Appendix B-1

Crescent Cemetery, Conditional Use Permit CUP 230002, Habitat Assessment and Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis,
July 2024
prepared by ELMT Consulting

CRESCENT CEMETERY

CONDITIONAL USE PERMIT CUP230002

UNINCORPORATED RIVERSIDE COUNTY, CALIFORNIA

LAKE ELSINORE USGS 7.5-MINUTE TOPOGRAPHIC QUADRANGLE
SECTION 22, TOWNSHIP 5 SOUTH, RANGE 4 WEST
APNS: 3491-700-05, -06, -07, -08, -09, -10, -11, -12, AND -13; AND
3491-800-02, -04, -05, -06, -07, -08, -16, -17, -20, AND -35

Habitat Assessment and Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis

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Prepared For:

Muslim Mortuary and Cemetery Committee
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July 2024

CRESCENT CEMETERY

UNINCORPORATED RIVERSIDE COUNTY, CALIFORNIA

Habitat Assessment and Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis

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The undersigned certify that the statements furnished in this report and exhibits present data and information required for this biological evaluation, and the facts, statements, and information presented is a complete and accurate account of the findings and conclusions to the best of our knowledge and beliefs.



Travis J. McGill
Director/Biologist



Thomas J. McGill, Ph.D.
Managing Director

July 2024

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Section 1 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 Crescent Cemetery Project (project, site) located in unincorporated Riverside County, California. The report was prepared to document baseline conditions and assess the potential for special-status [1] plant and wildlife species to occur within the boundaries of the proposed project that could pose a constraint to project implementation. 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 in the general vicinity of the project. 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 County of Riverside is a signatory to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Since the County will be the lead agency for the proposed project, the project will need to be consistent with the rules and regulations set forth in the MSHCP. 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. 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 Elsinore Area Plan of the MSHCP but is not located within any Criteria Cells or MSHCP Conserved Lands. In addition, the project site is only located within the designated survey area for burrowing owl (*Athene cunicularia*).

1.1 PROJECT LOCATION

The project site is generally located north and east of Interstate 15, south of State Route 74, and west of Interstate 215 in Riverside County, California (Exhibit 1, *Regional Vicinity*). The project site is depicted on the Lake Elsinore quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map within Section 22 of Township 5 South, Range 4 West (refer to Exhibit 2, *Site Vicinity*, and Exhibit 3, *Project Site (Aerial View)*). Specifically, the proposed project site is located south of River Road, west of the San Jacinto River, north of Canyon Lake, and east of Jarvis Street within Assessor Parcel Numbers (APN) 349-170-003, -004, -005, -006, -007, -008, -009, -010, -011, -012, and -013; and 349-180-002, -004, -005, -006, -007, -008, -016, -017, -020, and -035.

[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.

1.2 PROJECT DESCRIPTION

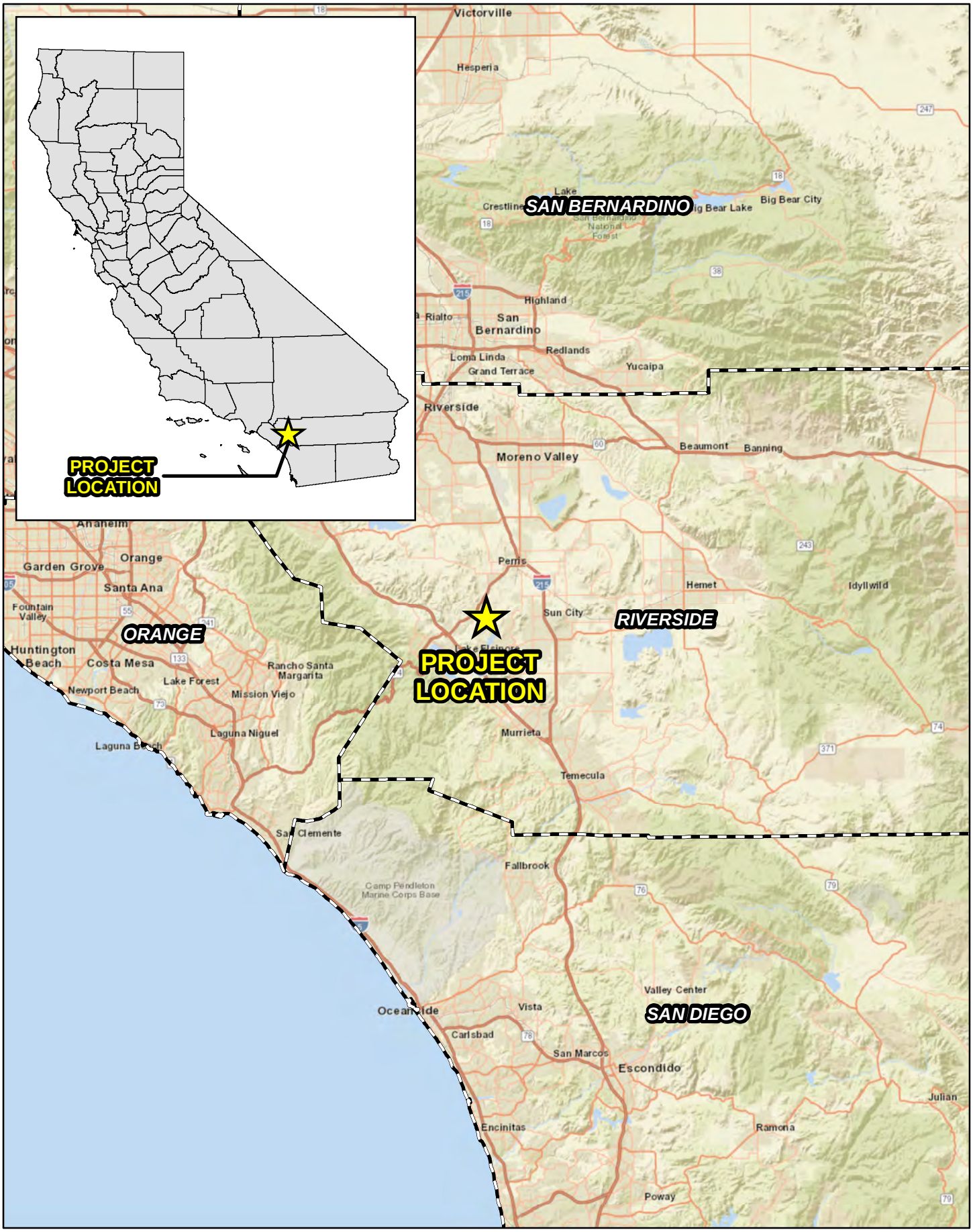
The project proposes to construct a cemetery and related support facilities designed for +/- 20,000 gravesites located in the unincorporated area of Riverside County in the community of Meadowbrook, north of Lake Elsinore (Exhibit 4: *Project Open Space Plan*). The cemetery would be developed over approximately 15 years. Facilities include the following:

- Mortuary - approximately 5,500 square feet (sf) with around 43 of 137 parking spaces (1,300 sf for assembly area). The intent of the mortuary is for burial preparations and small family-oriented gatherings as needed. It will provide offices to support making funeral and burial arrangements, including religious services ancillary to the mortuary, with family attendance.

