

4.3 Biological Resources

This section evaluates the potential for impacts on biological resources resulting from implementation of the Perris Airport Logistics Center Project (Proposed Project or Project). Information presented in this section is primarily based on the following documents:

- Biological Resources Technical Report prepared by Cadre Environmental (2023) and included in Appendix D.1 of this EIR
- Delineation of Wetlands, Waterways and Western Riverside County Multiple Species Habitat Conservation Plan Riparian/Riverine Resources prepared by Noreas Inc. (2021) and included in Appendix D.2 of this EIR
- Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Focused Burrowing Owl Surveys for the 87.68-Acre (10.98-Acre Off-Site Impact Area) prepared by Cadre Environmental (2024) and included in Appendix D.3 of this EIR
- Western Riverside County MSHCP Sensitive Plant Surveys for the 87.68-Acre (10.98-Acre Off-Site Impact Area) prepared by Cadre Environmental (2024) and included in Appendix D.4 of this EIR

4.3.1 Environmental Setting

4.3.1.1 Regulatory Setting

This section describes the federal, state, regional, and local regulatory framework adopted to address biological resources.

Federal

Federal Clean Water Act (U.S. Code, Title 33, Sections 1251–1376)

The federal Clean Water Act provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation’s waters. Section 401 requires a project proponent to obtain a federal license or permit that allows activities resulting in a discharge to waters of the United States to obtain state certification, thereby ensuring that the discharge will comply with provisions of the Clean Water Act. The State Water Resources Control Board (SWRCB) administers the certification program in California. Section 402 establishes a permitting system for the discharge of any pollutant (except dredged or fill material) into waters of the United States. Section 404 establishes a permit program administered by the U.S. Army Corps of Engineers (Army Corps) that regulates the discharge of dredged or fill material into waters of the United States, including wetlands.

Federal Endangered Species Act (U.S. Code, Title 16, Sections 1531–1543)

The federal Endangered Species Act and its subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems on which they depend. In addition, the Endangered Species Act defines species as “threatened” or “endangered” and provides regulatory protection for listed species. The Endangered Species Act also provides a program for the conservation and recovery of threatened and endangered species and the conservation of designated critical habitat that the U.S. Fish and Wildlife Service determines to be required for the survival and recovery of these listed species.

Migratory Bird Treaty Act (U.S. Code, Title 16, Sections 703–712)

All migratory bird species that are native to the United States or its territories are protected under the federal Migratory Bird Treaty Act, as amended under the Migratory Bird Treaty Reform Act of 2004 (Senate Bill [SB] 2547). The Migratory Bird Treaty Act is generally protective of migratory birds but does not actually stipulate the type of protection required. In common practice, the Migratory Bird Treaty Act is now used to place restrictions on disturbance of active bird nests during the nesting season (generally February 1 to August 31 although the nesting season may be extended due to weather or drought conditions). In addition, the Fish and Wildlife Service commonly places restrictions on disturbances allowed near active raptor nests.

Wetlands and Other Waters of the United States

Aquatic resources, including riparian areas, wetlands, and certain aquatic vegetation communities, are considered sensitive biological resources and can fall under the jurisdiction of several regulatory agencies. In accordance with the Navigable Waters Protection Rule, effective June 22, 2020, the Army Corps exerts jurisdiction over waters of the United States, including the territorial seas and traditional navigable waters; perennial and intermittent tributaries that contribute surface water flow to such waters; certain lakes, ponds, and impoundments of jurisdictional waters; and wetlands adjacent to other jurisdictional waters (33 CFR Part 328; 40 CFR Parts 110, 112, 116, 117, 120, 122, 230, 300, 302, and 401).

Since 1972, the Army Corps and U.S. Environmental Protection Agency (EPA) have jointly regulated the filling of waters of the United States, including wetlands, pursuant to Section 404 of the Clean Water Act. The Army Corps has regulatory authority over the discharge of dredged or fill material into the waters of the United States under Section 404 of the Clean Water Act. The Army Corps and EPA define “fill material” to include any “material placed in waters of the United States where the material has the effect of: (i) replacing any portion of a water of the United States with dry land; or (ii) changing the bottom elevation of any portion of the waters of the United States.” Examples include, but are not limited to, the placement of sand, rock, clay, construction debris, wood chips and “materials used to create any structure or infrastructure in the waters of the United States.”

In April of 2020, the Army Corps and the EPA provided a new definition for waters of the United States [Federal Register, Vol. 85, No. 77 (April 21, 2020)] which encompass:

- The territorial seas and traditional navigable waters;
- Perennial and intermittent tributaries that contribute surface water flow to such waters;
- Certain lakes, ponds, and impoundments of jurisdictional waters; and
- Wetlands adjacent to other jurisdictional waters.

Additionally, the new definition identifies 12 categories of those waters and features that are excluded from the definition of “waters of the United State, such as features that only contain water in direct response to rainfall (e.g., ephemeral features), groundwater, many ditches, prior converted cropland, and waste treatment systems. The final rule excludes from the definition of “waters of the United States” all waters or features not mentioned above. In addition to this general exclusion, the final rule specifically clarifies that waters of the United States do not include the following:

- Groundwater, including groundwater drained through subsurface drainage systems;
- Ephemeral features that flow only indirect response to precipitation, including ephemeral streams, swales, gullies, rills, and pools;
- Diffuse stormwater runoff and directional sheet flow over upland;
- Ditches that are not traditional navigable waters, tributaries, or that are not constructed in adjacent wetlands, subject to certain limitations;
- Prior converted cropland;
- Artificially irrigated areas that would revert to upland if artificial irrigation ceases;
- Artificial lakes and ponds that are not jurisdictional impoundments and that are constructed or excavated in upland or non-jurisdictional waters;
- Water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non-jurisdictional waters for the purpose of obtaining fill, sand, or gravel;
- Stormwater control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff;
- Groundwater recharge, water reuse, and wastewater recycling structures constructed or excavated in upland or in non-jurisdictional waters; and
- Waste treatment systems.

State

California Endangered Species Act (California Fish and Game Code, Section 2050 et seq.)

The California Endangered Species Act establishes the policy of the state to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The California Endangered Species Act mandates that state agencies should not approve projects that would

jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. There are no state agency consultation procedures under the California Endangered Species Act. For projects that would affect a listed species under both the California Endangered Species Act and the federal Endangered Species Act, compliance with the federal Endangered Species Act would satisfy the California Endangered Species Act if the California Department of Fish and Wildlife (CDFW – formerly the California Department of Fish and Game) determines that the federal incidental take authorization is consistent with the California Endangered Species Act under California Fish and Game Code Section 2080.1. For projects that would result in take of a species only listed under the California Endangered Species Act, the Project Proponent/Developer must apply for a take permit under Section 2081(b).

California Environmental Quality Act Guidelines, Section 15380(b)

Although threatened and endangered species are protected by specific federal and state statutes, the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) Section 15380(b), provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These criteria have been modeled after the rare or endangered species definition in the Endangered Species Act and Sections 2050 through 2059.26 of the California Fish and Game Code dealing with rare or endangered plants and wildlife. This section was included in the California Environmental Quality Act (CEQA) primarily to deal with situations in which a public agency is reviewing a project that may have a significant effect on, for example, a candidate species that has not been listed by either the Fish and Wildlife Service or the CDFW. Thus, CEQA provides an agency with the ability to protect a species from the potential impacts of a project until the respective government agencies have an opportunity to designate the species as protected, if warranted. CEQA also calls for the protection of other locally or regionally significant resources, including natural communities. Although natural communities do not currently have legal protection of any kind, CEQA calls for an assessment of if any such resources would be affected and requires findings of significance if there would be substantial losses. Natural communities listed as sensitive by the California Natural Diversity Database are considered by the CDFW to be significant resources and fall under the CEQA Guidelines to address impacts. Local planning documents, such as General Plans, often identify these resources as well.

