4.3 Biological Resources

This section evaluates the potential for impacts on biological resources resulting from implementation of The Cubes at Placentia Industrial Project (Proposed Project or Project). Information presented in this section is primarily based on the following documents:

- Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis for The Cubes at Placentia prepared by Noreas Inc. (2023) and included as Appendix C
- The Cubes at Placentia General Biological Resources Assessment prepared by Noreas Inc. (2023) and included as Appendix D

In response to the Notice of Preparation, the Riverside County Flood Control and Water Conservation District stated that the City should require the applicant obtain a Section 1602 Agreement from the California Department of Fish and Wildlife (CDFW) and a Section 404 permit from the U.S. Army Corps of Engineers if a natural watercourse or mapped floodplain is impacted. A Section 401 Water Quality Certification may be required prior to issuance of the Corps 404 permit. At the Draft Environmental Impact Report (EIR) public scoping meeting on December 19, 2023, no comments regarding biological resources were received from Planning Commissioners, organizations' representatives, or members of the public.

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 Owner/Developer 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 (State Water Board) 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).

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 (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 Owner/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 federal 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 Owner/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 [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 resulting from removal of vegetation in which the nests are located. Violation of Section 3503.5 could also include failure of active raptor nests resulting from disturbance of nesting pairs by nearby project construction. 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.

California Wetland Definition

Unlike the federal government, California has adopted the Cowardin et al. (1992) definition of "wetlands." For this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes (at least 50 percent of the aerial vegetative cover); (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is non-soil and saturated with water or covered by shallow water at some time during the growing season of each year.

Under normal circumstances, the federal definition of wetlands requires all three wetland identification parameters to be met, whereas the Cowardin et al. (1992) definition requires the presence of at least one of these parameters. For this reason, identification of wetlands by state agencies consists of the union of all areas that are periodically inundated or saturated or in which at least seasonal dominance by hydrophytes may be documented or in which hydric soils are present.

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 Project Owner/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 State Water Board works in coordination with the nine Regional Water Quality Control Boards (Regional Water Boards) to preserve, protect, enhance, and restore water quality. Each Regional Water Board 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 State Water Board and the nine Regional Water Boards 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 (MSHCP)

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.

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 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 the 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

(HANS) 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 process, where the project is reviewed by the Regional Conservation Authority (RCA) to determine overall compliance/consistency with the biological requirements of the MSHCP.

Local

The City of Perris 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 Project's consistency is provided in Table 4.10-3, 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 Project as it relates to biological resources.

Existing Setting

The Project Site is located north of Placentia Avenue, west of the Perris Valley Storm Drain, and east of Wilson Avenue, in Riverside County, California. Currently, the Project Site is vacant and undeveloped. The topography on the Project Site is generally flat at about 1,440 feet, above mean sea level. The Project Site is predominately composed of developed, disturbed, and non-native land cover types. Land use in the vicinity of the Project includes commercial, agriculture, residential and industrial endeavors. Agricultural and other commercial development activities were historically operated on the Project Site. There is also evidence of recent discing and trash from illegal dumping throughout the Project's proposed ground disturbance footprint.

Information below describes the existing environmental setting based on information obtained from the General Biological Resources Assessment (Appendix D). Specifically, the existing conditions in this section reflect those that were observed during the field surveys of the Project Site that were conducted by Noreas Inc. on various days in 2022 and 2023. The area surveyed included the Project Site as well as a 500-foot buffer zone outside the Project Site's boundaries.

Vegetation Communities

Three land cover types were observed within the study area: Developed/Disturbed, Ruderal, and Non-Native Grassland (i.e., River Wash). These types are described below:

- **Developed/Disturbed.** Developed/disturbed lands within the study area include locales that have been developed, paved, cleared, graded, or otherwise altered by anthropogenic activities (i.e., industrial warehouses, access roads, ornamental landscaping, residential houses, industrial facilities, commercial enterprises, etc.).

Common non-native plants species detected within this type included ripgut brome (*Bromus diandrus*), black mustard (*Brassica nigra*) and Schismus (*Schismus barbatus*).

- **Ruderal.** The ruderal community includes locales that have been subject to recent grading, clearing, or other physical human modification of soils and vegetation. These lands also include areas with exposed soils with minimal vegetation, and moderate cover by various non-native annual grasses, and weeds (adapted for growth on substrates subject to disturbance). Common non-native plants species detected within this type included Maltese star-thistle (*Centaurea melitensis*), stinknet (*Oncosiphon piluliferum*), bur clover (*Medicago polymorpha*), and slender oat (*Avena barbata*).
- **River Wash.** The River Wash type within the study area is limited to the Perris Valley Storm Drain. This human-made constructed earthen drainage structure is a maintained flood control facility dominated by low growing Bermuda grass (*Cynodon dactylon*). Other vegetation observed includes Baltic rush (*Juncus balticus*), narrow leaf plantain (*Plantago lanceolata*), red stemmed filaree (*Erodium cicutarium*), and red brome (*Bromus madritensis*).