- Chapel – approximately 9,700 sf with 2,400 sf of assembly area. Parking for each land use is planned to be shared on both sides of the main entry. 77 parking spaces for the chapel of the 152 parking spaces. Total parking provided for this campus area is 137 parking spaces.

- Equipment Shed –approximately 1,400 sf.

- Caretaker Residence. A caretaker residence, approximately 2,200 sf, is planned. It may be a modular design with its own septic tank. It is located near the main chapel area where the site manager can monitor and service the cemetery.



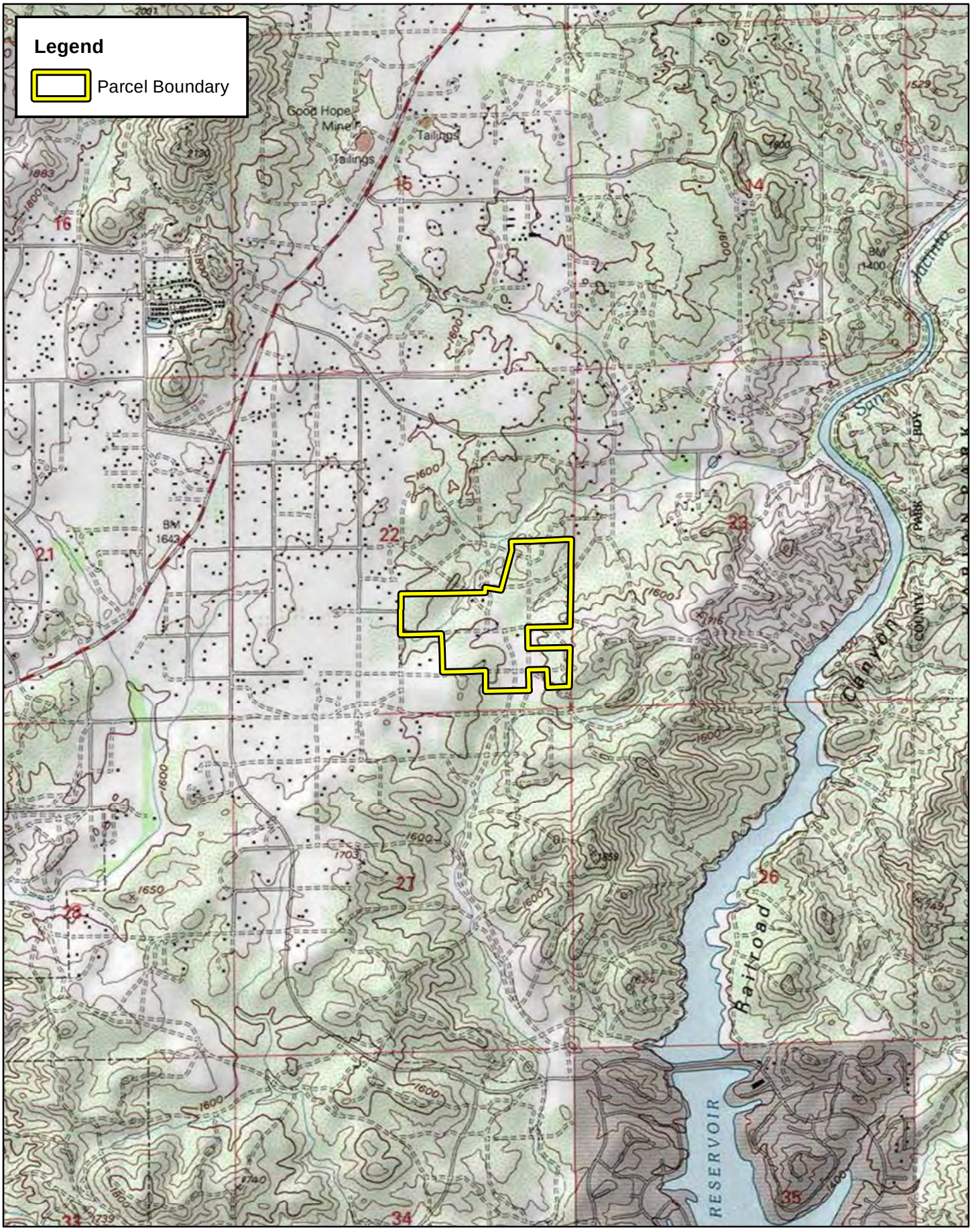
ELMT CONSULTING

Source: World Street Map, Riverside County

CRESCENT CEMETERY

Regional Vicinity

Exhibit 1



ELMT CONSULTING

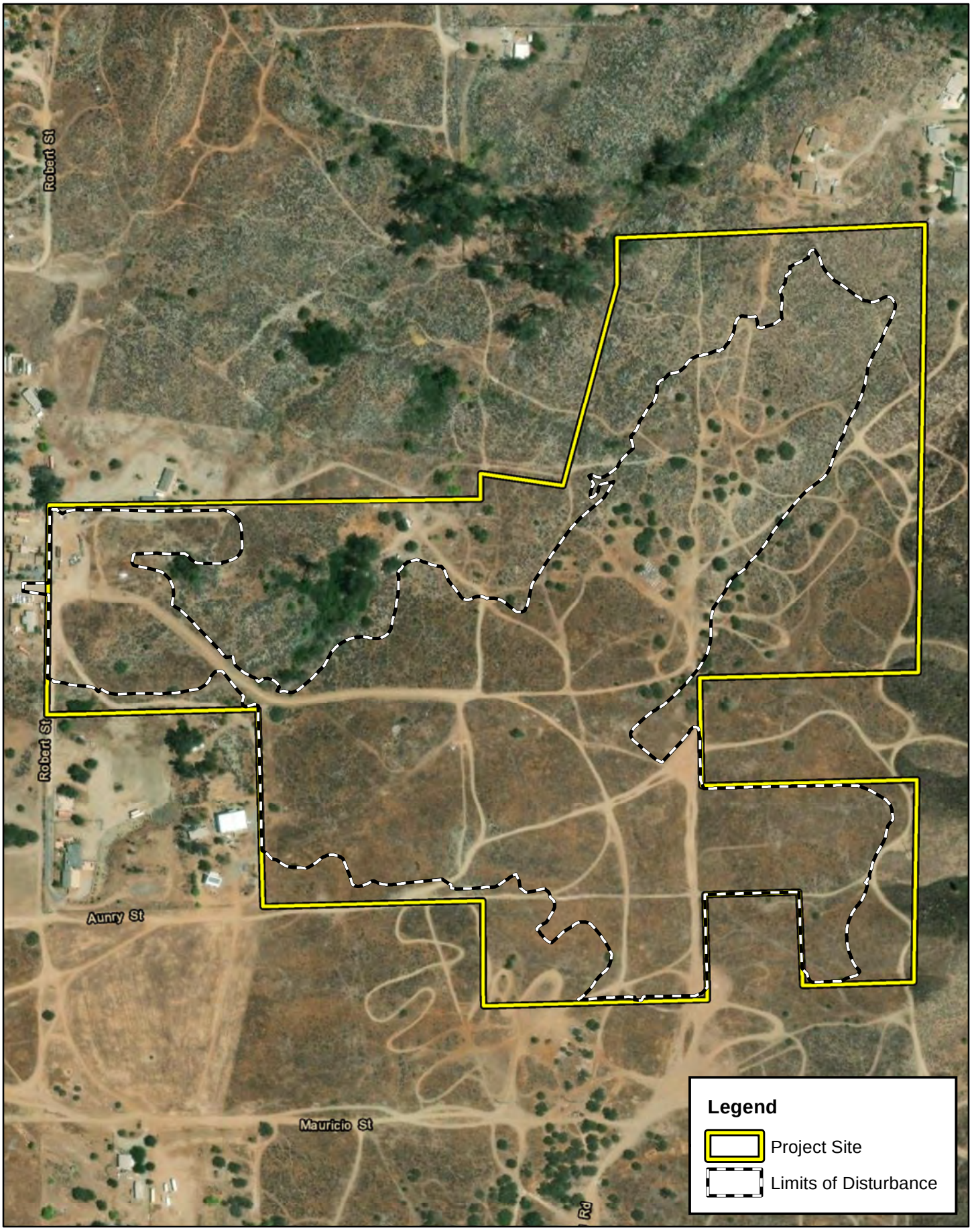
0 1,000 2,000 4,000 Feet

Source: USA Topographic Map, Riverside County

CRESCENT CEMETERY

Site Vicinity

Exhibit 2



ELMT CONSULTING

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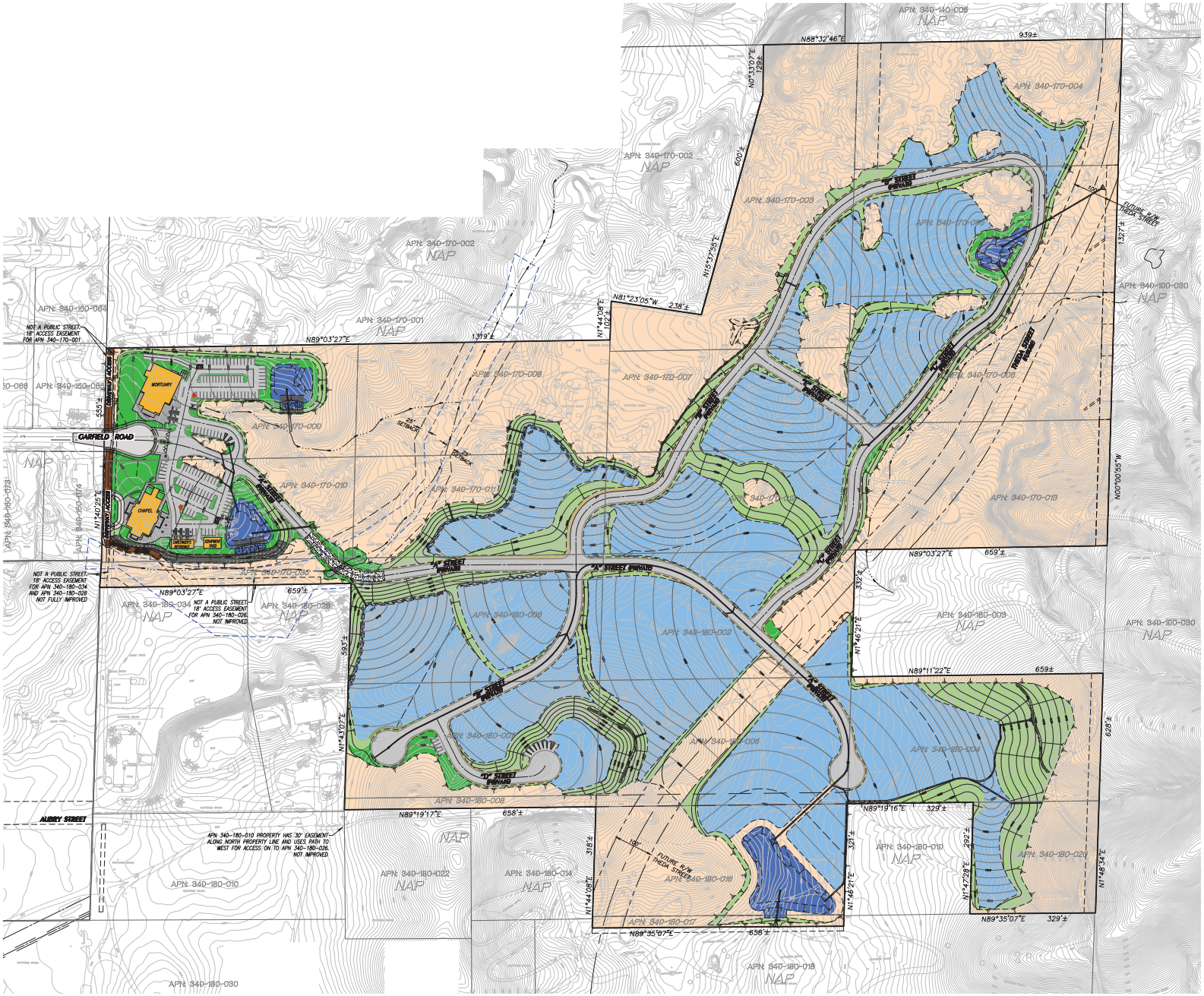
Source: ESRI Aerial Imagery, Riverside County

CRESCENT CEMETERY

Project Site

Exhibit 3



LEGEND

- PROJECT BOUNDARY LINE
- PROPOSED RIGHT OF WAY
- PROPOSED LOT LINE
- PROPOSED CURB
- EXISTING LOT LINE
- PROPOSED EASEMENT LINE
- PROPOSED CENTERLINE
- FENCE
- DAYLIGHT
- EXISTING WATER
