities that will result in a discharge of soils, nutrients, chemicals, detrital materials, or other pollutants into Waters of the United States or adjacent wetlands that will affect water quality of those bodies and the area watershed.

5.2.3) California Department of Fish and Game Code, Section 1600

The CDFG, through provisions of the CDFG Code (Sections 1600-1616), is empowered to issue agreements ("Streambed Alteration Agreement") for projects that will adversely affect wildlife habitat associated with any river, stream, or lake edges. Streams and rivers are defined by the presence of a channel bed, banks, and intermittent flow. CDFG regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFG.

Determining limits of a wetland is not typically done in obtaining CDFG Agreements because the intent of the 1600 program is to safeguard riparian associated wildlife habitat. Riparian habitat includes willows (*Salix* sp.), mulefat (*Baccharis salicifolia*), and other vegetation typically associated with the banks of a stream or lake shoreline. In most situations wetlands associated with a stream or lake will fall within the limits of riparian habitat. Thus, the limits of CDFG jurisdiction based on riparian habitat will automatically include any wetland areas and may include additional areas that do not meet ACOE criteria for soils and/or hydrology (e.g., where

riparian woodland canopy extends beyond the banks of a stream away from frequently saturated soils).

5.3) California Department of Fish and Game

5.3.1) California Endangered Species Act

California Endangered Species Act (CESA) definitions of endangered and threatened species parallel those defined in the FESA. The CESA defines an endangered species as ". . . a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes including loss of habitat, change in habitat, over exploitation, predation, competition or disease." Endangered species are in serious danger of becoming extinct and threatened species are likely to become endangered species in the foreseeable future (according to Sections 2062 and 2067, respectively, of the California Fish and Game Code). Candidate species are those under formal review by the CDFG for listing as endangered or threatened (Section 2067). Prior to being considered for protected status the CDFG designates a species as being of special concern. Species of special concern are those for which the CDFG has information indicating decline. The County of Riverside has been issued a permit from the CDFG for the Western Riverside County MSHCP, which this project falls within.

5.3.2) California Department of Fish and Game Code, Section 1600

This section allows the CDFG to issue agreements ("Streambed Alteration Agreement") for projects that will adversely affect wildlife habitat associated with any river, stream, or lake edges. A detailed discussion of Section 1600 under the Fish and Game Code can be found in section 5.2.3 above.

5.3.3) California Natural Diversity Database

The California Natural Diversity Database (CNDDB) is a database that ranks overall condition of sensitive species and vegetation communities on global (throughout its range) and state (within California) levels. Additionally, subspecies and varieties are assigned a ranking for global condition as well. Ranking is numerical ranging from 1 to 5, with 1 indicating very few remaining individuals or little remaining habitat and 5 indicating a demonstrably secure to ineradicable population condition. State ranks may also include a threat assessment ranging from 1 (very threatened) to 3 (no current threats known).

5.3.4) Take of Nesting Birds

Sections 3503, 3503.5, and 3513 of the Fish and Game Code stipulate the following:

- Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by FGC or any regulation made pursuant thereto.

- Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of- prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by FGC or any regulation adopted pursuant thereto.

- Section 3513 states that it is unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act (MBTA).

5.4) California Native Plant Society

The California Native Plant Society (CNPS) has cataloged California's rare and endangered plants into lists according to population distributions and viability. These lists are numbered and indicate the following: (1A) presumed extinct in California; (1B) rare, threatened, or endangered throughout their range; (2) rare, threatened, or endangered in California, but more common in other states; (3) more information is needed to establish rarity; and (4) plants of limited distribution in California (i.e., naturally rare in the wild) but whose populations do not appear to be susceptible to threat.

5.5) California Environmental Quality Act

The California Environmental Quality Act (CEQA) requires identification of environmental effects from discretionary projects. Significant effects are to be mitigated by avoidance, minimization, rectification, or compensation whenever possible.

Effects to all state and federal listed species are considered significant under CEQA. In addition to formally listed species, CEQA Section 15380(d) considers effects to species that are demonstrably endangered or rare as important or significant. These definitions can include state designated species of special concern, federal candidate and proposed species, CNDDB tracked species, and California Native Plant Society 1B and 2 plants.

Appendix G of the CEQA Guidelines specifically addresses biological resources and encompasses a broad range of resources to be considered.

5.6) Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711) is an international treaty that makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). Sections 3503, 3503.5, and 3800 of the CDFG Code prohibit the take, possession, or destruction of birds, their nests, or eggs. The MBTA requires that project-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (February 1 through August 31). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) or loss of habitat upon which the birds depend could be considered “take” and constitute a violation of the MBTA.

5.7) Western Riverside County Multiple Species Habitat Conservation Plan

The County of Riverside, eight (8) additional land jurisdictions, and 14 cities have prepared a Multiple Species Habitat Conservation Plan (MSHCP). The plan, under development by the Riverside County Integrated Project, will build upon existing preserves and attempts to provide connectivity and wildlife corridors throughout the region. The plan proposes to conserve approximately 500,000 acres and 146 different species. Approximately 347,000 acres are anticipated to be conserved on existing Public/Quasi-Public lands with additional contributions of approximately 153,000 acres from willing sellers (http://www.rcip.org).

The MSHCP was approved by the county on June 17, 2003 and an Implementation Agreement (IA) between the USFWS, the CDFG, and the county was executed and an associated USFWS Section 10(a)(1)(B) Permit (No. TE-088609) was issued on June 22, 2004. The permit grants take authorization for certain species identified in Attachment 2 of the permit as "Covered Species Adequately Conserved."

The MSHCP establishes seven (7) core reserve areas and associated linkages between proposed and existing core areas. The MSHCP divides areas into Cells using USGS coordinates. According to the Riverside County Integrated Project website, parcels that compose the current project site are located within San Jacinto Valley Area Plan. Conservation efforts for the project site will be evaluated with regard to Criteria Cell/Group goals, sensitive species identified as not adequately conserved and observed onsite, riverine/riparian or vernal

pool habitat and their associated sensitive species (if located onsite), fairy shrimp, jurisdictional areas, and sage scrub. The MSHCP Conservation Summary Report does not list any species that require specific habitat assessments and the project site is not within any Narrow Endemic plant/Criteria Area species survey area.