Wildlife

Wildlife species observed within the study area consisted of commonly occurring species, including, but not limited to, rock pigeon (*Columba livia*), Red-tailed hawk (*Buteo jamaicensis*) common raven (*Corvus corax*), and Side-blotched Lizard (*Uta stansburiana*). Wildlife detected during the surveys are identified in Appendix D of the General Biological Resources Assessment.

Special-Status Plants

No federal or state-listed plant species were observed within the study area during the field surveys. However, several have been documented within 10 miles of the Project Site. The study area includes no Fish and Wildlife Service-designated critical habitat for plants, and the Project Site does not include the substantive habitat requirements necessary to support special-status flora. To that end, the results of a habitat assessment conducted in March and April of 2022 and August of 2023 imply that there is no habitat present at the Project Site for MSHCP Narrow Endemic and Criteria Area Sensitive Plant Species.

Special-status species are known to occur within 10 miles of the Project Site, and their potential for occurrence at the Project Site, are detailed within Appendix A of the General Biological Resources Assessment. Plant species observed during the field surveys are listed in Appendix C of the General Biological Resources Assessment.

Special-Status Wildlife

Field surveys completed by Noreas Inc. confirmed that no special-status wildlife species were observed within the study area. However, the Project Site is within a mapped MSHCP Survey Area for burrowing owl (*Athene cunicularia*). Therefore, focused surveys for burrowing owl were warranted.

Detailed burrowing owl methods, results, and assumptions are presented within Appendix E of the General Biological Resources Assessment. Additionally, special-status species known to occur within 10 miles of the Project Site, and their potential for occurrence at the Project Site, are detailed within Appendix A of the General Biological Resources Assessment. Wildlife species detected during the surveys are listed in Appendix D of the General Biological Resources Assessment.

The substantive habitat requirements needed to support the burrowing owl were observed within portions of the Project Site. But no burrowing owls or their characteristic sign were detected. The burrowing owl is not a federal or state-listed species, but they are of limited distribution and occur infrequently throughout portions of their range in California.

The Project Site does not include Delhi Fine Sands either, which would be needed to support the Delhi Sands Flower-loving Fly (*Rhaphiomidas terminatus abdominalis*). To that end, Project Site conditions are inconsistent with those known to support Delhi Sands Flower-loving Fly populations in the region.

Raptors, Nesting Birds, and Bat Guano

No nesting birds, remnant raptor nests, or bat guano were detected at the Project Site. But the Project Site contains suitable habitat for burrowing owl and is within the Stephens' Kangaroo Rat (*Dipodomys stephensi*) Habitat Conservation Plan, and the Stephens' Kangaroo Rat Habitat Conservation Plan Mitigation Fee Assessment Area. But surveys for burrowing owl were negative, and no focused survey is required under the MSHCP or Stephens' Kangaroo Rat Habitat Conservation Plan for Stephens' Kangaroo Rat.

Wetlands and Waterways

The Project Site includes waters of the state but avoids waters of the United States. Locations within the Perris Valley Storm Drain bearing signs of an ordinary high water mark, have been specifically circumvented by the design of the Project's disturbance footprint. While flows from the Perris Valley Storm Drain do eventually merge with Canyon Lake, all potential impacts to waters of the United States are being deliberately avoided. However, the Project Site does extend into the upper earthen western exterior boundaries of the aforesaid human-made storm drainage facility. This area is void of vegetation and is regularly maintained to allow access to the structure. Even so, this location is coincident with a discernable bank line with topographic relief, and contributes, in a limited capacity, to water conveyance and connectivity downstream. Therefore, the Project Site includes 0.002 acre of waters of the state non-riparian ephemeral streambed, which constitute a total of 13 linear feet.

For the analysis within this section, all features that qualify as CDFW Section 1600 (et seq.) jurisdictional waters of the state are considered MSHCP riparian/riverine resources. Detailed delineation methods, results, and assumptions are presented within Appendix F of the General Biological Resources Assessment.

