WESTERN RIVERSIDE COUNTY

MULTIPLE SPECIES HABITAT CONSERVATION PLAN

CONSISTENCY ANALYSIS

CONDITIONAL USE PERMIT 190059
DEVELOPMENT AGREEMENT 190050

ASSESSOR'S PARCEL NUMBER 569-150-010

LOCATION:

Terminus of Owl Creek Road in unincorporated Riverside County, California. Address is 32875 Red Mountain Road, Hemet, California 92544. Northeast corner of Section 28, Township 6 South and Range 1 East of the USGS Topographic Map, 7.5 Minute Series, Hemet, California Quadrangle

OWNER/APPLICANT:

Joshua Steeves
ISEN GARDEN, LLC
32875 Red Mountain Road
Hemet, California 92544
(515) 749-5153
crispy@crispyswan.com

PRINCIPAL INVESTIGATOR AND REPORT PREPARER:

Paul A. Principe
PRINCIPE AND ASSOCIATES
29881 Los Nogales Road
Temecula, California 92591
(951) 699-3040
paulprincipe2@gmail.com

REPORT DATE:

November 16, 2020

PRINCIPE AND ASSOCIATES

CONSULTING BIOLOGISTS

29881 Los Nogales Road
Temecula, California 92591
(951) 699-3040
paulprincipe2@gmail.com

November 16, 2020

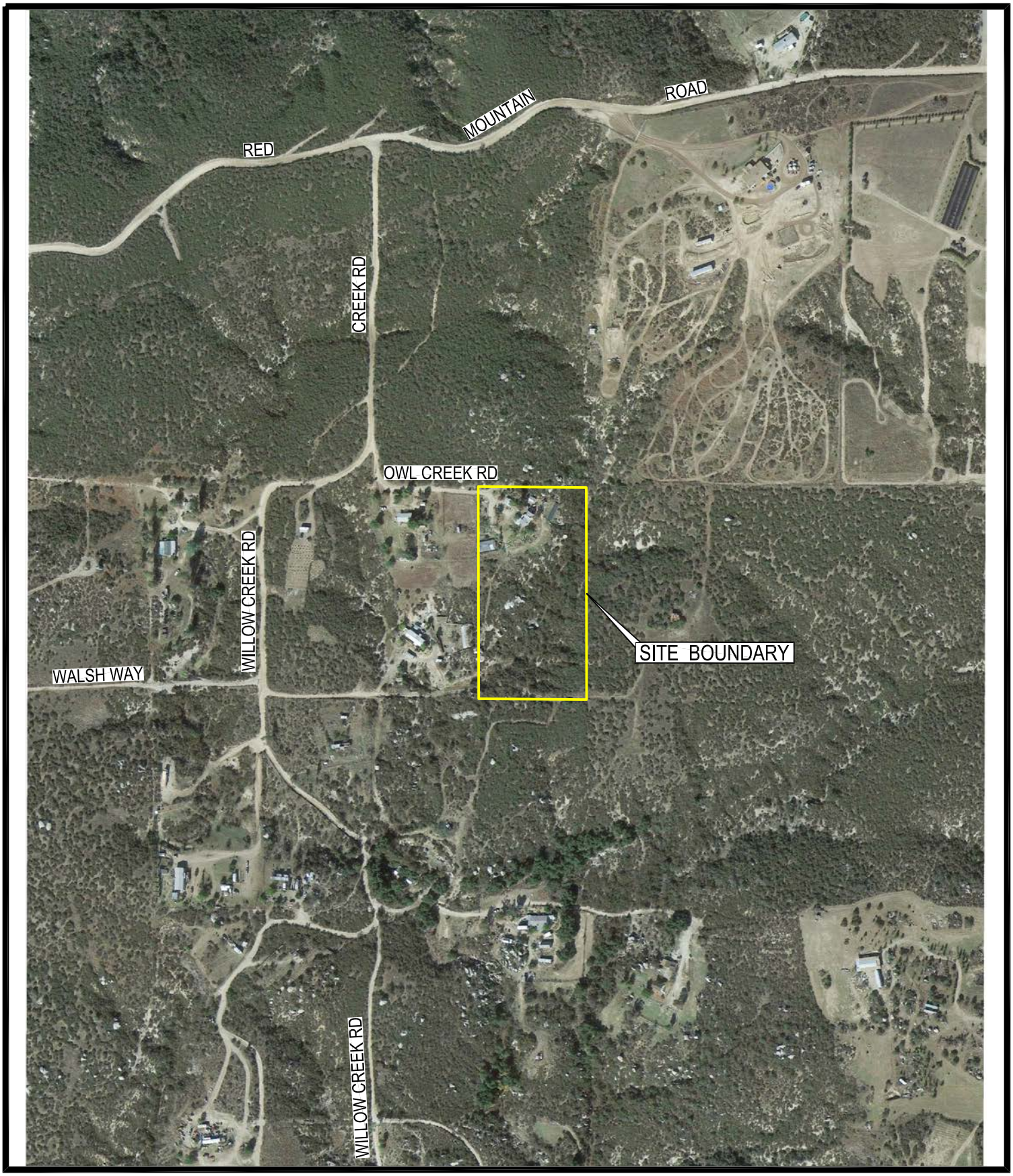
Matthew Poonamallee,
Ecological Resources Specialist
COUNTY OF RIVERSIDE, TLMA
ENVIRONMENTAL PROGRAMS DEPARTMENT
4080 Lemon Street, 12th Floor
Riverside, California 92501

Subject: Conditional Use Permit 190059
Development Agreement 190050
APN 569-150-010
MSHCP Consistency Analysis

Mr. Poonamallee,

Principe and Associates was hired by ISEN GARDENS, LLC to prepare a Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis on 5.03 acres of land located at the terminus of Owl Creek Road in unincorporated Riverside County, California. **(Site Vicinity Map)**. The address is given as 32875 Red Mountain Road, Hemet, California 92544. It is mapped in the northeast corner of Section 28, Township 6 South and Range 1 East of the USGS Topographic Map, 7.5 Minute Series, Hemet, California Quadrangle **(USGS Location Map)**.

Section 1 of this report describes the project and the project site. Section 2, 'Environmental Assessment', describes the topographic, hydrographic, soils, and biological environments present on the site. The purpose of Section 3, 'Consistency Analysis', is to identify and discuss (1) how the site relates to MSHCP Reserve Assembly and (2) how the site meets requirements of MSHCP Implementation Structure. Thresholds of Significance presented in Section 4 are used to determine the significance of environmental impacts. Levels of Significance are then applied to a checklist of questions (Thresholds BIO A-F) addressing biological resources to be answered during the initial assessment of a project. Section 5 lists Project Design Features and Mitigation Measures That Reduce Impacts.



Source of Aerial Photo: Google Earth 12/12/2019

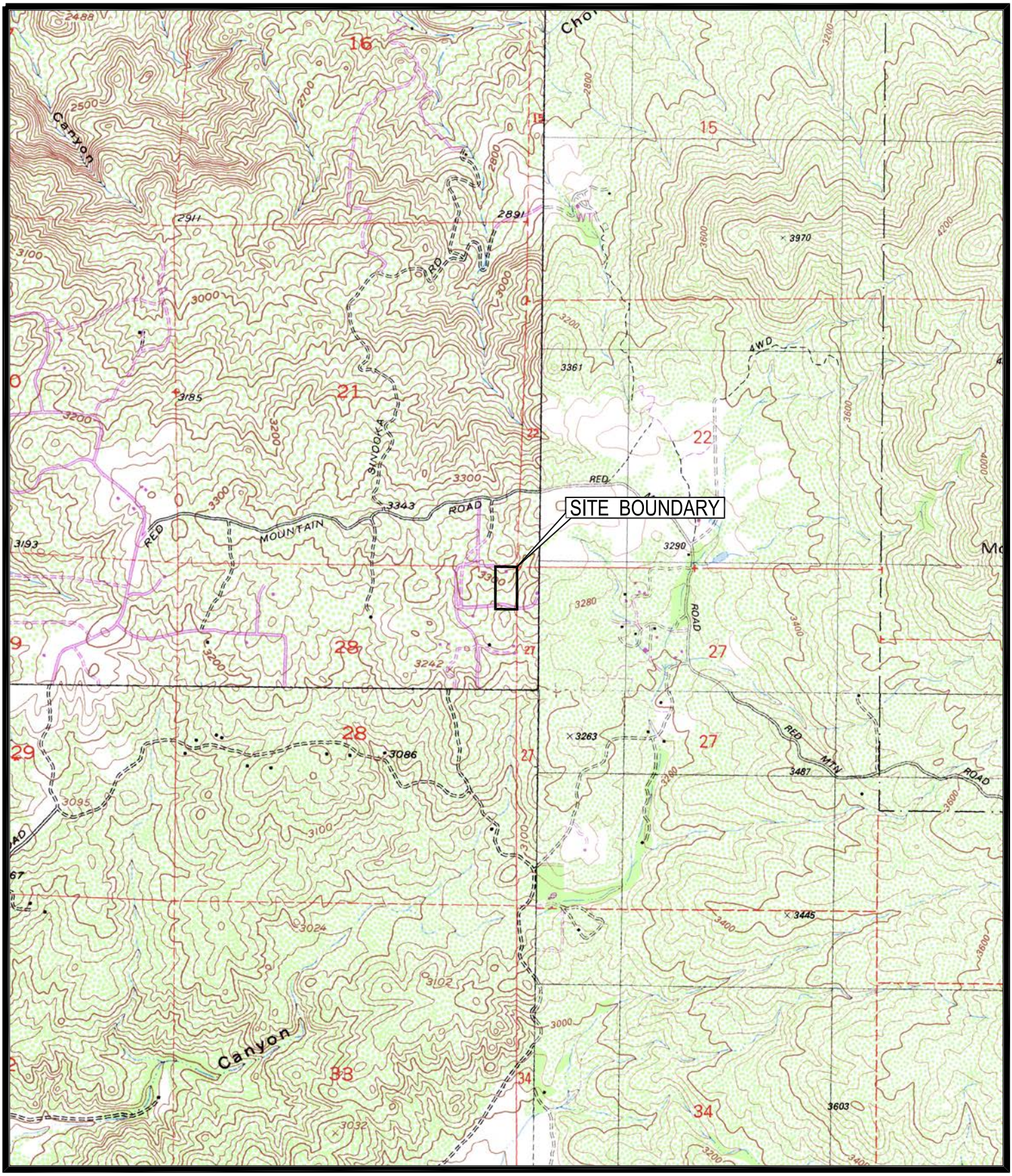
Scale: 1"= 400'

0 400 800 Feet

SITE VICINITY MAP

CUP190059

PRINCIPE AND ASSOCIATES



Base Map Source: USGS 7.5 Min.
Hemet, Calif. Quad.

