December 12, 2024

EPD SOLUTIONS INC.
Attention: *Megan Rupard*
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Irvine, CA 92612

SUBJECT: Habitat Assessment and Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis for the Proposed Warehouse Development Project Located Within Assessor Parcel Numbers (APNs) 210-130-015, and -016 in the City of Riverside, Riverside County, California

Introduction

This report contains the findings of ELMT Consulting's (ELMT) habitat assessment and Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) consistency analysis for the proposed warehouse development project within APNs 210-130-015 and -016 (project site or site) located in the City of Riverside, Riverside County, California. The field investigation was conducted by biologist Megan E. Peukert on November 7, 2024, to document baseline conditions and assess the potential for special-status[1] plant and wildlife species to occur within the proposed project site that could pose a constraint to implementation of the proposed project. Special attention was given to the suitability of the on-site habitat to support special-status species identified by the California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDB) and other electronic databases as potentially occurring on or within the general vicinity of the project site. Additionally, the report also addresses resources protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (FGC), federal Clean Water Act (CWA) regulated by the United States Army Corps of Engineers (Corps) and Regional Water Quality Control Board (Regional Board) respectively, and Section 1602 of the FGC administered by CDFW.

The Western Riverside County Regional Conservation Authority (RCA) MSHCP Information Map was queried to determine if the MSHCP identifies any potential survey requirements for the project site. Further, the project site was reviewed against the MSHCP to determine if the site is located within any MSHCP areas including Criteria Cells (core habitat and wildlife movement corridors) or areas proposed for conservation. Based on the RCA MSHCP Information Map query and review of the MSHCP, it was determined that the project site is located within the Cities of Riverside and Norco Area Plan of MSHCP but is not located within a Criteria Cell or Cell group. Further, it was determined that the project site is not located within any MSHCP designated species survey areas.

1 As used in this report, "special-status" refers to plant and wildlife species that are federally, State, and MSHCP listed, proposed, or candidates; plant species that have been designated with a California Native Plant Society Rare Plant Rank; wildlife species that are designated by the CDFW as fully protected, species of special concern, or watch list species; and specially protected natural vegetation communities as designated by the CDFW.

Project Location

The project site is generally located south and east of State Route 91, south and west of State Route 60, and north of Martin Luther King Boulevard in the City of Riverside, Riverside County, California. The site is depicted on the Riverside East quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map within the City of Riverside. Specifically, the proposed project site is located at 2626 Kansas Avenue and an adjacent parcel within Assessor Parcel Number's (APNs) 210-130-015 and -016. Refer to Exhibits 1-3 in Attachment A.

Project Description

The Project is proposing the construction of 2 separate Class A Light Industrial buildings, at 99,900 square feet and 99,950 square feet. The existing building and all site improvements will be demolished. The proposed buildings include a total of 199,850 SF of building floorspace on approximately 10.21 acres. The Project Site is designed with five driveways with both exits and entrances on Kansas Ave, Roberta Street and Massachusetts Ave. The building exterior would have enhanced architectural features such as brick façade, in addition to coloring and texture to create architectural dimension and enhanced articulated facades. Both buildings will feature two interior truck loading areas that will be screened and not visible from the exterior streets. The Project is proposing a minimum landscape setback of 10 feet along all streets associated with the Site. Specifically, Building 1 would be set back 79' from the northern property line, approximately 48' from the eastern property line, approximately 70 feet from the southern property line, and a minimum of 10' 6" from the western property line. Building 2 would be set back 130' from the northern property line, approximately 84' from the eastern property line, approximately 10' from the southern property line, and approximately 79' from the western property line. The maximum height of the Project would be 46'. Additionally, the Project Site would provide a total of 7,000 sq. ft. of exterior amenity areas distributed in various portions of each building site for a total of 14,000 sq. ft.

Access and Circulation

The Project would provide access via one 35' wide driveway for autos and trucks on Massachusetts Avenue, one 26' wide driveway for autos only on Kansas Avenue, one 50'driveway for autos and trucks on Kansas Avenue, one 26' wide driveway for autos only on Roberta Street, and one 37 feet and 6 inches' wide driveway for autos and trucks on Roberta Street.

Parking

Pursuant to Riverside Municipal Code section 19.580.060, Building 1's proposed site plan would provide a total of 130 stalls (10 more than required), which would include a total of 25 EV spaces. Building 2 would provide a total of 130 stalls (2 more than required), including a total of 25 EV spaces. The total automobile parking provided for the Project would be 260 stalls.

Operations

This Project would operate as 2 separate industrial buildings, with approximately 8,250 sf of office space and parking for both autos and trailers. Typical operational characteristics include employees and customers traveling to and from the Project Site. In order to provide a conservative environmental analysis, operations are assumed to be 24 hours a day, 7 days a week.

Methodology

Literature Review

The first step in determining if a project is consistent with the above listed sections of the MSHCP is to conduct a literature review and records search for special-status biological resources potentially occurring on or within the vicinity of the project site. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the project were determined through a query of the CDFWs CNDDB Rarefind 5, the California Native Plant Society (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California, Calflora Database, compendia of special-status species published by CDFW, United States Fish and Wildlife Service (USFWS) species listings, and species covered within the MSHCP and associated technical documents.

All available reports, survey results, and literature detailing the biological resources previously observed on or within the vicinity of the project site were reviewed to understand existing site conditions and note the extent of any disturbances that have occurred on the project site that would otherwise limit the distribution of special-status biological resources. Standard field guides and texts were reviewed for specific habitat requirements of special-status and non-special-status biological resources, as well as the following resources:

- Environmental Protection Agency (EPA) Water Program "My Waters" data layers
- Google Earth Pro historic aerial imagery (1994-2024);
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey[2];
- USFWS Critical Habitat designations for Threatened and Endangered Species;
- USFWS National Wetlands Inventory (NWI);
- Stephen's Kangaroo Rat Habitat Conservation Plan;
- Western Riverside County Regional Conservation Authority (RCA) MSHCP Information Map; and
- 2006 Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area.

The literature review provided a baseline from which to inventory the biological resources potentially occurring on the project site. The CNDDB database was used, in conjunction with ArcGIS[3] software, to locate the nearest recorded occurrences of special-status species and determine the distance from the project.

Field Investigation

Following the literature review, biologist Megan E. Peukert inventoried and evaluated the condition of the habitat within the project site on November 7, 2024. Plant communities identified on aerial photographs during the literature review were verified by walking meandering transects through the plant communities

2 A soil series is defined as a group of soils with similar profiles developed from similar parent materials under comparable climatic and vegetation conditions. These profiles include major horizons with similar thickness, arrangement, and other important characteristics, which may promote favorable conditions for certain biological resources.

3 ArcGIS is a geographic information system (GIS) software developed by Esri for mapping, spatial analysis, and geographic data management across various industries

and along boundaries between plant communities. In addition, aerial photography was reviewed prior to the site investigation to locate potential natural corridors and linkages that may support the movement of wildlife through the area. These areas identified on aerial photography were then walked during the field survey.

All plant and wildlife species observed, as well as dominant plant species within each plant community, were recorded. Plant species observed during the field survey were identified by visual characteristics and morphology in the field. Unusual and less familiar plant species were photographed during the field survey and identified in the laboratory using taxonomical guides. Wildlife detections were made through observation of scat, trails, tracks, burrows, nests, and/or visual and aural observation. In addition, site characteristics such as soil condition, topography, hydrology, anthropogenic disturbances, indicator species, condition of on-site plant communities, and presence of potential jurisdictional drainage and/or wetland features were noted.

Soil Series Assessment

On-site and adjoining soils were researched prior to the field survey using the USDA NRCS Soil Survey for Western Riverside Area, California. In addition, a review of the local geological conditions and historical aerial photographs was conducted to assess the ecological changes that the project site has undergone.

Plant Communities

Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities were delineated on an aerial photograph, classified in accordance with those described in the MSHCP, and then digitized into GIS Arcview. The Arcview application was used to compute the area of each plant community in acres.

Plants

Common plant species observed during the field survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less-familiar plants were photographed in the field and identified in the laboratory using taxonomic guides. Taxonomic nomenclature used in this study follows the 2012 Jepson Manual (Hickman 2012). In this report, scientific names are provided immediately following common names of plant species (first reference only).

Wildlife

Wildlife species detected during field surveys by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides were used to assist with identification of wildlife species during the survey included The Sibley Field Guide to the Birds of Western North America (Sibley 2003), A Field Guide to Western Reptiles and Amphibians (Stebbins 2003), and A Field Guide to Mammals of North America (Reid 2006). Although common names of wildlife species are fairly well standardized, scientific names are provided immediately following common names in this report (first reference only).

Jurisdictional Drainages and Wetlands

Aerial photography was reviewed prior to conducting a field investigation in order to locate and inspect

any potential natural drainage features, ponded areas, or water bodies that may fall under the jurisdiction of the United States Army Corps of Engineers (Corps), Regional Water Quality Control Board (Regional Board), or CDFW. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potential riparian/riverine habitat and are also subject to state and federal regulatory jurisdiction. In addition, ELMT reviewed jurisdictional waters information through examining historical aerial photographs to gain an understanding of the impact of land-use on natural drainage patterns in the area. The USFWS National Wetland Inventory (NWI) and Environmental Protection Agency (EPA) Water Program "My Waters" data layers were also reviewed to determine whether any hydrologic features and wetland areas have been documented on or within the vicinity of the project site.

Existing Site Condition

The project site is located in a predominantly developed area in the City of Riverside. Historically, land uses within and surrounding the project site supported primarily residential and industrial land. Presently, the project site is bound to the north by Roberta Street, to the east by commercial development with residential development beyond, to the south by Massachusetts Avenue with commercial and residential land beyond, and to the west by Kansas Avenue with commercial development beyond. The project site itself contains both undeveloped and developed land that is presently used as a plastic fabrication center as well as a storage yard.

Topography and Soils

The project site is located at an approximate elevation of 890 to 901 feet above mean sea level. On-site topography is generally flat with no significant topographic variation as development has eliminated natural sloping. Based on the NRCS USDA Web Soil Survey, the project site is entirely underlain by Arlington fine sandy loam, deep (2 to 8 percent slopes). Soils on-site have been mechanically disturbed and heavily compacted from historic land uses (i.e., grading activities and on-site and surrounding development). Refer to Exhibit 4, *Soils*, in Attachment A.

Vegetation

Due to historic and existing land uses, no native plant communities or natural communities of special concern were observed on or adjacent to the project site. The site supports two (2) land cover types that would be classified as disturbed and developed. Refer to Attachment B, *Site Photographs*, for representative site photographs. No native plant communities will be impacted from implementation of the proposed project. Refer to Exhibit 5, *Vegetation*, in Attachment A.

Disturbed land is present in small portions of the project site and consisted mostly of barren land with minimal non-native and native species scattered throughout. Some species observed during the field investigation include short pod mustard (*Hirschfeldia incana*), Russian thistle (*Salsola sp.*), Mexican fan palm (*Washingtonia robusta*), palo verde (*Parkinsonia sp.*), Fremont's cottonwood (*Populus fremontii*), fountain grass (*Pennisetum setaceum*), wild oat (*Avena fatua*), common sunflower (*Helianthus annuus*), and various nonnative grass species (*Bromus sp.*).

Developed land is present throughout most of the project site. Developed areas support non-native ornamental trees such as gum tree (*Eucalyptus sp.*).

Wildlife

Plant communities provide foraging habitat, nesting/denning sites, and shelter from adverse weather or predation. This section provides a discussion of those wildlife species that were observed or are expected to occur within the project site. The discussion is to be used as a general reference and is limited by the season, time of day, and weather conditions in which the field survey was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation.