MSHCP Riparian/Riverine Access, and Vernal Pools

Vegetation communities associated with riparian systems and vernal pools are depleted natural vegetation communities because they have declined throughout Southern California during past decades. In addition, they support a large variety of special-status wildlife species. Most species associated with riparian/riverine areas are covered species under the MSHCP (under Section 6.1.2 of MSHCP). The MSHCP has specific policies and procedures regarding the evaluation and conservation of riparian/riverine resources (including riparian vegetation) and vernal pools because it supports MSHCP covered species. Thus, the MSHCP classification of riparian/riverine includes both riparian (depleted natural vegetation communities) as well as ephemeral drainages that are natural in origin but may lack riparian vegetation.

The Project Site does not contain vernal pools or other ephemeral ponds with the potential to support listed fairy shrimp.

The Project Site contains MSHCP riparian/riverine resources, outside criteria cells. Riparian/riverine resources are limited to the Perris Valley Storm Drain's upper earthen western exterior boundaries. This area is void of vegetation and is regularly maintained to allow access to the structure. Nonetheless, this location coincides with a discernable bank line with the topographic relief and contributes, albeit in a limited capacity, to water conveyance and connectivity downstream to Canyon Lake. Therefore, the Project Site includes 0.002 acre of non-riparian riverine resources which constitute a total of 13 linear feet.

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, and coastal) 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 Requirements

No regulatory requirements are applicable to the Project.

4.3.4 Environmental Impacts

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

Applicable PVCCSP Standards and Guidelines and Mitigation Measures

There are no Perris Valley Commerce Center Specific Plan (PVCCSP) Standards or Guidelines applicable to the analysis of biological resources for the Project. The PVCCSP EIR includes mitigation measures for potential impacts to biological resources. These mitigation measures are incorporated as part of the Proposed Project and are assumed in the analysis presented in this section.

MM Bio 1 In order to avoid violation of the [Migratory Bird Treaty Act] and the California Fish and Game Code, site preparation activities (removal of trees and vegetation) for all PVCC implementing development and infrastructure projects shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31) of potentially occurring native and migratory bird species.

If site-preparation activities for an implementing project are proposed during the nesting/breeding season (February 1 to August 31), a pre-activity field survey shall be conducted by a qualified biologist prior to the issuance of grading permits for such 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. If active nests are not located within the implementing project area and an appropriate buffer of 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed), or 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season. However, if active nests are located during the pre-activity field survey, no grading or heavy equipment activity shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected (under [the Migratory Bird Treaty Act] or California Fish and Game

Code) bird nests (non-listed), or within 100 feet of sensitive or protected songbird nests until the nest is no longer active.

MM Bio 2 Project-specific habitat assessments and focused surveys for burrowing owls will be conducted for implementing development or infrastructure projects within burrowing owl survey areas. A pre-construction survey for resident burrowing owls will also be conducted by a qualified biologist within 30 days prior to commencement of grading and construction activities within those portions of implementing project sites containing suitable burrowing owl habitat and for those properties within an implementing project site where the biologist could not gain access. 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 active nests are identified on an implementing project site during the pre-construction survey, the nests shall be avoided or the owls actively or passively relocated. To adequately avoid active nests, no grading or heavy equipment activity shall take place within at least 250 feet of an active nest during the breeding season (February 1 through August 31), and 160 feet during the non-breeding season.

If burrowing owls occupy any implementing project site and cannot be avoided, active or passive relocation shall be used to exclude owls from their burrows, as agreed to by the City of Perris Planning Division and the [CDFW]. Relocation shall be conducted outside the breeding season or once the young are able to leave the nest and fly. Passive relocation is the exclusion of owls from their burrows (outside the breeding season or once the young are able to leave the nest and fly) by installing 1-way doors in burrow entrances. These 1-way doors allow the owl to exit the burrow, but not enter it. These doors shall be left in place 48 hours to ensure owls have left the burrow. Artificial burrows shall be provided nearby. The implementing project area shall be monitored daily for 1 week to confirm owl use of burrows before excavating burrows in the impact area. Burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible pipe shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. The [CDFW] shall be consulted prior to any active relocation to determine acceptable receiving sites available where this species has a greater chance of successful long-term relocation. If avoidance is infeasible, then a DBESP will be required, including associated relocation of burrowing owls. If conservation is not required, then owl relocation will still be

required following accepted protocols. Take of active nests will be avoided, so it is strongly recommended that any relocation occur outside of the nesting season.