- PROPOSED STORM DRAIN
- FLOOD PLAIN LIMITS (PER PRELIMINARY HYDROLOGY)
- JD STREAM BASED ON VCS ENVIRONMENTAL FIELD SURVEY
- WALL
- TOP OF SLOPE
- TOE OF SLOPE
- FIRE HYDRANT

SUMMARY TABLE

Project Area: 84.95 Acres

Open Space Summary	Acres
Grave Site	[illegible]
Natural Open Space	[illegible]
Slopes Cut to Fill	[illegible]
Landscape Areas	[illegible]
Total	74.3
Paved Areas, Roads & Parking Lots	7.2
Detention Basins	1.5

FEET 0 50 100 200 300 400
INCHES 0 1/2 1 1/2 2 2 1/2 3

CEQA CONSULTANT EXHIBIT
OPEN SPACE
TENTATIVE TRACT MAP NO. 38623

APPLICANT:
MUSLIM MORTUARY & CEMETERY COMMITTEE
13121 BROOKHURST STREET, SUITE C
GARDEN GROVE, CA 92843
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DATE: Feb. 26, 2024 09:57:23 PM FILE: F:\1167\Planning\OA_Project\Exhibit\CEQA OpenSpace_Exhibit.dwg

Section 2 Methodology

A literature review and records search were conducted to determine which special-status biological resources have the potential to occur on or within the general vicinity of the project site. In addition to the literature review, a general habitat assessment or field investigation was conducted. The field investigation was conducted to document existing conditions within the project site to assess the potential for special-status biological resources to occur.