Focused surveys are required for species identified as not adequately conserved under the MSHCP if suitable habitat is present onsite. Following completion of surveys, the proponent must undergo a Habitat Acquisition and Negotiation Strategy (HANS) with the County of Riverside if the site falls within a Criteria Cell. If a single family home or mobile home is to be placed on an existing legal lot permitting will be reviewed according to the procedures outlined in MSHCP Section 6.1.1, *Expedited Review Process for Single-Family Homes or Mobile Homes To Be Located on an Existing Lot Within the Criteria Area*. The project site is located within Cell 4991 of Cell Group S' in the Mica Butte (SU5) subunit. The listed criteria for Cell Group S' are as follows:

> Conservation within this Cell Group will contribute to assembly of Proposed Linkage 14. Conservation within this Cell Group will focus on chaparral, coastal sage scrub, grassland, Riversidean alluvial fan sage scrub, riparian scrub, woodland and forest habitat. Areas conserved within this Cell Group will be connected to chaparral, grassland, riparian scrub, woodland and forest habitat proposed for conservation in Cell Group R' to the north and in Cell Group K in the Riverside Extended Mountain Area Plan to the south, to chaparral and grassland habitat proposed for conservation in Cell Group Q' to the north, to chaparral, riparian scrub, woodland, and forest habitat proposed for conservation in Cell Group P' to the north, to chaparral and coastal sage scrub habitat proposed for conservation in Cell Group O' to the north, and to chaparral habitat proposed for conservation in Cell Group J in the Riverside Extended Mountain Area Plan to the east and in Cell Group K in the Southwest Area Plan also to the south. Conservation within this Cell Group will range from 75%-85% of the Cell Group focusing in the eastern portion of the Cell Group.

The listed species with proposed core areas or other habitat usage objectives for Proposed Linkage 14 are:

> Quino Checkerspot Butterfly
> Bell's Sage Sparrow
> Cactus Wren
> Stephens' Kangaroo Rat
> Bobcat
> Los Angeles Pocket Mouse
> Mountain Lion

5.7.1) Section 6.1.2 (Riparian/Riverine Habitat)

Section 6.1.2 of the MSHCP requires an assessment of the potentially significant effects of the proposed project on Riparian/Riverine areas, and vernal pools as currently required by CEQA using available information augmented by project-specific mapping. Riparian/Riverine areas and vernal pools are defined as follows:

- Riparian/Riverine Areas are lands that have flow for all or a portion of the year and 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.

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.