MM Bio 3 Project-specific delineations will be required to determine the limits of [Army Corps], [Regional Water Board], and [CDFW] jurisdiction for implementing projects that may contain jurisdictional features. Impacts to jurisdictional waters will require authorization by the corresponding regulatory agency. If impacts are indicated in an implementing project-specific delineation, prior to the issuance of a grading permit, such implementing projects will obtain the necessary authorizations from the regulatory agencies for proposed impacts to jurisdictional waters. Authorizations may include, but are not limited to, a Section 404 permit from the [Army Corps], a Section 401 Water Quality Certification from the [Santa Ana Regional Water Board], and a Section 1602 Streambed Alteration Agreement from [the] [CDFW].

MM Bio 4 Project-specific mapping of riparian and unvegetated riverine features will be required for implementing projects pursuant to Section 6.1.2 of the MSHCP. For areas not excluded as artificially created, the MSHCP requires 100 percent avoidance of riparian/riverine areas. If for any implementing project avoidance is not feasible, then such implementing projects will require the approval of a DBESP including appropriate mitigation to offset the loss of functions and values as they pertain to the MSHCP covered species. Riparian vegetation will also need to be evaluated for the least Bell's vireo, southwestern willow flycatcher, and western yellow-billed cuckoo.

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

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

Impact Analysis

The PVCCSP EIR concludes that with implementation of identified mitigation measures, development of allowed uses and infrastructure projects identified in the PVCCSP would not cause direct or indirect impacts to species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW (City of Perris 2011).

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 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, unauthorized dumping, etc. 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.

Direct Impacts to Special-Status Plants

Biological surveys completed by Noreas Inc. indicated that the study area included no Fish and Wildlife Service-designated critical habitat for plants (refer to Figure 8 of the General Biological Technical Report in Appendix D). Additionally, the Project Site does not include the substantive habitat requirements necessary to support special-status flora. Survey results confirm that there is no habitat present at the Project Site for MSHCP Narrow Endemic and Criteria Area Sensitive Plant Species either. Therefore, potential impacts to special-status plant species would be less than significant and no mitigation is required.

Direct Impacts to Special-Status Animals

As previously discussed, no special-status wildlife species were observed within the study area during field surveys completed by Noreas Inc. As the Project Site is within a mapped MSHCP Survey Area for Burrowing Owl, focused surveys for burrowing owl were warranted. Other wildlife species detected during the surveys are listed in Appendix D of the General Biological Resources Assessment.

The substantive habitat requirements needed to support the burrowing owl were observed within portions of the Project Site. No burrowing owls or their characteristic sign were detected. While no burrowing owls were detected during field surveys, there is potential for the Proposed Project to have direct impacts on burrowing owls during ground-disturbing activities. If burrowing owls are present at the Project Site at the time ground-disturbing activities commence, impacts to the species would be significant and mitigation would be required. The Project Owner/Developer

would be required to comply with a previously identified mitigation measure (i.e., MM Bio 2) from the PVCCSP EIR, which ensures that pre-construction surveys are conducted for the burrowing owl to determine the presence or absence of the species at the Project Site. The City of Perris has replaced PVCCSP EIR mitigation measure MM Bio 2 with Project-level mitigation measure MM BIO-1 based on input from the CDFW. If present, the mitigation measure provides performance criteria that requires avoidance or relocation of burrowing owls in accordance with CDFW protocol. With implementation of the required mitigation, potential direct impacts to the burrowing owl 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, dumping, etc. Temporary, indirect effects could also occur as a result of construction-related activities.

The Proposed Project's 29.85-acre permanent disturbance footprint is located within a negligible amount of known Public/Quasi-Public lands. The Proposed Project would directly impact 0.002 acre of Public/Quasi-Public lands. Notably, the impacts would be limited to the upper earthen western exterior boundaries of the Perris Valley Storm Drain where there is no native vegetation. This area is regularly maintained to allow access to the structure. Therefore, the lands proposed for impact do not provide any biological function to the MSHCP Section 6.1.2 species, or Planning Species identified within the Mead Valley Area Plan. No habitat for the plants identified in Section 6.1.2 were detected in associated with this area either, including any Narrow Endemic Plants or Criteria Area Plants. This location does not provide suitable habitat for the burrowing owl either. In summary, the biological functions of area, with the exception of water conveyance, are virtually indistinguishable from the surrounding uplands. Additionally, Crotch's bumblebee (*Bombus crotchii*) was assessed, and it was ultimately determined that the combination of a disturbed environment, dominance of non-native vegetation, lack of suitable nesting sites, and limited foraging opportunities would make the Project Site unlikely for Crotch's bumblebee to be present. Therefore, potential impacts would be less than significant in this regard and no mitigation is required.