2.1 LITERATURE REVIEW

Prior to conducting the field investigation, species and habitat information was gathered from the reports related to the specific project and relevant databases for the *Lake Elsinore* and *Romoland* USGS quadrangles to determine which species and/or habitats could be expected to occur on-site. These sources include:

- California Native Plant Society Electronic Inventory (CNPSEI) database;
- California Natural Diversity Database (CNDDB) *Rarefind 5*;
- CNDDB Biogeographic Information and Observation System (BIOS);
- Environmental Protection Agency (EPA) Water Program "My Waters" data layers
- Google Earth Pro historic aerial imagery (1985-2023);
- Stephen's Kangaroo Rat Habitat Conservation Plan
- United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS), Soil Survey [2];
- United States Fish and Wildlife Service (USFWS) Critical Habitat designations for Threatened and Endangered Species;
- USFWS National Wetlands Inventory (NWI);
- 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 software, to locate the nearest recorded occurrences of special-status species and determine the distance from the project site.

[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.

2.2 FIELD INVESTIGATION

Following the literature review, biologists Jacob H. Lloyd Davies and Megan E. Peukert inventoried and evaluated the condition of the habitat within the project site on November 13 and 16, 2023. Plant communities identified on aerial photographs during the literature review were verified by walking meandering transects through the plant communities and along boundaries between plant communities.

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.

Special attention was given to special-status habitats and/or undeveloped areas, which have higher potential to support special-status plant and wildlife species. Areas providing suitable habitat for burrowing owl were closely surveyed for signs of presence during the field survey. Methods to detect the presence of burrowing owls included direct observation, aural detection, and signs of presence including pellets, whitewash, feathers, or prey remains.

No limitations significantly affected the results and conclusions given herein. Surveys were conducted during the appropriate season to observe the target species, in good weather conditions, by a qualified biologist who followed all pertinent protocols.

2.3 SOILS 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.

2.4 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.

2.5 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).

2.6 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 well-standardized, scientific names are provided immediately following common names in this report (first reference only).

2.7 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.

Section 3 Existing Conditions

3.1 LOCAL CLIMATE

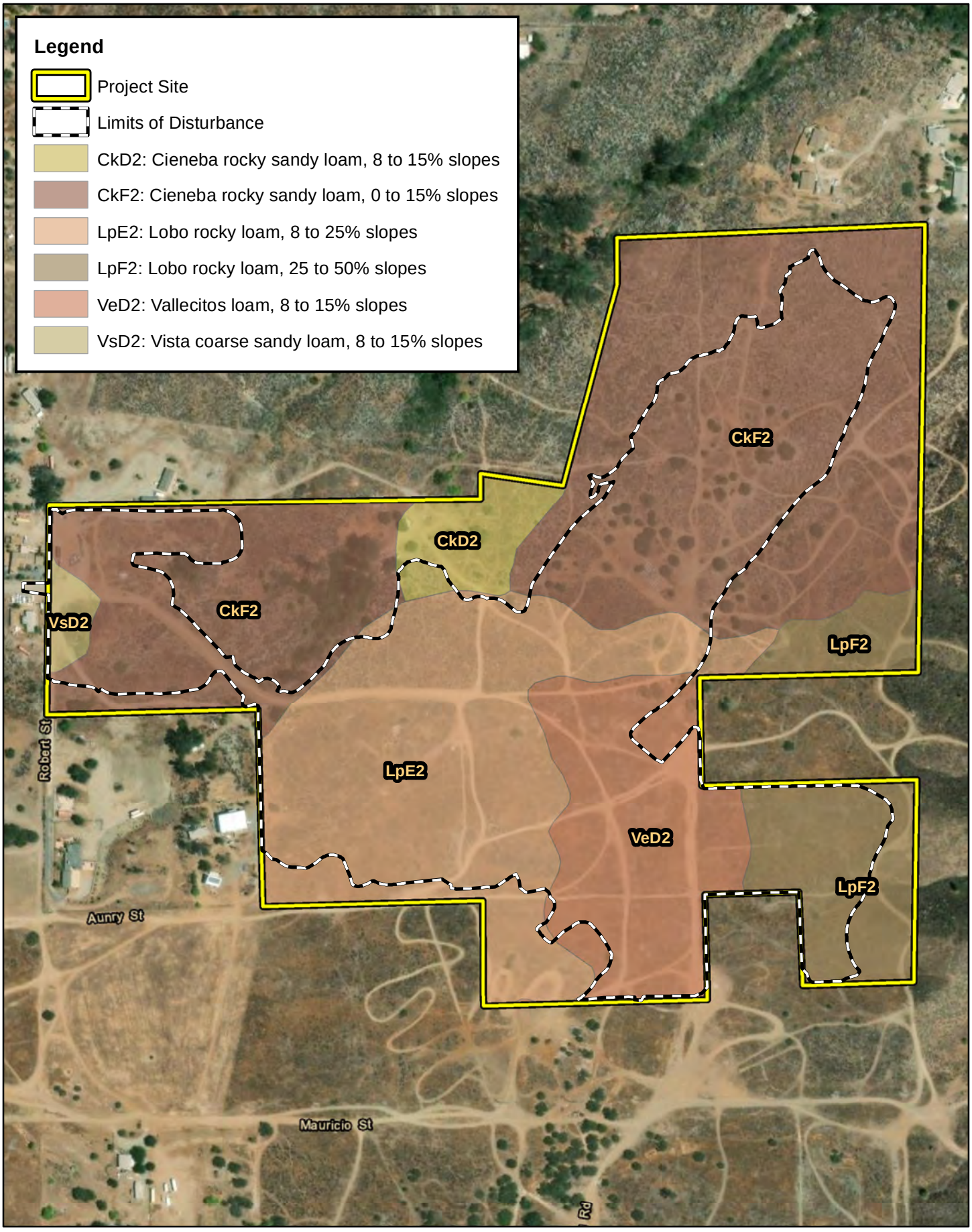
Western Riverside County features a somewhat cooler version of a Mediterranean climate, or semi-arid climate, with warm, sunny, dry summers and cool, rainy, mild winters. Relative to other areas in Southern California, winters are colder chilly to cold morning temperatures with frost common. Climatological data obtained for the nearby City of Lake Elsinore indicates the annual precipitation averages 11.65 inches per year. Almost all of the precipitation in the form of rain occurs in the months between October and April, with hardly any occurring between the months of June and September. The wettest months are January and February, with monthly average totals precipitation of 2.97 and 2.85 inches, respectively, and the driest months are June and August, with monthly average total precipitation of 0.07 and 0.06 inches, respectively. The average maximum and minimum temperatures are 80.2- and 51.8-degrees Fahrenheit (°F), respectively, with July and August (monthly average highs 96.5 and 97.8°F, respectively) being the hottest months and December and January (monthly average lows 40.3 and 41.9°F) being the coldest. The temperature during the site visit was in the mid-60s to mid-70s °F with lightly cloudy skies and calm winds.