California Fish and Game Code, Section 1602

Under this section of the California Fish and Game Code, the Project Proponent/Developer is required to notify the CDFW before the start of any project that would divert, obstruct, or change the natural flow, bed, channel, or bank of any river, stream, or lake. Pursuant to the California Fish and Game Code, a “stream” is defined as a body of water that flows at least periodically, or intermittently, through a bed or channel that has banks and supports fish or other aquatic life. Based

on this definition, a watercourse with surface or subsurface flows that supports or has supported riparian vegetation is a stream and is subject to CDFW jurisdiction. Altered or artificial watercourses valuable to fish and wildlife are subject to CDFW jurisdiction. The CDFW also has jurisdiction over dry washes that carry water during storm events.

Preliminary notification and project review generally occur during the environmental process. When an existing fish or wildlife resource may be substantially adversely affected, the CDFW is required to propose reasonable project changes to protect the resource. These modifications are formalized in a Streambed Alteration Agreement, which becomes part of the plans, specifications, and bid documents for the approved project.

California Fish and Game Code, Sections 2080 and 2081

Section 2080 of the California Fish and Game Code states that “no person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the Commission [California Fish and Game Commission] determines to be an endangered species or threatened species, or attempt any of those acts, except as otherwise provided in this chapter, or the Native Plant Protection Act, or the California Desert Native Plants Act.” Pursuant to Section 2081 of the California Fish and Game Code, the CDFW may authorize individuals or public agencies to import, export, take, or possess state-listed endangered, threatened, or candidate species. These otherwise prohibited acts may be authorized through permits or Memoranda of Understanding if the take is incidental to an otherwise lawful activity, the impacts of the authorized take are minimized and fully mitigated, the permit is consistent with any regulations adopted pursuant to any recovery plan for the species, and the approved project operator ensures adequate funding to implement the measures required by the CDFW.

California Fish and Game Code, Sections 3503, 3503.5, 3513, and 3800

Section 3503 of the California Fish and Game Code states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3503.5 specifically states that it is unlawful to take, possess, or destroy any raptor (i.e., species in the orders Falconiformes and Strigiformes), including nests or eggs. Typical violations of the California Fish and Game Code include destruction of active nests (i.e., nests with eggs or fledglings) resulting from removal of vegetation in which the nests are located. This statute does not provide for the issuance of any type of incidental take permit.

Section 3513 of the California Fish and Game Code upholds the Migratory Bird Treaty Act by prohibiting any take or possession of birds that are designated by the Migratory Bird Treaty Act as migratory nongame birds except as allowed by federal rules and regulations promulgated pursuant to the Migratory Bird Treaty Act.

Section 3800 of the California Fish and Game Code affords protection to nongame birds, which are birds occurring naturally in California that are not resident game birds, migratory game birds, or fully protected birds.

California Fish and Game Code, Sections 3511, 4700, 5050, and 5515

California fully protected species are described in Sections 3511, 4700, 5050, and 5515 of the California Fish and Game Code. These statutes prohibit take or possession of fully protected species. The CDFW is unable to authorize incidental take of fully protected species when activities are proposed in areas inhabited by those species.

Natural Communities Conservation Planning Act (California Fish and Game Code, Section 2800)

The Natural Communities Conservation Planning program is a cooperative effort to protect habitats and species. It began under the state's Natural Communities Conservation Planning Act of 1991 and is broader in its orientation and objectives than the California Endangered Species Act or the federal Endangered Species Act. These laws are designed to identify and protect individual species that have already declined significantly in number. The primary objective of the Natural Communities Conservation Planning program is to conserve natural communities at the ecosystem level while accommodating compatible land use. The program seeks to anticipate and prevent the controversies and gridlock caused by species' listings by focusing on the long-term stability of wildlife and plant communities and including key interests in the process.

This voluntary program allows the state to enter into planning agreements with landowners, local governments, and other stakeholders to prepare plans that identify the most important areas for a threatened or endangered species and the areas that may be less important. These Natural Communities Conservation Planning plans may become the basis for a state permit to take threatened and endangered species in exchange for conserving their habitat. The CDFW and Fish and Wildlife Service worked to combine the Natural Communities Conservation Planning program with the federal Habitat Conservation Plan process to provide take permits for state and federally listed species. Under the Natural Communities Conservation Planning Act, local governments can take the lead in developing these Natural Communities Conservation Planning plans and become the recipients of state and federal take permits.

Native Plant Protection Act (California Fish and Game Code, Sections 1900–1913)

California's Native Plant Protection Act requires state agencies to use their authority to carry out programs to conserve endangered and rare native plants. Provisions of the act prohibit the take of listed plants from the wild and require notification to the CDFW at least 10 days in advance of any change in land use. This allows the CDFW to salvage listed plant species that would otherwise be destroyed. The Proposed Project Proponent/Developer is required to conduct botanical inventories

and consult with the CDFW during project planning to comply with the provisions of the act and sections of CEQA that apply to rare or endangered plants.

Porter-Cologne Water Quality Control Act (California Water Code, Division 7)

The SWRCB works in coordination with the nine Regional Water Quality Control Boards (RWQCBs) to preserve, protect, enhance, and restore water quality. Each RWQCB makes decisions related to water quality for its region and may approve, with or without conditions, or deny projects that could affect waters of the state. Their authority comes from the Clean Water Act and the state’s Porter-Cologne Water Quality Control Act (Porter-Cologne Act). The Porter-Cologne Act broadly defines “waters of the state” as “any surface water or groundwater, including saline waters, within the boundaries of the state” (California Water Code, Section 13050[e]).

Under the Porter-Cologne Act, the SWRCB and the nine RWQCBs also have the responsibility of granting Clean Water Act National Pollutant Discharge Elimination System permits and waste discharge requirements for point-source and nonpoint-source discharges to waters. These regulations limit impacts on aquatic and riparian habitats from a variety of urban sources.

Regional

Western Riverside County Multiple Species Habitat Conservation Plan

The Western Riverside County MSHCP serves as a comprehensive multi-jurisdictional habitat conservation plan, pursuant to Section (a)(1)(B) of the federal Endangered Species Act as well as a Natural Communities Conservation Planning plan under the state Natural Communities Conservation Planning Act of 2001.

The Western Riverside County MSHCP was adopted on June 17, 2003, and an Implementing Agreement was executed between the federal and state wildlife agencies and participating entities. The MSHCP is a comprehensive habitat conservation planning program for western Riverside County. The intent of the MSHCP is to preserve native vegetation and meet the habitat needs of multiple species, rather than focusing preservation efforts on one species at a time. As such, the MSHCP is intended to streamline review of individual projects with respect to the species and habitats addressed in the MSHCP, and to provide for an overall Conservation Area that would be of greater benefit to biological resources than would result from a piecemeal regulatory approach. The MSHCP provides coverage (including take authorization for listed species) for special-status plant and wildlife species, as well as mitigation for impacts to sensitive species pursuant to Section 10(a) of the federal Endangered Species Act.

Through agreements with the Fish and Wildlife Service and the CDFW, the MSHCP designates 146 special-status wildlife and plant species that receive some level of coverage under the plan. Of the 146 “covered species” designated under the MSHCP, most of these species have no additional survey/conservation requirements. In addition, through project participation with the MSHCP, the

MSHCP provides mitigation for project-specific impacts to covered species so that the impacts would be reduced to below a level of significance pursuant to CEQA. Project-specific survey requirements exist for species designated as “covered species not yet adequately conserved.” These include Narrow Endemic Plant Species (MSHCP Volume I, Section 6.1.3), as identified by the narrow endemic plant species survey areas; criteria area plant species (MSHCP Volume I, Section 6.3.2) identified by the criteria area plant species survey areas; animals species (burrowing owl, mammals, amphibians) identified by survey areas (MSHCP Volume I, Section 6.3.2); and species associated with riparian/riverine areas and vernal pool habitats (i.e., least Bell’s vireo, southwestern willow flycatcher, western yellow-billed cuckoo, and three species of listed fairy shrimp) (MSHCP Volume I, Section 6.1.2). An additional 28 species (MSHCP Volume I, Table 9.3) not yet adequately conserved have species-specific objectives in order for the species to become adequately conserved. However, these species do not have project-specific survey requirements.

For projects that have a federal nexus, such as through federal Clean Water Act Section 404 permitting, take authorization for federally listed covered species would occur under Section 7 (not Section 10) of the Endangered Species Act and that Fish and Wildlife Service would provide a MSHCP consistency review of the Proposed Project, resulting in a biological opinion. The biological opinion would require no more compensation than what is required to be consistent with the MSHCP.