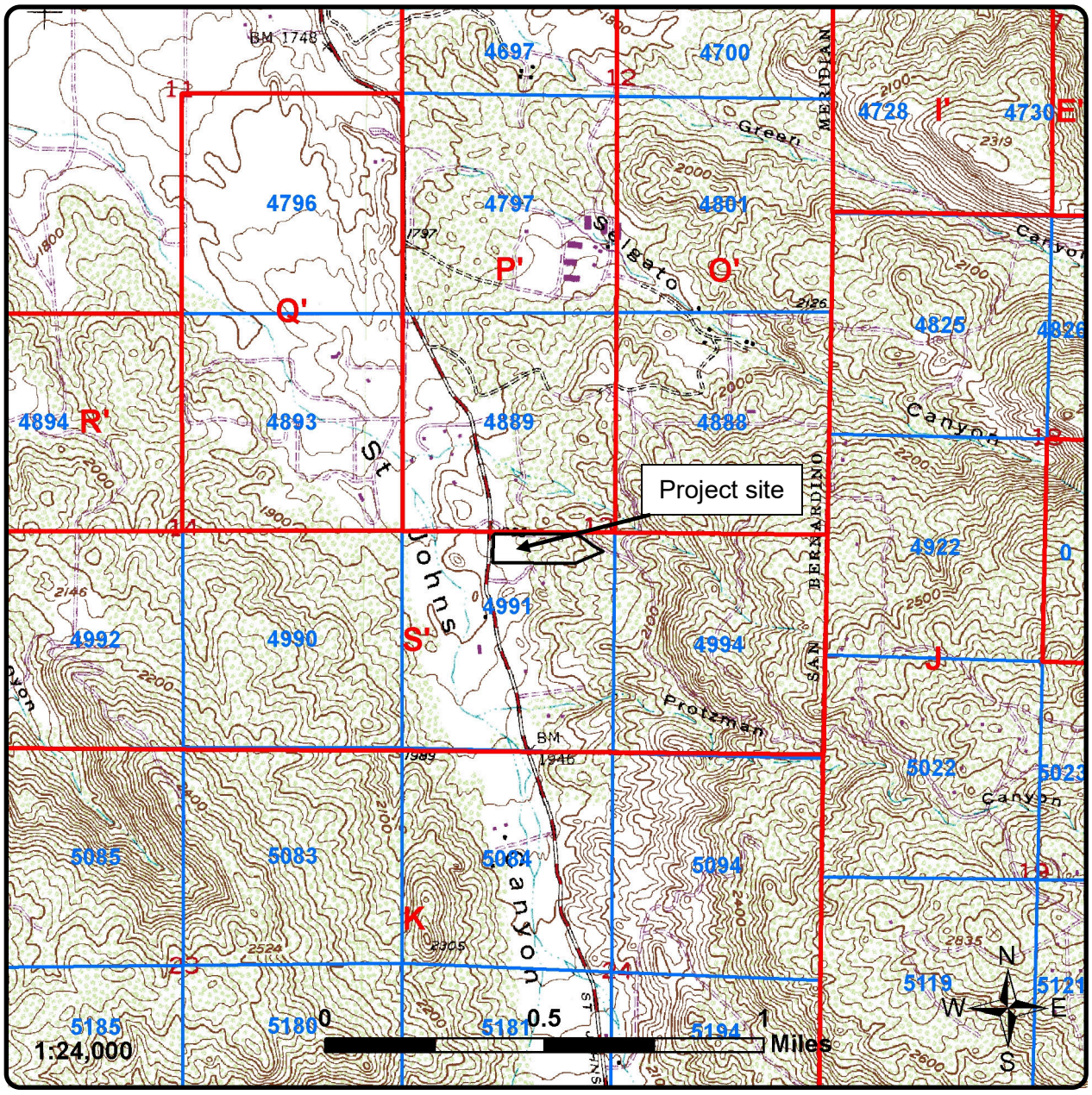

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Figure 11

Criteria Cells & Cell Groups

(USGS Hemet [1979] quadrangle,
Section 13, Township 6 South, Range 1 West)

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

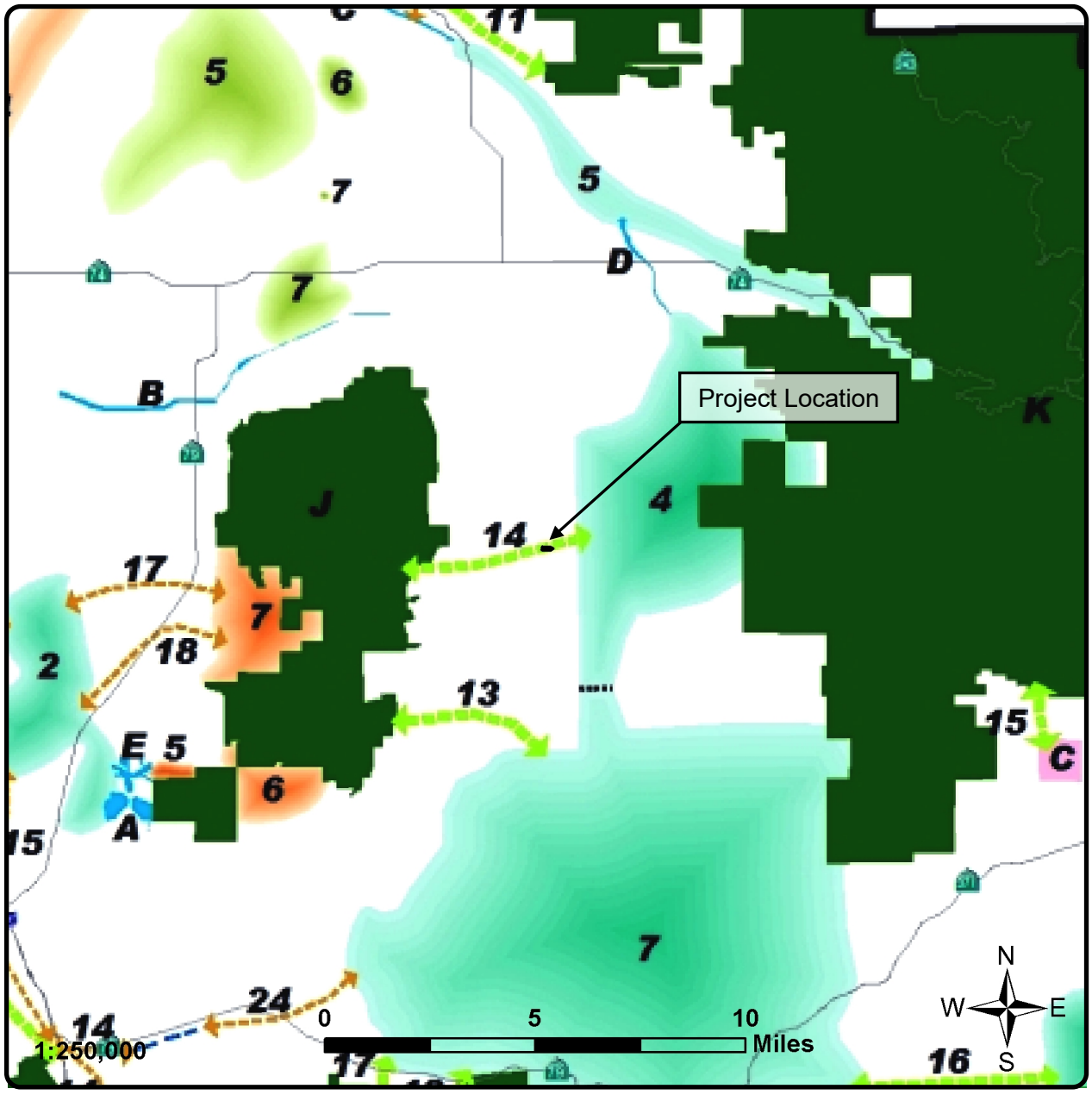

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Figure 12

MSHCP Cores & Linkages

Sage Road & Minto Way, St. Johns Canyon
County of Riverside, California

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APPENDIX A

Table 6. List of plant and wildlife species identified on APN 470-070-043. An asterisk (*) indicates non-native species.