Feet

0 2000 4000

USGS LOCATION MAP

CUP190059

PRINCIPE AND ASSOCIATES

SECTION 1. PROJECT AND SITE DESCRIPTIONS

1.1 Project Description

Development Agreement 190050 is proposed to allow the applicant, ISEN GARDEN, LLC, to enter into a development agreement with the County of Riverside, consistent with the County's Cannabis Ordinance, including providing a community benefit to the Cahuilla Area.

Conditional Use Permit 190059 proposes to construct a new two-story, 18,061 square-foot agricultural building in two phases to be used for cannabis cultivation, and a Zone Change to allow Mixed Light Use. The cannabis operation shall be strictly for cultivation use only and not for manufacturing/extraction. The first phase will include a 7,484 square-foot greenhouse on the first floor, and a 2,320 square-foot greenhouse on the second floor. The second phase will include an additional 2,680 square feet of growing spaces on the first floor, and two additional greenhouses on the second floor. Impervious surface areas will include 9,912 square feet of AC/Hardscape, 1,859 square feet of Hardscape and 12,150 square feet for the Building Roof (23,931 square-foot total). Due to the nature of the cultivation process, plant growth must be monitored 24 hours per day, seven days per week. The visitor hours of operation will be from 8:00 AM to 5:00 pm Monday through Friday. Earthwork quantities have been estimated to be 1,000 cubic yards of cut and 1,000 cubic yards of fill – balanced on the site.

All cannabis cultivation shall occur within a secure fence at least six feet in height that fully encloses the cultivation area, and prevents easy access to the cultivation area. The fence shall be solid, durable and include a lockable gate(s) that is locked at all times, except during times of active ingress and egress. Fences shall be separated by a minimum of six feet from all cultivation structures, providing a clear six-foot path. Surveillance cameras, motion sensors and secure inventory rooms, etc. will be provided. "No Loitering" signs will be acquired from the Sheriff's Department and displayed at the site.

All commercial cannabis activities shall be sited and operated in a manner that prevents cannabis nuisance odors from being detected off the site. The activities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the activity that is distinctive to its operation is not detected outside of the operation's facility.

An infiltration trench will be installed to collect and treat stormwater runoff. Trash enclosure areas shall be fully enclosed and screened from the public street view. A space allocation will be provided for trash and recyclable materials, and include signage indicating the location of each bin in the trash enclosure.

Three public services and utilities will be extended onto the site through connections with existing facilities. Solar power generated at the site will be sold to Southern California Edison, Verizon will provide telephone service; and, cable services will be provided by Time Warner. The potable water source will be from an existing well.

Sewage disposal will be provided by an Onsite Wastewater Treatment System (OWTS)/Septic System. The total aggregate domestic waste flows generated by the project cannot exceed 10,000 gallons per day. The Gas Company will provide natural gas (propane) delivery service to the site.

1.2 Site Description

The site is presently developed and occupied. A 1967 aerial photograph shows that access to the site had been provided by two existing unimproved dirt roads (Willow Creek and Owl Creek Roads), and a building pad had been cleared in the northwest corner of the site. Another aerial photograph shows that at least four structures had been constructed in the northern portion of the site by 1978. By 2005, the configuration of development that had occurred on the site has basically remained the same until the present time.

SECTION 2. ENVIRONMENTAL SETTING

2.1 Topography

Site topography is characterized by hill and valley contours. Hills are present along the site's east and west property lines, and have elevations ranging from 3300→3328 feet. A prominent hill present in the southwest corner of the site. Moderate hillside slopes are present in the eastern and western portions of the site. Lower elevations and moderate slopes are present in the south-central portion of the site. They terminate at a low point at the southwest corner of the site. This point is at an elevation of 3266 feet. This point has a 62-foot change in elevation from the hills in the northern portion of the site, 3328→3266 feet. The site primarily slopes downward in a north→south direction. It is gradual but continuous between the site's north and south property lines.

A small valley is present on the site, and appears to have resulted from longitudinal (incising) erosion. This action has produced in a valley that is deeper than it is wide, and includes moderately steep banks with a relatively narrow channel. It originates at the base of slope in the northeastern portion of the site. Elevations along the base of the valley range from 3292→3266 feet. The valley terminates at the low point at the southwest corner of the site. The valley slopes downward in north→south direction then meanders in a northeast→southwest direction. It is also gradual but continuous between the site's north and south property lines. Boulder and rock outcrops are present along the hills and valley, and include some boulders that are car sized.

2.2 Hydrography and Drainage

Perennial or intermittent blueline streams as designated on the USGS Topographic Map, Hemet, California Quadrangle are not present on the site. A small historical ephemeral drainage is confined to the valley present on the site. This ephemeral

drainage has flowing water only during, and for a short duration after, precipitation events in a typical year. Runoff from rainfall is the primary source of water for this type of drainage feature.

The ephemeral drainage meanders through the majority of the site, originating at the base of slope in the northeastern portion of the site. It meanders in a general north→south direction of flow through sloping terrain situated between the hills present along the site's east and west property lines, then changes to a northeast→southwest direction at the base of the prominent hill present in the southwest corner of the site. It meanders through the dense chaparral vegetation and boulder and rock outcrops present along the valley floor. Its banks are incised from a few feet to a few inches, and has a relatively narrow channel.

Drainage on the site is by storm water runoff flowing down the hillsides and into the valley (gravity flow). Runoff water then flows into the ephemeral drainage which meanders downslope through the western and south-central portions of the site. It terminates at a low point at the southwest corner of the site where most of the onsite flows drain off the site.

2.3 Soils

Review of the "Soil Survey of Western Riverside Area, California" revealed that the surficial soils mapped at the site are included in the Cieneba-Rock Land-Fallbrook Association (Soils of the Southern California Coastal Plain). Within this association, three soil types were mapped on the site **(Soils Map)**:

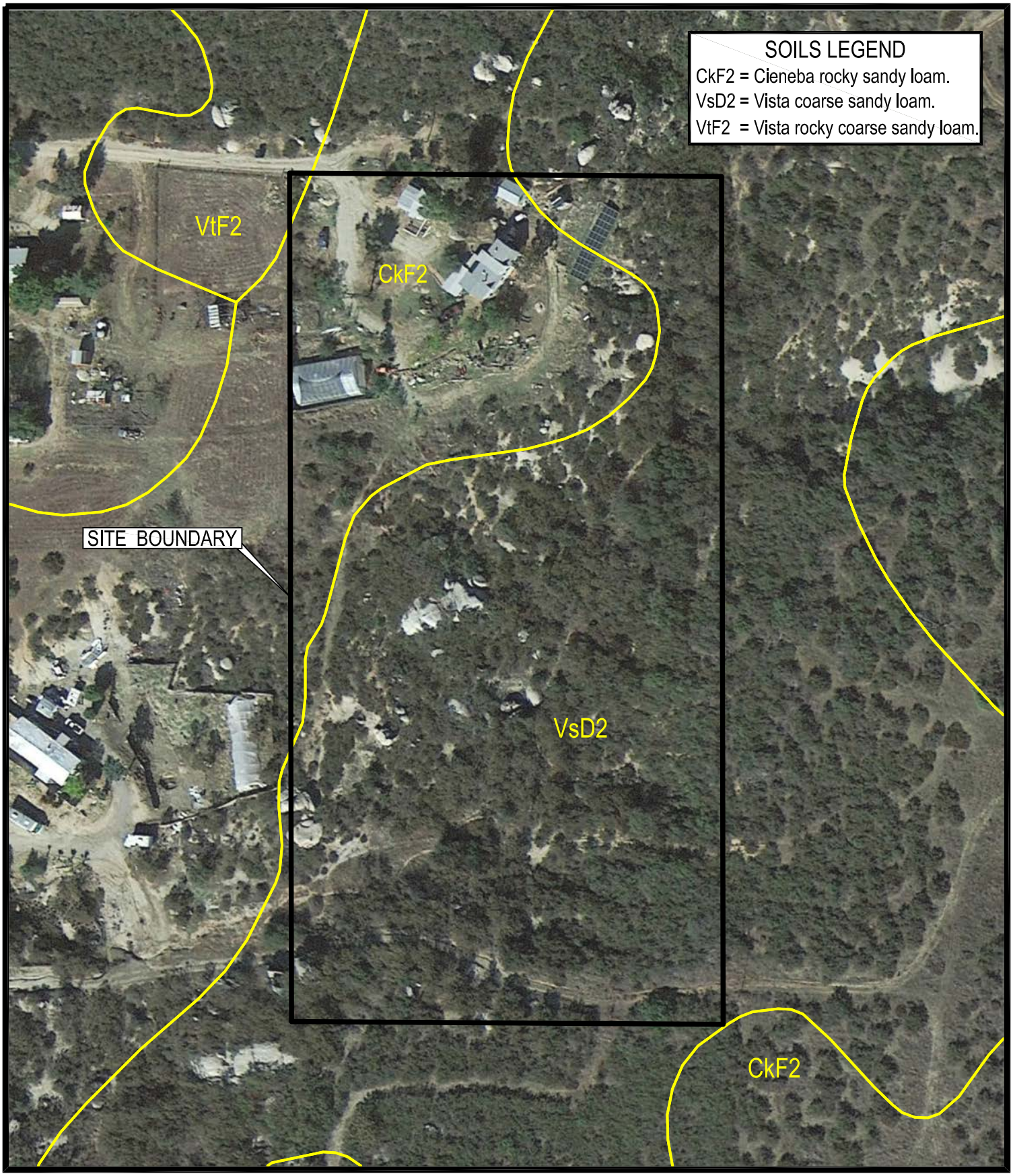
- CkF2 – Cieneba rocky sandy loam
- VsD2 – Vista coarse sandy loam
- VtF2 – Vista rocky coarse sandy loam

2.4 Vegetation Associations and Species Composition

Based on the MSHCP Habitat Accounts in Volume 2 of the MSHCP, the Vegetation Association present on the site is classified as Chaparral (±4.03 acres) and Residential/Urban/Exotic (±1.00 acres) **(Biological Resources Map)**.