The goal of the MSHCP is to have a total Conservation Area in excess of 500,000 acres, including approximately 347,000 acres on existing Public/Quasi-Public Lands, and approximately 153,000 acres of Additional Reserve Lands targeted within the MSHCP criteria area. The MSHCP is divided into 16 separate Area Plans, each with its own conservation goals and objectives. Within each Area Plan, the criteria area is divided into Subunits, and further divided into Criteria Cells and Cell Groups (a group of criteria cells). Each Cell Group and ungrouped, independent Cell has designated “criteria” for the purpose of targeting additional conservation lands for acquisition. Projects located within the criteria area are subject to the Habitat Evaluation and Acquisition Negotiation Strategy process to determine if lands are targeted for inclusion in the MSHCP Reserve. In addition, all projects located within the criteria area are subject to the Joint Project Review (JPR) process, where the Proposed Project is reviewed by the Regional Conservation Authority (RCA) to determine overall compliance/consistency with the biological requirements of the MSHCP.

Local

The General Plan Conservation Element identifies goals and policies related to biological resources. The goals and policies applicable to the Proposed Project and a discussion of the Proposed Project’s consistency is provided in Table 4.10-2, City of Perris General Plan Consistency Analysis, in Section 4.10, Land Use and Planning, of this EIR.

4.3.1.2 Existing Conditions

The following sections describe the environmental setting for the Proposed Project as it relates to biological resources.

Existing Setting

The 87.68-acre Project Site, including the adjacent 10.98-acre off-site impact area (98.66- acres total) within which the impacts would occur, is composed of Assessor's Parcel Numbers (APNs) 330-090-031, -033, -034, -036, -038, -040, 330-100-031, and rights-of-way. The Project Site is located within United States Geological Survey (USGS) 7.5' Series Perris Quadrangle, Riverside County, Township 5 South, Range 3 West, Section 5. Specifically, the Project Site is located within the northern region of Perris Valley Airport, extending south of Ellis Avenue, east of Goetz Road, and west of Case Road. An off-site impact area extends southeast of the Project Site and is located immediately southwest and adjacent to Case Road.

The Project Site slopes slightly from northwest to southeast with elevations extending from 1,427 feet above mean sea level in the extreme northwest region to 1,413 above mean sea level along the southeast boundary. The Project Site is currently dominated by disturbed/ruderal and ornamental trees. A disturbed agricultural drainage ditch (off-site impact area) extends from the Project Site southeast from the property extending toward the San Jacinto River.

Information below describes the existing environmental setting based on information obtained from the Project-specific Biological Resources Technical Report (Appendix D.1). Specifically, the existing conditions in this section reflect those that were observed during the field surveys of the Project Site. Fieldwork was coordinated throughout the spring and blooming periods, site-specific habitat conditions, and vegetation-soil associations of the target species. Accordingly, eight surveys were conducted on site, including April 29, May 21, June 11, 2019, and March 16, April 22, May 13, June 17, and July 15, 2020, which covered all suitable habitat areas on the Project Site and off-site impact area. Updated focused surveys were conducted throughout the Project Site and off-site impact area on February 15, March 16, April 13, May 16, June 13, 2022, and March 6, April 23, May 20, and June 13, 2024.

Vegetation Communities

Natural community names and hierarchical structure follows the CDFW "List of California Terrestrial Natural Communities" and Holland (1986) classification systems, which have been refined and augmented where appropriate to better characterize the habitat types observed on site when not addressed by the MSHCP classification system.

- **Disturbed/Ruderal.** The majority of the Project Site is dominated by annually disked disturbed/ruderal vegetation. Common dominant species documented within this habitat type include London rocket (*Sisymbrium irio*), stinknet (*Oncosiphon*

piluliferum), cheeseweed (*Malva parviflora*), Russian thistle (*Salsola tragus*), totalote (*Centaurea melitensis*), redstemmed filaree (*Erodium cicutarium*), white-stemmed filaree (*Erodium moschatum*), prickly lettuce (*Lactuca serriola*), black mustard (*Brassica nigra*), tumbling pigweed (*Amaranthus albus*), nettle-leaved goosefoot (*Chenopodium murale*), hare barley (*Hordeum murinum* subsp. *glaucum*), Italian rye (*Lolium multiflorum*), foxtail chess (*Bromus madritensis*), ripgut grass (*Bromus diandrus*), wild oat (*Avena fatua*), slender wild oat (*Avena barbata*), canary grass (*Phalaris canariensis*), pineapple weed (*Matricaria discoides*), cocklebur (*Xanthium strumarium*), and yellow sweetclover (*Melilotus officinalis*). Less common species include caterpillar phacelia (*Phacelia cicutaria*), alkali weed (*Cressa truxillensis*), slender goldfields (*Lasthenia gracilis*), Boccone's sand spurrey (*Spergularia bocconi*), and salt heliotrope (*Heliotropium curassavicum*).

- **Ornamental Trees.** Several mature ornamental trees were documented on the Project Site along the northern boundary immediately south of Ellis Avenue, including red gum tree (*Eucalyptus camaldulensis*).
- **Agricultural Drainage Ditch.** A disturbed agricultural drainage ditch bisects the off-site impact area and is bordered to the northeast by Case Road (developed) and south by disturbed/ruderal vegetation. Species documented within the agricultural drainage ditch include but are not limited to canary grass, barnyard grass (*Echinochloa crus-galli*) alkali weed, Boccone's sand spurrey, English plantain (*Plantago lanceolata*), common plantain (*Plantago major*), annual sunflower (*Helianthus annuus*), prickly sow thistle (*Sonchus asper* subs. *asper*) saltgrass (*Distichlis spicata*), California burclover (*Medicago polymorpha*), tumbling pigweed, alkali mallow (*Malvella leprosa*), swiss chard (*Beta vulgaris*), mayweed (*Anthemis cotula*), sprawling saltbush (*Atriplex suberecta*), silverscale saltbush (*Atriplex argentea*), bush seepweed (*Suaeda nigra*), short pod mustard (*Hirschfeldia incana*), shepherd's purse (*Capsella bursa-pastoris*), and common fiddleneck (*Amsinckia menziesii*).

General Plant and Wildlife

A disturbed agricultural drainage ditch bisects the off-site impact area and is bordered to the northeast by Case Road (developed) and south by disturbed/ruderal vegetation. Species documented within the agricultural drainage ditch include but are not limited to canary grass, barnyard grass (*Echinochloa crus-galli*) alkali weed, Boccone's sand spurrey, English plantain (*Plantago lanceolata*), common plantain (*Plantago major*), annual sunflower (*Helianthus annuus*), prickly sow thistle (*Sonchus asper* subs. *asper*) saltgrass (*Distichlis spicata*), California burclover (*Medicago polymorpha*), tumbling pigweed, alkali mallow (*Malvella leprosa*), swiss chard (*Beta vulgaris*), mayweed (*Anthemis cotula*), sprawling saltbush (*Atriplex suberecta*), silverscale saltbush (*Atriplex argentea*), bush seepweed (*Suaeda nigra*), short pod mustard

(*Hirschfeldia incana*), shepherd's purse (*Capsella bursa-pastoris*), and common fiddleneck (*Amsinckia menziesii*).

Sensitive Biological Resources

The following discussion describes the plant and wildlife species present, or potentially present within the property boundaries, that have been afforded special recognition by federal, state, or local resource conservation agencies and organizations, principally due to the species' declining or limited population sizes, usually resulting from habitat loss. Also discussed are habitats that are unique, of relatively limited distribution, or of particular value to wildlife. Protected sensitive species are classified by state or federal resource management agencies, or both, as threatened or endangered, under provisions of the California Endangered Species Act and the federal Endangered Species Act. Vulnerable or "at-risk" species that are proposed for listing as threatened or endangered (and thereby for protected status) are categorized administratively as "candidates" by the Fish and Wildlife Service. The CDFW uses various terminology and classifications to describe vulnerable species. There are additional sensitive species classifications applicable in California. These are described below.

Sensitive biological resources are habitats or individual species that have special recognition by federal, state, or local conservation agencies and organizations as endangered, threatened, or rare. The CDFW, Fish and Wildlife Service, and special groups like the California Native Plant Society maintain watch lists of such resources.