Significance of Impact

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

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

Impact Analysis

The PVCCSP EIR concludes that with implementation of identified mitigation measures, development of allowed uses and infrastructure projects identified in the PVCCSP would not result in significant impacts to riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the CDFW (City of Perris 2011).

Riparian Vegetation and Sensitive Vegetation Communities

The Proposed Project would impact 0.002 acre of waters of the state (non-riparian ephemeral streambed). However, the portion of the Project Site that extends into the earthen exterior boundaries of the Perris Valley Storm Drain is void of vegetation and maintained to allow access to the drainage structure. Therefore, potential impacts would be less than significant and no mitigation is required.

MSHCP Riparian/Riverine Areas

The Project Site extends into the upper earthen western exterior boundaries of the Perris Valley Storm Drain facility. As previously stated, the Proposed Project would impact 0.002 acre of waters of the state non-riparian ephemeral streambed, which constitutes a total of 13 linear feet. As previously mentioned, this location coincides with a discernable bank line with topographic relief and contributes (in a limited capacity) to water conveyance and connectivity downstream to Canyon Lake. Thus, consultation with the appropriate responsible resource agency (i.e., the CDFW, the Regional Water Quality Control Board, etc.) is warranted prior to undertaking ground-disturbing activities within or immediately adjacent to the Perris Valley Storm Drain. The Project Owner/Developer would be required to comply with previously identified PVCCSP EIR mitigation measures (i.e., MM Bio 3 and MM Bio 4). PVCCSP EIR mitigation measure MM Bio 3 would minimize adverse effects to special aquatic resource areas that have the potential to occur within the Project Site limits and on adjacent lands. PVCCSP EIR mitigation measure MM Bio 4 would require that a Determination of Biologically Equivalent or Superior Preservation (DBESP) be drafted and approved by the City. Compliance with PVCCSP EIR mitigation measures would allow the Project Owner/Developer to complete any necessary discretionary permits/authorizations if avoidance of special aquatic resource areas is not possible. No additional Project-specific mitigation is required and potential impacts would be less than significant.

Significance of Impact

Less Than Significant Impact.

4.3.4.3 Threshold BIO-3: Wetlands

Impact Analysis

The PVCCSP EIR concludes that with implementation of identified mitigation measures, development of allowed uses and infrastructure projects identified in the PVCCSP would not have a significant impact on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means (City of Perris 2011).

Wetlands

The Project Site does not contain any state or federally protected wetlands; therefore, no impacts to state or federally protected wetlands would occur as a result of construction of the Proposed Project.

Jurisdictional Waters

As previously discussed, the Project Site would impact 0.002 acre of waters of the state non-riparian ephemeral streambed (13 linear feet). The Project Owner/Developer would be required to comply with the previously identified PVCCSP EIR mitigation measure MM Bio 3, which requires the Proposed Owner/Developer to obtain authorization by the corresponding regulatory agency. Additionally, implementation of PVCCSP EIR mitigation measure MM Bio 4 would require a separate DBESP report to address the unavoidable permanent impacts to 0.002 acre of MSHCP riparian/riverine resources. No additional Project-specific mitigation is required and potential impacts would be less than significant.

Significance of Impact

Less Than Significant Impact.

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

Impact Analysis

The PVCCSP EIR concludes that development of allowed uses and infrastructure projects identified in the PVCCSP would not directly or indirectly impact or impede the use of any recognized wildlife nursery sites and the impact was found to be less than significant. Furthermore, the PVCCSP EIR concluded that implementation of mitigation would even further reduce impacts (City of Perris 2011).

The Project Site's developed and disturbed land cover has substantially decreased its value as suitable breeding, nesting, and foraging habitat for native species. Furthermore, the Project Site has limited (if any) value as a low-quality migration corridor or overland dispersal habitat for wildlife because it is severely movement constrained by the surrounding residential, industrial, and commercial developments, and public infrastructure. However, the substantive habitat requirements needed to support burrowing owl were observed within the Proposed Project's

ground disturbance footprint. Thus, there is potential for the Proposed Project to interfere with or impact the movement of burrowing owls, which would result in potentially significant impacts. The Project Owner/Developer would be required to comply with PVCCSP EIR mitigation measure MM Bio 2, which ensures that pre-construction surveys are conducted for the burrowing owl to determine the presence or absence of the species at the Project Site. The City of Perris has replaced PVCCSP EIR mitigation measure MM Bio 2 with Project-level mitigation measure MM BIO-1 based on input from the CDFW.