Fish

No fish or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for fish were observed on or within the vicinity of the site. Therefore, no fish are expected to occur and are presumed absent.

Amphibians

No amphibians or hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for amphibian species were observed on or within the vicinity of the site. Therefore, no amphibians are expected to occur.

Reptiles

The site provides a limited amount of habitat for reptile species adapted to a high degree of human disturbance associated with the on-site weed abatement activities and development. No reptilian species were observed during the field investigation. Common reptilian species that could be expected to occur on-site include Great Basin fence lizard (*Sceloporus occidentalis longipes*) and common side-blotched lizard (*Uta stansburiana elegans*). Due to the high level of anthropogenic disturbances and surrounding development, no special-status reptilian species are expected to occur within the project site.

Birds

The project site and associated piping areas provides minimal foraging habitat for bird species adapted to a high degree of human disturbance. Bird species detected during the field survey include house finch (*Haemorhous mexicanus*), house sparrow (*Passer domesticus*), and American crow (*Corvus brachyrhynchos*).

Mammals

No mammalian species were observed during the field investigation. Common mammalian species that could be expected to occur include possum (*Didelphis virginiana*) and raccoon (*Procyon lotor*). No bat species are expected to occur due to a lack of suitable roosting habitat (i.e., trees, crevices).

Nesting Birds and Raptors

No active nests or birds displaying nesting behavior were observed during the field survey, which was conducted during breeding season. Although subjected to routine disturbance, the plant communities and land cover types supported on-site, including ornamental vegetation have the potential to provide suitable nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that are adapted to urban environments.

Nesting birds are protected pursuant to the federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.5, 3511, and 3513 prohibit the take, possession, or destruction of birds, their nests or eggs). If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted prior to the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction.

Migratory Corridors and Linkages

Habitat linkages provide connections between larger habitat areas that are separated by development. Wildlife corridors are similar to linkages but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet still inadequate for others. Wildlife corridors are features that allow for the dispersal, seasonal migration, breeding, and foraging of a variety of wildlife species. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The project site has not been identified as occurring in a wildlife corridor or linkage. The proposed project will be confined to existing areas that have been heavily disturbed and are isolated from regional wildlife corridors and linkages. In addition, there are no riparian corridors, creeks, or useful patches of steppingstone habitat (natural areas) within or connecting the site to a recognized wildlife corridor or linkage. As such, implementation of the proposed project is not expected to impact wildlife movement opportunities. Therefore, impacts to wildlife corridors or linkages are not expected to occur.

Jurisdictional Areas

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates discharge of dredge or fill materials into "waters of the United States" pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFW regulates alterations to streambed and bank under Fish and Wildlife Code Sections 1600 et seq., and the Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

No jurisdictional drainage and/or wetland features were observed on the project site during the field investigation. Further, no blueline streams have been recorded on the project site. Therefore, development of the project will not result in impacts to Corps, Regional Board, or CDFW jurisdiction and regulatory approvals will not be required.

Special-Status Biological Resources

The CNDDB was queried for reported locations of special-status plant and wildlife species as well as natural communities of special concern in the Riverside East USGS 7.5-minute quadrangle. A search of published records within this quadrangle was conducted using the CNDDB Rarefind 5 online software and the CDFW BIOS database and the CNPS Inventory of Rare and Endangered Plants of California that supplied information regarding the distribution and habitats of vascular plants in the vicinity of the project site. The habitat assessment evaluated the conditions of the habitat(s) within the boundaries of the project site to determine if the existing plant communities, at the time of the survey, have the potential to provide suitable

habitat(s) for special-status plant and wildlife species.

The literature search identified thirteen (13) special-status plant species, sixty-nine (69) special-status wildlife species, and one (1) special-status plant communities in the Riverside East quadrangle as having potential to occur. Special-status plant and wildlife species were evaluated for their potential to occur within the project site based on habitat requirements, availability and quality of suitable habitat, and known distributions. Species determined to have the potential to occur within the general vicinity (i.e., Riverside East quadrangle are presented in *Table C-1: Potentially Occurring Special-Status Biological Resources*, provided in Attachment C. Refer to Table C-1 for a determination regarding the potential occurrence of special-status plant and wildlife species within the project site.

Special-Status Plants

According to the CNDDB and CNPS, thirteen (13) special-status plant species have been recorded in the Riverside East quadrangle (refer to Attachment C). No special-status plants were observed on the project site during the field investigation. The project site is heavily disturbed and no longer support native plant communities that have the potential to provide suitable habitat for special-status plant species. Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the project site does not have potential to support any of the special-status plant species known to occur in the vicinity and all are presumed absent.

Special-Status Wildlife

According to the CNDDB, sixty-nine (69) special-status wildlife species have been reported in the Riverside East quadrangle (refer to Attachment C). No special-status wildlife species were observed on-site during the field investigation. Based on habitat requirements for specific species, the availability and quality of on-site habitats, it was determined that the project site has no potential to support any of the special-status wildlife species and all special-status wildlife species are assumed to be absent from the site.

Special-Status Plant Communities

According to the CNDDB, one (1) special-status plant communities have been reported in the Riverside East quadrangle (refer to Attachment C). No special-status plant communities were observed on-site during the field investigation.

Critical Habitat

Under the federal Endangered Species Act, "Critical Habitat" is designated at the time of listing of a species or within one year of listing. Critical Habitat refers to specific areas within the geographical range of a species at the time it is listed that include the physical or biological features that are essential to the survival and eventual recovery of that species. Maintenance of these physical and biological features requires special management considerations or protection, regardless of whether individuals or the species are present or not. All federal agencies are required to consult with the United States Fish and Wildlife Service (USFWS) regarding activities they authorize, fund, or permit which may affect a federally listed species or its designated Critical Habitat. The purpose of the consultation is to ensure that projects will not jeopardize the continued existence of the listed species or adversely modify or destroy its designated Critical Habitat. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing is on federal lands, uses federal funds, or requires federal authorization or permits (e.g., funding from the

Federal Highways Administration or a CWA Permit from the Corps). If a there is a federal nexus, then the federal agency that is responsible for providing the funding or permit would consult with the USFWS.

The project site is not located within federally designated Critical Habitat. The closest designated Critical Habitats are located approximately 1.79 miles to the northwest of the site for Santa Ana sucker (*Catostomus santaanae*). Therefore, the loss or adverse modification of Critical Habitat will not occur as a result of the proposed project and consultation with the USFWS will not be required for implementation of the proposed project. Refer to Exhibit 6, *Critical Habitat*, in Attachment A.

Western Riverside County MSHCP

The project site is located within the Cities of Riverside and Norco Area Plan of MSHCP but is not located within any Criteria Cells or Cell groups (refer to Exhibit 7, *MSHCP Criteria Area*, in Attachment A). Further, it was determined that the project site is not located within any MSHCP designated species survey areas:

- Amphibian — Not in an amphibian survey area
- Burrowing Owls — Not in a burrowing owl survey area
- Criteria Area Species — Not in a criteria area species survey area
- Mammals — Not in a mammal survey area
- Narrow Endemic Plants — Not in a narrow endemic plant survey area
- Criteria Species — Not in a criteria area species survey area
- Invertebrate — Not in a Delhi Sands Flower-loving Fly survey area

Riparian/Riverine Areas

As identified in Section 6.1.2 of the MSHCP, *Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools,* riparian/riverine areas are defined as areas dominated by trees, shrubs, persistent emergent plants, or emergent mosses and lichens which occur close to or are dependent upon nearby freshwater, or areas with freshwater flowing during all or a portion of the year. Conservation of these areas is intended to protect habitat that is essential to a number of listed or special-status water-dependent fish, amphibian, avian, and plant species. If impacts to riparian/riverine habitat cannot be avoided, a Determination of Biologically Equivalent or Superior Preservation (DBESP) must be developed to address the replacement of lost functions of habitats in regard to the listed species. This assessment is independent from considerations given to "waters of the U.S." and "waters of the State" under the CWA and the California Fish and Game Code.

No jurisdictional drainages, riparian/riverine and/or wetland features were observed within the project site during the field investigation. Development of the proposed project will not result in impacts to riparian/riverine habitats and a DBESP will not be required for the loss of riparian/riverine habitat from development of the proposed project. Therefore, the project is consistent with Section 6.1.2 of the MSHCP.

Additionally, the project site does not support any habitat for obligate riparian bird species protected under Section 6.1.2 of the MSHCP.

Vernal Pools and Fairy Shrimp Habitat

One of the factors for determining the suitability of the habitat for fairy shrimp would be demonstrable evidence of seasonal ponding in an area of topographic depression that is not subject to flowing waters. These astatic pools are typically characterized as vernal pools. More specifically, vernal pools are seasonal wetlands that occur in depression areas without a continual source of water. They have wetland indicators of all 3 parameters (soils, vegetation, and hydrology) during the wetter portion of the growing season but normally lack wetland indicators of hydrology and/or vegetation during the drier portion of the growing season. Obligate hydrophytes and facultative wetlands plant species are normally dominant during the wetter portion of the growing season. The determination that an area exhibits vernal pool characteristics and the definition of the watershed supporting vernal pool hydrology is made on a case-by-case basis. Such determinations should be considered the length of time the areas exhibit upland and wetland characteristics and the manner in which the area fits into the overall ecological system as a wetland. The seasonal hydrology of vernal pools provides for a unique environment, which supports plants and invertebrates specifically adapted to a regime of winter inundation, followed by an extended period when the pool soils are dry.

Vernal pools are seasonally inundated, ponded areas that only form in regions where specialized soil and climatic conditions exist. During fall and winter rains typical of Mediterranean climates, water collects in shallow depressions where downward percolation of water is prevented by the presence of a hard pan or clay pan layer (duripan) below the soil surface. Later in the spring when rains decrease and the weather warms, the water evaporates and the pools generally disappear by May. The shallow depressions remain relatively dry until late fall and early winter with the advent of greater precipitation and cooler temperatures. Vernal pools provide unusual "flood and drought" habitat conditions to which certain plant and wildlife species have specifically adapted as well as invertebrate species such as fairy shrimp.

The MSHCP lists two general classes of soils known to be associated with listed and special-status plant species; clay soils and Traver-Domino Willow association soils. The specific clay soils known to be associated with listed and special-status species within the MSHCP plan area include Bosanko, Auld, Altamont, and Porterville series soils, whereas Traver-Domino Willows association includes saline-alkali soils largely located along floodplain areas of the San Jacinto River and Salt Creek. Without the appropriate soils to create the impermeable restrictive layer, none of the special-status plant or wildlife species associated with vernal pools can occur on the project site. None of these soils have been documented within the project site.

A review of recent and historic aerial photographs (1994-2024) of the project site did not provide visual evidence of an astatic or vernal pool conditions within the project site. No ponding was observed, further supporting the fact that the drainage patterns currently occurring on the project site do not follow hydrologic regimes needed for vernal pools. From this review of historic aerial photographs and observations during the field investigations, it can be concluded that there is no indication of vernal pools or suitable fairy shrimp habitat occurring within the proposed project site. Therefore, the project is consistent with Section 6.1.2 of the MSHCP.

Narrow Endemic Plant Species

Section 6.1.3 of the MSHCP, *Protection of Narrow Endemic Plant Species*, states that the MSHCP database

does not provide sufficient detail to determine the extent of the presence/distribution of Narrow Endemic Plant Species within the MSHCP Plan Area. Additional surveys may be needed to gather information to determine the presence/absence of these species to ensure that appropriate conservation of these species occurs. Based on the RCA MSHCP Information Map query and review of the MSHCP, it was determined that the project site is not located within the designated survey area for Narrow Endemic Plant Species. Through the field investigation, it was determined that the project site does not provide suitable habitat for any of the Narrow Endemic Plant Species listed under Section 6.1.3 of the MSHCP because the site is heavily disturbed and fully developed, and, therefore, the project is consistent with Section 6.1.3 of the MSHCP. No additional surveys or analysis are required.