Sensitive Habitats

No vegetation communities listed by the CDFW as sensitive were documented within or adjacent to the Project Site.

Sensitive Plants

The Project Site lies partially within a predetermined survey area for six MSHCP narrow endemic sensitive plant species, which includes: Munz's onions (*Allium munzii*), San Diego ambrosia (*Ambrosia pumila*), many-stemmed dudleya (*Dudleya multicaulis*), spreading navarretia (*Navarretia fossalis*), California Orcutt grass (*Orcuttia californica*), and Wright's trichocoronis (*Trichocoronis wrightii* var. *wrightii*). None of the six MSHCP narrow endemic sensitive plant species were detected during the Project Site surveys and are therefore not expected to occur due to lack of observation.

The Project Site lies partially within a predetermined survey area nine MSHCP criteria area sensitive plant species, which includes: Coulter's goldfields (*Lasthenia glabrata* ssp. *Coulteri*), Davidson's saltscallion (*Atriplex serenana* var. *davidsonii*), Little mousetail (*Myosurus minimus* ssp. *Apus*), Mud nama (*Nama stenocarpum*), Parish's brittlebush (*Atriplex parishii*), Round-leaved filaree (*California macrophyllum*), San Jacinto Valley crownscale (*Atriplex coronata* var.

notator), Smooth tarplant (*Centromadia pungens* ssp. *Laevis*), and Thread-leaved brodiaea (*Brodiaea filifolia*).

One of the nine MSHCP criteria area sensitive plant species (smooth tarplant) was detected during the Project Site surveys. Specifically, a total of approximately 100 smooth tarplant (MSHCP criteria area species) were documented within the eastern region of the Project Site.

One additional California Native Plant Society species, paniculate tarplant (*Deinandra paniculate*) California Rare Plant Ranking 4.2 (approximately 25 plants) was observed outside the Project Site limits. This species would not be affected in connection with construction and operation of the Proposed Project.

No state or federally listed threatened or endangered plant species were detected on site.

Sensitive Wildlife

The Project Site is not located within a predetermined MSHCP survey area for amphibians or mammals. The Project Site is located within a predetermined MSHCP survey area for the burrowing owl (*Athene cunicularia*).

Potential foraging and breeding habitat for four MSHCP covered species was detected on site: Cooper's hawk (*Accipiter cooperii*), California horned lark (*Eremophila alpestris actia*), white-tailed kite (*Elanus leucurus*), and loggerhead shrike (*Lanius ludovicianus*).

No state or federally listed threatened or endangered wildlife species were detected or are expected to occur on site.

Nesting Birds

The Project Site and off-site impact area is located within a predetermined survey area for the burrowing owl. Suitable burrowing owl burrows potentially used for refugia or nesting, including foraging habitat, were documented within and adjacent to the Project Site. However, no burrowing owl or characteristic sign such as white-wash, feathers, tracks, or pellets were detected within or immediately adjacent to the Project Site or off-site impact area during the 2019, 2020, 2022 or 2024 survey efforts.

Wetlands and Waterways

The watersheds encompassing the study area includes the San Jacinto (Hydrologic Unit Codes [HUC 8] 18070202); which drains 1,083,424 acres through a series of washes and creeks that generally flow in a southern direction to the San Jacinto River. The study area does not include hydrologic features that were previously identified by the Fish and Wildlife Service National Wetlands Inventory. The regional climate within the vicinity of the study area consists of warm

and dry summer months with relatively cool and wetter winters. Seasonal rainfall and snow occurs predominantly in the winter and spring months (November–April).

Jurisdictional Resources

As summarized in the following sections, CDFW jurisdiction exceeds Army Corps jurisdiction and any Project mitigation necessary to satisfy the requirements of the CDFW would also satisfy the requirement of the Army Corps and RWQCB. A formal jurisdictional delineation was conducted by Carlson Strategic Land Solutions, Inc. 2022 (Carlson Strategic Land Solutions, Inc. 2022). The delineation determined the boundaries or absence of potential wetland and non-wetland waters of the United States subject to the regulatory jurisdiction of the Army Corps pursuant to Clean Water Act Section 404; wetland and non-wetland waters of the State subject to the regulatory jurisdiction of the RWQCB pursuant to Clean Water Act Section 401 and State Porter-Cologne Water Quality Control Act (Porter-Cologne); streambed and riparian habitat subject to the regulatory jurisdiction of the CDFW pursuant Sections 1600 *et seq.* of the California Fish and Game Code (CDFG Code).

All resources delineated as CDFW jurisdictional features were also defined as Western Riverside County MSHCP Section 6.1.2 resources.

Army Corps/RWQCB Jurisdiction

A total of 0.03 acre on site and 0.09 acre off-site (0.12-acre total) of regulated drainages were documented on the Project Site and are subject to Section 404 under the Army Corps and RWQCB under the Clean Water Act Section 401. Based on field observations, no wetlands were identified or observed on site.

CDFW Jurisdiction

A total of 0.17 acre of on-site and 0.71 acre of off-site (0.88 acre total) regulated drainages were documented on the Project Site and are subject to CDFW jurisdiction in accordance with California Fish and Game Code Section 1600.

MSCHP Riparian/Riverine/Vernal Pool Resources

Potential impacts to CDFW, Army Corps, RWQCB, and MSHCP Section 6.1.2 resources (agricultural drainage ditches) were initially addressed as part of the Perris Logistics Center (PLC) North Project and MSHCP Joint Project Review (JPR) Consistency Determination JPR 09-04-24-01 (Sept 5, 2023). Potential impacts to these resources were also addressed in the Biological Resources Technical Report (Appendix D.1) prepared for the Proposed Project in the event that construction of the PLC North Project was delayed. Construction activities including impacts and improvements to all CDFW, Army Corps, RWQCB, and MSHCP Section 6.1.2 resources associated

with the Proposed Project have been completed or are currently under construction by IDI Logistics for the approved PLC North Project and are no longer applicable to the Proposed Project analysis.

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

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

4.3.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, the Proposed Project would have a significant impact on biological resources if it would:

- **Threshold BIO-1:** 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.
- **Threshold BIO-2:** 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.
- **Threshold BIO-3:** Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- **Threshold BIO-4:** Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- **Threshold BIO-5:** Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

- **Threshold BIO-6:** Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.

4.3.3 Regulatory Implementation

No regulatory implementation conditions are applicable to the Proposed Project.

4.3.4 Environmental Impacts

4.3.4.1 Project Design Features

No project design features are applicable to the Proposed Project.

The following sections address various potential impacts relating to biological resources that could result from implementation of the Proposed Project.

4.3.4.2 Threshold BIO-1: Candidate, Sensitive, or Special-Status Species

Impact Analysis

The following discussion examines the potential impacts to candidate, sensitive, or special-status plant and wildlife species that would occur as a result of Project implementation. Impacts can occur in two forms, direct and indirect. Direct impacts are considered to be those that involve the loss, modification, or disturbance of plant communities, which in turn, directly affect the flora and fauna of those habitats. Direct impacts also include the removal of individual plants or animals, which may also directly affect regional population numbers of a species or result in the physical isolation of populations thereby reducing genetic diversity and population stability. Indirect (or secondary) impacts pertain to those impacts that result in a change to the physical environment, but which is not immediately related to a project.

Indirect impacts are those that are reasonably foreseeable and caused by a project but occur at a different time or place. Indirect impacts can occur at the urban/wildland interface of projects and can affect biological resources located downstream from projects and other off-site areas. Examples of indirect impacts include the effects of increases in ambient levels of noise or light; predation by domestic pets; competition with exotic plants and animals; introduction of toxics including pesticides; and other human disturbances such as hiking, off-road vehicle use, and unauthorized dumping. Indirect impacts are often attributed to the subsequent day-to-day activities associated with project buildout such as increased noise, the use of artificial light sources, and invasive ornamental plantings that may encroach into native areas. Indirect effects may be both short term and long term in their duration. These impacts are commonly referred to as “edge effects” and may result in a slow replacement of native plants by non-native invasives, changes in the behavioral patterns of wildlife, and reduced wildlife diversity and abundance in habitats adjacent to project sites.