The Project Owner/Developer would also be required to comply with a previously identified mitigation measure (i.e., MM Bio 1) from the PVCCSP EIR, which would ensure that pre-construction surveys are conducted for nesting birds protected by the federal Migratory Bird Treaty Act during the breeding season to determine presence or absence prior to disturbance of habitat with the potential to support nesting birds. The City has replaced PVCCSP EIR mitigation measure MM BIO-1 with Project-level mitigation measure MM BIO-2 based on input from the CDFW. If nesting birds are present, the mitigation requires avoidance of active bird nests in conformance with accepted protocols and regulatory requirements. 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.

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

Impact Analysis

The PVCCSP EIR concludes that with payment of MSHCP fees and compliance with the MSHCP, development of allowed uses and infrastructure projects identified in the PVCCSP would not conflict with any local policies or ordinances protecting biological resources (City of Perris 2011).

The City 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 City of Perris 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.

As previously stated, during field surveys, the study area (including the Project Site and adjacent lands) was observed to include three types of vegetation communities: Developed/Disturbed, Ruderal, and River Wash. These are further described above in Section 4.3.1, Environmental Setting. No trees were observed within the Project Site. Additionally, field surveys have shown that the Project Site has been graded and cleared. Therefore, the Proposed Project would not remove any trees which would result in violation of the City's ordinance related to Urban Forestry.

The Perris Municipal Code also contains provisions for the collection of mitigation fees to further the implementation of the Western Riverside County MSHCP (refer to Title 3, Chapter 3.48 of the Perris Municipal Code). The Project Owner/Developer is 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 Western Riverside County MSHCP and 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.

4.3.4.6 Threshold BIO-6: Conflict with Habitat Conservation Plan

Impact Analysis

The PVCCSP EIR concludes that with implementation of identified mitigation measures, development of allowed uses and infrastructure projects identified in the PVCCSP would not conflict with the provisions of an adopted habitat conservation plan, natural conservation community plan, or other approved local, regional, or state conservation plan (City of Perris 2011).

The following analysis evaluates the Proposed Project's compliance with the Western Riverside County MSHCP's Reserve Assembly Requirements as well as 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 within the Mead Valley Area Plan and the San Jacinto Habitat Management Unit of the Western Riverside County MSHCP, but the Project Site does not occur within the boundaries of any MSHCP established Subunit, Cell Group, Criteria Cell, Linkages/Cores, Conserved Lands, or RCA Easements. As such, the Proposed Project is not required to set aside conservation lands pursuant to the Western Riverside County MSHCP and the Proposed Project is not subject to the MSHCP's HANS process or Joint Project Review. Accordingly, the Proposed Project would not conflict with the Western Riverside County 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. The Proposed Project would permanently impact approximately 0.002 acre (13 linear feet) of MSHCP non-riparian riverine resources within the upper earthen western exterior boundaries of the Perris Valley Storm Drain, located in the southern portion of the Project Site. Given the low quality of riparian habitat as in the MSHCP Consistency Analysis, the Project Site does not provide suitable habitat for riparian species including least Bell's vireo, southwestern willow flycatcher, and western yellow-billed cuckoo. Impacts to riparian/riverine areas must be mitigated such that the resulting Project, with mitigation, is biologically equivalent or superior to the existing site conditions. As such, a DBESP is required, which represents a potentially significant impact.

A separate DBESP report will be provided after Project approval addressing the unavoidable permanent impacts to 0.002 acre of MSHCP riparian/riverine resources. Impacts would be offset through the purchase of rehabilitation or re-establishment credits at the Riverpark Mitigation Bank or an equivalent institution/organization. Furthermore, it is presumed that these credits/biological functions for Section 6.1.2 species are superior compared with the lack of biological functions associated with the non-vegetated and regularly maintained western bank of the Perris Valley Storm Drain, detailed above. As such, the proposed mitigation would be at least equivalent, if not superior, to avoidance of the ditches. Proof of purchase of credits would be provided to the RCA and wildlife agencies prior to any impacts to riverine resources.

No vernal pools occur at the Project Site; therefore, no impact to vernal pools or vernal pool species including listed fairy shrimp will occur as a result of the Proposed Project.