Scientific Name	Common Name
Plants	
Amaranthaceae	**Pigweed Family**
Amaranthus albus	Tumble Pigweed*
Anacardiaceae	**Sumac Family**
Toxicodendron diversilobum	Poison Oak
Asteraceae	**Sunflower Family**
Centaurea melitensis	Tocalote*
Deinandra fasciculata	Slender Tarweed
Encelia farinosa	Brittlebush
Erigeron canadensis	Horseweed
Heterotheca grandiflora	Telegraph Weed
Lactuca serriola	Prickly-lettuce*
Stephanomeria sp.	Unidentified Wreath Plant
Boraginaceae	**Borage Family**
Amsinckia menziesii var. *intermedia*	Fiddleneck
Brassicaceae	**Mustard Family**
Hirschfeldia incana	Short-pod Mustard*
Sisymbrium irio	London Rocket*
Cactaceae	**Cactus Family**
Cylindropuntia californica	Valley Cholla
Caprifoliaceae	**Honeysuckle Family**
Lonicera subspicata	Southern Honeysuckle
Sambucus nigra ssp. *caerulea*	Blue Elderberry
Chenopodiaceae	**Goosefoot Family**
Chenopodium berlandieri	Pitseed Goosefoot
Salsola tragus	Russian Thistle*
Cucurbitaceae	**Gourd Family**
Marah macrocarpus	Wild-cucumber
Ericaceae	**Heath Family**
Arctostaphylos species (probably *glauca*)	Unidentified Manzanita
Fabaceae	**Pea Family**
Acmispon glaber	Deerweed

Scientific Name	**Common Name**
Plants (continued)	
Fagaceae	**Oak Family**
Quercus agrifolia	Coast Live Oak
Quercus berberidifolia	Scrub Oak
Hydrophyllaceae	**Waterleaf Family**
Eriodictyon crassifolium	Yerba Santa
Phacelia sp. (*cicutaria*?)	Caterpillar Phacelia
Phacelia ramosissima	Branching Phacelia
Lamiaceae	**Mint Family**
Salvia columbariae	Chia
Myrtaceae	**Myrtle Family**
Eucalyptus sp.	Gumtree*
Plantaginaceae	**Plantain Family**
Plantago erecta	Dot-seed Plantain
Poaceae	**Grass Family**
Avena barbata	Slender Wild Oat*
Avena sp.	Wild Oat*
Bromus madritensis ssp. *rubens*	Foxtail Chess*
Bromus diandrus	Ripgut Brome*
Bromus hordeaceus	Soft Chess*
Festuca sp.	Fescue*
Leymus (*Elymus*) *condensatus*	Giant Wild Rye
Melica imperfecta	Common Melic
Schismus barbatus	Mediterranean Grass
Polemoniaceae	**Phlox Family**
Eriastrum sapphirinum	Sapphire Woolstar
Polygonaceae	**Buckwheat Family**
Eriogonum fasciculatum var. *foliolosum*	California Buckwheat (Green)
Eriogonum fasciculatum var. *polifolium*	California Buckwheat (Gray)
Eriogonum gracile	Slender Buckwheat
Rhamnaceae	**Buckthorn Family**
Rhamnus ilicifolia	Hollyleaf Redberry
Rosaceae	**Rose Family**
Adenostoma fasciculatum	Chamise
Salicaceae	**Willow Family**
Salix laevigata	Red Willow

Scientific Name	**Common Name**
Plants (continued)	
Scrophulariaceae	**Figwort Family**
Keckiella antirrhinoides	Yellow Bush Penstemon
Scrophularia californica	Coast Figwort
Solanaceae	**Nightshade Family**
Datura wrightii	Western Jimsonweed
Birds	
Acciptiridae	**Hawk Family**
Buteo jamaicensis	Red-tail Hawk
Columbidae	**Pigeon Family**
Zenaida macroura	Mourning Dove
Corvidae	**Jay and Crow Family**
Aphelocoma californica	California Scrub Jay
Corvus corax clarionensis	Common Raven
Fringillidae	**Finch Family**
Carpodacus mexicanus	House Finch
Mimidae	**Mockingbird Family**
Mimus polyglottos polyglottos	Northern Mockingbird
Odontophoridae	**Quail Family**
Callipepla californica californica	California Quail
Passerellidae	**New World Sparrows**
Pipilo crissalis	California Towhee
Zonotrichia leucophrys	White-crowned Sparrow
Trochilideae	**Hummingbird Family**
Calypte anna	Anna's Hummingbird
Tyrannidae	**Tyrant Flycatchers**
Sayornis saya	Say's Phoebe
Mammals	
Canidae	**Dog, Fox & Coyote Family**
Canis latrans	Coyote (sign)
Geomyidae	**Pocket Gopher Family**
Thomomys bottae	Botta's Pocket Gopher (sign)

Scientific Name		**Common Name**
	Mammals (continued)	
Leporidae		**Rabbit Family**
Sylvilagus audubonii		Desert Cottontail
	Reptiles & Amphibians	
Iguanidae		**Iguanid Family**
Uta stansburiana		Side-blotched Lizard

Table 7. Special status species habitat evaluation.

Special Status Species	Habitat and Distribution	Flower season	Status Designation	Occurrence Probability
Plants				
Dodecahema leptoceras Slender-horned spineflower	Open, sandy alluvial benches in valleys & canyons. Shrubland & cismontane woodland; San Fernando Valley, Santa Ana River Valley, W Riverside Co. Range 650-2500 ft. El.	April - June	Fed: END Calif: END CNPS: 1B.1 MSHCP: (b)	**High**

Special Status Species	Habitat and Distribution	Status Designation	Occurrence Probability
Birds			
Artemisiospiza belli belli Bell's sage sparrow	Sage scrub & chaparral communities. Central Washington S to Baja California, Mexico.	Fed: None Calif: WL NDDB: S3 MSHCP: AC	**Moderate-High**
Campytorhynchus brunneicapillus sandiegensis Coastal cactus wren	Coastal sage scrub with cactus patches. Southern California & northwest Baja California.	Fed: None Calif: SSC NDDB: S3 USFS: S MSHCP: -	Low
Polioptila californica californica Coastal California gnatcatcher	Sage scrub comms., also chaparral, grasslands & riparian comms. adjacent to or mixed with sage scrub. S Ventura Co. to LA, Orange, Riv., San Bern., San D. Cos into Baja CA, Mexico.	Fed: THR Calif: SSC NDDB: S2 MSHCP: AC	Low
Mammals			
Dipodomys stephensi Stephens' kangaroo rat	Sparse, gently sloping grassland, sometimes at margins of cultivated or disturbed lands. San Bernardino County, W Riverside Co., & adjacent San Diego Co.	Fed: END Calif: THR NDDB: S2 MSHCP: AC	Low-Moderate
Lynx rufus Bobcat	Adaptable – wooded areas, semidesert, urban edge, forest edge, and swampland.	Fed: None Calif: None NDDB: None MSHCP: -	**High**
Perognathus longimembris brevinasus Los Angeles pocket mouse	Annual grassland, sage scrub, alluvial sage scrub. S California from Rancho Cucamonga (W boundary), San Gorgonio (E), Aguanga & Oak Grove, San Diego (S).	Fed: None Calif: SSC NDDB: S1S2 MSHCP: (c)	Moderate
Puma concolor Mountain Lion/Cougar	Dense underbrush and rocky areas for stalking, but can also live in open areas.	Fed: None Calif: None NDDB: None MSHCP: -	**High**