Vegetation Communities

A total of 98.66 acres of vegetation communities would be directly impacted as a result of the Proposed Project. As previously stated, no vegetation communities listed by the CDFW as sensitive were documented within or adjacent to the Project Site. No native or undisturbed vegetation would be impacted as a result of Project implementation.

The Perris Municipal Code also contains provisions for the collection of mitigation fees to further the implementation of the MSHCP (refer to Title 3, Chapter 3.48 of the Perris Municipal Code). The Project Proponent/Developer would be required to contribute a local mitigation fee, which requires a fee payment to assist the City in implementing the MSHCP Reserve system (including the acquisition, management, and long-term maintenance of sensitive habitat areas). With mandatory compliance with standard regulatory requirements (i.e., mitigation fee payment), the Proposed Project would not conflict with any City policies or ordinances related to the mitigation fee program associated with the MSHCP and potential impacts would be less than significant.

Sensitive Plants

The MSHCP has determined that all of the sensitive species potentially occurring on site have been adequately covered (MSHCP Table 2-2, Species Considered for Conservation Under the MSHCP Since 1999). However, additional surveys may be required if suitable habitat is documented on site or if the property is located within a predetermined “survey area” (MSHCP 2004).

None of the six MSHCP narrow endemic sensitive plant species were detected during the Project Site surveys and, therefore, are not expected to occur due to lack of observation. One of the nine MSHCP criteria area sensitive plant species (smooth tarplant) was detected during the Project Site surveys. Specifically, a total of approximately 100 smooth tarplant (MSHCP criteria area species) were documented within the eastern region of the Project Site.

One additional California Native Plant Society species, paniculate tarplant, California Rare Plant Ranking 4.2 (approximately 25 plants), was observed outside the Project Site limits.

No state or federally listed threatened or endangered plant species were detected on site. The limited distribution of approximately 100 MSHCP covered smooth tarplant on site is not expected to have long-term conservation value and no additional mitigation obligations specific to this species is expected. Regardless, as previously indicated, the Project Proponent/Developer would be required to pay MSHCP Local Development Mitigation fees as required by Title 3, Chapter 3.48 of the Perris Municipal Code.

Nesting Birds

The Project Site and off-site impact area occurs completely within a predetermined Survey area for the burrowing owl. Suitable burrowing owl burrows potentially used for refugia or nesting

including foraging habitat were documented within and adjacent to the Project Site. Therefore, focused surveys were conducted on site, including April 29, May 21, June 11, 2019, and March 16, April 22, May 13, June 17, and July 15, 2020, which covered all suitable habitat areas on the Project Site and off-site impact area. Updated focused surveys were conducted throughout the Project Site and off-site impact area on February 15, March 16, April 13, May 16, June 13, 2022, and March 6, April 23, May 20, and June 13, 2024. No burrowing owl or characteristic sign such as white-wash, feathers, tracks, or pellets were detected within or immediately adjacent to the Project Site or off-site impact area during the 2019, 2020, 2022 or 2024 survey efforts. Regardless, at a minimum, a 30-day pre-construction survey would be conducted immediately prior to the initiation of construction to ensure protection for this species and compliance with the conservation goals as required by mitigation measure MM BIO-2.

No suitable habitat (riparian scrub, forest, or woodlands) for the least Bell's vireo, southwestern willow flycatcher, or western yellow-billed cuckoo was detected within or adjacent to the Project Site.

The Project Site includes ornamental vegetation including trees expected to potentially provide nesting habitat for migratory birds protected under the California Fish and Game Code. Measures for potential direct/indirect impacts to common and sensitive bird and raptor species would require compliance with California Fish and Game Code Section 3503. Construction outside the nesting season (generally between September 15 and February 15 but may be extended due to weather and drought conditions) does not require pre-construction nesting bird surveys. However, if construction is proposed during the nesting season, a qualified biologist would conduct a pre-construction nesting bird survey no more than 3 days prior to initiation of grading to document the presence or absence of nesting birds within or directly adjacent (500 feet) to the Project Site. Loss of an active nest (i.e., a nest occupied by eggs or fledglings) would be considered a potentially significant impact. Potential impacts to potential nesting habitat would be reduced to a less than significant level with the implementation of mitigation measure MM BIO-2, which would require compliance with California Fish and Game Code Section 3503.

Sensitive Wildlife

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

No suitable habitat for Crotch's bumble bee (*Bombus crotchii*) was found on site. The Project Site is dominated by annually disked/ruderal vegetation or areas completely devoid of vegetation. Although less than four individual caterpillar phacelia (*Phacelia cicutaria*) and six California burclover (*Medicago polymorpha*) plants were documented on site, this limited distribution when considered on context to the disturbed site conditions does not provide suitable resources for the species.

No evidence of vernal pools, seasonal depressions or seasonally inundated road ruts were documented on the Project Site. No state or federally listed threatened or endangered wildlife species were detected or are expected to occur on site.

The Project Site is not located within an MSHCP amphibian or mammal species survey area; therefore, no surveys are required (RCA GIS Data Downloads 2022). The Project Site does fall within the Riverside County Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP) Fee Assessment Area outlined in the SKR HCP. Therefore, the Project Proponent/Developer would be required to submit the payment of fees pursuant to County Ordinance 663.10 for the SKR HCP Fee Assessment Area as established and implemented by the County of Riverside.

Potential foraging and breeding habitat for four MSHCP covered species was detected on site including Cooper's hawk, California horned lark, white-tailed kite, and loggerhead shrike. Potential impacts to sensitive MSHCP covered species would be reduced to a less than significant level with the implementation of mitigation measures MM BIO-2 and MM BIO-2.

With implementation of mitigation measures MM BIO-1 through MM BIO-2, potential impacts to candidate, sensitive, or special-status species would be reduced to a less than significant level.

Indirect Impacts to Special-Status Biological Resources

Development projects located adjacent to natural open spaces have the potential to result in indirect effects to biological resources such as water quality impacts from associated drainage into adjacent open space/downstream aquatic resources, lighting effects, noise effects, invasive plant species from landscaping, and effects from human access into adjacent open space, such as recreational activities (including off-road vehicles and hiking), pets, and dumping. Temporary, indirect effects could also occur as a result of construction-related activities.

The Project Site does not occur in proximity to the MSHCP Conservation Area; therefore, the MSHCP Urban/Wildland Interface Guidelines do not apply to the Proposed Project. As such, the Proposed Project would result in a less than significant indirect impact to special-status biological resources.

Significance of Impact

Without mitigation, the Proposed Project would have a potentially significant impact.

4.3.4.3 Threshold BIO-2: Riparian Habitat and Other Sensitive Natural Communities

Impact Analysis

Impacts to 0.88 acre of MSHCP Section 6.1.2 Riverine resources (agricultural drainage ditches) were initially addressed as part of the PLC North Project and MSHCP JPR Consistency Determination JPR 09-04-24-01 (Sept 5, 2023). Potential impacts to these resources were also

addressed in the Biological Resources Technical Report (Appendix D.1) prepared for the Proposed Project in the event that construction of the PLC North Project was delayed. Construction activities including impacts and improvements to all MSHCP Section 6.1.2 Riverine resources associated with the Proposed Project have been completed or are currently under construction by IDI Logistics for the approved PLC North Project and are no longer applicable to the Proposed Project analysis. Additionally, the MSHCP JPR Consistency Determination completed for the PLC North Project concluded the less than significant impacts with mitigation that have been included herein. Therefore, a less than significant impact would occur.

Significance of Impact

Less Than Significant Impact.

4.3.4.4 Threshold BIO-3: Wetlands

Impact Analysis

Permanent impacts to 0.12 acre of resources regulated by Section 404 under the Army Corps and Clean Water Act Section 401 under the RWQCB would occur as a result of the Proposed Project. (Cadre Environmental 2022). No temporary impacts to Army Corps/RWQCB resources would result from the Proposed Project.