3.2 TOPOGRAPHY AND SOILS

The project site is located at an approximate elevation of 1,540 to 1,670 feet above mean sea level and generally slopes from south to north with some areas bearing more defined sloping from southeast to northwest. The site occurs on the western periphery of the Temescal Mountains east of Railroad Canyon, resulting in hilly topography. Based on the NRCS USDA Web Soil Survey, the project site is historically underlain by Cieneba rocky sandy loam (8 to 15 percent slopes, eroded), Cieneba rocky sandy loam (15 to 50 percent slopes, eroded), Lodo rocky loam (8 to 25 percent slopes, eroded), Lodo rocky loam (25 to 50 percent slopes, eroded), Vallecitos loam (thick solum variant, 8 to 15 percent slopes, eroded), and Vista coarse sandy loam (8 to 15 percent slopes, eroded). Refer to Exhibit 5, *Soils*. Soils underlying the site are generally undisturbed with the exception of a network of access roads and recreational trails, areas surrounding remnant structures, and several areas on the western periphery of the site that have been utilized for storage and staging activities and road access for adjacent development.

3.3 SURROUNDING LAND USES

The project site is bounded to the east and south by undeveloped, vacant land supporting natural plant communities that extend into the adjacent hillside. The site is bounded to the northeast by undeveloped, vacant land with residential development beyond; and to the northeast and southwest by residential development.



ELMT CONSULTING

0 125 250 500 Feet

Source: ESRI Aerial Imagery, Soil Survey Geographic Database, Riverside County

CRESCENT CEMETERY

Soils

Exhibit 5

Section 4 Discussion

4.1 SITE CONDITIONS

The project site primarily supports undeveloped, vacant land with developed land occurring in the western limits of the site where adjacent development is encroaching into site boundaries. In addition, a remnant residential foundation is present in the middle of the eastern portion of the site. Undeveloped portions of the project site generally support natural plant communities, with the exception of a network of access roads and recreational trails that traverse the site. Historic aerials indicate that the site has supported some form of trails network since at least 1967, and on-site and adjacent development have been present since at least 1978. Refer to Appendix A, *Site Photographs*, for representative site photographs of the project site.

4.2 VEGETATION

Two (2) natural plant communities were documented on the project site: Riversidean Sage Scrub (RSS), and Mixed Riparian Scrub. In addition, the site supports one (1) land cover type that would be classified as disturbed. Refer to Exhibit 6, *Vegetation*. The plant community and land cover types are described in further detail below.

4.2.1 Riversidean Sage Scrub

The more topographically variable portions of the project site, namely the northern and southern portions and the southeast periphery, support a Riversidean sage scrub plant consistent with other natural areas in the surrounding area. The RSS supported on-site is dominated by a variety of woody perennials and supports a robust herbaceous layer. Vegetative cover in the RSS supported by the project site generally varies from moderate (>50%) to dense (>80%) with pockets of complete cover. Common native plant species observed in the RSS supported by the site include Deerweed (*Acmispon glaber*), fiddleneck (*Amsinckia sp.*), California sagebrush (*Artemisia californica*), golden stars (*Bloomeria crocea*), splendid mariposa-lily (*Calochortus splendens*), common sandaster (*Corethrogyne filaginifolia*), dove weed (*Croton setiger*), coyote melon (*Cucurbita palmata*), valley cholla (*Cylindropuntia bernardina*), sacred datura (*Datura wrightii*), fasciculated tarplant (*Deinandra fasciculata*), paniculate tarplant (*Deinandra paniculata*), bush sunflower (*Encelia californica*), brittlebush (*Encelia farinosa*), sapphire woollystar (*Eriastrum sapphirinum*), California buckwheat (*Eriogonum fasciculatum*), slender buckwheat (*Eriogonum gracile*), golden yarrow (*Eriophyllum confertiflorum*), rattlesnake sandmat (*Euphorbia albomarginata*), matchweed (*Gutierrezia california*), heliotrope (*Heliotropium curassavicum*), chaparral yucca (*Hesperoyucca whipplei*), Californica juniper (*Juniperus californica*), chaparral bush mallow (*Malacothamnus fasciculatus*), wishbone bush (*Mirabilis laevis*), showy penstemon (*Penstemon spectabilis*), holly leaf cherry (*Prunus ilicifolia*), perennial tobacco species (*Pseudognaphalium sp.*), spiny redberry (*Rhamnus crocea*), fragrant sumac (*Rhus aromatica*), white sage (*Salvia apiana*), chia sage (*Salvia columbariae*), blue elderberry (*Sambucus mexicana*), wire lettuce (*Stephanomeria exigua*), and vinegar weed (*Trichostema lanceolatum*). Common non-native plant species observed in the RSS supported on-site include giant reed (*Arundo donax*), broadleaf filaree (*Erodium botrys*), red-stemmed filaree (*Erodium*

cicutarum), mustard (*Hirschfeldia incana*), cheeseweed (*Malva parviflora*), horehound (*Marrubium vulgare*), Brazilian pepper (*Schinus terebinthifolius*), and milk thistle (*Silybum marianum*).

4.2.2 Mixed Riparian Scrub

The north western portion of the project site supports a mixed riparian scrub plant community on the banks of the on-site drainage feature Common native plant species observed in the plant community include, black willow (*Salix gooddingii*), baccharis (*Baccharis salicina*), pit seed goosefoot (*Chenopodium berlandieri*), coyote melon, sacred datura, giant wild rye (*Elysmus condensatus*), matchweed, heliotrope, wire rush (*Juncus balticus*), duck weed (*Lemna* sp.), chaparral bush mallow, arroyo willow (*Salix lasiolepsis*), rough hedge nettle (*Stachys rigida*), and stinging nettle (*Urtica dioica*). Common non-native plant species observed in this plant community include tree of heaven (*Ailanthus altissima*), red gum (*Eucalyptus camaldulensis*), horehound, tree tobacco (*Nicotiana glauca*), and London rocket (*Sisymbrium irio*).