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 in order 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 not located within the designated survey area for any special-status flora or wildlife species. Additionally, because the site is fully developed and heavily disturbed there is no suitable habitat for burrowing owl or other special status species.

Urban/Wildlands Interface Guidelines

Section 6.1.4 of the MSHCP, *Guidelines Pertaining to Urban/Wildlands Interface,* is intended to address indirect effects associated with development in proximity to MSHCP Conservation Areas. The Urban/Wildlife Interface Guidelines are intended to ensure that indirect project-related impacts to the MSHCP Conservation Area, including drainage, toxics, lighting, noise, invasive plant species, barriers, and grading/land development, are avoided or minimized. The project site is not located within or adjacent to a Criteria Cell. As a result, the Urban/Wildlife Interface Guidelines are not applicable to the project site.

Conclusion

Based on the literature review and field survey, implementation of the project will have no significant impacts on federally, State, or MSHCP listed species known to occur in the general vicinity of the project site. Additionally, the project will have no effect on designated Critical Habitat because none exists within the area. No jurisdictional drainage and/or wetland features were observed on the project site during the field investigation. Additionally, the project site is not located within or adjacent to any Criteria Cell, and no riparian/riverine resources or vernal pools were found onsite. Therefore, the proposed project is consistent with Section 6.1.2 of the MSHCP. With completion of recommendations, and payment of the MSHCP Local Development Mitigation Fee, development of the project site is fully consistent with the MSHCP.

With completion of the recommendations provided below and payment of the SKR HCP mitigation fee and MSHCP mitigation fee, development of the project will be fully consistent with the Western Riverside County MSHCP.

Recommendations

Migratory Bird Treaty Act and Fish and Game Code Compliance

Vegetation within and surrounding the project site has the potential to provide refuge cover from predators, perching sites and favorable conditions for avian nesting that could be impacted by construction activities associated with the project. Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.3, 3511, and 3513 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs). In order to protect migratory bird species, a nesting bird clearance survey should be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season. Consequently, if avian nesting behaviors are disrupted, such as nest abandonment and/or loss of reproductive effort, it is considered "take" and is potentially punishable by fines and/or imprisonment.

If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds should be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities should stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.

Please do not hesitate to contact Tom McGill at (951) 285-6014 or tmcgill@elmtconsulting.com or Travis McGill at (909) 816-1646 or travismcgill@elmtconsulting.com should you have any questions regarding this proposal.

Sincerely,

Thomas J. McGill, Ph.D.
Managing Director

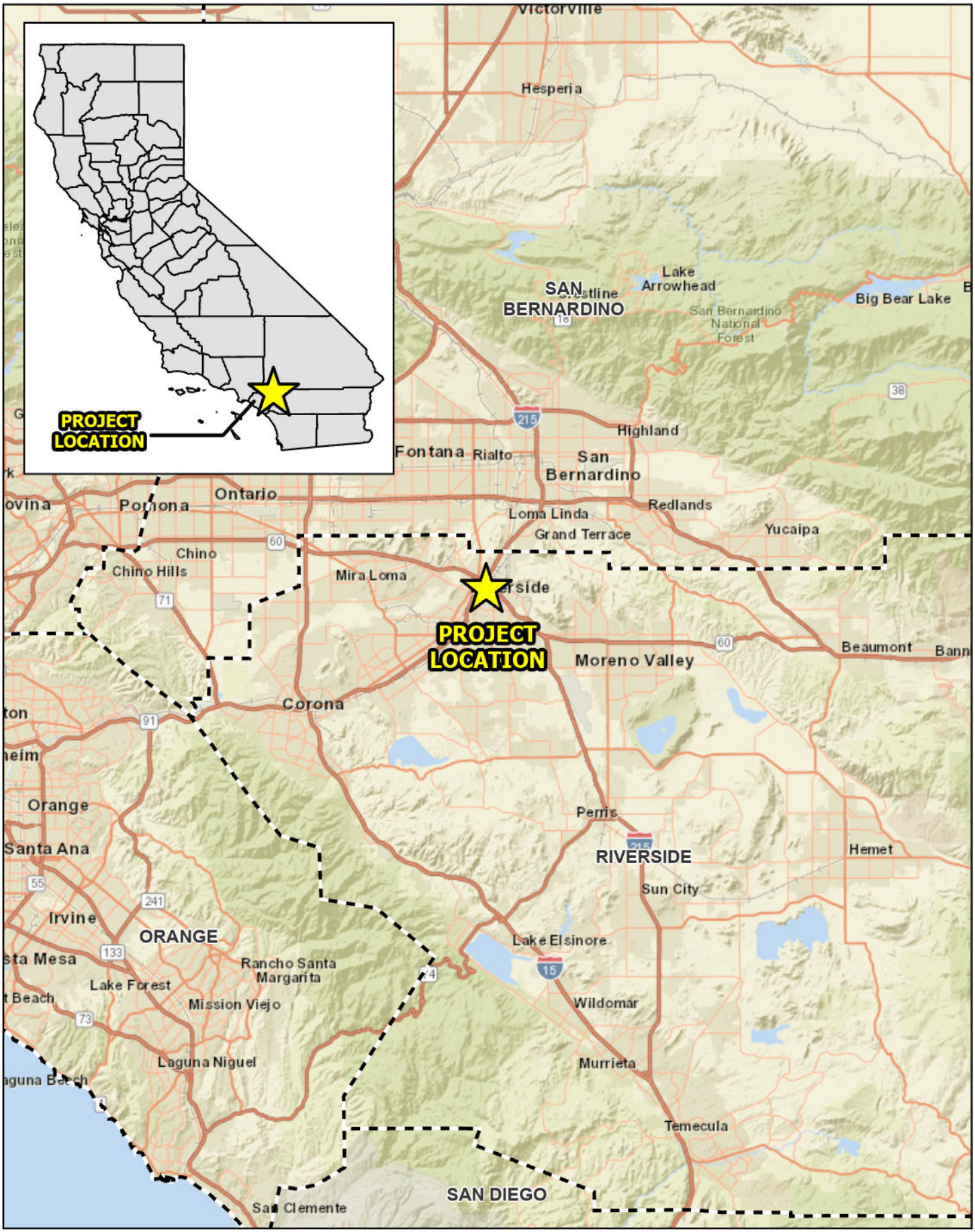
Travis J. McGill
Director

Attachments:

A. *Project Exhibits*
B. *Site Photographs*
C. *Potentially Occurring Special-Status Biological Resources*
D. *Regulations*
E. *Site Plan*