Impacts to 0.88 acre of MSHCP Section 6.1.2 Riverine resources (agricultural drainage ditches) were initially addressed as part of the PLC North Project and MSHCP JPR Consistency Determination JPR 09-04-24-01 (Sept 5, 2023). Potential impacts to these resources were also addressed in the Biological Resources Technical Report (Appendix D.1) prepared for the Proposed Project in the event that construction of the PLC North Project was delayed. Construction activities including impacts and improvements to all MSHCP Section 6.1.2 Riverine resources associated with the Proposed Project have been completed or are currently under construction by IDI Logistics for the approved PLC North Project and are no longer applicable to the Proposed Project analysis. Additionally, the MSHCP JPR Consistency Determination completed for the PLC North Project concluded the less than significant impacts with mitigation that have been included herein. A less than significant impact to wetlands would occur.

Significance of Impact

Less Than Significant Impact.

4.3.4.5 Threshold BIO-4: Native Resident or Migratory Fish or Wildlife Species

Impact Analysis

The Project Site does not represent a regional wildlife movement corridor and provides no cover, food, natural unrestricted water courses, or habitats that would facilitate regional wildlife

movement on site. Based on the foregoing information, the Proposed Project would result in no impact to any native resident or migratory fish, established wildlife corridor, or native wildlife nursery sites.

The Proposed Project would remove vegetation (i.e., immature trees, shrubs, and ground cover) that has the potential to provide roosting and nesting habitat for birds, including migratory and common raptor species. However, no burrowing owl or characteristic sign such as white-wash, feathers, tracks, or pellets were detected within or immediately adjacent to the Project Site or off-site impact area during the 2019, 2020, or 2022 MSHCP focused survey efforts. Due to the presence of potentially suitable habitat, mitigation measures MM BIO-1 and MM BIO-2 would be implemented. Mitigation measure MM BIO-1 would require a 30-day pre-construction survey to be conducted immediately prior to the initiation of construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP. Mitigation measure MM BIO-2 requires that if nesting birds are present, avoidance of active bird nests in conformance with accepted protocols and regulatory requirements be implemented.

With implementation of the required mitigation, potential direct impacts to nesting birds protected by the federal Migratory Bird Treaty Act would be reduced to a less than significant level.

Significance of Impact

Without mitigation, the Proposed Project would have a potentially significant impact.

4.3.4.6 Threshold BIO-5: Conflict with Tree Preservation Policy or Ordinance

Impact Analysis

The City of Perris recognizes the healthful benefits of trees in the community, and the Perris Municipal Code includes Section 19.71, Urban Forestry (Ordinance 1262). The purpose of this ordinance is to (1) establish and maintain a healthy urban forest in the City of Perris; (2) create an Urban Forestry Board to guide the City in the establishment and care of its urban forest; (3) establish guidelines for the planting, care, and maintenance of trees within the City; (4) ensure the protection of trees during development and redevelopment of properties in the City; (5) avoid conflict between trees and utilities and other public improvements; and (6) identify public hazard and nuisance trees and establish removal procedures. The intent of this ordinance is to establish, maintain, and protect a thriving urban forest to benefit all who live, visit, or work in the City of Perris. Under this ordinance, the Planning Commission is designated as the Urban Forestry Board and is responsible for implementing the City's tree policies and programs, as well as setting the direction and scope of tree-related activities.

Several mature eucalyptus trees are located along the northern Project Site boundary. If removal of mature trees is proposed, a site-specific tree study conducted by a certified arborist will be

required and include information outlined in the City of Perris Urban Forestry Establishment and Care Ordinance (19.71).

The Perris Municipal Code also contains provisions for the collection of mitigation fees to further the implementation of the MSHCP (refer to Title 3, Chapter 3.48 of the Perris Municipal Code). The Project Proponent/Developer would be required to contribute a local mitigation fee, which requires a fee payment to assist the City in implementing the Western Riverside County MSHCP Reserve system (including the acquisition, management, and long-term maintenance of sensitive habitat areas). With mandatory compliance with standard regulatory requirements (i.e., mitigation fee payment), the Proposed Project would not conflict with any City policies or ordinances related to the mitigation fee program associated with the MSHCP, and potential impacts would be less than significant. The City of Perris does not have any additional policies or ordinances in place to protect biological resources that are applicable to the Proposed Project.

Significance of Impact

Less Than Significant Impact.

4.3.4.7 Threshold BIO-6: Conflict with Habitat Conservation Plan

Impact Analysis

Implementation of the Proposed Project would be consistent with all provisions, guidelines and objectives of the MSHCP following payment of MSHCP Local Development Mitigation fees and implementation of Biological Mitigation and Avoidance Measure as required by Title 3, Chapter 3.48 of the Perris Municipal Code.

The following analysis evaluates the Proposed Project's compliance with the MSHCP's Reserve Assembly Requirements and other applicable MSHCP requirements pursuant to the following sections of the MSHCP: Section 6.1.2, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools; Section 6.1.3, Protection of Narrow Endemic Plant Species; Section 6.1.4, Guidelines Pertaining to the Urban/Wildland Interface; and Section 6.3.2, Additional Survey Needs and Procedures.

Project Relation to Reserve Assembly

The Project Site is located within the Western Riverside County MSHCP Mead Valley Area Plan. A 10.04-acre portion of the Project Site (APN 330-100-031) is located within MSHCP Criteria Area Cell 3377, Subunit 4, San Jacinto River Lower, and is completely developed. A 3.74-acre portion of the off-site impact area extends into MSHCP Criteria Area Cell 3276, Subunit 4, San Jacinto River Lower, and the disturbed agricultural drainage ditch located in this region ultimately drains into Proposed Constrained Linkage 19 (San Jacinto River). The Proposed Project would not have any impacts on Proposed Constrained Linkage 19.

The Proposed Project would result in a total of 3.74 acres of permanent impacts within Criteria Cell 3276. All impacts within Criteria Cell 3276 would occur to the existing paved (developed) regions of Case Road, human-made agricultural drainage ditch, and adjacent disturbed/ruderal habitat within the right-of-way (MSHCP covered roads). The Proposed Project would not restrict reserve design objectives or guidelines for Criteria Cell 3276. All impacts within Criteria Cell 3276 would occur within the existing MSHCP 100-foot-wide covered roadways (Case Road) and would not restrict reserve design objectives or guidelines within Criteria Cell 3276.

Impacts to 3.74 acres within Criteria Cell 3276 were initially addressed as part of the PLC North Project and MSHCP JPR 09-04-24-01 Consistency Determination (Sept 5, 2023). Potential impacts to 3.74 acres of Criteria Cell 3276 were also addressed in the analysis for the Proposed Project in the event that construction of the PLC North Project was delayed. Construction activities including impacts and improvements within 3.74 acres of Criteria Cell 3276 have been completed or are currently under construction by IDI Logistics for the approved PLC North Project and are no longer applicable to the Perris Airport Logistics Center project analysis.

The Proposed Project would also result in a total of 10.04 acres of permanent impacts within Criteria Cell 3377. All impacts within Criteria Cell 3377 would occur to the existing developed regions (APN 330-100-031). The Proposed Project would not restrict reserve design objectives or guidelines for Criteria Cell 3377. All impacts within Criteria Cell 3377 would occur within the extreme northwestern region of the Cell where conservation is not proposed and would not restrict reserve design objectives or guidelines within Criteria Cell 3377.

Impacts within Criteria Area Cell 3377 were initially addressed in the MSHCP Joint Project Review (JPR) 08-07-31-01 Consistency Determination (Sept 23rd, 2008) and are no longer applicable to the analysis for the Proposed Project.

Accordingly, the Proposed Project would not conflict with the MSHCP Reserve Assembly requirements, and no impact would occur.

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

The MSHCP requires that an assessment be completed if impacts to riparian/riverine areas and vernal pools could occur from construction in support of the Proposed Project. According to the MSHCP, the documentation for the assessment shall include mapping and a description of the functions and values of the mapped areas with respect to the species listed in Section 6.1.2 of the MSHCP, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools.

Impacts to 0.88 acre of MSHCP Section 6.1.2 Riverine resources (agricultural drainage ditches) were initially addressed as part of the PLC North Project and MSHCP JPR Consistency Determination JPR 09-04-24-01 (Sept 5, 2023). Potential impacts to these resources were also addressed in the Biological Resources Technical Report (Appendix D.1) prepared for the Proposed Project in the

event that construction of the PLC North Project was delayed. Construction activities including impacts and improvements to all MSHCP Section 6.1.2 Riverine resources associated with the Proposed Project have been completed or are currently under construction by IDI Logistics for the approved PLC North Project and are no longer applicable to the Proposed Project analysis.