Special Status Species	Habitat and Distribution	Status Designation	Occurrence Probability
Reptiles			
Aspidoscelis hyperythra Orange-throated whiptail	Low-elevation coastal scrub, chaparral, & valley-foothill hardwood. Sandy areas, patches of rock. S CA, west of desert to tip of Baja CA.	Fed: None Calif: WL NDDB: S2S3 USFS: S MSHCP: AC	Low
Phrynosoma blainvillii Coast horned lizard	Coastal sage scrub, low elevation chaparral, annual grassland, oak & riparian woodlands, & coniferous forests. SW California to NW Baja California, Mexico.	Fed: None Calif: SSC NDDB: S3S4 MSHCP: AC	Moderate
Invertebrates			
Euphydryas editha quino Quino checkerspot butterfly	Lower elevation (0-4500 ft.) although increasing in upper elev. range. Meadow areas or clearings within coastal sage scrub or grassland vegetated by host plants: dwarf plaintain & owl's clover.	Fed: END Calif: None NDDB: S1S2 MSHCP: AC	Low

Special Status Habitat	Habitat Type	Status Designation	Present or Absent
Riversidian Alluvial Fan Sage Scrub	Coastal scrub.	Fed: None Calif: None NDDB: S1.1	**Present**
Southern Coast Live Oak Riparian Forest	Riparian forest.	Fed: None Calif: None NDDB: S4	**Present**
Southern Cottonwood Willow Riparian Forest	Riparian forest.	Fed: None Calif: None NDDB: S3.2	Absent
Southern Mixed Riparian Forest	Riparian forest.	Fed: None Calif: None NDDB: S2.1	Absent
Southern Riparian Forest	Riparian forest.	Fed: None Calif: None NDDB: S4	Absent
Southern Riparian Scrub	Riparian scrub.	Fed: None Calif: None NDDB: S3.2	Absent
Southern Sycamore Alder Riparian Woodland	Riparian woodland.	Fed: None Calif: None NDDB: S4	Absent
Southern Willow Scrub	Riparian scrub.	Fed: None Calif: None NDDB: S2.1	Absent

Status designations and occurrence probabilities are defined in the key below.

Federal designations: (federal Endangered Species Act, U. S. Fish and Wildlife Service):

- END: Federally listed, endangered.
- THR: Federally listed, threatened.
- C1: Category l candidate. Sufficient data are available to support federal listing, but not listed at this time (equivalent to "candidate" (USDI Fish and Wildlife Service 1996).
- Former C2: Formerly a Category 2 candidate species. Threat and/or distribution data are not sufficient to support federal listing at this time. No longer recognized by FWS.
- C3a: Extinct.
- C3b: Taxonomically invalid.
- C3c: Too widespread and/or not threatened. No longer considered a federal candidate for listing.
- FSC: Federal Species of Concern

State designations: (California Endangered Species Act, California Dept. of Fish and Game)

- END: State listed, endangered.
- THR: State listed, threatened.
- RARE: State listed as rare. (Listed "Rare" animals have been re-designated as Threatened, but Rare plants have retained the Rare designation.)
- SSC: Species of Special Concern (DFG).

CDF&G Natural Diversity Data Base Designations: Applied to special status plants and sensitive plant communities; where correct category is uncertain, CDF&G uses two categories or question marks.

- S1: Fewer than 6 occurrences or fewer than 1000 individuals or less than 2000 acres.
- S1.1: Very threatened.
- S1.2: Threatened.
- S1.3: No current threats known.
- S2: 6-20 occurrences or 1000-3000 individuals or 2000-10,000 acres (decimal suffixes same as above).
- S3: 21-100 occurrences or 3000-10,000 individuals or 10,000-50,000 acres (decimal suffixes same as above).
- S4: Apparently secure in California; this rank is clearly lower than S3 but factors exist to cause some concern (i.e., there is some threat or somewhat narrow habitat). No threat rank.
- S5: Demonstrably secure or ineradicable in California. No threat rank.
- SH: All sites are historical. The element has not been seen for at least 20 years, but suitable habitat still exists.
- SX: All sites are extirpated. This element is extinct in the wild.

California Native Plant Society (CNPS) designations: (Note: According to CNPS (Skinner and Pavlik 1994), plants on Lists 1B and 2 meet definitions for listing as threatened or endangered under Section 1901, Chapter 10 of the California Fish and Game Code. This interpretation is inconsistent with other definitions; see text.)

- List 1A: Plants presumed extinct in California.
- List lB: Plants rare and endangered in California and throughout their range.
- List 2: Plants rare, threatened, or endangered in California but more common elsewhere in their range.
- List 3: Plants about which we need more information; a review list.
- List 4: Plants of limited distribution; a watch list.

USFS designations:

- S: Sensitive.

Western Riverside County Multiple Species Habitat Conservation Plan: Applied to species that are covered under state and federal permits for the MSHCP. Species are either Covered Species Adequately Conserved or requiring additional surveys.

AC: Species Adequately Conserved.

(a): Surveys may be required for these species as part of wetlands mapping as described in Section 6.1.2 of this document.

(b): Surveys may be required for these species within Narrow Endemic Plant Species survey area as described in Section 6.1.3 of this document.