Attachment A

Project Exhibits



MASSACHUSETTS AVENUE WAREHOUSE DEVELOPMENT
HABITAT ASSESSMENT - WRC MSHCP

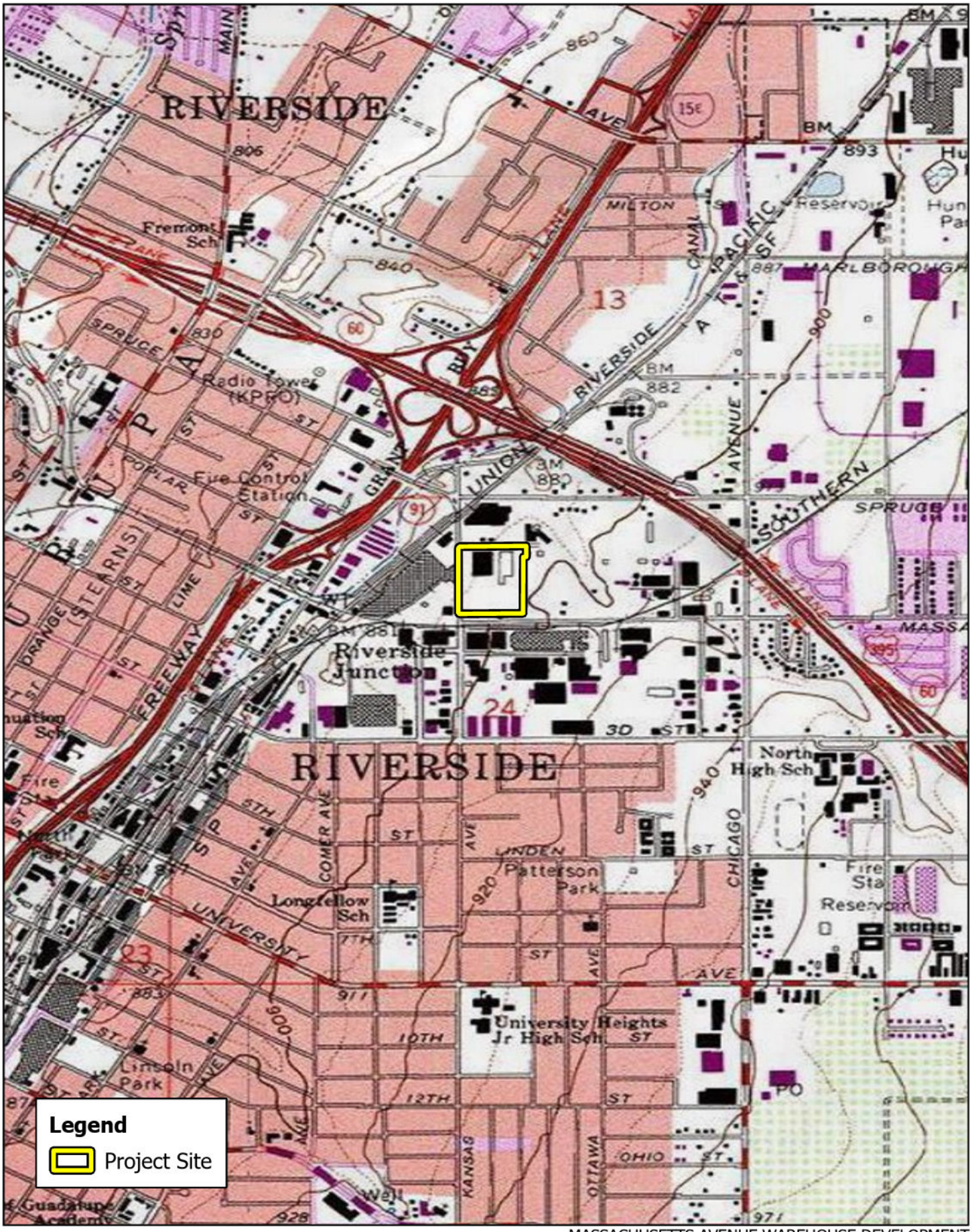
Regional Vicinity

ELMT CONSULTING

N 0 3.75 7.5 15 Miles

Source: ESRI World Street Map

Exhibit 1



MASSACHUSETTS AVENUE WAREHOUSE DEVELOPMENT
HABITAT ASSESSMENT - WRC MSHCP

Site Vicinity

ELMT CONSULTING

N 0 500 1,000 2,000 Feet

Source: USA Topo Maps, Riverside County

Exhibit 2

ELMT CONSULTING

N 0 75 150 300 Feet

Source: ESRI Aerial Imagery, Riverside County

MASSACHUSETTS AVENUE WAREHOUSE DEVELOPMENT
HABITAT ASSESSMENT - WRC MSHCP

Project Site

Exhibit 3

ELMT CONSULTING

N

0 50 100 200 Feet

Source: ESRI Aerial Imagery, Riverside County

MASSACHUSETTS AVENUE WAREHOUSE DEVELOPMENT
HABITAT ASSESSMENT - WRC MSHCP

Soils

Exhibit 4

ELMT CONSULTING

N

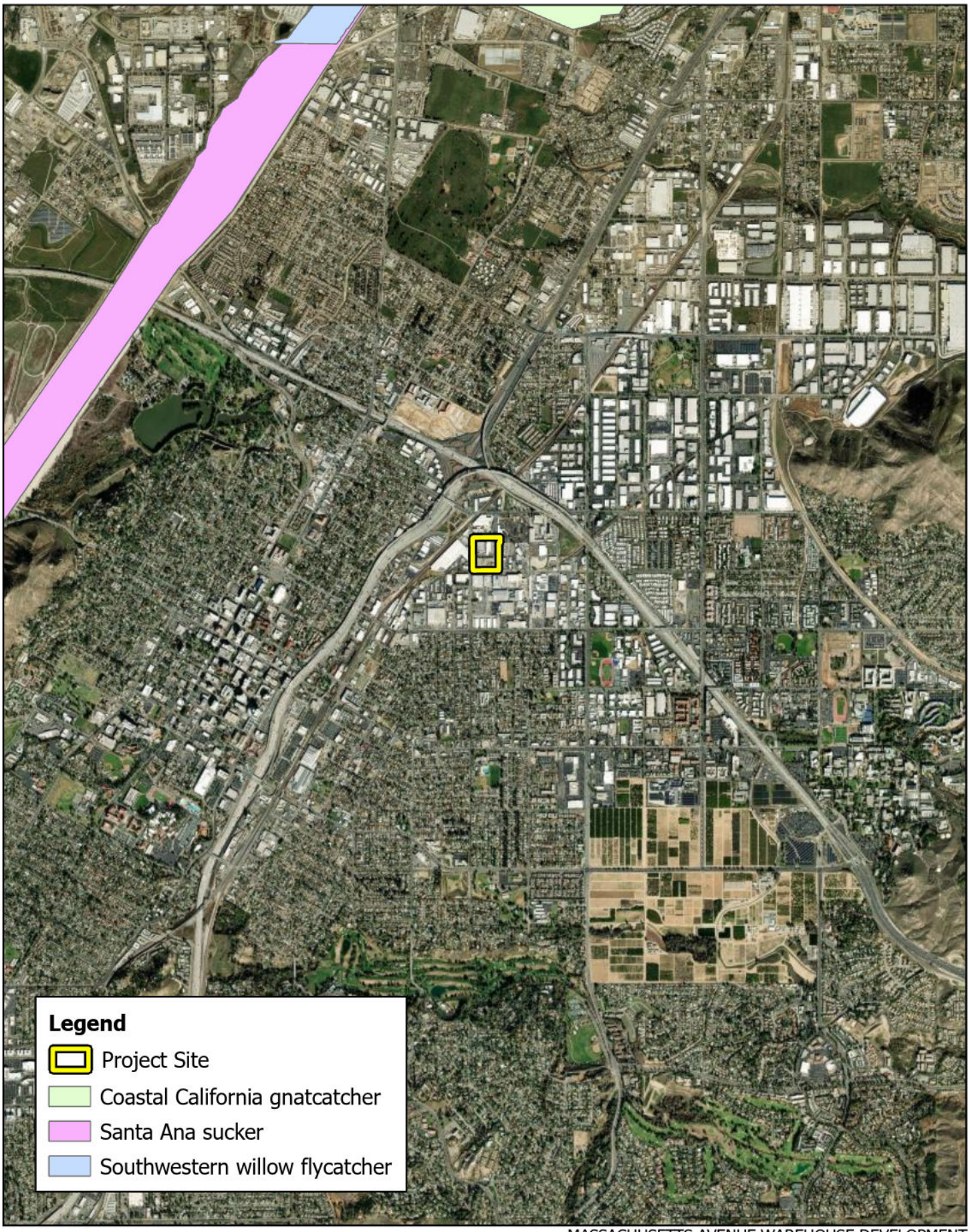
0 50 100 200 Feet

MASSACHUSETTS AVENUE WAREHOUSE DEVELOPMENT
HABITAT ASSESSMENT - WRC MSHCP

Vegetation

Source: ESRI Aerial Imagery, Riverside County

Exhibit 5



ELMT CONSULTING

N

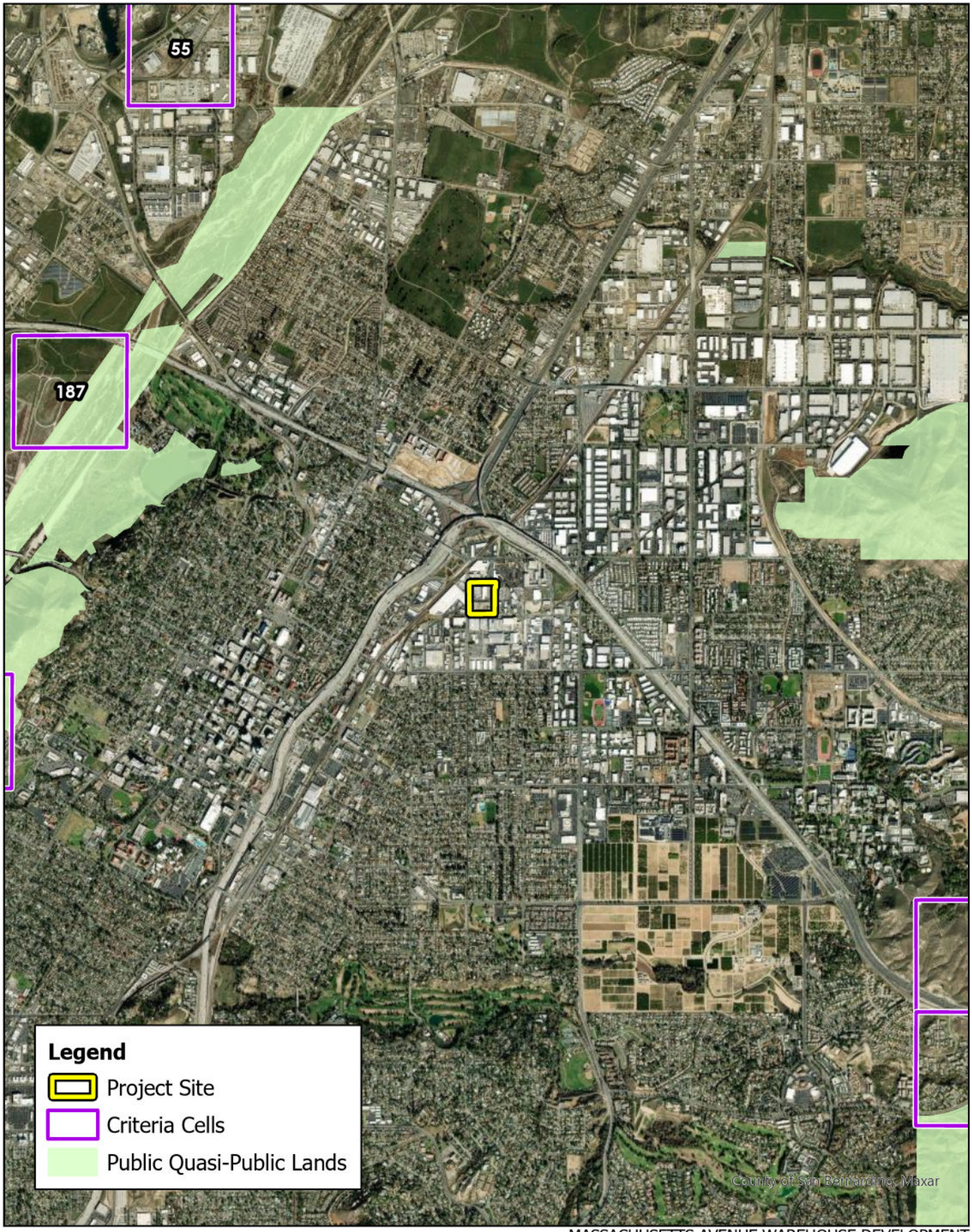
0 0.25 0.5 1 Miles

MASSACHUSETTS AVENUE WAREHOUSE DEVELOPMENT
HABITAT ASSESSMENT - WRC MSHCP

Critical Habitat

Source: ESRI Aerial Imagery, Riverside County

Exhibit 6



MASSACHUSETTS AVENUE WAREHOUSE DEVELOPMENT
HABITAT ASSESSMENT - WRC MSHCP

MSHCP

ELMT CONSULTING

N 0 0.25 0.5 1 Miles

Source: ESRI Aerial Imagery, Riverside County

Exhibit 7

Attachment B

Site Photographs

Photograph 1: From the southeast corner of the project site looking north along the eastern boundary.

Photograph 2: From the southeast corner of the project site looking west along the southern boundary.

Photograph 3: From the southwest corner of the project site looking north along the western boundary.

Photograph 4: From the southwest corner of the project site looking north along the southern boundary.

Photograph 5: From the northwest corner of the project site looking east along the northern boundary.

Photograph 6: From the northwest corner of the project site looking south along the western boundary.

Photograph 7: From the northeast corner of the project site looking west along the northern boundary.

Photograph 8: From the northeast corner of the project site looking south along the eastern boundary.