The **Chaparral Vegetation Association** is the most abundant and widespread vegetation type in Western Riverside County, covering approximately 35% (435,000 acres) of the Plan Area. Large contiguous stands of chaparral occur along the Santa Ana Mountains in the western portion of the Plan Area, and along the San Bernardino, San Jacinto, and Agua Tibia Mountains in the eastern and southern portions. Four types of chaparral have been mapped for the Plan Area based on variation in species composition: chamise chaparral, red shank chaparral, semi-desert chaparral, and chaparral (undifferentiated).

The **Chaparral (undifferentiated) Mapped Subassociation** is growing throughout the undeveloped areas of the site. The majority of the chaparral vegetation in the Plan Area is mapped as Undifferentiated Chaparral (≡ Mixed Chaparral). This vegetation covers



Source of Aerial Photo: Google Earth 12/12/2019

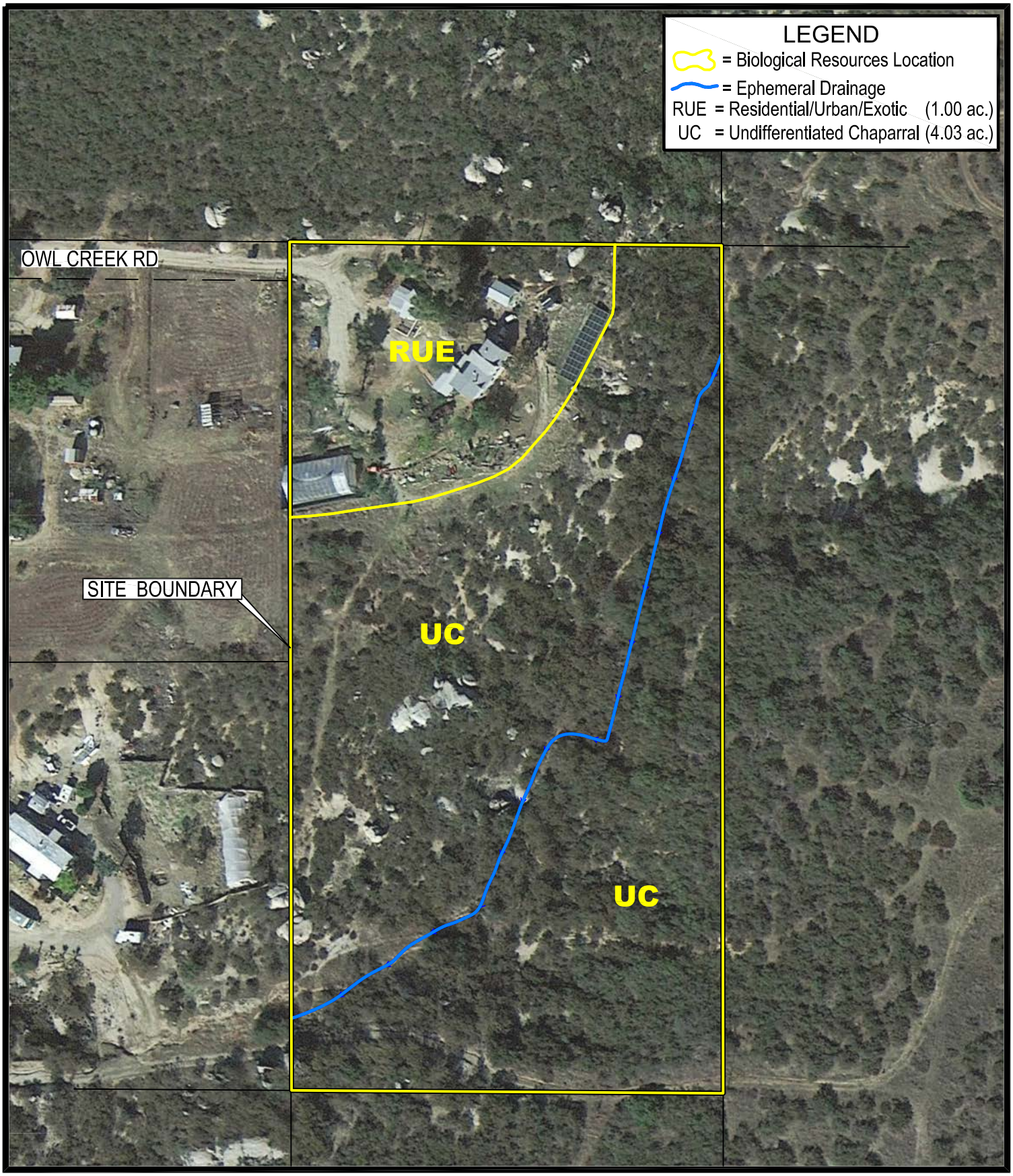
Scale: 1"= 100'

0 100 200 Feet

SOILS MAP

CUP190059

PRINCIPE AND ASSOCIATES



Source of Aerial Photo: Google Earth 12/12/2019

Scale: 1"= 100'

0 100 200 Feet

BIOLOGICAL RESOURCES MAP

CUP190059

PRINCIPE AND ASSOCIATES

approximately 363,000 acres, encompassing 29 % of the Plan Area. In the western portion of the Plan Area, Undifferentiated Chaparral is dominated by chamise *(Adenostoma fasciculatum* var. *fasciculatum)* in drier habitats and by a more diverse mixture of species in more mesic areas (Mixed Chaparral). It is composed of broad-leaved sclerophyllous shrubs, 1.5-3 meters tall, which form relatively dense stands. The plants are typically deep-rooted. There is little or no understory vegetation, but there is a considerable accumulation of leaf litter. It is adapted to repeated wildfires by stump sprouting.

On the site, approximately 4.03 acres of Undifferentiated Chaparral is dominated by chamise. The chamise is growing continuously along the valley bottom and sides on shallow, dry soils derived from granitic rocks, and extends over the top of the valley east of the site. Relatively large patches of red shank *(Adenostoma sparsifolium)* were found growing in the valley interspersed with the chamise. Red shank is structurally taller (2-5 meters) than chamise (1-3 meters), and is more commonly found on granitic, mesic and fertile soils, and deep alluvial soils. A few coast live oak trees *(Quercus agrifolia var. agrifolia)* were also found growing in the valley. They are an isolated occurrence and considered to be part of the Undifferentiated Chaparral. The combined growth form of the chamise and red shank is dense, and forms almost impenetrable stands with a closed canopy.

Other species include bigberry manzanita *(Arctostaphylos glauca),* *short-pod mustard (*Brassica geniculata),* brome grasses (*Bromus diandrus and B. madritensis* subsp. *rubens*), thick-leaved lilac *(Ceanothus crassifolius* var. *crassifolius),* buck brush *(Ceanothus cuneatus* var. *cuneatus),* tocalote *(Centaurea melitensis),* dark-tipped bird's beak *(Cordylanthus rigidus),* doveweed *(Croton setiger),* fascicled tarplant *(Deinandra fasciculata),* interior California buckwheat *(Eriogonum fasciculatum* subsp. *foliolosum),* slender buckwheat *(Eriogonum gracile* var. *gracile),* long-stemmed golden yarrow *(Eriophyllum confertiflorum* var. *confertiflorum),* California everlasting *(Gnaphalium californicum),* white everlasting *(Gnaphalium canescens* subsp. *microcephalum),* toyon (*Heteromeles arbutifolia*), *prickly lettuce *(Lactuca serriola),* valley lessingia *(Lessingia glandulifera* var. *glandulifera),* southern honeysuckle *(Lonicera subspicata* var. *denudata),* coastal deerweed *(Lotus scoparius* subsp. *scoparius),* hollyleaf cherry *(Prunus ilicifolia* subsp. *ilicifolia),* California scrub oak *(Quercus berberidifolia),* scrub oak hybrid (*Quercus berberidifolia x Q. engelmannii*), spiny redberry *(Rhamnus crocea*), holly-leaf redberry (*Rhamnus ilicifolia*), chia *(Salvia columbariae),* virgate wreath-plant *(Stephanomeria virgata),* and chaparral yucca *(Yucca whipplei).*

The **Residential/Urban/Exotic** category is present in the northwest corner of the site on approximately 1.00 acre. The MSHCP describes a variety of ways to classify vegetation within residential/urban areas. Vegetation within developed areas has been divided into four categories: **tree grove, street strip, shade tree/lawn,** and **shrub cover.**

***Denotes non-native species**

Scientific nomenclature after Roberts, Jr., Fred M., Scott D. White, Andrew C. Sanders, David E. Bramlet, and Steve Boyd. 2004.

A **tree grove** or **street strip** is not present on the site.