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

A review of historical aerials was conducted to determine if inundated features were present during years of high rainfall when features would certainly be documented. Historical aerials taken in 2011 represent an ideal baseline during which no (previously documented) inundated vernal pools, seasonal depressions and road ruts can easily be seen. No sign or indication of inundation was documented on the Project Site during a review of historical aerials. The human-made concrete and earthen agricultural drainage ditch has been classified as an MSHCP Section 6.1.2 riverine resources and does not meet the definition of vernal pool. In summary, none of the conditions (e.g., no inundated depressions including road ruts, historical inundation) were observed or documented on the Project Site permanent impact area. No features are present that would support fairy shrimp.

No suitable habitat (riparian scrub, forest, or woodlands) for the least Bell's vireo, southwestern willow flycatcher, or western yellow-billed cuckoo was detected within or adjacent to the Project Site.

As previously indicated, construction activities including impacts and improvements to all MSHCP Section 6.1.2 Riverine resources associated with the Proposed Project have been completed or are currently under construction by IDI Logistics for the approved PLC North Project and are no longer applicable to the Proposed Project.

Protection of Narrow Endemic Plants

The Project Site lies partially within a predetermined survey area for six MSHCP narrow endemic sensitive plant species, which includes Munz's onions (*Allium munzii*), San Diego ambrosia (*Ambrosia pumila*), many-stemmed dudleya (*Dudleya multicaulis*), spreading navarretia (*Navarretia fossalis*), California Orcutt grass (*Orcuttia californica*), and Wright's trichocoronis (*Trichocoronis wrightii* var. *wrightii*).

None of the six MSHCP narrow endemic sensitive plant species were detected during the Proposed Project surveys and are, therefore, not expected to occur due to lack of observation. According to MSHCP guidelines, focused surveys are not required for MSHCP narrow endemic plant species when suitable habitat is not present on the Project Site, even when a Project is located within a predetermined MSHCP narrow endemic plant species survey area (MSHCP 2004). Therefore, the Proposed Project would be consistent with Section 6.1.3 of the MSHCP.

Guidelines Pertaining to Urban/Wildland Interface

The MSHCP Urban/Wildlands Interface Guidelines presented in Section 6.1.4 are intended to address indirect effects associated with locating commercial, mixed uses and residential developments in proximity to an MSHCP Conservation Area.

The Project Site is not located within or adjacent to an existing or proposed MSHCP Conservation Area. The Proposed Project would be consistent with MSHCP Section 6.1.4. However, the Proposed Project would implement best management practices to ensure no potential impacts to the downstream drainage (San Jacinto River) and vernal pool habitat located within Criteria Cell 3276 result from the Proposed Project. Therefore, the Proposed Project would be consistent with Section 6.1.4 of the MSHCP.

Invasive Species

The landscape plans for the Proposed Project shall avoid the use of invasive species for the portions of the development areas adjacent to the western blue-line drainage. Invasive plants that should be avoided are included in Table 6-2, Plants That Should Be Avoided Adjacent to the MSHCP Conservation Area, of the MSHCP.

Barriers

The Proposed Project would not include barriers that would directly or indirectly impact Proposed Constrained Linkage 19 (San Jacinto River). Additionally, the Proposed Project would incorporate mitigation measures MM BIO-1 and BIO MM-2, and implement best management practices outlines in Appendix C of the MSHCP as part of the Proposed Project.

Additional Survey Needs and Procedures

According to the MSHCP guidelines, focused surveys are required during the appropriate flowering season to identify and document the presence/absence of target sensitive plant species if suitable habitat is present and if the property is located within a predetermined survey area.

Therefore, focused surveys for MSHCP narrow endemic and criteria area plants on the Project Site were conducted during spring 2019. Dates of the field surveys include April 29, May 21, and June 11, 2019. It should also be noted that four surveys were conducted for burrowing owl on May 17 and 26 and June 7 and 14, 2019, during which time sensitive plants would have been

documented, if present. Focused surveys for the off-site impact area were conducted on March 16, April 22, May 13, June 17, and July 15, 2020. Updated focused surveys were conducted throughout the Project Site and off-site impact area on February 15, March 16, April 13, May 16, and June 13, 2022. As previously indicated, none of the six MSHCP narrow endemic sensitive plant species were detected during the Proposed Project surveys. One of nine MSHCP criteria area sensitive plant species was detected during the Proposed Project surveys. No state or federally listed threatened or endangered plant species were detected on site.

The Project Site does not occur within a predetermined MSHCP survey area for amphibians or mammals. The Project Site occurs completely within a predetermined MSHCP survey area for burrowing owl (RCA GIS Database 2022).

As previously discussed, surveys for burrowing owl have been conducted, and no burrowing owl or characteristic sign such as white-wash, feathers, tracks, or pellets were detected within or immediately adjacent to the Project Site or off-site impact area during the 2019, 2020, 2022 or 2024 survey efforts. As a result, burrowing owls are presumed absent from the Project Site. However, a pre-construction survey for resident burrowing owls would occur within 30 days prior to commencement of grading or construction activities as required by mitigation measure MM BIO-1.

With implementation of mitigation measures MM BIO-1 and MM BIO-2, the Proposed Project would be consistent with the provisions of an adopted habitat conservation plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.

Significance of Impact

Without mitigation, the Proposed Project would have a potentially significant impact.

4.3.5 Cumulative Impacts

The following sections address various potential cumulative impacts relating to biological resources that could result from implementation of the Proposed Project.

4.3.5.1 Cumulative Threshold BIO-1: Candidate, Sensitive, or Special-Status Species

As previously discussed, a total of 98.66 acres of vegetation communities would be directly impacted as a result of the Proposed Project. No state or federally listed threatened or endangered plant species were detected on site. No evidence of vernal pools, seasonal depressions, or seasonally inundated road ruts were documented on the Project Site. No state or federally listed threatened or endangered wildlife species were detected or are expected to occur on site. The Project Site does fall within the SKR Fee Area outlined in the SKR HCP. Potential foraging and breeding habitat for four MSHCP covered species was detected on site. The Project Site includes ornamental vegetation including trees expected to potentially provide nesting habitat for migratory

birds protected under the CDFW. With incorporation of mitigation measures MM BIO-1 and MM BIO-2, potential impacts would be less than cumulatively considerable.

4.3.5.2 Cumulative Threshold BIO-2: Riparian Habitat and Other Sensitive Natural Communities

Impacts to 0.88 acre of MSHCP Section 6.1.2 Riverine resources (agricultural drainage ditches) were initially addressed as part of the PLC North Project and MSHCP JPR Consistency Determination JPR 09-04-24-01 (Sept 5, 2023). Potential impacts to these resources were also addressed in the Biological Resources Technical Report (Appendix D.1) prepared for the Proposed Project in the event that construction of the PLC North Project was delayed. Construction activities including impacts and improvements to all MSHCP Section 6.1.2 Riverine resources associated with the Proposed Project have been completed or are currently under construction by IDI Logistics for the approved PLC North Project and are no longer applicable to the Proposed Project analysis. Therefore, a less than significant impact would occur. Therefore, the Proposed Project would result in less than significant impacts a riparian habitat and other sensitive natural communities, and impacts would not be cumulatively considerable.

4.3.5.3 Cumulative Threshold BIO-3: Wetlands

Impacts to 0.88 acre of MSHCP Section 6.1.2 Riverine resources (agricultural drainage ditches) were initially addressed as part of the PLC North Project and MSHCP JPR Consistency Determination JPR 09-04-24-01 (Sept 5, 2023). Potential impacts to these resources were also addressed in the Biological Resources Technical Report (Appendix D.1) prepared for the Proposed Project in the event that construction of the PLC North Project was delayed. Construction activities including impacts and improvements to all MSHCP Section 6.1.2 Riverine resources associated with the Proposed Project have been completed or are currently under construction by IDI Logistics for the approved PLC North Project and are no longer applicable to the Proposed Project analysis. Therefore, the Proposed Project would result in less than significant impacts to jurisdictional waters, and impacts would not be cumulatively considerable.