Attachment C

Potentially Occurring Special-Status Biological Resources

Table C-1: Potentially Occurring Special-Status Biological Resources

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
SPECIAL-STATUS WILDLIFE SPECIES				
Accipiter cooperii Cooper's hawk	Fed: None CA: WL	Common yearlong resident of California. Typically forages in broken woodland and habitat edges with dense stands of coast live oak (*Quercus agrifolia*), riparian deciduous, or other forest habitat near water. Usually nests in dense riparian areas, usually near streams.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Accipiter striatus sharp-shinned hawk	Fed: None CA: WL	Found in pine, fir and aspen forests. They can be found hunting in forest interior and edges from sea level to near alpine areas. Can also be found in rural, suburban and agricultural areas, where they often hunt at bird feeders. Typically found in southern California in the winter months.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Agelaius tricolor tricolored blackbird	Fed: None CA: **THR**	Prefers wetland and grassland habitats, wetlands, and active agricultural areas. Breeds and nests in marshes in cattails, bullrushes, and willows. Forages in irrigated pastures, dry rangeland.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Aimophila ruficeps canescens southern California rufous-crowned sparrow	Fed: None CA: WL	Typically found between 3,000 and 6,000 feet in elevation. Breed in sparsely vegetated scrubland on hillsides and canyons. Prefers coastal sage scrub dominated by California sagebrush (*Artemisia californica*), but they can also be found breeding in coastal bluff scrub, low-growing serpentine chaparral, and along the edges of tall chaparral habitats.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Ammodramus savannarum Grasshopper sparrow	Fed: None CA: SSC	Occurs in grassland, upland meadow, pasture, hayfield, and old field habitats. Optimal habitat contains short- to medium-height bunch grasses interspersed with patches of bare ground, a shallow litter layer, scattered forbs, and few shrubs. May inhabit thickets, weedy lawns, vegetated landfills, fence rows, open fields, or grasslands.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Anniella stebbinsi southern California legless lizard	Fed: None CA: SSC	Occurs in sparsely vegetated habitat types including coastal sand dunes, chaparral, pine-oak woodland, desert scrub, open grassland, and riparian areas. Requires sandy or loose loamy substrates conducive to burrowing.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Aquila chrysaetos golden eagle	Fed: None CA: FP;WL	Occupies nearly all terrestrial habitats of the western states except densely forested areas. Favors secluded cliffs with overhanging ledges and large trees for nesting and cover. Hilly or mountainous country where takeoff and soaring are supported by updrafts is generally preferred to flat habitats. Deeply cut canyons rising to open mountain slopes and crags are ideal habitat.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Ardea alba great egret	Fed: None CA: None	Yearlong resident throughout California, except for the high mountains and deserts. Feeds and rests in fresh, and saline emergent wetlands, along the margins of estuaries, lakes, and slow-moving streams, on mudflats and salt ponds, and in irrigated croplands and pastures.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Ardea Herodias great blue heron	Fed: None CA: None	Fairly common all year throughout most of California, in shallow estuaries and fresh and saline emergent wetlands. Less common along riverine and rocky marine shores, in croplands, pastures, and in mountains about foothills.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Arizona elegans occidentalis California glossy snake	Fed: None CA: SSC	Inhabits arid scrub, rocky washes, grassland, and chaparral. Appears in microhabitats of open areas and areas with soil loose enough for easy burrowing.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Artemisiospiza belli belli Bell's sparrow	Fed: None CA: WL	Generally prefers semi-open habitats with evenly spaced shrubs 1 – 2 meters in height. Dry chaparral and coastal sage scrub. Less common in tall dense, old chaparral.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Asio flammeus short-eared owl	Fed: None CA: SSC	Suitable habitats include salt- and freshwater marshes, irrigated alfalfa or grain fields, and ungrazed grasslands and old pastures. Tule marsh or tall grasslands with cover 30 to 50 cm in height can support nesting pairs.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Aspidoscelis hyperythra orange-throated whiptail	Fed: None CA: WL	Semi-arid brushy areas typically with loose soil and rocks, including washes, stream sides, rocky hillsides, and coastal chaparral. They are typically found in hot, dry, flat open spaces. Typically, they are seen on the ground running in open spots from bush to bush, but rarely climbing on rocks or vegetation.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Aspidoscelis tigris stejnegeri coastal whiptail	Fed: None CA: SSC	Found in a variety of ecosystems, primarily hot and dry open areas with sparse foliage - chaparral, woodland, and riparian areas.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Athene cunicularia burrowing owl	Fed: None CA: CE | SSC	Primarily a grassland species, but it persists and even thrives in some landscapes highly altered by human activity. Occurs in open, annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. The overriding characteristics of suitable habitat appear to be burrows for roosting and nesting and relatively short vegetation with only sparse shrubs and taller vegetation.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Bombus crotchii Crotch bumble bee	Fed: None CA: CE	Exclusive to coastal California east towards the Sierra-Cascade Crest; less common in western Nevada.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Bombus pensylvanicus American bumble bee	Fed: None CA: None	Prefers habitats in open farmland, prairies, and agricultural fields. Nests below grass or underground. Forages for pollen and nectar in meadows, parks, open fields, gardens, and sometimes forests.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Buteo regalis ferruginous hawk	Fed: None CA: WL	Occurs primarily in open grasslands and fields, but may be found in sagebrush flats, desert scrub, low foothills, or along the edges of pinyon-juniper woodland. Feeds primarily on small mammals and typically found in agricultural or open fields.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Buteo swainsoni Swainson's hawk	Fed: None CA: **THR**	Typical habitat is open desert, grassland, or cropland containing scattered, large trees or small groves. Breeds in stands with few trees in juniper-sage flats, riparian areas, and in oak savannah in the Central Valley. Forages in adjacent grassland or suitable grain or alfalfa fields or livestock pastures.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Calypte costae Costa's hummingbird	Fed: None CA: None	Desert and semi-desert, arid brushy foothills and chaparral. A desert hummingbird that breeds in the Sonoran and Mojave Deserts. Departs desert heat moving into chaparral, scrub, and woodland habitats.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Catostomus santaanae Santa Ana sucker	Fed: **THR** CA: SSC	Occur in the watersheds draining the San Gabriel and San Bernardino Mountains of southern California. Steams that Santa Ana Sucker inhabit are generally perennial streams with water ranging in depth from a few inches to several feet and with currents ranging from slight to swift.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Chaetodipus fallax fallax northwestern San Diego pocket mouse	Fed: None CA: None	Occurs in desert and coastal habitats in southern California, Mexico, and northern Baja California, from sea level to at least 1,400 meters above msl. Found in a variety of temperate habitats ranging from chaparral and grasslands to scrub forests and deserts. Requires low growing vegetation or rocky outcroppings, as well as sandy soils for burrowing.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Chaetura vauxi Vaux's swift	Fed: None CA: SSC	Prefers redwood and Douglas-fir habitats with nest-sites in large hollow trees and snags, especially tall, burned-out snags. Fairly common migrant throughout most of the state in April and May, and August and September.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Circus hudsonius northern harrier	Fed: None CA: SSC	Frequents meadows, grasslands, open rangelands, desert sinks, fresh and saltwater emergent wetlands; seldom found in wooded areas. Mostly found in flat, or hummocky, open areas of tall, dense grasses moist or dry shrubs, and edges for nesting, cover, and feeding.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Coccyzus americanus occidentalis western yellow-billed cuckoo	Fed: **THR** CA: **END**	In California, the breeding distribution is now thought to be restricted to isolated sites in Sacramento, Amargosa, Kern, Santa Ana, and Colorado River valleys. Obligate riparian species with a primary habitat association of willow-cottonwood riparian forest.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Coleonyx variegatus abbotti San Diego banded gecko	Fed: None CA: SCC	Occurs in coastal and cismontane southern California from interior Ventura County south, although it is absent from the extreme outer coast. It is uncommon in coastal scrub and chaparral, most often occurring in granite or rocky outcrops in these habitats.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Crotalus ruber red-diamond rattlesnake	Fed: None CA: SSC	Found from desert dense chaparral communities in the foothills (it avoids the mountains above around 4,000 feet), to warm inland mesas and valleys, all the way to the cool ocean shore. Most commonly associated with heavy brush and large rocks or boulders. Dense chaparral in the foothills, cactus or boulder associated coastal sage scrub, oak and pine woodlands, and desert slope scrub associations are known to carry populations of the northern red-diamond rattlesnake; however, chamise and red shank associations may offer better structural habitat for refuges and food resources for this species than other habitats.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Diadophis punctatus modestus San Bernardino ringneck snake	Fed: None CA: None	Common in open, relatively rocky areas within valley-foothill, mixed chaparral, and annual grass habitats.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Dipodomys stephensi Stephens' kangaroo rat	Fed: **END** CA: **END**	Occur in arid and semi-arid habitats with some grass or brush. Prefer open habitats with less than 50% protective cover. Require soft, well-drained substrate for building burrows and are typically found in areas with sandy soil.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Elanus leucurus white-tailed kite	Fed: None CA: FP	Widespread in California along shores of coastal estuaries, fresh and saline emergent wetlands, ponds, slow-moving rivers, irrigation ditches, and wet fields. In southern California, common yearlong in the Imperial Valley and along the Colorado River.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Empidonax traillii willow flycatcher	Fed: None CA: **END**	Occurs in riparian woodlands in southern California. Typically requires large areas of willow thickets in broad valleys, canyon bottoms, or around ponds and lakes. These areas typically have standing or running water, or are at least moist.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Empidonax traillii extimus southwestern willow flycatcher	Fed: **END** CA: **END**	Occurs in riparian woodlands in southern California. Typically requires large areas of willow thickets in broad valleys, canyon bottoms, or around ponds and lakes. These areas typically have standing or running water, or are at least moist.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Eremophila alpestris actia California horned lark	Fed: None CA: WL	Generally found in shortgrass prairies, grasslands, disturbed fields, or similar habitat types along the coast or in deserts. Trees are shrubs are usually scarce or absent. Generally rare in montane, coniferous, or chaparral habitats. Forms large flocks outside of the breeding season.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Eugnosta busckana Busck's gallmoth	Fed: None CA: None	Occurs in coastal scrub dunes habitat.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Falco columbarius merlin	Fed: None CA: WL	Nest in forested openings, edges, and along rivers across northern North America. Found in open forests, grasslands, and especially coastal areas with flocks of small songbirds or shorebirds.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Falco mexicanus prairie falcon	Fed: None CA: WL	Commonly occur in arid and semiarid shrubland and grassland community types. Also occasionally found in open parklands within coniferous forests. During the breeding season, they are found commonly in foothills and mountains which provide cliffs and escarpments suitable for nest sites.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Falco peregrinus anatum American peregrine falcon	Fed: DL CA: DL	Uncommon winter resident of the inland region of southern California. Active nesting sites are known along the coast north of Santa Barbara, in the Sierra Nevada, and in other mountains of northern California. Breeds mostly in woodland, forest, and coastal habitats. Riparian areas and coastal and inland wetlands are important habitats yearlong, especially in nonbreeding seasons.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Gila orcuttii arroyo chub	Fed: None CA: SSC	Warm streams of the Los Angeles Plain, which are typically muddy torrents during the winter, and clear quiet brooks in the summer, possibly drying up in places. They are found both in slow-moving and fast-moving sections, but generally deeper than 40 cm.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Icteria virens yellow-breasted chat	Fed: None CA: SSC	Primarily found in tall, dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories. Nesting areas are associated with streams, swampy ground, and the borders of small ponds. Breeding habitat must be dense to provide shade and concealment. It winters south the Central America.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Lanius ludovicianus loggerhead shrike	Fed: None CA: SSC	Common yearlong resident of California. Prefers open habitats with bare ground, scattered shrubs, and areas with low or sparse herbaceous cover. Requires suitable perches including trees, posts, fences, utility lines, or other perches.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Larus californicus California gull	Fed: None CA: WL	Require isolated islands in rivers, reservoirs and natural lakes for nesting, where predations pressures from terrestrial mammals are diminished. Uses both fresh and saline aquatic habitats at variable elevations and degrees of aridity for nesting and for opportunistic foraging.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Lasiurus xanthinus western yellow bat	Fed: None CA: SSC	Occurs in valley/foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts under palm trees and feeds in, and near, palm oases and riparian habitats.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Laterallus jamaicensis coturniculus California black rail	Fed: None CA: **THR**/FP	Shallow marshes, and wet meadows; in winter, drier fresh-water and brackish marshes, as well as dense, deep grass.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Lepus californicus bennettii San Diego black-tailed jackrabbit	Fed: None CA: None	Found in diverse habitats, but primarily is found in arid regions supporting shortgrass habitats. Openness of open scrub habitat is preferred over dense chaparral.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Lynx rufus pallescens pallid bobcat	Fed: None CA: None	Found on the western edge of the great basin habitat in extreme northeast California. Live in a variety of habitats including forests, deserts, mountains, swamps, and farmland.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Nannopterum auritum double-crested cormorant	Fed: None CA: WL	Common yearlong resident in southern California. Occurs widely in freshwater and marine habitats along coastlines. Require open water where they can forage for schooling fish.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Neotoma lepida intermedia San Diego desert woodrat	Fed: None CA: SSC	Occurs in coastal scrub communities between San Luis Obispo and San Diego Counties. Prefers moderate to dense canopies, and especially rocky outcrops.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Nycticorax nycticorax black-crowned night heron	Fed: None CA: None	Fairly common, yearlong resident in lowlands and foothills throughout most of California, including the Salton Sea and Colorado River areas, and very common locally in large nesting colonies. Feeds along the margins of lacustrine, large riverine, and fresh and saline emergent habitats and rarely, on kelp beds in marine sub tidal habitats. Nests and roosts in dense-foliaged trees and dense emergent wetlands.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Nyctinomops femorosaccus pocketed free-tailed bat	Fed: None CA: SSC	Prefers open lowland areas near water in arid or semi-arid habitats including deserts and scrublands including pinyon-juniper woodlands, desert scrub, desert succulent shrub, desert riparian, desert wash, alkali desert scrub, Joshua tree, and palm oasis. Colonial roosting sites include caves, mines, and rock crevices, and to a lesser extent, buildings, bridges, and trees.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Onychomys torridus ramona Southern grasshopper mouse	Fed: None CA: SSC	Inhabits alkali desert scrub and other desert scrub habitats, and to a lesser extent succulent shrubs, desert washes, desert riparian, coastal scrub, mixed chaparral, and sagebrush habitats. Generally rare in valley foothill and montane riparian habitats. Prefers low to moderate shrub cover and requires friable soils.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Pandion haliaetus osprey	Fed: None CA: WL	Remains close to still or slow-moving bodies of water including oceans, rivers, lakes, mangroves, coastal wetlands, lagoons, reefs, estuaries and marshes. Generally nests in high places, such as trees, power poles, or cliffs.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Perognathus longimembris brevinasus Los Angeles pocket mouse	Fed: None CA: SSC	Occurs in lower elevation grasslands and coastal sage scrub communities in and around the Los Angeles Basin. Prefers open ground with fine sandy soils. May not dig extensive burrows, but instead will seek refuge under weeds and dead leaves instead.	No	**Presumed Absent.** No suitable habitat is present within or adjacent to the project site.
Phrynosoma blainvillii coast horned lizard	Fed: None CA: SSC	Found in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. The key elements of such habitats are loose, fine soils with a high sand fraction; an abundance of native ants or other insects; and open areas with limited overstory for basking and low, but relatively dense shrubs for refuge.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Polioptila californica californica coastal California gnatcatcher	Fed: **THR** CA: SSC	Common yearlong resident of southern California in sage scrub habitats that are dominated by California sagebrush (*Artemisia californica*). Prefers scrub habitat with more low-growing vegetation. Species generally occurs below 750 feet above mean sea level (msl) along the coast and below 1,500 feet above msl within inland regions.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Pyrocephalus rubinus vermilion flycatcher	Fed: None CA: SSC	Occupies desert riparian habitat, particularly cottonwoods, willows, mesquite, and other large desert riparian trees, in habitat adjacent to irrigated fields, irrigation ditches, pastures, and other open, mesic areas where it can forage.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Salvadora hexalepis virgultea Coast patch-nosed snake	Fed: None CA: SSC	Found in brushy or shrubby vegetation along the coast and requires small mammal burrows for refuge and overwintering.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Selasphorus rufus rufous hummingbird	Fed: None CA: None	During breeding, they are found in forests, on seed-tree harvest units, riparian shrub, and spruce-fir habitats. During the winter, it migrates to lowland stream bottoms, foothill brush land, seacoast and high mountain meadows.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Setophaga petechia yellow warbler	Fed: None CA: SSC	Nests over all of California except the Central Valley, the Mojave Desert region, and high altitudes and the eastern side of the Sierra Nevada. Winters along the Colorado River and in parts of Imperial and Riverside Counties. Nests in riparian areas dominated by willows, cottonwoods, sycamores, or alders or in mature chaparral. May also use oaks, conifers, and urban areas near stream courses.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Spea hammondii western spadefoot	Fed: PT CA: SSC	Prefers open areas with sandy or gravelly soils, in a variety of habitats including mixed woodlands, grasslands, coastal sage scrub, chaparral, sandy washed, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Rainpools which do not contain bullfrogs, fish, or crayfish are necessary for breeding.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Spinus lawrencei Lawrence's goldfinch	Fed: None CA: None	Open woodlands, chaparral, and weedy fields. Closely associated with oaks. Nests in open oak or other arid woodland and chaparral near water.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Spizella breweri Brewer's sparrow	Fed: None CA: None	Habitats include sagebrush scrub and brushy plains.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Streptocephalus wootoni Riverside fairy shrimp	Fed: None CA: **END**	Freshwater crustacean that is found in vernal pools in the coastal California area.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Taxidea taxus American badger	Fed: None CA: SSC	Primarily occupy grasslands, parklands, farms, tallgrass and shortgrass prairies, meadows, shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. Occasionally found in open chaparral (with less than 50% plant cover) and riparian zones.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Thamnophis hammondii Two-striped gartersnake	Fed: None CA: SSC	Utilizes a variety of habitats including forests, mixed woodlands, grassland, chaparral, and farmlands. Often found near ponds, marshes, or streams.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Vireo bellii pusillus least Bell's vireo	Fed: **END** CA: **END**	Primarily occupy Riverine riparian habitat that typically feature dense cover within 1 -2 meters of the ground and a dense, stratified canopy. Typically it is associated with southern willow scrub, cottonwood-willow forest, mule fat scrub, sycamore alluvial woodlands, coast live oak riparian forest, arroyo willow riparian forest, or mesquite in desert localities. It uses habitat which is limited to the immediate vicinity of water courses, 2,000 feet elevation in the interior.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
SPECIAL-STATUS PLANT SPECIES				
Arenaria paludicola Marsh sandwort	Fed: **END** CA: **END** CNPS: 1B.1	Grows mainly in wetlands and freshwater marshes in arid climates. The plant can grow in saturated acidic bog soils and soils that are sandy with a high organic content. Found at elevations ranging from 33 to 558 feet. Blooming period is from May to August.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Berberis nevinii Nevin's barberry	Fed: **END** CA: **END** CNPS: 1B.1	Grows in chaparral, cismontane woodland, coastal scrub, and riparian scrub. Usually found on steep, north facing slopes or in low grade sandy washes. Found at elevations ranging from 197 to 3,904 feet. Blooming period ranges from March to June.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Observed On-site**	**Potential to Occur**
Calochortus plummerae Plummer's mariposa-lily	Fed: None CA: None CNPS: 4.2	Prefers openings in chaparral, foothill woodland, coastal sage scrub, valley foothill grasslands, cismontane woodland, lower montane coniferous forest and yellow pine forest. Often found on dry, rocky slopes and soils and brushy areas. Can be very common after a fire. Found at elevations ranging from 459 to 6,299 feet. Blooming period is from May to July.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Centromadia pungens ssp. laevis smooth tarplant	Fed: None CA: None CNPS: 1B.1	Occurs in alkaline soils within chenopod scrub, meadows and seeps, playas, riparian woodland, and valley and foothill grassland habitats. Grows in elevation ranging from 0 to 2,100 feet. Blooming period ranges from April to September.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Chloropyron maritimum ssp. maritimum Salt marsh birds-beak	Fed: **END** CA: **END** CNPS: 1B.2	Upper terraces and higher edges of coastal salt marshes where tidal inundation is periodic. Found at elevations ranging from 0 to 99 feet. Blooming period is from May to October.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Chorizanthe parryi var. parryi Parry's spineflower	Fed: None CA: None CNPS: 1B.1	Occurs on sandy and/or rocky soils in chaparral, coastal sage scrub, and sandy openings within alluvial washes and margins. Found at elevations ranging from 951 to 3,773 feet. Blooming period is from April to June.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Deinandra paniculata paniculate tarplant	Fed: None CA: None CNPS: 4.2	Typically found in vernally mesic, sometimes sandy soils in coastal scrub, valley and foothill grasslands, and vernal pools. Found at elevations ranging from 80 to 3,085 feet. Blooming period is from April to November.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Hordeum intercedens Vernal barley	Fed: None CA: None CNPS: 3.2	Found in coastal dunes, coastal scrub, vernal pools, and valley and foothill grassland habitats. Found at elevations ranging from 16 to 3,281 feet. Blooming period is from March to June.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Juglans californica southern California black walnut	Fed: None CA: None CNPS: 4.2	Found in chaparral, cismontane woodland, coastal scrub, and riparian woodland habitats. Found at elevations ranging from 164 to 2,953 feet. Blooming period is from March to August.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Lepidium virginicum* var. *robinsonii Robinson's pepper-grass	Fed: None CA: None CNPS: 4.3	Dry soils on chaparral and coastal sage scrub. Found at elevations ranging from 3 to 2,904 feet. Blooming period is from January to July.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Phacelia stellaris Brand's star phacelia	Fed: None CA: None CNPS: 1B.1	Occurs in a variety of arid habitats within the Mojave Desert. Found at elevations ranging from 1,600 to 6,600 feet. Blooming period is from March to June.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Romneya coulteri Coulter's Matilija poppy	Fed: None CA: None CNPS: 4.2	Found in recently burned areas within chaparral and coastal scrub habitats. Found at elevations ranging from 66 to 3,937 feet. Blooming period is from March to July.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.
Senecio aphanactis Chaparral ragwort	Fed: None CA: None CNPS: 2B.2	Found in sometimes alkaline soils in chaparral, cismontane woodland, and coastal scrub. Found at elevations ranging from 425 to 2,165 feet. Blooming period is from January to April.	No	**Presumed Absent** No suitable habitat is present within or adjacent to the project site.