Several **shade trees** were planted around the developed area on the site in the past. They still can be found growing around existing residential buildings, sheds and the greenhouse. Species include *silver dollar gum *(Eucalyptus polyanthemos),* *China berry *(Melia azedarach),* *Peruvian pepper trees *(Schinus molle),* and fruit trees were planted around these areas. There is no **lawn** maintained on the site.

Weed communities are also common in residential/urban areas, often occurring on roadsides and abandoned areas. On the site, the disturbed/developed areas have been invaded by invasive non-native grasses and weeds. The existing residential buildings, shed and greenhouse are kept clear of all grasses and weeds that create fuel loads where fire could threaten human safety or property. The sparse vegetation that remained in September is dominated by non-native species, but also includes a few native species. Species include common fiddleneck *(Amsinckia menziesii* var. *menziesii),* *shortpod mustard, brome grasses, common horseweed *(Conyza canadensis)*, *tocalote, interior California buckwheat, slender sunflower *(Helianthus gracilentus),* *common horehound (Marrubium vulgare), *tree tobacco *(Nicotiana glauca),* *castor bean *(Ricinus communis),* and *common groundsel (*Senecio vulgaris),*

Escaped **exotics** are not present on the site.

2.5 Wildlife Species Observed

Wildlife was neither abundant nor diverse at the site during the September surveys probably due to the hot and dry weather conditions. Note also that there are free-ranging dogs and cats on the property. The species observed are common and widespread in similar habitats throughout Western Riverside County. Species include the western fence lizard *(Sceloporus occidentalis),* granite spiny lizard *(Sceloporus orcutti),* quail (*Callipepla californica*), mourning dove *(Zenaida macroura),* Costa's hummingbird *(Calypte costae),* common raven (*Corvus corax*), California thrasher *(Toxostoma redivivum),* California towhee *(Pipilo crissalis),* fox sparrow *(Passerella iliaca)*, house sparrow *(Passer domesticus),* house finch *(Carpodacus mexicanus),* California ground squirrel *(Spermophilus beecheyi),* and desert cottontail *(Sylvilagus audubonii).*

A few diagnostic animal signs (*e.g.,* mounds, burrows and nests) were discovered at the site, and indicated the presence of Botta's pocket gopher *(Thomomys bottae)* pocket mice *(Perognathus* sp.*)* and/or deer mice *(Peromyscus* sp.*),* and woodrats (*Neotoma* sp.).

The property owners reported that a few different species of rattlesnakes *(Crotalus* sp.*)* and coyotes *(Canis latrans)* are regularly seen at the site.

2.6 Wildlife Movement Corridors

Wildlife movement corridors link together areas of suitable wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, by human disturbance, or by the encroachment of urban development. Movement corridors are important as the combination of topography and other natural factors, in addition to urbanization, has fragmented or separated large open space areas. The fragmentation of natural habitat creates isolated 'islands' of vegetation that may not provide sufficient area to accommodate sustainable populations and can adversely impact genetic and species diversity. Wildlife movement corridors can often mitigate the effects of fragmentation by (1) allowing animals to move between remaining habitats, thereby allowing depleted populations to be replenished, (2) providing escape routes from fire, predators and human disturbances, thus reducing the risk that catastrophic events such as fire or disease will result in population or local species extinction and (3) serving as travel routes for individual animals as they move within their home ranges in search of food, water, mates, and other needs.

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

Wildlife Movement on The Site

The valley that trends through the site is providing a wildlife movement corridor for migrations, foraging movements and for finding a mate through the local Cactus Valley area. The small 5-acre site does not connect two or more larger core habitat areas that would otherwise be fragmented or isolated from one another. However, it does connect a large area of relatively undisturbed chaparral habitat located south and east of the site with a large core-sized area of similar habitat located on the RCA Conserved Lands located north and west of the site. For wildlife movement purposes, the site is providing a corridor for most resident and/or migratory species.

SECTION 3. MSHCP CONSISTENCY ANALYSIS

3.1 Western Riverside County MSHCP

Based on the final Western Riverside County MSHCP (adopted June 17, 2003), the site is not located within a MSHCP Criteria Area (proposed MSHCP Conservation Planning Criteria Area). The site is not located within a Cell, Cell Group or Sub Unit of the Riverside Extended Mountain Area Plan (REMAP).

Three criteria areas are located within one mile of the site. Cell #5111 of Cell Group F of Sub Unit 1 (Cactus Valley) of REMAP is located approximately 0.38 miles northeast of the site. Cell #5127 of Cell Group I of Sub Unit 1 (Cactus Valley) of REMAP is located approximately 0.44 miles east of the site. Cell #5028 of Cell Group H of Sub Unit 1 (Cactus Valley) of REMAP is located approximately 0.50 miles north of the site.

The site is located along the southern boundary of Western Riverside County Regional Conservation Agency (RCA) Conserved Lands that extend north for over five miles to Bautista Creek. The site is also located approximately one mile west of the western boundary of MSHCP Public/Quasi-Public Lands Conserved Lands that extend east past the summit of Red Mountain for over 15 miles to Palm Springs.

3.2 Project Site Relationship to MSHCP Reserve Assembly

As stated above, the site is not located not within a proposed MSHCP Conservation Planning Criteria Area. The site is not located within a Cell, Cell Group or Sub Unit of REMAP. As MSHCP criteria does not describe conservation for this property, the project site will not have a direct or indirect relationship to MSHCP reserve assembly.

3.3 MSHCP Implementation Structure

In addition, Section 6.0 of the MSHCP, the MSHCP Implementation Structure, imposes all other terms of the MSHCP, including but not limited to the protection of species associated with riparian/riverine areas and vernal pools, narrow endemic plant species, urban/wildlands interface guidelines, and additional survey needs and procedures set forth in Sections 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2 and 6.4.

Section 6.1.1 - Property Owner Initiated Habitat Evaluation and Acquisition Negotiation Strategy (HANS)

The project site is not located within a MSHCP Criteria Cell. Therefore, pursuant to the MSHCP and the County's General Plan, a Property Owner Initiated MSHCP Habitat Acquisition and Negotiation Strategy (HANS) application is not required to be submitted to the Riverside County planning Department, Environmental Programs Division.

The project is consistent with Section 6.1.1 of the MSHCP.

Section 6.1.2 - Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools

Riparian/Riverine Areas
A small historical ephemeral drainage with one patch of riparian vegetation is present on the site. Therefore, based on the MSHCP definition of Riparian/Riverine Areas: *"lands which contain Habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source, or areas with fresh water flow during all or a portion*

of the year", the biological functions and values of Riparian Areas exist on the site. However, suitable habitats for the species listed under 'Purpose' in Volume 1, Section 6.1.2 of the MSHCP such as least Bell's vireo, southwestern willow flycatcher and yellow-billed cuckoo are not present there. The riparian habitat consists entirely of a large patch mature coast live oak trees protruding out of the Undifferentiated Chaparral.

The project will not result in an impact to the Riparian/Riverine Area. The entire area occupied by this ephemeral drainage is located outside of the project footprint, and will be protected in place.

Vernal Pools

The MSHCP defines Vernal Pools 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. 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".*

Site topography is characterized by hill and valley contours. Moderate hillside slopes are present in the eastern and western portions of the site. Lower elevations and moderate slopes are present in the south-central portion of the site. They terminate at a low point at the southwest corner of the site. This point has a 62-foot change in elevation from the hills located in the northern portion of the site, 3328→3266 feet. The site primarily slopes downward in a north→south direction. It is gradual but continuous between the site's north and south property lines.

A small valley is present on the site, It originates at the base of slope in the northeastern portion of the site. The valley slopes downward in north→south direction then meanders in a northeast→southwest direction. Elevations along the base of the valley range from 3292→3266 feet. Its slope is also gradual but continuous between the site's north and south property lines.

A walk-over survey was conducted along the entire length of the ephemeral drainage on the site in September. There was no evidence discovered on the site of the retention of storm water in naturally-occurring pools or manmade depressions long enough to support fairy shrimp. Due to the continuous downward slope of the natural terrain,

storm water does not pool on the surface after a precipitation event. Evidence of features displaying vernal pool characteristics such as natural depressions or cracked soils were not discovered at the site.

In conclusion, kinds of natural-occurring or manmade aquatic features that could provide suitable habitats for endangered and threatened species of fairy shrimp are not present on the site (*e.g.,* wetlands, vernal pools and swales, vernal pool-like ephemeral ponds, stock ponds, other human-modified depressions, tire ruts, etc.). Therefore, the biological functions and values of Vernal Pools do not exist. Suitable habitats for the species listed under 'Purpose' in Volume 1, Section 6.1.2 of the MSHCP are not present there.

Wetlands
Other kinds of perennial or seasonal aquatic features that could be classified as federally protected wetlands as defined by Section 404 of the Clean Water Act are not present on the site (*e.g.,* rivers, open waters, swamps, marshes, bogs, fens, vernal pools and swales, vernal pool-like ephemeral ponds, etc.).

The site does not have a relationship to existing wetland regulations.

The project is consistent with Section 6.1.2 of the MSHCP.

Section 6.1.3 - Protection of Narrow Endemic Plant Species

Based on Figure 6-1 of the MSHCP and Roughstep 4, the site is not located within a Narrow Endemic Plant Species Survey.

The project is consistent with Section 6.1.3 of the MSHCP.

Section 6.1.4 - Guidelines Pertaining to the Urban/Wildlands Interface

The Guidelines Pertaining to the Urban/Wildlands Interface are intended to address indirect effects associated with locating the proposed project in proximity to an existing MSHCP Conservation Area. Prior to the approval of any project, Riverside County will issue a list of conditions that must be satisfied. Existing local regulations are generally in place that address the same issues presented in the Guidelines Pertaining to the Urban/Wildlands Interface section of the MSHCP such as lighting, urban runoff, toxics, and grading/land development. Specifically, Riverside County has an approved General Plan, Building Codes and Zoning Ordinances and polices that include mechanisms to regulate the development of land. In addition, project review and impact mitigation that are currently provided through the California Environmental Quality Act process also addresses the same issues that regulate land development. Therefore, it is unlikely that a project would be approved resulting in direct or indirect effects to MSHCP Conservation Areas.