(c): Surveys may be required for these species within locations shown on survey maps as described in Section 6.3.2 of this document.

(d): Surveys may be required for these species within Criteria Area as described in Section 6.3.2 of this document.

(e): These Covered Species will be considered to be Covered Species Adequately Conserved when conservation requirements identified in species-specific conservation objectives have been met. Species-specific conservation objectives for these species are presented in Section 9.0 of this document. Please refer to Table 9-3 of the MSHCP for specific conservation objectives that must be met for these 16 species prior to including them on the list of Covered Species Adequately Conserved.

(f): These Covered Species will be considered to be Covered Species Adequately Conserved when a Memorandum of Understanding is executed with the Forest Service that addresses management for these species on Forest Service Land. Refer to Table 9-3 of the MSHCP.

- : Not a Covered Species.

Definitions of occurrence probability:

Occurs: Observed onsite during surveys described here or recorded onsite by other qualified biologists.

High: Observed in similar habitat in region by qualified biologists or often occurs in habitat similar to that onsite and within the known range of the species.

Moderate: Reported sightings in surrounding region or site and is within the known range of the species and often occurs in habitat similar to that onsite.

Low: Site is within the known range of the species but habitat onsite is rarely used by the species.

Absent: A focused study failed to detect the species, no suitable habitat is present, or the site is well outside known geographic or elevational ranges.

Unknown: No focused surveys have been performed in the region and the species' distribution and habitat are poorly known.

APPENDIX B
TABLE 6-2. PLANTS THAT SHOULD BE AVOIDED ADJACENT TO THE MSHCP CONSERVATION AREA

(Taken Directly from the MSHCP Section 6.1.4)

BOTANICAL NAME	COMMON NAME
Acacia spp. (all species)	acacia
Achillea millefolium var. *millefolium*	common yarrow
Ailanthus altissima	tree of heaven
Aptenia cordifolia	red apple
Arctotheca calendula	cape weed
Arctotis spp. (all species & hybrids)	African daisy
Arundo donax	giant reed or arundo grass
Asphodelus fistulosus	asphodel
Atriplex glauca	white saltbush
Atriplex semibaccata	Australian saltbush
Carex spp. (all species*)	sedge
Carpobrotus chilensis	ice plant
Carpobrotus edulis	sea fig
Centranthus ruber	red valerian
Chrysanthemum coronarium	annual chrysanthemum
Cistus ladanifer (incl. hybrids/varieties)	gum rockrose
Cortaderia jubata [*syn.C. Atacamensis*]	jubata grass, pampas grass
Cortaderia dioica [syn. *C. sellowana*]	pampas grass
Cotoneaster spp. (all species)	cotoneaster
Cynodon dactylon (incl. hybrids varieties)	Bermuda grass
Cyperus spp. (all species*)	nutsedge, umbrella plant
Cytisus spp. (all species)	broom
Delosperma 'Alba'	white trailing ice plant
Dimorphotheca spp. (all species)	African daisy, Cape marigold
Drosanthemum floribundum	rosea ice plant
Drosanthemum hispidum	purple ice plant
Eichhornia crassipes	water hyacinth
Elaegnus angustifolia	Russian olive
Eucalyptus spp. (all species)	eucalyptus or gum tree
Eupatorium coelestinum [syn. *Ageratina* sp.]	mist flower
Festuca arundinacea	tall fescue
Festuca rubra	creeping red fescue
Foeniculum vulgare	sweet fennel
Fraxinus uhdei (and cultivars)	evergreen ash, shamel ash
Gaura (spp.) (all species)	gaura
Gazania spp. (all species & hybrids)	gazania
Genista spp. (all species)	broom
Hedera canariensis	Algerian ivy
Hedera helix	English ivy
Hypericum spp. (all species)	St. John's Wort
Ipomoea acuminata	Mexican morning glory
Lampranthus spectabilis	trailing ice plant
Lantana camara	common garden lantana
Lantana montevidensis [syn. *L. sellowiana*]	lantana
Limonium perezii	sea lavender

TABLE 6-2. PLANTS THAT SHOULD BE AVOIDED ADJACENT TO THE MSHCP CONSERVATION AREA (*Cont.*)