Protection of Narrow Endemic Plants

The Proposed Project lies within a predetermined survey area for the following MSHCP Narrow Endemic Plant Species:

- San Diego ambrosia (*Ambrosia pumila*)
- Spreading navarretia (*Navarretia fossalis*)
- California Orcutt grass (*Orcuttia californica*); and
- Wright's trichocoronis (*Trichocoronis wrightii var. wrightii*)

However, based on the results of the field surveys conducted on February, March, and April of 2022 and June of 2023, potential habitat is not present at the Project Site for MSHCP Narrow Endemic Plant Species. According to MSHCP guidelines, focused surveys are not required for MSHCP Narrow Endemic Plant Species when suitable habitat is not present at the Project Site, even when a project is located within a predetermined MSHCP Narrow Endemic Plant Species Survey Area (Riverside County 2003). 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 (Section 6.1.4) are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area. As the MSHCP Conservation Area is assembled, development is expected to occur adjacent to the conservation area. Future development in proximity to the MSHCP Conservation Area, and in this instance Public/Quasi-Public lands, may result in edge effects with the potential to adversely affect biological resources within the conservation area. To minimize such edge effects, the guidelines shall be implemented in conjunction with review of individual public and private development projects in proximity to the MSHCP Conservation Area and address drainage, toxins, lighting, noise, invasive species, barriers, and grading/land development.

Indirect effects are those effects that give rise to delayed, secondary effects. Examples of indirect effects include fragmentation, increased levels of environmental toxins, plant and wildlife dispersal interruption, increased risk of fire, construction noise, and invasion of non-native animals and plants, which stresses or alters competition among natives. Indirect effects are those that can be assumed to increase mortality, reduce productivity, and reduce the functions and values of natural open space for native species.

The Project Site and its surrounding environs have been routinely disturbed and maintained for decades, and do not comprise a wildlife movement corridor; rather, the area is already fragmented by existing industrial development, the I-215 Freeway, and nearby residences. The development of an industrial building and its associated improvements would not result in further fragmentation

than what already exists and will not result in lower functions and values of natural open space for native species or other effects associated with such natural open space.

As discussed previously, the Project Site includes a small portion of Public/Quasi-Public lands within the MSHCP Conservation Area. As previously mentioned, any location within the Perris Valley Storm Drain bearing signs of an ordinary high water mark has been specifically circumvented by the design of the Proposed Project's disturbance footprint. While flows from the Perris Valley Storm Drain do eventually merge with Canyon Lake, all potential impacts to the main channel are being deliberately avoided. The Project Site also extends into the upper earthen western exterior of the Perris Valley Storm Drain, but the area is void of vegetation and maintained to allow easy access to the drainage structure. Thus, drainage flows would be preserved and mimic pre-Project conditions.

Therefore, the MSHCP Urban/Wildland Interface Guidelines do not apply to the Proposed Project. As such, the Proposed Project would be consistent with the biological requirements of the MSHCP, specifically pertaining to the MSHCP Urban/Wildlands Interface Guidelines

Additional Survey Needs and Procedures

In accordance with Section 6.3.2 of the MSHCP, Additional Survey Needs and Procedures, additional surveys may be needed for certain species to achieve coverage for these species. The query of the RCA MSHCP Information Map and review of the MSHCP determined that the Project Site is located within the designated survey area for plants and burrowing owl as depicted on Figure 6-4 within Section 6.3.2 of the MSHCP. Field surveys conducted during February, March, and April of 2022, and June of 2023 concluded that within the study area, there are no special-status plant species and potential habitat is not present to support the MSHCP Criteria Area Plant Species.

As discussed under Threshold BIO-1, the required focused surveys for burrowing owl have been conducted and no burrowing owls were observed at or within 500 feet of the Project Site. Numerous low-quality potential burrows were observed within the study area. As a result, burrowing owl are presumed to be 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 PVCCSP EIR mitigation measure MM Bio 2 as subsequent replaced by Project-specific mitigation measure MM BIO-1. As the Project Site does not occur within amphibian or mammal survey areas, no amphibian or mammal surveys are required.

Significance of Impact

No 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 discussed under the analysis of Threshold BIO-1, the Project Site does not contain any special-status plant species. Additionally, the Project Site does not include the substantive habitat requirements necessary to support special-status flora. The Project Site may contain burrowing owls, but compliance with Project-specific mitigation measure MM BIO-1 would reduce potential impacts to burrowing owls to less than significant levels. Due to the relatively small population of this species at the Site and the heavily disturbed nature of the Site, potential impacts would be less than cumulatively significant in this regard.

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

The Proposed Project would permanently impact approximately 0.002 acre of MSHCP riparian areas. The loss of MSHCP riparian areas would be a cumulatively considerable impact under CEQA and would trigger a DBESP under the MSHCP to identify appropriate mitigation to provide for biologically equivalent or superior habitat. With PVCCSP EIR mitigation measures MM Bio 3 and MM Bio 4, Project impacts to the MSHCP riparian areas would be reduced to less than significant levels and impacts would not be cumulatively considerable.