The project could result in edge effects that will adversely affect the maintenance of habitat for the species using the MSHCP Conservation Area. Therefore, the project will be subject to the following Guidelines Pertaining to the Urban/Wildlands Interface that address indirect effects of locating a project adjacent to an existing MSHCP Conservation Area.

The site's north property line is located along the boundaries of an existing MSHCP Conservation Area. However, the project will be sited downstream of the MSHCP Conservation Area. It will not discharge runoff water into the MSHCP Conservation Area, but it will be discharged into the onsite ephemeral drainage. The runoff water discharged from the project will not be altered in an adverse way when compared with existing conditions.

Drainage/Urban Runoff
Measures required by the Riverside County Building & Safety Department and the San Diego Regional Water Quality Control Board. shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into the onsite ephemeral drainage. Stormwater facilities shall be designed to prevent the release of fertilizers, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes into the onsite ephemeral drainage. This will be accomplished by the installation of an infiltration trench (mechanical trapping device). The primary purpose of the infiltration trench will be to treat stormwater quality. Rain falls on impervious surfaces, and flows downhill across the surface collecting pollutants present on the surface. The infiltration trench will be dug in an area where it can intercept this surface flow. Regular maintenance shall occur to ensure effective operations of the stormwater control system.

Toxics
The site is located adjacent to an existing MSHCP Conservation Area. However, the proposed project will not use chemicals or generate bio-products that are potentially toxic or that may adversely affect wildlife species, habitat or water quality. The proposed infiltration trench will ensure that application of such chemicals does not result in discharge into the onsite ephemeral drainage. These materials include, but are not limited to, petroleum products, cleaning materials, solvents, manure, landscaping fertilization overspray, or other elements that might degrade or harm biological resources or ecosystem processes within the onsite ephemeral drainage.

Lighting
Ensure that all lighting shall be shielded and directed down into the project site as to not spill light into surrounding properties or onto the roadway.

Wildlife in existing or proposed MSHCP Conservation Areas will not be subject to direct lighting sources. Night lighting shall be directed away from MSHCP Conservation Areas. Shielding shall be incorporated into structure and access/circulation designs to ensure ambient lighting in MSHCP Conservation Areas is not increased.

Noise and Odor
Wildlife within the existing MSHCP Conservation Area will not be subject to noise that would exceed exterior daytime or nighttime noise standards pursuant to applicable rules, regulations and guidelines related to land use noise standards. Noise-generating land uses will not be associated with the project.

All commercial cannabis activities shall be sited and operated in a manner that prevents cannabis nuisance odors from being detected off the site. All commercial cannabis activities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the activity that is distinctive to its operation is not detected outside of the operation's facility.

Invasives
None of the invasive, non-native plant species listed in Table 6-2 of Section 6.1.4 of the MSHCP, "Plants That Should Be Avoided Adjacent to the MSHCP Conservation Area", will be used to landscape developed/disturbed areas.

Barriers
All cannabis cultivation shall occur within a secure fence at least six feet in height that fully encloses the cultivation premises of area, and prevents easy access to the cultivation area. The fence shall be solid, durable and include a lockable gate(s) that is locked at all times, except during times of active ingress and egress. Fences shall be separated by a minimum of six feet from all cultivation structures, providing a clear six-foot path. The fence shall comply with all other fencing restrictions. Cannabis cultivation areas shall not be secured by fences with barbed wire or screened with plastic sheeting on chain link. Surveillance cameras, motion sensors and secure inventory rooms, etc. will be provided. "No Loitering" signs will be acquired from the Sheriff's Department and displayed at the site.

The siting and design of the fencing will not impede wildlife movement through the site. And, the proposed land use will not result in unauthorized public access, domestic animal predation, illegal trespass, or dumping in the adjacent MSHCP Conservation Area.

Domestic Predators
The proposed project is a cannabis cultivation operation. This kind of land use will not introduce domestic predators into existing or proposed MSHCP Conservation Areas.

Grading/Land Development
No grading or land development associated with the construction of the building and building pad, manufactured slopes or continuous accessible paved path of travel shall extend into the existing MSHCP Conservation Area. Weed abatement and fuel modification zones will not encroach into the MSHCP Conservation Area.

The project is consistent with Section 6.1.4 of the MSHCP.

Section 6.3.2 - Additional Survey Needs and Procedures

Based on Figures 6-2 **(Criteria Area Species Survey Areas), 6-4 (Burrowing Owl Survey Areas) and Figure 6-5** (Mammal Species Survey Areas) of the MSHCP and Roughstep 4, the site is not located in an area where additional surveys are needed for certain species in conjunction with MSHCP implementation in order to achieve coverage for these species. Also, the site is not located in a Special Linkage Area.

Based on Figure 6-3 of the MSHCP and Roughstep 4 (Amphibian Species Survey Areas), the site is located within the survey area for the Mountain yellow-legged frog. A habitat assessment for this species follows.

The **Mountain yellow-legged frog** *(Rana mucosa)* (MYLF) is a Federal-listed Endangered Species and a State-listed Species of Special Concern. The MSHCP has designated the MYLF as a Group 3 species because it presently occurs at only a few locations in very low numbers, requires specific breeding habitat conditions and is narrowly distributed within the Plan Area. This species will require site-specific considerations, protection of primary breeding habitat and adjacent upland areas, and species-specific conservation measures. MYLF is on the Additional Survey Needs and Procedures list *(Section 6.3.2 of the MSHCP)*, and surveys for the species will be conducted as part of the project review process for public and private projects within the amphibian species survey area where suitable habitat is present. MYLF localities found as a result of survey efforts shall be conserved in accordance with the procedures described within *Section 6.3.2, MSHCP, Volume I.*

MYLF is typically described from sunny riverbanks, meadow streams, isolated pools, lake borders, and rocky stream courses. It can be found in ponds, tarns, lakes, and streams at moderate to high elevations. Historically found throughout the Sierra Nevada, they were abundant in high elevation lakes, ponds, meadows with permanent pools, and to a lesser extent, streams above 2,000 meters. MYLF may be present in a variety of stream types ranging from high gradient with rocky courses to low gradient with marshy margins. MYLF appears to be absent from the smallest creeks, probably because these have insufficient depth for adequate refuge and overwintering.

In southern California, MYLF populations appear to be restricted to streams and small pools in ponderosa pine, montane hardwood-conifer, and montane riparian habitat types, and absent from glacial or artificial lake situations. Stagnant pools with a scum of floating algae appear to be avoided. Large, clear pools up to three feet deep are especially favored. In the fall, they often concentrate in shrunken streams in which only a trickle of water flows and where the pools are only a few inches deep and one or two feet across. Adults usually overwinter in water under ice.

Although MYLF can occur in low numbers along a variety of shorelines, they appear to prefer open stream and lake margins that gently slope up to a depth of 5-8 centimeters. They appear to prefer sloping banks with rocks or vegetation in close proximity to the

water's edge. MYLF is seldom found more than 2 or 3 jumps from the water. Some form of shelter is required so that they may hide beneath or beside rocks, clumps of grass, banks, debris, etc.

On land, MYLF stage on rocks or clumps of grass within a few feet of the water's edge. Refugium is taken under submerged rocks. Occasionally MYLF rest exposed on the bottom of creek or water source, bury themselves in bottom sediments, and may enter rodent burrows during dry periods.

MYLF tadpoles are generally restricted to permanent still water deeper than one meter where they utilize the rocky bottoms. Low sloping shorelines are probably essential for oviposition and important for thermoregulation of larvae and postmetamorphs. Additionally, this kind of shoreline configuration probably provides a refuge from predation if fishes occur in adjacent deeper water. A critical habitat characteristic is a lack of fishes. MYLF seems to be most successful where predatory fishes are absent.

In southern California, the historic elevation range extended from 370 meters to greater than 2,290 meters. MYLF has probably been extirpated from more than 99 percent of its historic range in southern California. The only MYLF known to still occur in southern California have been observed in the last 5 to 7 years (between 1995 to 1997 and 2002) in four small tributaries in the upper reaches of the North Fork of the San Jacinto River in the San Jacinto Mountains, four small streams in the San Gabriel Mountains, and one stream in the San Bernardino Mountains.

There are no MYFL records in California Natural Diversity Database (CNDDB) from within three miles of the site.

Findings: The site is located outside of the known range of this species, and the required habitats described above are not present on the site.

The project is consistent with Section 6.3.2 of the MSHCP.

Section 6.4 - Fuels Management

Fuels management focuses on hazard reduction for humans and their property. Fuels management for human safety must continue in a manner that is compatible with public safety and conservation of biological resources. Fuels management for human hazard reduction involves reducing fuel loads in areas where fire may threaten human safety or property, suppressing fires once they have started, and providing access for fire suppression equipment and personnel. It is recognized that brush management to reduce fuel loads and protect urban uses and public health and safety shall occur where development is located adjacent to a MSHCP Conservation Area.

The site is located adjacent a MSHCP Conservation Area (RCA Conserved Lands). In accordance with existing policies, the proposed project shall not encroach into the MSHCP Conservation Area. The project will incorporate brush management along the

boundaries of the new development. The new development footprint will be required to maintain setbacks of 100 feet or greater between property lines and the MSHCP Conservation Area and other undeveloped areas surrounding the site. Shrub species that create fuel loads adjacent to the proposed development footprint will be removed, and the manufactured slopes will be landscaped and maintained.

The project is consistent with Section 6.4 of the MSHCP.