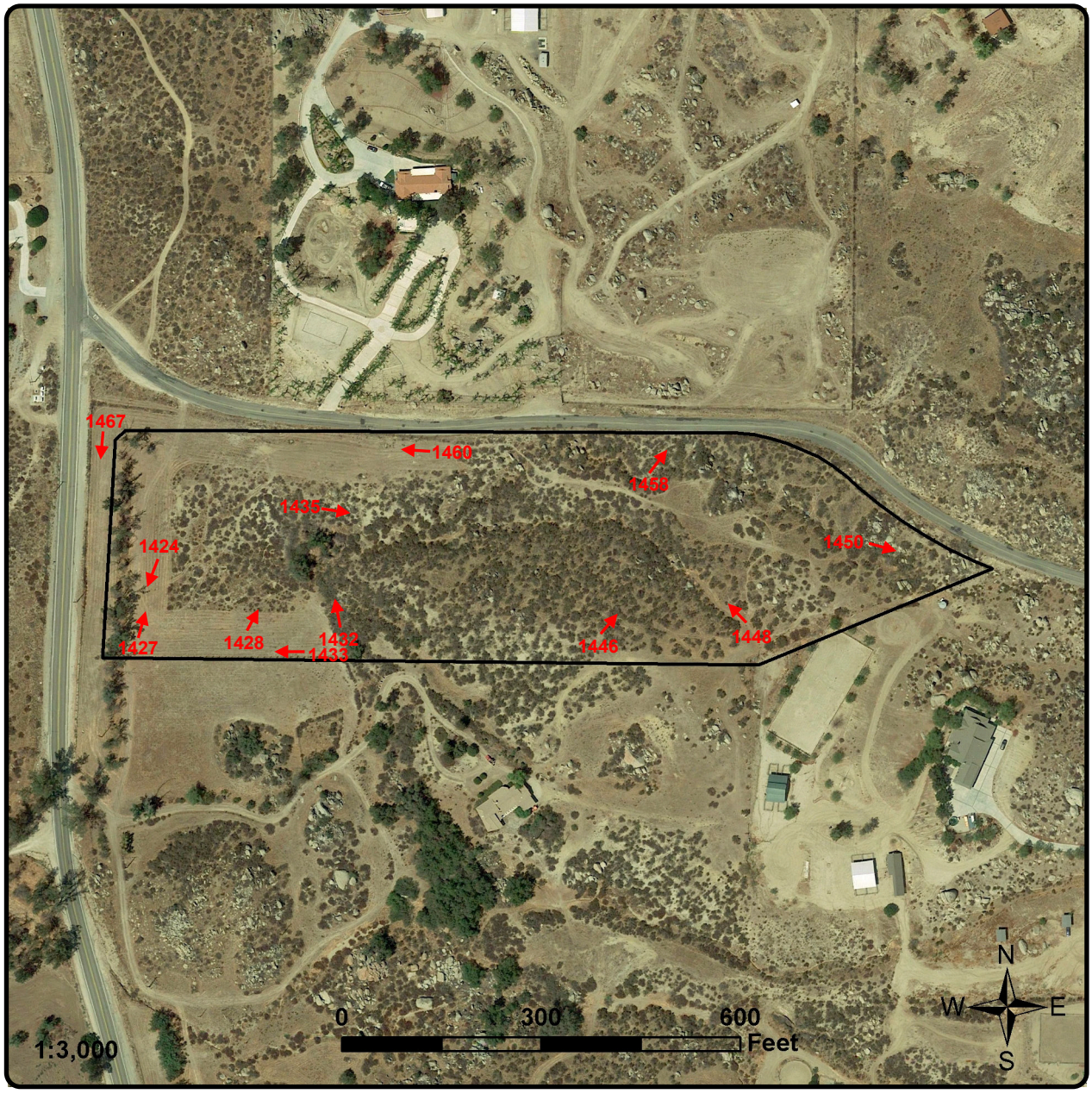
BOTANICAL NAME	COMMON NAME
Linaria bipartita	toadflax
Lolium multiflorum	Italian ryegrass
Lolium perenne	perennial ryegrass
Lonicera japonica (incl. 'Halliana')	Japanese honeysuckle
Lotus corniculatus	birdsfoot trefoil
Lupinus arboreus	yellow bush lupine
Lupinus texanus	Texas blue bonnets
Malephora crocea	ice plant
Malephora luteola	ice plant
Mesembryanthemum nodiflorum	little ice plant
Myoporum laetum	myoporum
Myoporum pacificum	shiny myoproum
Myoporum parvifolium (incl. 'Prostratum')	ground cover myoporum
Oenothera berlandieri	Mexican evening primrose
Olea europea	European olive tree
Opuntia ficus-indica	Indian fig
Osteospermum spp. (all species)	trailing African daisy, African daisy,
Oxalis pes-caprae	Bermuda buttercup
Parkinsonia aculeata	Mexican palo verde
Pennisetum clandestinum	Kikuyu grass
Pennisetum setaceum	fountain grass
Phoenix canariensis	Canary Island date palm
Phoenix dactylifera	date palm
Plumbago auriculata	cape plumbago
Polygonum spp. (all species)	knotweed
Populus nigra 'italica'	Lombardy poplar
Prosopis spp. (all species*)	mesquite
Ricinus communis	castorbean
Robinia pseudoacacia	black locust
Rubus procerus	Himalayan blackberry
Sapium sebiferum	Chinese tallow tree
Saponaria officinalis	bouncing bet, soapwart
Schinus molle	Peruvian pepper tree, California pepper
Schinus terebinthifolius	Brazilian pepper tree
Spartium junceum	Spanish broom
Tamarix spp. (all species)	tamarisk, salt cedar
Trifolium tragiferum	strawberry clover
Tropaelolum majus	garden nasturtium
Ulex europaeus	prickly broom
Vinca major	periwinkle
Yucca gloriosa	Spanish dagger

An asterisk (*) indicates some native species of the genera exist that may be appropriate.

Sources: California Exotic Pest Plant Council, United States Department of Agriculture-Division of Plant Health and Pest Prevention Services, California Native Plant Society, *Fremontia* Vol. 26 No. 4, October 1998, *The Jepson Manual: Higher Plants of California*, and County of San Diego-Department of Agriculture.

APPENDIX C

Site Photographs



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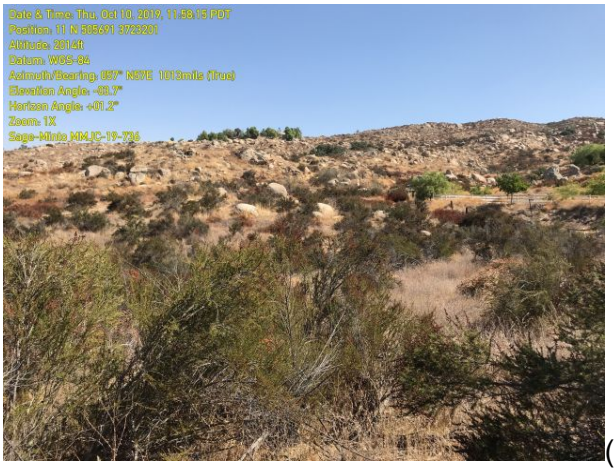