4.3.5.4 Cumulative Threshold BIO-4: Native Resident or Migratory Fish or Wildlife Species

The Proposed Project would remove vegetation that has the potential to support nesting birds protected by federal and state regulations. A wide range of habitat and vegetation types have the potential to support nesting birds; therefore, it is likely that other development projects within the cumulative study area also may impact nesting birds. However, the Proposed Project, like all other development activities in the cumulative study area, would be required to comply with state and federal law to preclude impacts to nesting birds. Additionally, the Project Proponent/Developer would be required to comply with mitigation measure MM BIO-1. The Proposed Project's

potential impact to nesting birds would be cumulatively considerable absent compliance to state and federal regulations and implementation of mitigation.

4.3.5.5 Cumulative Threshold BIO-5: Conflict with Tree Preservation Policy or Ordinance

The Proposed Project would not conflict with any local policies or ordinances protecting biological resources. Other development projects in the cumulative study area would be required to comply with applicable local policies and ordinances related to the protection of biological resources as a standard condition of review/approval. Because the Proposed Project and cumulative development would be prohibited from violating applicable local policies or ordinances related to the protection of biological resources, a cumulatively considerable impact would not occur.

4.3.5.6 Cumulative Threshold BIO-6: Conflict with Habitat Conservation Plan

The Project Site is subject to the MSHCP. As previously discussed with incorporation of mitigation measures MM BIO-1 and MM BIO-2, the Proposed Project would be consistent with the MSHCP and no cumulatively considerable impact would occur.

4.3.6 Level of Significance Before Mitigation

4.3.6.1 Threshold BIO-1: Candidate, Sensitive, or Special-Status Species

The Proposed Project would have the potential to impact species identified as a candidate, sensitive, or special-status species.

4.3.6.2 Threshold BIO-2: Riparian Habitat and Other Sensitive Natural Communities

The Proposed Project would have the potential to cause an adverse effect on a riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the CDFW or Fish and Wildlife Service.

4.3.6.3 Threshold BIO-3: Wetlands

The Proposed Project would not cause a substantial adverse effect on federally protected wetlands (including but not limited to marsh, vernal pool, and coastal).

4.3.6.4 Threshold BIO-4: Native Resident or Migratory Fish or Wildlife Species

The Proposed Project would remove vegetation that has the potential to support nesting birds protected by federal and state regulations. A wide range of habitat and vegetation types have the potential to support nesting birds. With implementation of mitigation measure MM BIO-1, potential impacts would be less than significant.

4.3.6.5 Threshold BIO-5: Conflict with Tree Preservation Policy or Ordinance

The Proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

4.3.6.6 Threshold BIO-6: Conflict with Habitat Conservation Plan

The Proposed Project would have the potential to conflict with the provisions of an adopted habitat conservation plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.

4.3.7 Mitigation Measures

MM BIO-1: MSHCP Burrowing Owl 30-Day Pre-Construction Survey. The Project Proponent/Developer shall retain a qualified biologist to conduct a pre-construction survey for resident burrowing owls within 30 days prior to commencement of initial ground-disturbing activities (e.g., vegetation clearing, clearing and grubbing, grading, tree removal, site watering, equipment staging) at the Project Site. The survey shall include the Project Site, off-site disturbance areas, and all suitable burrowing owl habitat within a 500-foot buffer. The results of the survey shall be submitted to the City of Perris Planning Division prior to obtaining a grading permit.

In addition, a pre-construction survey for resident burrowing owls shall also be conducted within 3 days prior to commencement initial ground-disturbing activities. If burrowing owls are observed during the Migratory Bird Treaty Act nesting bird survey (mitigation measure MM BIO-2), to be conducted within 3 days of ground disturbance or vegetation clearance, the observation shall be reported to the City of Perris. If ground-disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The pre-construction survey and any relocation activity will be conducted in accordance with the current Burrowing Owl Instruction for the Western Riverside MSHCP.

If burrowing owl are not detected during the pre-construction survey, no further mitigation is required.

If burrowing owl are detected, the City of Perris shall be sent written notification within 3 days of detection of burrowing owls. If active nests (i.e., occupied by eggs or fledglings) are identified during the pre-construction survey, the Project Proponent/Developer shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or following CDFW approval of a Burrowing Owl Plan as described below. If owl presence is difficult to determine, the

Project biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The Project biologist and Project Proponent/Developer shall coordinate with the City of Perris Planning Division and the CDFW, to develop a Burrowing Owl Plan to be approved by the City in consultation with the CDFW and the City of Perris prior to commencing Project activities. The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and MSHCP. The Burrowing Owl Plan shall describe proposed avoidance, minimization, relocation, and monitoring as applicable. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls and information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls may also be required in the Burrowing Owl Plan. If occupied burrows are to be actively relocated, the Burrowing Owl Plan shall include the procedures for such active relocation. Prior to active relocation, the Project Proponent/Developer and the City of Perris shall consult with and obtain approval from the CDFW regarding the active relocation procedures. A final report shall be prepared by the Project biologist documenting the results of compliance with the Burrowing Owl Plan. The report shall be submitted to the City of Perris, and CDFW prior to the start of Project construction activities. The Project biologist shall verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan. When the Project biologist determines that burrowing owls are no longer occupying the Project Site, Project activities may begin.

If burrowing owl are discovered to occupy the Project Site after Project construction activities have started, then construction activities shall be halted immediately. The Project Proponent/Developer shall notify the City of Perris within 48 hours of detection. A Burrowing Owl Plan, as detailed above, shall be implemented, unless subsequent surveys determine that burrowing owls no longer are present at the Project Site. The City shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Plan.

MM BIO-2: Regulatory Requirement Migratory Bird Treaty Act & CDFW. In order to avoid violation of the Migratory Bird Treaty Act and the CDFG Code Sections 3503, 3503.5, and 3513, site-preparation activities (ground disturbance, construction activities, staging equipment, and removal of trees and vegetation) for the Proposed Project shall be avoided, to the greatest extent possible, during the nesting season of potentially occurring native and migratory bird species (generally September 1st to February 14th

for songbirds; September 1 to January 14 for raptors, although the nesting season may be extended due to weather and drought conditions).

If site-preparation activities are proposed during the nesting/breeding season, the Project Proponent/Developer shall retain a qualified biologist to conduct a pre-activity field survey prior to the issuance of grading permits for the Proposed Project to determine if active nests of species protected by the Migratory Bird Treaty Act or the California Fish and Game Code are present in the construction zone. The nest surveys shall include the Project Site and adjacent areas where Project activities have the potential to cause nest failure. The survey results shall be provided to the City's Planning Division. The Project Proponent/Developer shall adhere to the following:

1. The Project Proponent/Developer shall retain a qualified biologist experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.
2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project Site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.

If no nesting birds are observed during the survey, site-preparation and construction activities may begin. However, if active nests (including nesting raptors) are located, then avoidance or minimization measures shall be undertaken in consultation with the City of Perris. Measures shall include immediate establishment of an appropriate buffer zone to be established by the Project biologist, and approved by the City of Perris, based on their best professional judgment and experience. The buffer around the nest shall be delineated and flagged, and no construction activity shall occur within the buffer area until the Project biologist determines nesting species have fledged and the nest is no longer active, or the nest has failed. The Project biologist shall monitor the nest at the onset of Project activities and at the onset of any changes in such Project

activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Project biologist determines that such Project activities may be causing an adverse reaction, the Project biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest).

The Project biologist shall review and verify compliance with these nesting avoidance buffers and shall verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found.

Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to City of Perris Planning Division for mitigation monitoring compliance record keeping.

4.3.8 Level of Significance After Mitigation

4.3.8.1 Threshold BIO-1: Candidate, Sensitive, or Special-Status Species

The Proposed Project would have a less than significant impact with incorporation of mitigation measures MM BIO-1 and MM BIO-2.

4.3.8.2 Threshold BIO-4: Native Resident or Migratory Fish or Wildlife Species

The Proposed Project would have a less than significant impact with incorporation of mitigation measure MM BIO-1.

4.3.8.3 Threshold BIO-6: Conflict with Habitat Conservation Plan

With implementation of mitigation measures MM BIO-1 and MM BIO-2, the Proposed Project would be consistent with the provisions of an adopted habitat conservation plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.

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