SPECIAL-STATUS PLANT COMMUNITIES				
Southern Sycamore Alder Riparian Woodland	CDFW Sensitive Habitat	Below 2,000 meters in elevation, sycamore and alder often occur along seasonally flooded banks; cottonwoods and willows also are often present. Poison-oak, mugwort, elderberry and wild raspberry may be present in the understory.	No	**Absent**

U.S. Fish and Wildlife Service (USFWS) - Federal
END - Federally Endangered
THR - Federally Threatened
PT - Proposed Threatened
DL - Delisted

California Department of Fish and Wildlife (CDFW) - California
END - State Endangered
CE - State Candidate Endangered
SSC - Species of Special Concern
WL - Watch List
FP - Fully Protected

California Native Plant Society (CNPS)
California Rare Plant Rank
1A Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere
1B Plants Rare, Threatened, or Endangered in California and Elsewhere
2B Plants Rare, Threatened, or Endangered in California, but More Common Elsewhere
3 Plants about which we need more information
4 Plants of Limited Distribution – A Watch List

Threat Ranks
0.1 - Seriously threatened in California
0.2 - Moderately threatened in California
0.3 - Not very threatened in California

Attachment D

Regulations

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

Federal Regulations

Endangered Species Act of 1973

Federally listed threatened and endangered species and their habitats are protected under provisions of the Federal Endangered Species Act (ESA). Section 9 of the ESA prohibits "take" of threatened or endangered species. "Take" under the ESA is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any of the specifically enumerated conduct." The presence of any federally threatened or endangered species that are in a project area generally imposes severe constraints on development, particularly if development would result in "take" of the species or its habitat. Under the regulations of the ESA, the United States Fish and Wildlife Service (USFWS) may authorize "take" when it is incidental to, but not the purpose of, an otherwise lawful act.

Critical Habitat is designated for the survival and recovery of species listed as threatened or endangered under the ESA. Critical Habitat includes those areas occupied by the species, in which are found physical and biological features that are essential to the conservation of an ESA listed species and which may require special management considerations or protection. Critical Habitat may also include unoccupied habitat if it is determined that the unoccupied habitat is essential for the conservation of the species.

Whenever federal agencies authorize, fund, or carry out actions that may adversely modify or destroy Critical Habitat, they must consult with USFWS under Section 7 of the ESA. The designation of Critical Habitat does not affect private landowners, unless a project they are proposing uses federal funds, or requires federal authorization or permits (e.g., funding from the Federal Highway Administration or a permit from the U.S. Army Corps of Engineers (Corps)).

If USFWS determines that Critical Habitat will be adversely modified or destroyed from a proposed action, the USFWS will develop reasonable and prudent alternatives in cooperation with the federal institution to ensure the purpose of the proposed action can be achieved without loss of Critical Habitat. If the action is not likely to adversely modify or destroy Critical Habitat, USFWS will include a statement in its biological opinion concerning any incidental take that may be authorized and specify terms and conditions to ensure the agency is in compliance with the opinion.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) (16 U.S. Government Code [USC] 703) makes it unlawful to pursue, capture, kill, possess, or attempt to do the same to any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and the countries of the former Soviet Union, and authorizes the U.S. Secretary of the Interior to protect and regulate the taking of migratory birds. It establishes seasons and bag limits for hunted species and protects migratory birds, their occupied nests, and their eggs (16 USC 703; 50 CFR 10, 21).