SECTION 4. THRESHOLDS OF SIGNIFICANCE

Thresholds of Significance are used by public agencies in the determination of the significance of environmental effects. A Threshold of Significance is an identifiable quantitative, qualitative or performance level of a particular environmental effect. In general, exceeding Thresholds of Significance means the effect will be determined to be significant by the agency, while deceeding Thresholds of Significance means the effect will be determined to be less than significant.

Impacts on biological resources resulting from the proposed project will be based on the following **Levels of Significance:**

- ***Potentially Significant Impact*** applies where a project is one that has the potential to (1) substantially degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or wildlife community, or (5) reduce the number or restrict the range of an endangered, rare or threatened Species (CEQA Section 15065(a)).

- ***Less Than Significant Impact with Mitigation Measures Incorporated*** applies where a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on biological resources, and/or would mitigate the significant effect to a point where clearly no significant effect on biological resources would occur.

- ***Less Than Significant Impact*** applies where the project creates no significant impact on biological resources.

- ***No Impact*** applies where a project does not create an impact on biological resources.

The Levels of Significance are then applied to a checklist of questions addressing biological resources to be answered during the initial assessment of a project. The impacts on biological resources resulting from the proposed project have been analyzed and used to answer the checklist of questions on Thresholds of Significance.

Threshold BIO A - Will the proposed project 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 Wildlife or U.S. Fish and Wildlife Service?

Answer: Less Than Significant Impact with Mitigation Measures Incorporated

The CNDDB for the Hemet, California Quadrangle does not include any occurrence records of plant and wildlife species identified as candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS) on this site. It includes 18 records that have been documented from areas located within three miles of the site. Only one of the records was made in chaparral habitat. One San Diego black-tailed jackrabbit was recorded three miles west of Red Mountain. Twelve of the 18 records were for riparian forest habitats mapped per interpretation of aerial photographs.

The Migratory Bird Treaty Act (MBTA) of 1918 (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). In addition, Sections 3503, 3503.5, and 3800 of the CDFG Code prohibit the take, possession, or destruction of birds, their nests or eggs.

Suitable nesting habitats for migratory birds are present on the site. The structurally tall red shank, mature coast live oak trees and shade trees planted on the site provide potential nesting habitats for perching bird and predatory bird species. The bird species observed at or have a probability of occurring on the site are bird species governed by the MBTA, and are listed in 50 CFR Part 10. The MBTA requires that project-related disturbances at active nesting territories be reduced or eliminated during critical phases of the nesting cycle. The removal of vegetation and/or destruction of nests during the breeding season are considered potentially significant impacts. Compliance with the MBTA would reduce impacts to a less than significant level (see Section 5. Project Design Features and Mitigation Measures That Will Reduce Impacts below).

A review of MSHCP Species Accounts, USFWS- and CDFW-listed plant and wildlife species, and CNDDB records, including threatened or endangered species and sensitive species (listed, or candidates for listing) and species considered sensitive by the California Native Plant Society revealed that amphibian, bird, invertebrate/crustacean, fish, and plant species had a low probability to occur on the site due to the small amount of suitable habitat and/or the site's location outside of the known range of the species. Due to the closed canopy of the chaparral growing on the site, herbaceous annual, biennial and perennial species, succulents or bulbs that need

full sunshine or even partial shade to thrive are not expected to occur at the site. And, easily identifiable shrub species like Nevin's barberry, Parry's tetracoccus, Rainbow manzanita and others were not observed at the site.

Certain mammal and reptile species had moderate probabilities to occur on the site due to the presence of suitable habitat. Small burrows in the chaparral indicated the present of pocket mice that could include the listed Dulzura, Jacumba or northwest San Diego pocket mouse species. The woodrat nest discovered at the site could be inhabited by the listed San Diego desert woodrat. The chaparral also provides habitat for several species of reptiles, including the listed Belding's orange-throated whiptail, granite night lizard, southern sagebrush lizard, San Diego horned lizard, San Diego banded gecko, coast patch-nosed snake, San Bernardino ring-neck snake, and northern red-diamond rattlesnake. None of these species were observed at the site, but the listed granite spiny lizard was observed there.

In summary, the proposed project will not 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 CDFW or USFWS (see Section 5. Project Design Features and Mitigation Measures That Will Reduce Impacts below).

Threshold BIO B - Will the proposed project 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 Wildlife or U. S. Fish and Wildlife Service?

Answer: No Impact

Riparian habitat or other sensitive natural communities are not present on the site.

Threshold BIO C - Will the proposed project 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 pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Answer: No Impact

Federally protected wetlands as defined by Section 404 of the Clean Water Act are not present on the site.

Threshold BIO D - Will the proposed project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery areas?

Answer: No Impact

The valley that trends through the small 5-acre site is providing a wildlife movement corridor for migrations, foraging movements and for finding a mate through the local Cactus Valley area. The proposed project will not interfere with any resident or migratory wildlife species moving through this portion of the site.

Threshold BIO E - Will the proposed project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Answer: No Impact

Riverside County land use-based conservation goals and policies are in place to protect:

- the ecological and lifecycle needs of threatened, endangered, or otherwise sensitive species and their associated habitats;
- the groundwater aquifer, water bodies, and water courses, including reservoirs, rivers, streams, and the watersheds located throughout the region, and to conserve and efficiently use water;
- floodplain and riparian areas, wetlands, forest, vegetation, and environmentally sensitive lands; and,
- native trees, specimen trees and trees with historical significance (heritage).

Biological resources protected by local policies or ordinances are not present on the site.

Threshold BIO F - Will the proposed project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Answer: Less Than Significant Impact with Mitigation Measures Incorporated

The project will not conflict with the provisions of the Western Riverside County MSHCP:

The project site is not located within a MSHCP Criteria Area (proposed MSHCP Conservation Planning Criteria Area). The site is not located within a Cell, Cell Group or Sub Unit of REMAP.

The site is located along the southern boundary of RCA Conserved Lands, and approximately one mile west of the western boundary of MSHCP Public/Quasi-Public Lands Conserved Lands.

The site is not located not within a proposed MSHCP Conservation Planning Criteria Area. As MSHCP criteria does not describe conservation for this property, the project site will not have a direct or indirect relationship to MSHCP reserve assembly.

The project site is not located within a MSHCP Criteria Cell. Therefore, pursuant to the MSHCP and the County's General Plan, a Property Owner Initiated MSHCP Habitat Acquisition and Negotiation Strategy (HANS) application is not required to be submitted to the Riverside County planning Department, Environmental Programs Division.

The biological functions and values of Riparian/Riverine Areas exist on the site. However, suitable habitats for the species listed under 'Purpose' in Volume 1, Section 6.1.2 of the MSHCP are not present there (see Section 5. Project Design Features and Mitigation Measures That Will Reduce Impacts below).

The biological functions and values of Vernal Pools do not exist on the site. Suitable habitats for the species listed under 'Purpose' in this Section of the MSHCP are not present there.

Kinds of perennial or seasonal aquatic features that could be classified as federally protected wetlands as defined by Section 404 of the Clean Water Act are not present on the site. The site does not have a relationship to existing wetland regulations.

The site is not located in a Narrow Endemic Plant Species Survey Area.

The project could result in edge effects that will adversely affect the maintenance of habitat for the species using the MSHCP Conservation Area. Therefore, the project will be subject to the following Guidelines Pertaining to the Urban/Wildlands Interface that address indirect effects of locating a project adjacent to an existing MSHCP Conservation Area (see Section 5. Project Design Features and Mitigation Measures That Will Reduce Impacts below).

Required habitats for Criteria Area Species are not present on the site.

The site is not located in an area where additional surveys are needed for Criteria Area, Burrowing Owl or Mammal Species in conjunction with MSHCP implementation in order to achieve coverage for these species.

As the site is located within an Amphibian Survey Area for the Mountain yellow-legged frog, a habitat assessment was prepared for this species.

The site is located adjacent a MSHCP Conservation Area (RCA Conserved Lands). In accordance with existing brush management policies, the proposed project shall not encroach into the MSHCP Conservation Area. The new development footprint will be required to maintain setbacks of 100 feet or greater between property lines and the

MSHCP Conservation Area and other undeveloped areas surrounding the site. Shrub species that create fuel loads adjacent to the proposed development footprint will be removed, and the manufactured slopes will be landscaped and maintained.

In summary, the project has been determined to be consistent with Sections 6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.3.2, and 6.4 of the MSHCP. Based on the analyses of impacts on biological resources resulting from the proposed project, ISEN GARDENS, LLC agrees to project design features that will avoid any significant effect on biological resources, and will mitigate potential significant effects to a point where clearly no significant effect on biological resources will occur **(Biological Resources/Project Footprint Map**).