It should be noted that several large red gum trees in this area appear to have been partially harvested, as several trunks remain intact while missing the majority of their mass above lateral chainsaw cuts. This portion of the site also appears to have supported some kind of horticultural or agricultural operation, as suggested by swathes of evenly spaced plants that are visible in some capacity from August 2019 to January 2023. The areas supporting growing operations were removed entirely during the recent grading.

4.2.3 Disturbed

Disturbed land generally encompasses areas where historic impacts or land uses have removed natural plant communities from an area and where routine disturbance prevents the re-establishment of a natural plant community. Within the boundaries of the project site, disturbed land is present throughout most of the southern portion of the site, in the western periphery of the site, and within and along a series of dirt trails and access roads that are routinely impacted by off-highway recreational vehicle access and other off-roading activities. Developed land supported on-site is generally barren and often supports dense monocultures of such species as dove weed, paniculate tarplant, brittlebush, vinegar weed, mustard, and stinknet (*Oncosiphon pilulifer*), and remnant stands of long-lived perennials that are adapted to routine disturbance such as California juniper. Other common native plant species observed in the disturbed land supported by the project site include deerweed, bush sunflower, California buckwheat, slender buckwheat, rattlesnake sandmat, matchweed, heliotrope, and Californica juniper. Other common non-native plant species observed include oats (*Avena* spp.), foxtail brome (*Bromus madritensis*), red brome (*Bromus rubens*), tocalote (*Centaurea melitensis*), yellow star thistle (*Centaurea solstitialis*), broadleaf filaree, red-stemmed filaree, red gum, cheeseweed, tree tobacco, Jerusalem thorn (Parkinsonia aculeata), Russian thistle (Salsola tragus), milk thistle, and London rocket.

4.3 WILDLIFE

Plant communities provide foraging habitat, nesting and denning sites for wildlife species, and shelter from adverse weather or predation. This section provides a discussion of wildlife species that were observed during the field survey or that 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 condition in which the field

survey was conducted. Wildlife detections were based on calls, songs, scat, tracks, burrows, and direct observation.

4.3.1 Fish

While the ponded area supported by the project site provides limited habitat for local fish species, it was created artificially for irrigation purposes and does not bear any connection to nearby aquatic habitats that support fish species. No fish were observed during the field investigation. The only fish species that may be expected to occur is mosquitofish (*Gambusia affinis*), a non-native/invasive species that is introduced to ponded areas and waterways in association with insect-borne disease vector control efforts.

4.3.2 Amphibians

The ponded area supported by the project site and adjacent mesic areas provide suitable habitat for local amphibian species adapted to small-scale agricultural projects and routine anthropogenic disturbance. The only amphibian species observed during the field investigation was Baja California tree frog (*Pseudacris hypochondriaca hypochondriaca*). Other common amphibian species that could be expected to occur on-site include California toad (*Anaxyrus boreas halophilus*), garden slender salamander (*Batrachoseps major major*), and black-bellied slender salamander (*Batrachoseps nigriventris*).

4.3.3 Reptiles

The project site and surrounding area provide suitable foraging and cover habitat for local reptile species. Reptilian species observed during the field investigation include orange-throated whiptail (*Aspidoscelis hyperythra*), granite spiny lizard (*Sceloporus orcutti*), and western side-blotched lizard (*Uta stansburiana elegans*). Other common reptilian species that could be expected to occur on-site include southern alligator lizard (*Elgaria multicarinata*), Great Basin fence lizard (*Sceloporus occidentalis longipes*), Southern Pacific rattlesnake (*Crotalus oreganus helleri*), California kingsnake (*Lampropeltis californiae*), and San Diego gophersnake (*Pituophis catenifer annectens*).

4.3.4 Birds

The project site and surrounding area provide suitable foraging and nesting habitat for local avian species. Avian species observed on-site during the field investigation include American pipit (*Anthus rubescens*), red-tailed hawk (*Buteo jamaicensis*), California quail (*Callipepla californica*), turkey vulture (*Cathartes aura*), northern flicker (*Colaptes auratus*), common raven (*Corvus corax*), nuttall's woodpecker (*Dryobates nuttallii*), greater roadrunner (*Geococcyx californianus*), house finch (*Haemorhous mexicanus*), loggerhead shrike (*Lanius ludovicianus*), California towhee (*Melozone crissalis*), California gnatcatcher (*Polioptila californica*), bushtit (*Psaltriparus minimus*), ruby-crowned kinglet (*Regulus calendula*), yellow-rumped warbler (*Setophaga coronata*), lesser goldfinch (*Spinus psaltria*), Eurasian collared dove (*Streptopelia decaocto*), cassin's kingbird (*Tyrannus vociferans*), mourning dove (*Zenaida macroura*), white-crowned sparrow (*Zonotrichia leucophrys*). In addition, several owl pellets were observed, indicating that great horned owl (*Bubo virginianus*) and/or barn owl (*Tyto alba*) are also present based on pellet size and local distributions of these species.

4.3.5 Mammals

The project site and surrounding area provide suitable foraging and cover habitat for local mammalian species. Mammalian species observed/detected during the field investigation include coyote (*Canis latrans*), California ground squirrel (*Otospermophilus beecheyi*), desert cottontail (*Sylvilagus audubonii*), and pocket gopher (*Thomomys bottae*). Other common mammalian species that could be expected to occur on-site include black-tailed jackrabbit (*Lepus californica*), and raccoon (*Procyon lotor*). Several large domestic dogs (*Canis familiaris*) were also observed freely roaming the northern portion of the site. In addition, the site and surrounding area provide suitable foraging habitat and roosting opportunities for a number of local bat species (i.e., family Vespertilionidae).

4.4 NESTING BIRDS

No active nests or birds displaying nesting behavior were observed during the field survey, which was conducted outside of the breeding season. The project site and surrounding area have the potential to provide nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that area adapted to urban environments. Additionally, the disturbed portions of the sites have the potential to support birds that nest on the open ground such as killdeer (*Charadrius vociferus*).

Nesting birds are protected pursuant to the 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.

4.5 WILDLIFE CORRIDORS AND LINKAGES

Habitat linkages provide links between larger undeveloped 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 inadequate for others. Wildlife corridors are significant features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

As mapped by the MSHCP, the project site has not been identified as occurring in a wildlife corridor or linkage. The site does occur adjacent to mapped MSHCP Conserved Public/Quasi-Public Land (PQP) within APN 3491-700-02 along the northern boundary; however, this parcel does not occur within any Criteria Cells and is not documented as contributing to nearby Linkages. The nearest mapped linkage occurs approximately 380 feet to the south within Proposed Linkage L-7. The site is separated from this linkage by undeveloped, vacant land and recreational trails.

The undeveloped land in the immediate vicinity of the project site provides local wildlife movement opportunities for wildlife species moving through the immediate area. The project site does not function as

a major wildlife movement corridor or linkage. As such, implementation of the proposed project is not expected to have a significant impact to wildlife movement opportunities or prevent local wildlife movement through the area since there is ample habitat adjacent to the project site to support wildlife movement opportunities.