The MBTA covers the taking of any nests or eggs of migratory birds, except as allowed by permit pursuant to 50 CFR, Part 21. Disturbances causing nest abandonment and/or loss of reproductive effort (i.e., killing or abandonment of eggs or young) may also be considered "take." This regulation seeks to protect migratory birds and active nests.

In 1972, the MBTA was amended to include protection for migratory birds of prey (e.g., raptors). Six families of raptors occurring in North America were included in the amendment: Accipitridae (kites, hawks, and eagles); Cathartidae (New World vultures); Falconidae (falcons and caracaras); Pandionidae (ospreys); Strigidae (typical owls); and Tytonidae (barn owls). The provisions of the 1972 amendment to the MBTA protects all species and subspecies of the families listed above. The MBTA protects over 800 species including geese, ducks, shorebirds, raptors, songbirds and many relatively common species.

State Regulations

California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) provides for the protection of the environment within the State of California by establishing State policy to prevent significant, avoidable damage to the environment through the use of alternatives or mitigation measures for projects. It applies to actions directly undertaken, financed, or permitted by State lead agencies. If a project is determined to be subject to CEQA, the lead agency will be required to conduct an Initial Study (IS); if the IS determines that the project may have significant impacts on the environment, the lead agency will subsequently be required to write an Environmental Impact Report (EIR). A finding of non-significant effects will require either a Negative Declaration or a Mitigated Negative Declaration instead of an EIR. Section 15380 of the CEQA Guidelines independently defines "endangered" and "rare" species separately from the definitions of the California Endangered Species Act (CESA). Under CEQA, "endangered" species of plants or animals are defined as those whose survival and reproduction in the wild are in immediate jeopardy, while "rare" species are defined as those who are in such low numbers that they could become endangered if their environment worsens.

California Endangered Species Act (CESA)

In addition to federal laws, the state of California implements the CESA which is enforced by CDFW. The CESA program maintains a separate listing of species beyond the FESA, although the provisions of each act are similar.

State-listed threatened and endangered species are protected under provisions of the CESA. Activities that may result in "take" of individuals (defined in CESA as; "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") are regulated by CDFW. Habitat degradation or modification is not included in the definition of "take" under CESA. Nonetheless, CDFW has interpreted "take" to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the

absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

The CDFW has also produced a species of special concern list to serve as a species watch list. Species on this list are either of limited distribution or their habitats have been reduced substantially, such that a threat to their populations may be imminent. Species of special concern may receive special attention during environmental review, but they do not have formal statutory protection. At the federal level, USFWS also uses the label species of concern, as an informal term that refers to species which might be in need of concentrated conservation actions. As the Species of Concern designated by USFWS do not receive formal legal protection, the use of the term does not necessarily ensure that the species will be proposed for listing as a threatened or endangered species.

Fish and Game Code

Fish and Game Code Sections 3503, 3503.5, 3511, and 3513 are applicable to natural resource management. For example, Section 3503 of the Code makes it unlawful to destroy any birds' nest or any birds' eggs that are protected under the MBTA. Further, any birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks, eagles, and owls) are protected under Section 3503.5 of the Fish and Game Code which makes it unlawful to take, possess, or destroy their nest or eggs. A consultation with CDFW may be required prior to the removal of any bird of prey nest that may occur on a project site. Section 3511 of the Fish and Game Code lists fully protected bird species, where the CDFW is unable to authorize the issuance of permits or licenses to take these species. Pertinent species that are State fully protected by the State include golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*). Section 3513 of the Fish and Game Code makes it unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

Native Plant Protection Act

Sections 1900–1913 of the Fish and Game Code were developed to preserve, protect, and enhance Rare and Endangered plants in the state of California. The act requires all state agencies to use their authority to carry out programs to conserve Endangered and Rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

California Native Plant Society Rare and Endangered Plant Species

Vascular plants listed as rare or endangered by the CNPS, but which have no designated status under FESA or CESA are defined as follows:

California Rare Plant Rank

1A- Plants Presumed Extirpated in California and either Rare or Extinct Elsewhere

1B- Plants Rare, Threatened, or Endangered in California and Elsewhere

2A- Plants Presumed Extirpated in California, But More Common Elsewhere

2B- Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

3- Plants about Which More Information is Needed - A Review List

4- Plants of Limited Distribution - A Watch List

Threat Ranks

.1- Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)

.2- Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

.3- Not very threatened in California (<20% of occurrences threatened / low degree and immediacy of threat or no current threats known).

Local Policies

Western Riverside County MSHCP

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

The approval of the MSHCP and execution of the Implementing Agreement (IA) by the wildlife agencies allows signatories of the IA to issue "take" authorizations for all species covered by the MSHCP, including state- and federal-listed species as well as other identified sensitive species and/or their habitats. Each city or local jurisdiction will impose a Development Mitigation Fee for projects within their jurisdiction. With payment of the mitigation fee to the County and compliance with the survey requirements of the MSHCP where required, full mitigation in compliance with the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), CESA, and FESA will be granted. The Development Mitigation Fee varies according to project size and project description. The fee for industrial development is $7,382 per acre (County Ordinance 810.2). Payment of the mitigation fee and compliance with the requirements of Section 6.0 of the MSHCP are intended to provide full mitigation under CEQA, NEPA, CESA, and FESA for impacts to the species and habitats covered by the MSHCP pursuant to agreements with the USFWS, the CDFW, and/or any other appropriate participating regulatory agencies and as set forth in the IA for the MSHCP.

There are three key agencies that regulate activities within inland streams, wetlands, and riparian areas in California. The Corps Regulatory Branch regulates activities pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. Of the State agencies, the CDFG regulates activities under the Fish and Game Code Section 1600-1616, and the Regional Board regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act.

Federal Regulations

Section 404 of the Clean Water Act

In accordance with the Revised Definition of "Waters of the United States"; Conforming (September 8, 2023), "waters of the United Sates" are defined as follows:

(a) *Waters of the United States* means:

(1) Waters which are:
(i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
(ii) The territorial seas; or
(iii) Interstate waters;

(2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;

(3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;

(4) Wetlands adjacent to the following waters:
(i) Waters identified in paragraph (a)(1) of this section; or
(ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters;

(5) Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section

(b) The following are not "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5) of this section:

(1) Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act;

(2) Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted

cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA;

(3) Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;

(4) Artificially irrigated areas that would revert to dry land if the irrigation ceased;
(5) Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;
(6) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;

(7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and

(8) Swales and erosional features (*e.g.,* gullies, small washes) characterized by low volume, infrequent, or short duration flow.

(c) In this section, the following definitions apply:

(1) *Wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(2) *Adjacent* means having a continuous surface connection

(3) *High tide line* means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

(4) *Ordinary high water mark* means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

(5) *Tidal waters* means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

Section 401 of the Clean Water Act

Pursuant to Section 401 of the CWA, any applicant for a federal license or permit to conduct any activity which may result in any discharge to waters of the United States must provide certification from the State or Indian tribe in which the discharge originates. This certification provides for the protection of the physical, chemical, and biological integrity of waters, addresses impacts to water quality that may result from issuance of federal permits, and helps insure that federal actions will not violate water quality standards of the State or Indian tribe. In California, there are nine Regional Water Quality Control Boards (Regional Board) that issue or deny certification for discharges to waters of the United States and waters of the State, including wetlands, within their geographical jurisdiction. The State Water Resources Control Board assumed this responsibility when a project has the potential to result in the discharge to waters within multiple Regional Boards.

State Regulations

Fish and Game Code

Fish and Game Code Sections 1600 et. seq. establishes a fee-based process to ensure that projects conducted in and around lakes, rivers, or streams do not adversely impact fish and wildlife resources, or, when adverse impacts cannot be avoided, ensures that adequate mitigation and/or compensation is provided.

Fish and Game Code Section 1602 requires any person, state, or local governmental agency or public utility to notify the CDFW before beginning any activity that will do one or more of the following:

(1) substantially obstruct or divert the natural flow of a river, stream, or lake;
(2) substantially change or use any material from the bed, channel, or bank of a river, stream, or lake; or
(3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into a river, stream, or lake.

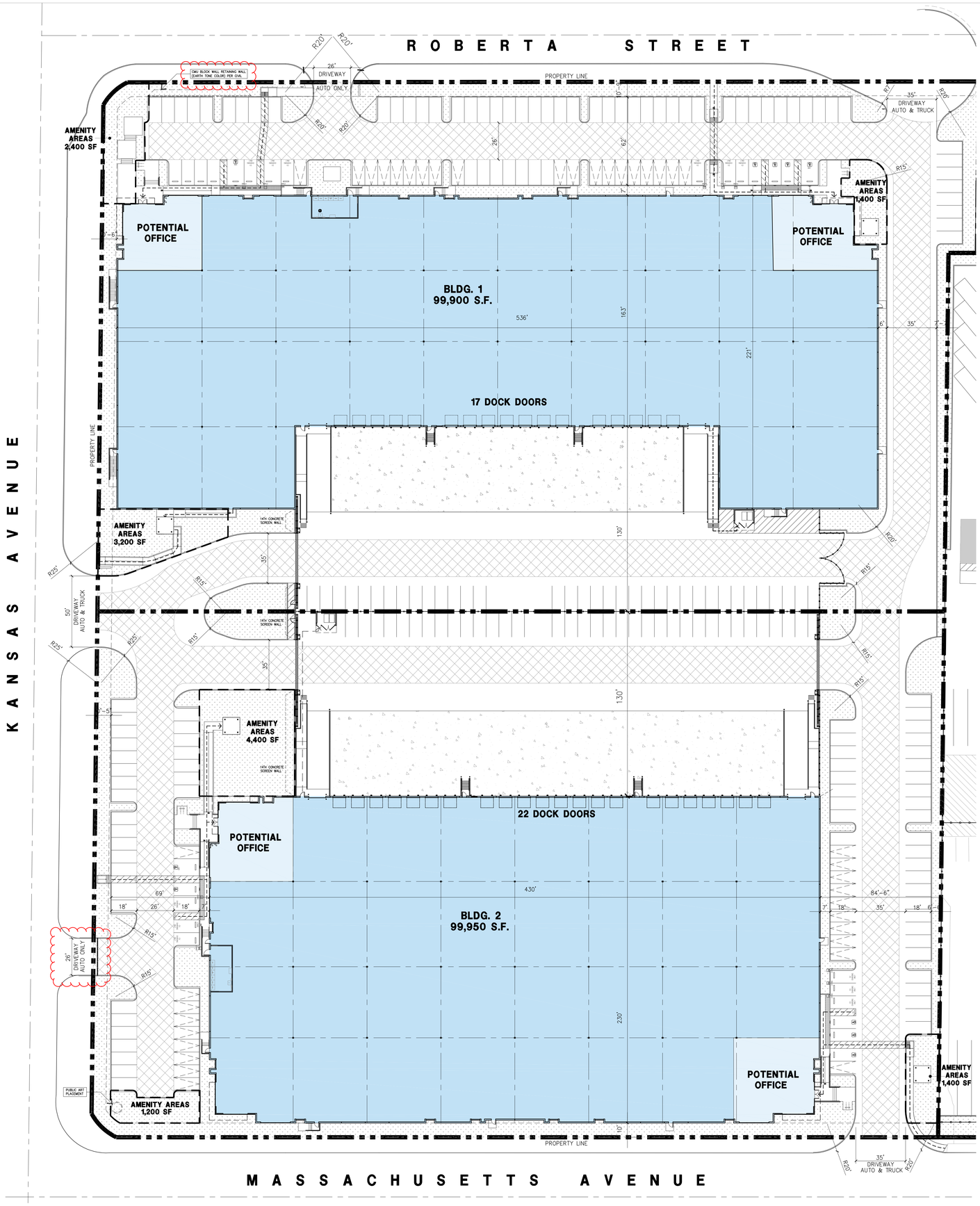
Fish and Game Code Section 1602 applies to all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State. CDFW's regulatory authority extends to include riparian habitat (including wetlands) supported by a river, stream, or lake regardless of the presence or absence of hydric soils and saturated soil conditions. Generally, the CDFW takes jurisdiction to the top of bank of the stream or to the outer limit of the adjacent riparian vegetation (outer drip line), whichever is greater. Notification is generally required for any project that will take place in or in the vicinity of a river, stream, lake, or their tributaries. This includes rivers or streams that flow at least periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses having a surface or subsurface flow that support or have supported riparian vegetation. A Section 1602 Streambed Alteration Agreement would be required if impacts to identified CDFW jurisdictional areas occur.