SECTION 5. PROJECT DESIGN FEATURES AND MITIGATION MEASURES THAT WILL REDUCE IMACTS

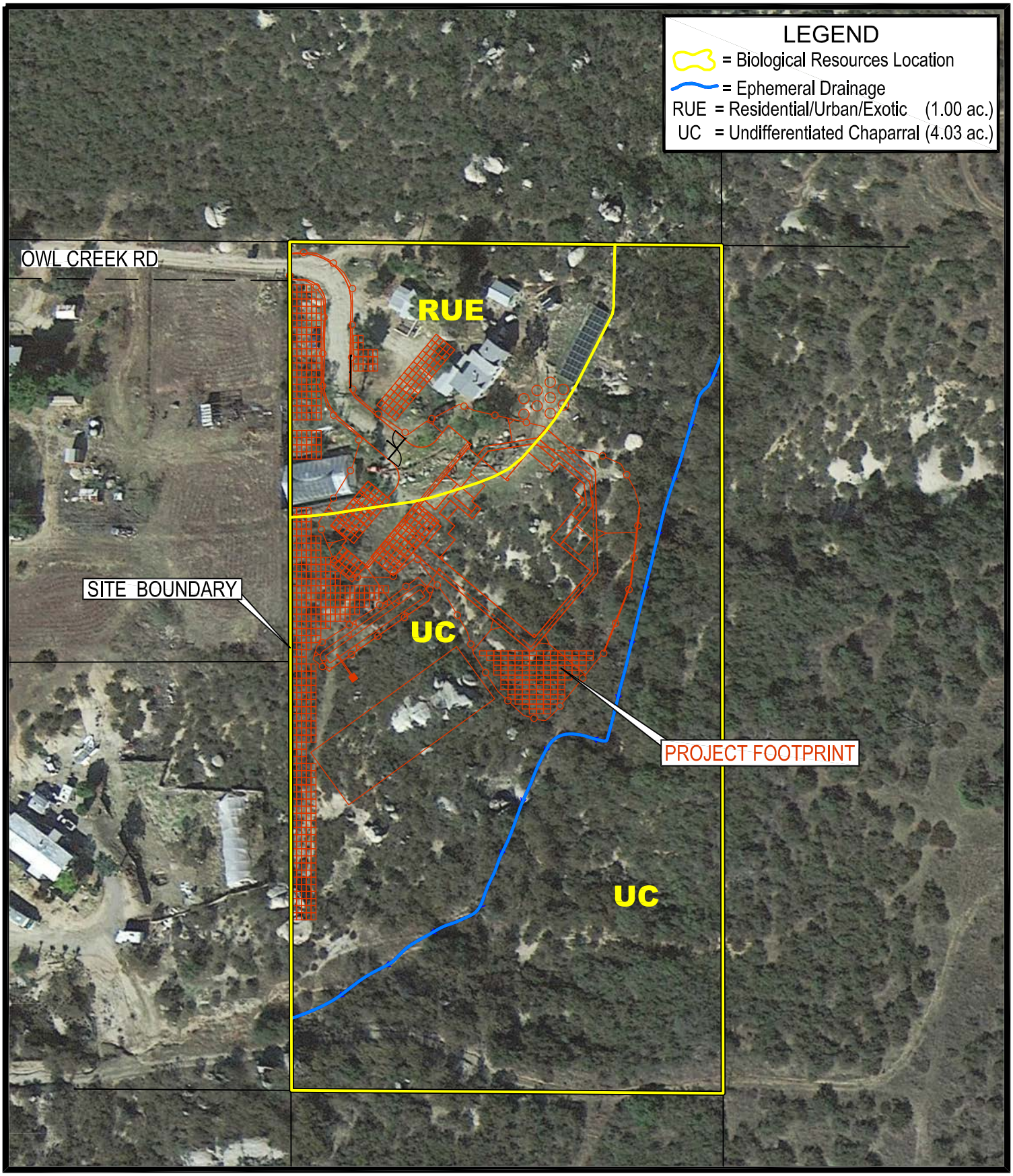
Project Design Features

The project has been designed to locate the new proposed development in close proximity to the existing development and access on the site, and leave over half of the site (±2.50 acres) in open space. The entire area occupied by the ephemeral drainage and clump of mature coast live oak trees is located outside of the project footprint, and will be protected in place.

The site's north property line is located along the boundaries of an existing MSHCP Conservation Area. However, the project will be sited downstream of the MSHCP Conservation Area. It will not discharge runoff water into the MSHCP Conservation Area, but it will be discharged into the onsite ephemeral drainage. The runoff water discharged from the project will not be altered in an adverse way when compared with existing conditions.

Drainage/Urban Runoff
Measures required by the Riverside County Building & Safety Department and the San Diego Regional Water Quality Control Board. shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into the onsite ephemeral drainage. Stormwater facilities shall be designed to prevent the release of fertilizers, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes into the onsite ephemeral drainage. This will be accomplished by the installation of an infiltration trench (mechanical trapping device). The primary purpose of the infiltration trench will be to treat stormwater quality. Rain falls on impervious surfaces, and flows downhill across the surface collecting pollutants present on the surface. The infiltration trench will be dug in an area where it can intercept this surface flow. Regular maintenance shall occur to ensure effective operations of the stormwater control system.

A project-specific Water Quality Management Plan (WQMP) will be prepared for the project. It will be prepared for compliance with San Diego Regional Water Quality Control Board requirements. The WQMP will also comply with Riverside County Flood



Source of Aerial Photo: Google Earth 12/12/2019

Scale: 1"= 100'

0 100 200 Feet

BIOLOGICAL RESOURCES / PROJECT FOOTPRINT MAP

CUP190059

PRINCIPE AND ASSOCIATES

Control and Water Conservation District requirements for the 2010 Santa Margarita Region Municipal Separate Storm Sewer System (MS4) Permit which includes the requirement for the preparation and implementation of a project-specific WQMP.

Best management practices (BMPs) will also be used to ensure that siltation and erosion are minimized during construction, and will be incorporated into the final design of the project in order to ensure that water quality is not degraded. Regular maintenance of the proposed BMPs will be provided by ISEN GARDEN, LLC to ensure effective operations of runoff control systems. No disturbed surfaces will be left without erosion control measures in place from October 1 through April 15.

As required by Riverside County, a site-specific storm drain system will also be designed and engineered for the project site. The basic concept will be that all of the storm water runoff generated by the project will be directed to an infiltration trench where it will be treated.

Final design of the project will also consider and comply with National Pollution Discharge Elimination System Supplement "A". ISEN GARDEN, LLC will comply by developing and implementing a Storm Water Pollution Prevention Plan.

Toxics

The site is located adjacent to an existing MSHCP Conservation Area. However, the proposed project will not use chemicals or generate bio-products that are potentially toxic or that may adversely affect wildlife species, habitat or water quality. The proposed infiltration trench will ensure that application of such chemicals does not result in discharge into the onsite ephemeral drainage. These materials include, but are not limited to, petroleum products, cleaning materials, solvents, manure, landscaping fertilization overspray, or other elements that might degrade or harm biological resources or ecosystem processes within the onsite ephemeral drainage.

Lighting

Ensure that all lighting shall be shielded and directed down into the project site as to not spill light into surrounding properties or onto the roadway.

Wildlife in existing or proposed MSHCP Conservation Areas will not be subject to direct lighting sources. Night lighting shall be directed away from MSHCP Conservation Areas. Shielding shall be incorporated into structure and access/circulation designs to ensure ambient lighting in MSHCP Conservation Areas is not increased.

Noise and Odor

Wildlife within the existing MSHCP Conservation Area will not be subject to noise that would exceed exterior daytime or nighttime noise standards pursuant to applicable rules, regulations and guidelines related to land use noise standards. Noise-generating land uses will not be associated with the project.

All commercial cannabis activities shall be sited and operated in a manner that prevents cannabis nuisance odors from being detected off the site. All commercial cannabis activities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the activity that is distinctive to its operation is not detected outside of the operation's facility.

Invasives
None of the invasive, non-native plant species listed in Table 6-2 of Section 6.1.4 of the MSHCP, "Plants That Should Be Avoided Adjacent To The MSHCP Conservation Area", will be used to landscape developed/disturbed areas.

Barriers
All cannabis cultivation shall occur within a secure fence at least six feet in height that fully encloses the cultivation premises of area, and prevents easy access to the cultivation area. The fence shall be solid, durable and include a lockable gate(s) that is locked at all times, except during times of active ingress and egress. Fences shall be separated by a minimum of six feet from all cultivation structures, providing a clear six-foot path. The fence shall comply with all other fencing restrictions. Cannabis cultivation areas shall not be secured by fences with barbed wire or screened with plastic sheeting on chain link. Surveillance cameras, motion sensors and secure inventory rooms, etc. will be provided. "No Loitering" signs will be acquired from the Sheriff's Department and displayed at the site.

The siting and design of the fencing will not impede wildlife movement through the site. And, the proposed land use will not result in unauthorized public access, domestic animal predation, illegal trespass, or dumping in the adjacent MSHCP Conservation Area.

Domestic Predators
The proposed project is a cannabis cultivation operation. This kind of land use will not introduce domestic predators into existing or proposed MSHCP Conservation Areas.

Grading/Land Development
No grading or land development associated with the construction of the building and building pad, manufactured slopes or continuous accessible paved path of travel shall extend into the existing MSHCP Conservation Area. Weed abatement and fuel modification zones will not encroach into the MSHCP Conservation Area.

Mitigation Measures

The trees present on the site provide suitable habitat for migratory birds. Nesting activity typically occurs from February 15 to August 31. Disturbing or destroying active nests is a violation of the MBTA (16 U.S.C. 703 et seq.).

In addition, nests and eggs are protected under Fish and Game Code Section 3503. The removal of vegetation and/or destruction of nests during the breeding season are

considered potentially significant impacts. Compliance with the MBTA would reduce potential impacts to a less than significant level.

When the trees are removed from the site, ISEN GARDEN, LLC shall demonstrate to the satisfaction of the County of Riverside that either of the following has been or will be accomplished:

- Tree removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds.

- Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) in the trees and will require that all potential habitat be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement of clearing. If any active nests are detected, then a buffer of at least 300 feet (500 feet for raptors) will be delineated, flagged, and avoided until the nesting cycle is complete as determined by the biological monitor to minimize impacts.

The USFWS and CDFW have issued permits pursuant to the federal Endangered Species Act and the California Natural Community Conservation Planning Act authorizing "Take" of certain species in accordance with the terms and conditions of the acts, the Western Riverside County MSHCP and the associated Implementing Agreement. Under the acts, certain activities by the applicant will be authorized to "Take" certain species, provided all applicable terms and conditions of the acts, MSHCP and the associated Implementing Agreement are met.