4.6 STATE AND FEDERAL 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 and/or fill materials into "waters of the United States" 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 Regional Board regulates discharges into surface waters pursuant to Section 401 of the CWA and the California Porter-Cologne Water Quality Control Act and the CDFW regulates alterations to streambed and associated plant communities pursuant to Section 1602 of the California Fish and Game Code.

One (1) unnamed drainage feature (Drainage 1) was observed within the boundaries of the project site at the time of the investigation (refer to Exhibit 7, *On-site Drainage Features*). Drainage 1 extends from south to north within the northwest region of the project site. Drainage 1 conveys flows, primarily outside of the proposed limits of disturbance before terminating near the northwest corner of the site. Drainage 1 receives flows direct precipitation upstream and from the discharge waters of a well in the middle of the drainage, outside the proposed limits of disturbance, which was installed to provide water to on-site agricultural activities. The upstream portion of Drainage 1 appears to only support surface water immediately following storm events. Portions of Drainage 1 support a mixed riparian scrub plant community.

Based on the results of a Delineation of State and Federal Waters Report (ELMT, 2024) prepared under a separate cover, Drainage 1 is not relatively permanent, standing, or a continuously flowing body of water and, therefore, will not qualify as waters of the United States under the regulatory authority of the Corps (*Sackett v. EPA* (2022) 143 S. Ct. 1322, 1336). However, Drainage 1 will qualify as waters of the State and will fall under the regulatory authority of the Regional Board and CDFW. The project applicant will likely be required to obtain the following regulatory approvals prior to impacts occurring within the identified jurisdictional areas: Corps Approved Jurisdictional Determination/Waiver; Regional Board CWA Section 401 Water Quality Certification; and CDFW Section 1602 Streambed Alteration Agreement (SAA).

4.7 SPECIAL-STATUS BIOLOGICAL RESOURCES

A records search was conducted to determine reported locations of special-status plant and wildlife species as well as natural communities of special concern in the Lake Elsinore and Romoland USGS 7.5-minute quadrangles. These two quadrangles were used due to the proximity of the site to quadrangle boundaries and regional topography. 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. Twenty-five (25) specials status plant species, seventy-five (75) special-status wildlife species, and three (3) special-status plant communities have been recorded in the *Lake Elsinore and Romoland* USGS 7.5-minute quadrangles. Species determined to have the potential to occur within the general vicinity are provided in Appendix C, *Potentially Occurring Special-Status Biological Resources.*

4.7.1 Special-Status Plants

According to the CNDDB and CNPS, twenty-five (25) special-status plant species have been recorded in the Lake Elsinore and Romoland quadrangles (refer to Appendix C). One (1) special-status plant species was observed within the project site during the field investigation: paniculate tarplant (CNPS Rare Plant Rank 4.2). Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the site has a low potential to support Payson's jewelflower (*Caulanthus simulans*, CRPR 4.2), Peninsular spineflower (*Chorizanthe leptotheca*, CRPR 4.2), southern California black walnut (*Juglans californica*, CRPR 4.2), Robinson's pepper-grass (*Lepidium virginicum* var. *robinsonii*, CRPR 4.3), and Coulter's matilija poppy (*Romneya coulteri*, CRPR 4.2). It was further determined that the site does not have potential to support any of the other special-status plant species known to occur in the vicinity of the site and all are presumed to be absent due to the lack of suitable habitat.

None of the aforementioned special-status plant species are federally nor state listed as threatened or endangered. They are designated as CNPS Rare Plant Rank 4.2 or 4.3 species. CNPS Rare Plant Rank 4 species are of limited distribution or infrequent throughout a broader area in California, with 4.3 species considered to not be very threatened and 4.2 species considered to be moderately threatened. In addition, Payson's jewelflower, Peninsular spineflower, southern California black walnut, and Coulter's matilija poppy are covered species under the MSHCP. The general suitability of the project site for these species is limited; however, due to the location of the site on the western periphery of a broad expanse of open space and the subsequent increased suitability of nearby habitats to the south, these species were determined to have a low potential to occur. Since the site provides only limited suitability habitat for these species and no direct observations of these species were made, it is unlikely that any Payson's jewelflower, Peninsular spineflower, southern California black walnut, or Coulter's matilija poppy supported on-site contribute meaningfully to the continued conservation of these species, if present. No mitigation obligations specific to these species are expected.

The project site supports populations of paniculate tarplant, which is scantly present throughout much of the RSS plant community and occurs in dense monocultures throughout the disturbed land in the middle portion of the site that is located outside of areas routinely impacted by off-highway recreational vehicle activities. This species is known to establish monocultures disturbed areas, especially in the absence of native plant communities.

4.7.2 Special-Status Wildlife

According to the CNDDB, seventy-five (75) special-status wildlife species have been reported in the Lake Elsinore and Romoland quadrangles (refer to Appendix C). Three special-status wildlife species were observed on-site during the field investigation: orange-throat whiptail (CDFW Watch List), loggerhead shrike (CDFW Species of Special Concern), and coastal California gnatcatcher (Federally Threatened, CDFW Species of Special Concern). Based on habitat requirements for specific species and the availability and quality of on-site habitats, it was determined that the project site has a high potential to support Cooper’s hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), coastal whiptail (*Aspidoscelis tigris stejnegeri*), Costa’s hummingbird (*Calypte costae*), red-diamond rattlesnake (*Crotalus ruber*), California horned lark (*Eremophila alpestris actia*), San Diego desert woodrat (*Neotoma lepida intermedia*), coast horned lizard (*Phrynosoma blainvillii*), and coast patch-nosed snake (*Salvadora hexalepis virgultea*); and

a low potential to support Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), grasshopper sparrow (*Ammodramus savannarum*), California glossy snake (*Arizona elegans occidentalis*), Bell's sparrow (*Artemisiospiza belli belli*), burrowing owl (*Athene cunicularia*), Crotch bumblebee (*Bombus crotchii*), American bumble bee (*Bombus pensylvanicus*), Dulzura pocket mouse (*Chaetodipus californicus femoralis*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), San Bernardino ringneck snake (*Diadophis punctatus modestus*), western mastiff bat (*Eumops perotis californicus*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), and pallid bobcat (*Lynx rufus pallescens*). It was further determined that the project sites do not have the potential to support any of the remaining special-status wildlife species known to occur in the vicinity and all are presumed to be absent.

Of the aforementioned species, coastal California gnatcatcher is federally listed as threatened and Crotch bumblebee is a candidate for state listing. None of the other aforementioned species are federally or state listed. In addition, orange-throat whiptail, loggerhead shrike, coastal California gnatcatcher, Cooper's hawk, sharp-shinned hawk, coastal whiptail, San Diego banded gecko, red-diamond rattlesnake, California horned lark, San Diego desert woodrat, coast horned lizard, southern California rufous-crowned sparrow, grasshopper sparrow, golden eagle, Bell's sparrow, burrowing owl, northwestern San Diego pocket mouse, San Diego black-tailed jackrabbit, and pallid bobcat are covered species under the MSHCP.