Porter Cologne Act

The California *Porter-Cologne Water Quality Control Act* gives the State very broad authority to regulate waters of the State, which are defined as any surface water or groundwater, including saline waters. The Porter-Cologne Act has become an important tool in the post SWANCC and Rapanos regulatory environment, with respect to the state's authority over isolated and insignificant waters. Generally, any person proposing to discharge waste into a water body that could affect its water quality must file a Report of Waste Discharge in the event that there is no Section 404/401 nexus. Although "waste" is partially defined as any waste substance associated with human habitation, the Regional Board also interprets this to include fill discharged into water bodies.

Attachment E

Site Plan



MASTER SITE PLAN (A)
scale: 1" = 30'-0"

SCALE: 1" = 30'-0"
0 30' 60' 90'
TRUE NORTH

PROPERTY OWNER

STALEY POINT CAPITAL
RICARDO RIVAS
11150 SANTA MONICA BLVD.
SUITE 700
LOS ANGELES, CA 90025
CONTACT: TEL: 310-929-8088
FAX: 310-277-8330
EMAIL:RICARDO@STALEYPOINT.COM

ADDRESS OF THE PROPERTY

2626 KANSAS AVENUE, 1989 AND 2069 MASSACHUSETTS AVENUE, RIVERSIDE, CA 92507

ASSESSOR'S PARCEL NUMBER

210-130-015-1, 210-130-016-2

ZONING

INDUSTRIAL (I)

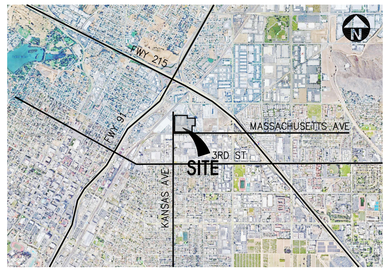
APPLICANT

STALEY POINT CAPITAL
RICARDO RIVAS
11150 SANTA MONICA BLVD.
SUITE 700
LOS ANGELES, CA 90025
CONTACT: TEL: 310-929-8088
FAX: 310-277-8330
EMAIL:RICARDO@STALEYPOINT.COM

APPLICANT'S RESPRESENTATIVE

HPA INC.
18831 BARDEEN AVE., SUITE 100
IRVINE, CA 92612
CONTACT: ANDY WIYANTO
TEL: 949-862-2161

AERIAL MAP



AMENITY AREAS CALC.

BUILDING 1
AREA A = 2,400 SF
AREA B = 1,300 SF
AREA C = 3,300 SF
TOTAL = 7,000 SF

BUILDING 2
AREA A = 4,400 SF
AREA B = 1,200 SF
AREA C = 1,400 SF
TOTAL = 7,000 SF

PROJECT DATA

	BLDG. 1	BLDG. 2	TOTAL	
SITE AREA				
In s.f.	224,380	220,392	444,772	s.f.
In acres	5.15	5.06	10.21	ac
BUILDING AREA				
Existing				
Office - 1st floor	6,000	6,000	12,000	s.f.
Office - 2nd floor	0	2,250	2,250	s.f.
Warehouse	93,900	91,700	185,600	s.f.
TOTAL	99,900	99,950	199,850	s.f.
F.A.R.	0.445	0.454	0.449	
AUTO PARKING REQUIRED				
Office: 1/250 s.f.	24	33	57	stalls
Whse: 1/1,000 s.f.	94	92	186	stalls
TOTAL	118	125	243	stalls
AUTO PARKING PROVIDED				
Standard (9' x 18')	98	97	195	stalls
Standard Accessible Parking (9' x 18'	3	4		
Van Accessible Parking (12' x 18')	2	1		
EVCS (9'x18')	19	19		
EVSE (9'x18')	4	4		
EVSE Standard Accessible (9'x18')	1	1		
EVSE Van Accessible (12'x18')	1	1		
Total	127	127	254	stalls
LANDSCAPE REQUIREMENT				
Percentage - 5%				
ZONING ORDINANCE FOR CITY				
Zoning Designation - Industrial				
MAXIMUM BUILDING HEIGHT ALLOWED				
Height - 45'				
MAXIMUM FLOOR AREA RATIO				
FAR - .60				

LEGAL DESCRIPTION

PARCEL 1: (APN : 210-130-015-1)

ALL THAT CERTAIN PORTION OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 24; THENCE ALONG THE WESTERLY LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4 NORTH 0°00'59" EAST 817.37 FEET TO THE CENTERLINE OF ROBERTA STREET AS SHOWN BY A MAP OF RECORD OF SURVEY ON FILE IN BOOK 73, PAGE 17 OF RECORDS OF SURVEY, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA; THENCE ALONG SAID CENTERLINE OF ROBERTA STREET NORTH 89° 17' 00" EAST 659.86 FEET; THENCE SOUTH 0° 00' 50" EAST 20.00 FEET MORE OR LESS, TO THE NORTHEAST CORNER OF LOT II OF THE MARIE TRACT AS SHOWN BY THE ABOVE – MENTIONED RECORD OF SURVEY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE EASTERLY LINE OF SAID LOT II, SOUTH 0° 00' 50" EAST 133.65 FEET TO THE SOUTHEAST CORNER THEREOF, SAID SOUTHEAST CORNER BEING THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 24, AS SHOWN BY ABOVE – MENTIONED RECORD OF SURVEY; THENCE SOUTH 89° 17' 00" WEST 20.00 FEET; THENCE SOUTH 0° 00' 59" WEST 301.32 FEET; THENCE SOUTH 89° 17' 00" WEST 606.92 FEET, MORE OR LESS TO A POINT 33 FEET EASTERLY OF THE WESTERLY LINE OF SAID NORTHWESTERLY 1/4 OF THE NORTHWESTERLY 1/4; THENCE NORTH 0° 00' 59" EAST 434.97 FEET TO THE NORTHWESTERLY CORNER OF LOT 1 OF SAID MARIE TRACT; THENCE NORTH 89° 17' 00" EAST ALONG THE NORTHERLY LINE OF LOTS 1 AND 4 THROUGH 11 OF SAID MARIE TRACT, 626.85 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION GRANTED TO THE CITY OF RIVERSIDE, A MUNICIPAL CORPORATION BY DEED RECORDED AUGUST 12, 1983 AS INSTRUMENT NO. 1983-164247 OF OFFICIAL RECORDS.

SAID LEGAL DESCRIPTION IS PURSUANT TO UNRECORDED PARCEL MAP WAIVER 16-834 AS DISCLOSED BY DOCUMENT RECORDED SEPTEMBER 16, 1 986 AS INSTRUMENT NO. 1986-225835 OF OFFICIAL RECORDS.

PARCEL 2: (APN: 210-130-016-2)

ALL THAT CERTAIN PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF RIVERSIDE, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 24; THENCE ALONG THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER NORTH 89° 20' 43" EAST, 33.00 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY LINE OF KANSAS AVENUE, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTHERLY LINE NORTH 89° 20' 43" EAST, 606.91 FEET; THENCE NORTH 0° 00' 59" EAST, 363.09 FEET; THENCE SOUTH 89° 17' 00" WEST, 606.92 FEET, MORE OR LESS TO A POINT ON THE ABOVE MENTIONED EASTERLY LINE OF KANSAS AVENUE; THENCE ALONG SAID EASTERLY LINE SOUTH 0° 00' 59" WEST, 362.43 FEET TO THE POINT OF BEGINNING;

EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE SOUTHERLY 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE WEST LINE OF SAID SOUTHERLY 1/2, LYING DISTANT THEREON SOUTH 376.32 FEET FROM THE NORTHWEST CORNER THEREOF, SAID POINT ALSO BEING THE INTERSECTION OF THE WEST PROLONGATION OF THE MOST SOUTHERLY LINE OF PARCEL 1 OF THAT CERTAIN PARCEL 1 OF LAND CONVEYED TO THE CITY OF RIVERSIDE BY DEED RECORDED AUGUST 12, 1983 AS INSTRUMENT NO. 1983-164247 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, WITH SAID WEST LINE OF SAID NORTHEAST 1/4; THENCE NORTH 89° 17' 00" EAST ALONG SAID PROLONGATION 33.00 FEET TO THE MOST SOUTHWESTERLY CORNER OF SAID PARCEL 1, SAID CORNER ALSO BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH ALONG THE SOUTH PROLONGATION OF THE WEST LINE OF SAID PARCEL 1, SAID SOUTH PROLONGATION ALSO BEING THE MOST WEST LINE OF PARCEL 2 OF THAT CERTAIN PARCEL OF LAND CONVEYED TO H.K. MARVIN, ET AL, BY DEED RECORDED JULY 3, 1979 AS INSTRUMENT NO. 1979-139180 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, A DISTANCE OF 284.00 FEET TO THE MOST SOUTHWESTERLY CORNER OF LAST SAID PARCEL 2; THENCE NORTH 89° 17' 00" EAST ALONG THE SOUTH LINE OF SAID PARCEL 2, A DISTANCE OF 825.00 FEET TO THE MOST SOUTHEASTERLY CORNER THEREOF; THENCE NORTH A DISTANCE OF 42.00 FEET TO A LINE WHICH IS PARALLEL WITH AND DISTANT 42.00 FEET NORTH AS MEASURED AT RIGHT ANGLE FROM THE SOUTH LINE OF LAST SAID PARCEL 2: THENCE SOUTH 89° 17' 00" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 796.37 FEET TO THE BEGINNING OF A NON – TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 39.50 THE INITIAL RADIAL LINE AT SAID BEGINNING BEARS NORTH 25° 17' 32" EAST; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 35° 34' 00" AN ARC LENGTH OF 24.52 FEET TO A LINE WHICH IS PARALLEL WITH AND DISTANT 11.00 FEET EAST AS MEASURED AT RIGHT ANGLE FROM THE MOST WEST LINE OF LAST SAID PARCEL 2; THENCE NORTH ALONG SAID PARALLEL LINE A DISTANCE OF 225.30 FEET TO THE MOST SOUTH LINE OF AFORESAID PARCEL 1; THENCE SOUTH 89° 17' 00" WEST ALONG SAID MOST SOUTH LINE A DISTANCE OF 11.00 FEET TO THE TRUE POINT OF BEGINNING.

HPA architecture

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LICENSED ARCHITECT
YONG NAM
C-29451
3-31-25
RENEWAL DATE
STATE OF CALIFORNIA

Owner:

StaleyPoint CAPITAL

STALEY POINT CAPITAL
11150 SANTA MONICA BLVD. SUITE 700
LOS ANGELES, CA 90025
TEL: 310-929-8088

Project:

MASSACHUSETTS AVE. & KANSAS AVE. BY STALEY POINT

CITY OF RIVERSIDE, CA

Consultants:

CIVIL	-
STRUCTURAL	-
MECHANICAL	-
PLUMBING	-
ELECTRICAL	-
LANDSCAPE	HUNTER
FIRE PROTECTION	-
SOILS ENGINEER	-

Title: MASTER SITE PLAN

Project Number:	21074
Drawn by:	AW
Date:	05/23/24
Revision:	

Sheet:

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