With the take permits issued to the County, 118 of 146 species covered by the MSHCP will be adequately conserved. The MSHCP has addressed the Federal, State and local project-specific mitigation requirements for each of these species and their specific habitats. The MSHCP will mitigate direct, indirect and cumulative impacts resulting from the take of these 118 adequately conserved species by establishing and maintaining a reserve system consisting of approximately 500,000 acres (347,000 acres are currently within public ownership, and 153,000 acres are currently in private ownership). Impacts to adequately conserved species will not require additional mitigation under the Endangered Species Act or the California Environmental Quality Act, but will require the following:

- In order to implement the goals and objectives of the MSHCP and to mitigate the impacts caused by new development in the unincorporated area of Riverside County, lands supporting species covered by the MSHCP must be acquired and conserved. A development fee is necessary in order to supplement the financing of the acquisition of lands supporting species covered by the MSHCP and to pay for new development's fair share of this cost. The appropriate funding source to pay the costs associated with mitigating the impacts of new development to the natural ecosystems and covered species is a fee for residential, commercial and industrial development. The amount of the fee is determined by the nature and extent of the impacts from the development to the identified natural ecosystems and the relative

cost of mitigating such impacts. ISEN GARDEN, LLC will pay the Western Riverside County MSHCP Mitigation Fee for the development of the project or portions thereof to be constructed within the County (Riverside County Ordinance 810.2).

- As the site is located within the Stephens' Kangaroo Rat Mitigation Fee Area, ISEN GARDEN, LLC will also pay the Stephens' Kangaroo Rat Mitigation Fee (per Riverside County Ordinance 663.10).

SECTION 6. CERTIFICATION STATEMENT

Date: November 16, 2020

I hereby certify that the statements furnished herein and in the attached exhibits present the data and information required for this MSHCP Consistency Analysis to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Paul A. Principe

PRINCIPE AND ASSOCIATES
Paul A. Principe
Principal

ATTACMENTS (following)

Site Photographs

References

Biological Report Summary Sheet

Level of Significance Checklist



View along the site's west property line. The topography and vegetation prohibit unobstructed views along any property line at the site. The growth form of the Undifferentiated Chaparral is dense, and forms almost impenetrable stands with a closed canopy. Looking north to south from the existing greenhouse.

SITE PHOTOGRAPH 1

CUP190059

PRINCIPE AND ASSOCIATES



View of the southern portion of the site from an existing dirt road that roughly parallels the site's south property line. The site extends on both sides of the dirt road. This road provides the only cleared travel path between the site's east and west property lines. Looking east to west from the southeast corner of the site.

SITE PHOTOGRAPH 2

CUP190059

PRINCIPE AND ASSOCIATES



View along the site's east property line. There are only a few trails that were likely made by utility line workers that provide access to this property line from the east. Looking south to north from an opening in the southeast portion of the site.

SITE PHOTOGRAPH 3

CUP190059

PRINCIPE AND ASSOCIATES



View of the northern portion of the site. The site's north property line is located along the southern boundary of RCA Conserved Lands that extend north for over five miles to Bautista Creek. Looking west to east along an undeveloped portion of the site's north property line.

SITE PHOTOGRAPH 4

CUP190059

PRINCIPE AND ASSOCIATES



View of the developed portion of the site from across the valley. Development on the site has basically remained the same for the past 15 years. Several shade trees were planted around the developed areas in the past, and can still be found growing there. Looking east to west from the site's east property line.

SITE PHOTOGRAPH 5

CUP190059

PRINCIPE AND ASSOCIATES



View of the area where the new development will take place. Most of the development will occur on the existing developed building pad, but some of the estimated earthwork (1,000 cu. yds. of cut and 1,000 cu. yds. of fill) will extend downslope and into the chaparral vegetation. The grading will not impact the ephemeral drainage present in the valley bottom. Looking east to west from the site's east property line.

SITE PHOTOGRAPH 6

CUP190059

PRINCIPE AND ASSOCIATES



View of the Undifferentiated Chaparral present on the site. Chamise dominates the vegetation, but large patches of red shank were also found growing in the valley interspersed with the chamise. The red shank is structurally taller than the chamise and can easily be seen in this photograph. Looking west to east through the center of the site.

SITE PHOTOGRAPH 7

CUP190059

PRINCIPE AND ASSOCIATES



An historical ephemeral drainage is confined to the valley present on the site. It meanders through the majority of the site through the dense chaparral vegetation and boulder and rock outcrops present along the valley floor. Its banks are undetectable in certain areas or incised from a few inches to a few feet deep. The channel is also undetectable in certain areas or measures from a few inches to a few feet wide.

SITE PHOTOGRAPH 8

CUP190059

PRINCIPE AND ASSOCIATES

REFERENCES

Dudek & Associates, Inc. June 17, 2003. Riverside County Integrated Project. Final Western Riverside County Multiple Species Habitat Conservation Plan. Volume I, The Plan.

Dudek & Associates, Inc. June 17, 2003. Riverside County Integrated Project. Final Western Riverside County Multiple Species Habitat Conservation Plan. Volumes II-A through E, The Reference Document.

Hanes T.L. 1977. California chaparral. Pp.417-470. *In* M.G. Barbour and J. Major (eds.), Terrestrial vegetation of California. John Wiley and Sons, New York.

Hickman, James C., ed. 1993. *The Jepson Manual: Higher Plants of California.* University of California Press, Berkeley and Los Angeles, California. 1400 pp.

Holland, R.F. 1986. *Preliminary Descriptions of the Terrestrial Natural Communities of California.* Non-Game Heritage Program. California Department of Fish and Game, Sacramento, California.

Holland, V. L. and David J. Keil. 1995. *California Vegetation*. Kendall/Hunt Publishing Company. Dubuque, Iowa.

Knecht, A. 1971. *Soil Survey of Western Riverside Area, California.* United States Department of Agriculture, Soil Conservation Service, Washington, D.C.

McBride, Joe R. and Chris Reid. 1988. Pasture. In *A Guide to Wildlife Habitats of California*. ed. Kenneth E. Mayer and William F. Laudenslayer, Jr. California Department of Forestry and Fire Protection, Sacramento, California. 142-143.

National Geographic Society (U.S.). 2002. *Field Guide to the Birds of North America.* Fourth Edition. National Geographic Society, Washington, D.C.

Parker, Robert et al. 1999. *Weeds of the West*. The Western Society of Weed Science. Newark, California. 630 pp.

Riverside County Information Technology. 2019. Map My County v10 – Riverside County.

Roberts, Jr., Fred M., Scott D. White, Andrew C. Sanders, David E. Bramlet, and Steve Boyd. 2004. *The Vascular Plants of Western Riverside County, California, An Annotated Checklist.* F.M. Roberts Publications, San Luis Rey, California.

Sawyer, John O. and Todd Keeler-Wolf. 1995. *A Manual of California Vegetation.* California Native Plant Society, Sacramento, California. 471pp.

BIOLOGICAL REPORT SUMMARY SHEET

(Submit two copies to the County)

Applicant Name: Joshua Stevees, ISEN GARDEN, LLC

Assessor's Parcel Number (APN): 569-150-010

APN cont. :

Site Location: Section: 28 **Township:** 6 South **Range:** 1 East

Site Address: 32875 Red Mountain Road, Hemet, California 92544

Related Case Number(s): CUO 190059 / DA 190050 **PDB Number:**

CHECK SPECIES SURVEYED FOR	SPECIES or ENVIRONMENTAL ISSUE OF CONCERN	(Circle Yes, No or N/A regarding species findings on the referenced site)		
	Arroyo Southwestern Toad	Yes	No	N/A
✓	Blueline Stream(s)	Yes	(No)	N/A
	Coachella Valley Fringed-Toed Lizard	Yes	No	N/A
	Coastal California Gnatcatcher	Yes	No	N/A
✓	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
	Least Bell's Vireo	Yes	No	N/A
✓	Oak Woodlands	Yes	(No)	N/A
	Quino Checkerspot Butterfly	Yes	No	N/A
	Riverside Fairy Shrimp	Yes	No	N/A
	Santa Ana River Woolystar	Yes	No	N/A
✓	San Bernardino Kangaroo Rat	Yes	(No)	N/A
	Slender Horned Spineflower	Yes	No	N/A
✓	Stephen's Kangaroo Rat	Yes	(No)	N/A
✓	Vernal Pools	Yes	(No)	N/A
✓	Wetlands	Yes	(No)	N/A

CHECK SPECIES SURVEYED FOR	SPECIES or ENVIRONMENTAL ISSUE OF CONCERN	(Circle Yes, No or N/A regarding species findings on the referenced site)		
✓	Other Mountain yellow-legged frog	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
	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 (NDDB).

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.

Paul A. Principe PRINCIPE AND ASSOCIATES NOV. 16, 2020

Signature and Company Name Report Date

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

County Use Only

Received by: **Date:**

PD-B#

LEVEL OF SIGNIFICANCE CHECKLIST
For Biological Resources
(Submit Two Copies)

Case Number: CUP 190059 DA 190050 **Lot/Parcel No.** 569-150-010 **EA Number**_____

Wildlife & Vegetation

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

(Check the level of impact the applies to the following questions)

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?
☐ ☐ ☐ ☑

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 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 pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
☐ ☐ ☐ ☑

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

Source: CGP Fig. VI.36-VI.40

Findings of Fact: Undifferentiated Chaparral and Residential/Urban/Exotic.. No jurisdictional waters or wetlands. Not located within Cell, Cell Group or Sub Unit of REMAP. No Relationship to MSHCP Reserve Assembly. No HANS. No Riparian/Riverine Areas, Vernal Pools or relationship to wetland regulations. Not located within NEPSSArea. Site borders RCA Conserved Lands, therefore subjected to Guidelines Pertaining to the Urban/Wildlands Interface. Not located within Criteria Area, Burrowing Owl or Mammal Species Survey Areas. Site does not provide suitable habitat for Mountain yellow-legged frog. Chaparral species that could create fuel loads will be removed.

Proposed Mitigation: Payment of the Western Riverside County MSHCP Mitigation Fee Area (Riverside County Ordinance 810). Payment of the Stephens's Kangaroo Rat Mitigation Fee (Riverside County Ordinance 663.10).

Monitoring Recommended: None