4.3.5.3 Cumulative Threshold BIO-3: Wetlands

The Proposed Project would permanently impact approximately 0.002 acre of waters of the state (jurisdictional waters); therefore, a cumulatively considerable impact would occur. The Proposed Project Owner/Developer would implement PVCCSP EIR mitigation measures MM Bio 3 and MM Bio 4. Project impacts to jurisdictional waters would be less than significant 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 Owner/Developer would be required to comply with a previously identified mitigation measure (i.e., MM Bio 1) from the PVCCSP EIR which the City has replaced with Project-level mitigation measure MM BIO-2 based on input from the CDFW. 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 Western Riverside County MSHCP and its survey requirements for the burrowing owl. As previously discussed in Thresholds BIO-1 and BIO-6, the Proposed Project would be consistent with the Western Riverside County 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 Project Site does not contain any special-status plant species. Additionally, the Project Site does not include the substantive habitat requirements necessary to support special-status flora. The Project Site may contain burrowing owls, which is potentially significant without mitigation.

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

The Proposed Project would not have an adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or U.S. Fish and Wildlife Service.

4.3.6.3 Threshold BIO-3: Wetlands

The Proposed Project would not have 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, which is considered potentially significant without mitigation.

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 not 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 The Project Owner/Developer shall retain a qualified biologist to conduct a pre-construction survey for resident burrowing owls within 30 days prior to commencement of construction activities (i.e., vegetation clearing, grubbing, tree removal, site watering) at the Project Site. The pre-construction survey shall include the Project Site and all suitable burrowing owl habitat within a 500-foot buffer and shall be conducted in accordance with the current Burrowing Owl Survey Instructions for the Western Riverside MSHCP. The results of the survey shall be submitted to the City and the California Department of Fish and Wildlife (CDFW) within 3 days of survey completion and prior to obtaining a grading permit. 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.

If no burring owls are observed during the survey, site preparation and construction activities may begin with an approved grading plan.

If burrowing owl are found to be present, then avoidance or minimization measures shall be undertaken in consultation with the City, the CDFW, and the U.S. Fish and Wildlife Service. The CDFW shall be sent written notification within 48 hours of the detection of the burrowing owls. No construction activities shall occur 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.

The Project biologist and Project Owner/Developer shall coordinate with the City, the CDFW, and the Fish and Wildlife Service to develop a Burrowing Owl Plan in accordance with the guidelines in the CDFW Staff Report on Burrowing Owl (March 2012). The Burrowing Owl Plan shall describe proposed avoidance, relocation, monitoring, minimization, and mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls or information on the adjacent or

nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project Owner/Developer shall implement the Burrowing Owl Plan following CDFW and Fish and Wildlife Service review and concurrence. A final report shall be prepared by the Project biologist documenting the results of the Burrowing Owl Plan and detailing avoidance, minimization, and mitigation measures. The final report shall be submitted to the City and the CDFW within 30 days of completion of the Burrowing Owl Plan requirements.

If burrowing owls occupy the Project Site after Project activities have started, then construction activities shall be halted immediately. The Project Owner/Developer shall notify the City and the City shall notify the CDFW and the Fish and Wildlife Service within 48 hours of detection. A Burrowing Owl Plan, as detailed above, shall be implemented.

MM BIO-2 Site preparation activities (such as ground disturbance, construction activities, staging equipment, or removal of trees and vegetation) for the Project shall be avoided, to the greatest extent possible, during the nesting season of potentially occurring native and migratory bird species.

If site preparation activities are proposed during the nesting/breeding season, the Project Owner/Developer shall retain a qualified biologist to conduct a pre-activity field survey prior to the issuance of grading permits for the Project to determine if active nests of species protected by the Migratory Bird Treaty Act or the California Fish and Game Code are present in the construction zone. The Project biologist shall be 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.

The pre-activity field surveys shall include the Project Site and adjacent areas where Project activities have the potential to cause nest failure. The 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 Site preparation activities. The surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. The 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 be conducted during the nesting/breeding season.

If active nests or nesting birds (including nesting raptors) are located during the pre-activity field survey, the Project biologist shall establish avoidance or minimization measures in consultation with the City of Perris and the CDFW. Measures shall include the establishment of a conservative avoidance buffer surrounding the nest based on the Project biologist's best professional judgment and experience. 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 shall 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 the City 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 Project Site may contain burrowing owls, but compliance with Project-specific mitigation measure MM BIO-1 would reduce potential impacts to burrowing owls to less than significant levels.

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

With incorporation of mitigation measure MM BIO-2, potential impacts to nesting birds would be less than significant.