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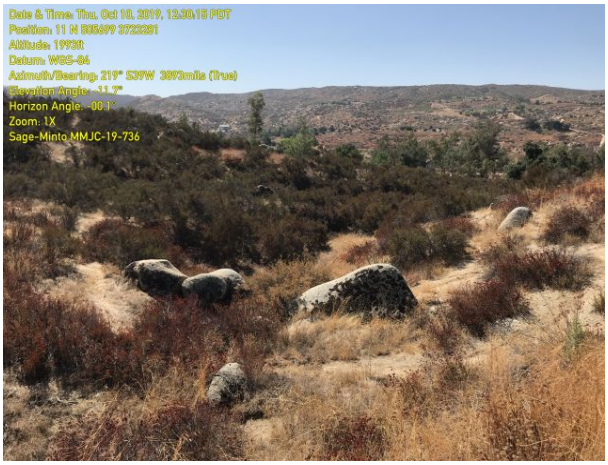

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(1460)

(1450)

(1467)

APPENDIX D

Certification

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

DATE: April 23, 2020 SIGNED: _____

Leslie Irish, Principal, L&L Environmental, Inc.
909-335-9897

1) Fieldwork Performed By:

Guy Bruyea
Name

2) Fieldwork Performed By:

_____
Name

3) Fieldwork Performed By:

_____
Name

4) Fieldwork Performed By:

_____
Name

5) Fieldwork Performed By:

_____
Name

6) Fieldwork Performed By:

_____
Name

Check here __ if adding any additional names/signatures below or on other side of page.

BIOLOGICAL REPORT SUMMARY SHEET

Applicant Name: MMJ Construction, Inc.
Assessor's Parcel Number(s): 470-070-043
Section, Township and Range: Section 13, Township 6 South, Range 1 West
Building and Safety Log Number: _____
Case Number: HAN190029 Lot/Parcel _____ EA Number _____

MARK ITEM(S) SURVEYED FOR	SPECIES or ENVIRONMENTAL ISSUE of CONCERN	*(Mark Yes, No, or N/A regarding species findings on the referenced site)*		
		Yes	**No**	**n/a**
X	Arroyo Southwestern Toad	Yes	No	n/a
X	Blueline Stream(s)	Yes	No	n/a
	Burrowing Owl	Yes	No	n/a
	Coachella Valley Fringed-toed Lizard	Yes	No	n/a
X	Coastal California Gnatcatcher (not obs. Low prob.)	Yes	No	n/a
X	Coastal Sage Scrub	Yes	No	n/a
	Delhi Sands Flower-loving Fly	Yes	No	n/a
	Desert Pupfish	Yes	No	n/a
	Desert Slender Salamander	Yes	No	n/a
	Desert Tortoise	Yes	No	n/a
	Flat-tailed Horned Lizard	Yes	No	n/a
X	Least Bell's Vireo	Yes	No	n/a
X	Oak Woodlands	Yes	No	n/a
X	Quino Checkerspot Butterfly (not obs. Low prob.)	Yes	No	n/a
X	Riverside Fairy Shrimp	Yes	No	n/a
	Santa Ana River Woolystar	Yes	No	n/a
	San Bernardino Kangaroo Rat	Yes	No	n/a
X	Slender-horned Spineflower (not obs. High prob.)	Yes	No	n/a
X	Stephens' Kangaroo Rat (not obs. Low-Mod. prob.)	Yes	No	n/a
X	Vernal Pools	Yes	No	n/a
X	Wetlands	Yes	No	n/a

MARK ITEM(S) SURVEYED FOR	SPECIES or ENVIRONMENTAL ISSUE of CONCERN	*(Mark Yes, No, or N/A regarding species findings on the referenced site)*		
	Other	Yes	No	n/a
	Other	Yes	No	n/a
	Other	Yes	No	n/a
	Other	Yes	No	n/a
	Other	Yes	No	n/a
	Other	Yes	No	n/a

Species of concern shall be any unique, rare, endangered, or threatened species. It shall include species used to delineate wetlands and riparian corridors. It shall also include any hosts, perching, or food plants used by any animals listed as rare, endangered, threatened, or candidate species by either state, or federal regulations, or for Riverside County as listed by the California Department of Fish and Game Natural Diversity Data Base (CNDDB).

I declare under penalty of perjury that the information provided on this summary sheet is in accordance with the information provided in the biological report or habitat assessment.

L & L Environmental, Inc. — April 23, 2020
Signature and Company Name — Date

10(a) Permit Number (if applicable) — Permit Expiration Date

County Use Only

Received By: _____ Date: _____
PD-B# _____

Attachment E-4

LEVEL OF SIGNIFICANCE CHECKLIST
For Biological Resources
(Submit two copies to the County)

Case Number: HAN190029 Lot/Parcel No. _____ EA Number _____

Assessor's Parcel Number(s): 470-070-043

Date: April 23, 2020

Biological Resources: (Check the level of impact that applies to the following questions.)

Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact

a) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan?

☐ ☐ ■ ☐

b) Have a substantial adverse effect, either directly or through habitat modifications, on any endangered, or threatened species, as listed in Title 14 of the California Code of Regulations (Sections 670.2 or 670.5) or in Title 50, Code of Federal Regulations (Sections 17.11 or 17.12)?

☐ ☐ ■ ☐

c) 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 California Department of Fish and Game, or U. S. Wildlife Service?

☐ ☐ ■ ☐

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?

☐ ☐ ■ ☐

LEVEL OF SIGNIFICANCE CHECKLIST
For Biological Resources
(Submit two copies to the County)

e) Have a substantial adverse effect on any riparian habitat, or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game, or the U. S. Fish and Wildlife Service?

☐ ☐ ■ ☐

f) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pools, coastal, etc.) through direct removal, filling, hydrological interruption)

☐ ☐ ☐ ■

g) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

☐ ☐ ■ ☐

Findings of Fact:

Coastal sage scrub and coast live oak trees are present onsite, but will be avoided by the proposed development plan.

Potential nesting habitat for birds is present onsite.

Proposed Mitigation:

Preconstruction clearance survey for raptors and other birds protected by the Migratory Bird Treaty Act within 7 days prior to initiation of site clearing (it to begin February 1-August 31).

Monitoring Recommended:

None.

Source: CGP Fig. VI.36-VI.40
Revised October 1999