Of the aforementioned avian species, loggerhead shrike, coastal California gnatcatcher, Cooper's hawk, Costa's hummingbird, southern California rufous-crowned sparrow, grasshopper sparrow, and Bell's sparrow, have the potential to nest on-site. The remaining avian species are only expected to occur on-site while foraging due to the absence of suitable nesting/roosting opportunities and geographic disparities between the location of the project site and respective geographic nesting ranges. To ensure impacts to aforementioned avian species do not occur from implementation of the proposed project, a pre-construction nesting bird clearance survey shall be conducted prior to ground disturbance. With implementation of the pre-construction nesting bird clearance survey, impacts to the aforementioned species will be less than significant and no mitigation will be required.

Due to being a candidate for state listing as endangered, the potential occurrence of Crotch bumblebee is discussed in further detail below.

Crotch Bumblebee

The Crotch bumblebee is a candidate species for listing status by the CESA. It is a colonial species that lives almost exclusively from coastal California east towards the Sierra-Cascade Crest and can be found uncommonly in western Nevada and south through Baja California. The Crotch bumblebee inhabits grassland and scrub habitats in hotter and drier climates than most other bumblebee species and is only capable of tolerating a narrow range of climatic conditions. This species feeds on a variety of annual and perennial plant species, classifying it as a dietary generalist. It usually nests underground, often in abandoned rodent dens. Queens are active from March to May, with peak activity occurring in April; workers are active from April to August, with peak activity occurring between May and June; and males are active from May to September, with peak activity occurring in July.

The Riversidean sage scrub plant community supported on-site provides suitable foraging habitat and burrowing conditions for Crotch bumblebee. Further, the presence of fossorial mammals indicates that suitable nesting and overwintering opportunities are also available. According to the CNDDB, this species

is mapped as occurring near Quail Valley, approximately 0.84 miles to the east beyond the San Jacinto River. Therefore, the project site was determined to have a low potential to support Crotch bumblebee.

Crotch bumble bee was detected on the project site during the first survey during the 2024 flight season, with one remaining yet to be conducted as the date of this report, (Appendix F of this report is reserved for the final report). As of the date of this report, the population and impacts to crotch bumblebee are still being evaluated. If impacts to the species are determined, an Incidental Take Permit would likely be required from CDFW as this species is not covered by the MSHCP. .

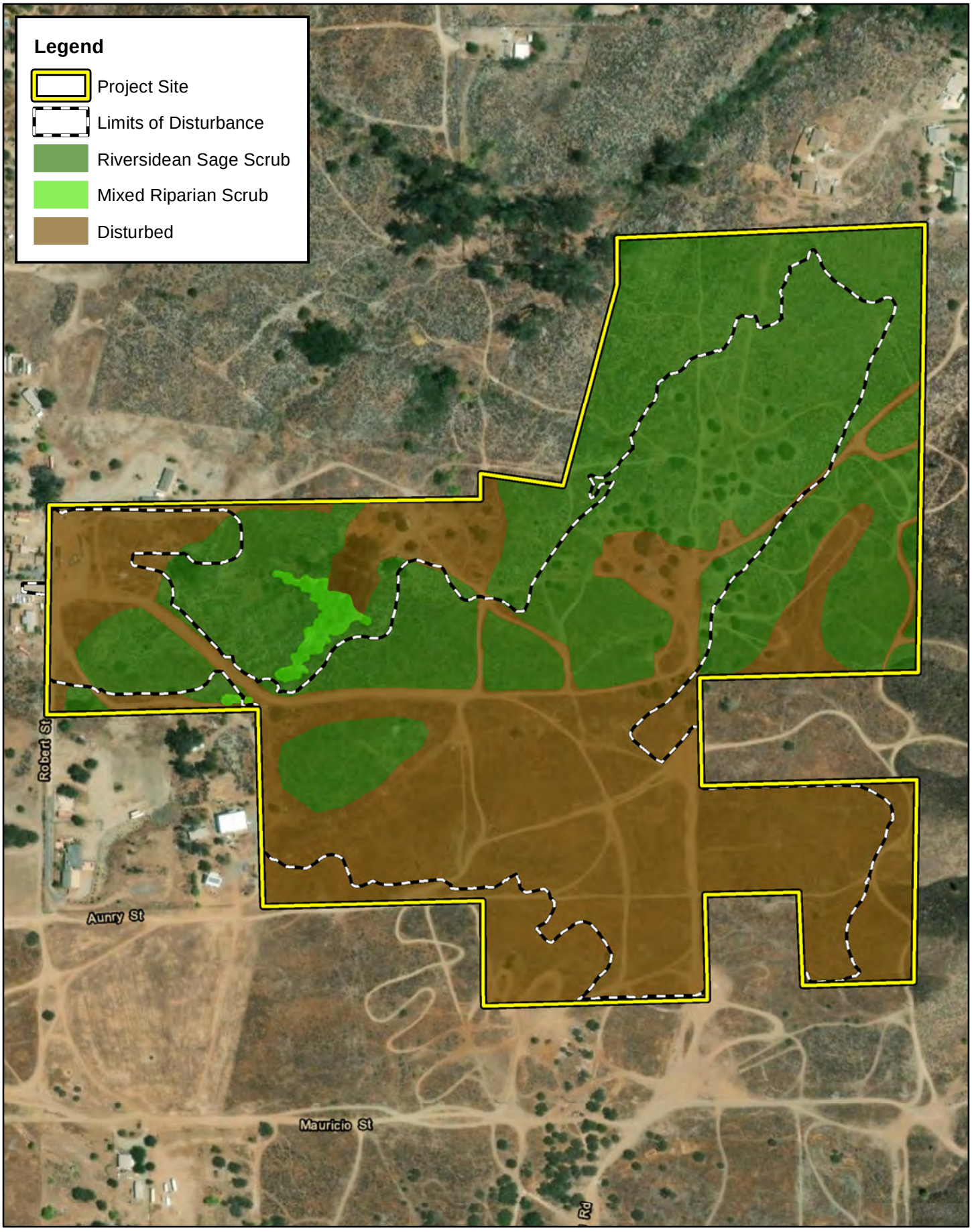
4.7.3 Special-Status Plant Communities

The CNDDB lists three (3) special-status habitats as being identified within the Lake Elsinore and Romoland quadrangles: Southern Coast Live Oak Riparian Forest, Southern Cottonwood Willow Riparian Forest, and Southern Sycamore Alder Riparian Woodland, which do not occur on the project site. No CDFW special-status plant communities occur within the boundaries of the project site.

4.8 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 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 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 with federally designated Critical Habitat (Exhibit 8, *Critical Habitat*). The nearest designated Critical Habitat is located approximately 380 feet to the southeast for coastal California gnatcatcher. 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 impacts to Critical Habitat.



ELMT CONSULTING

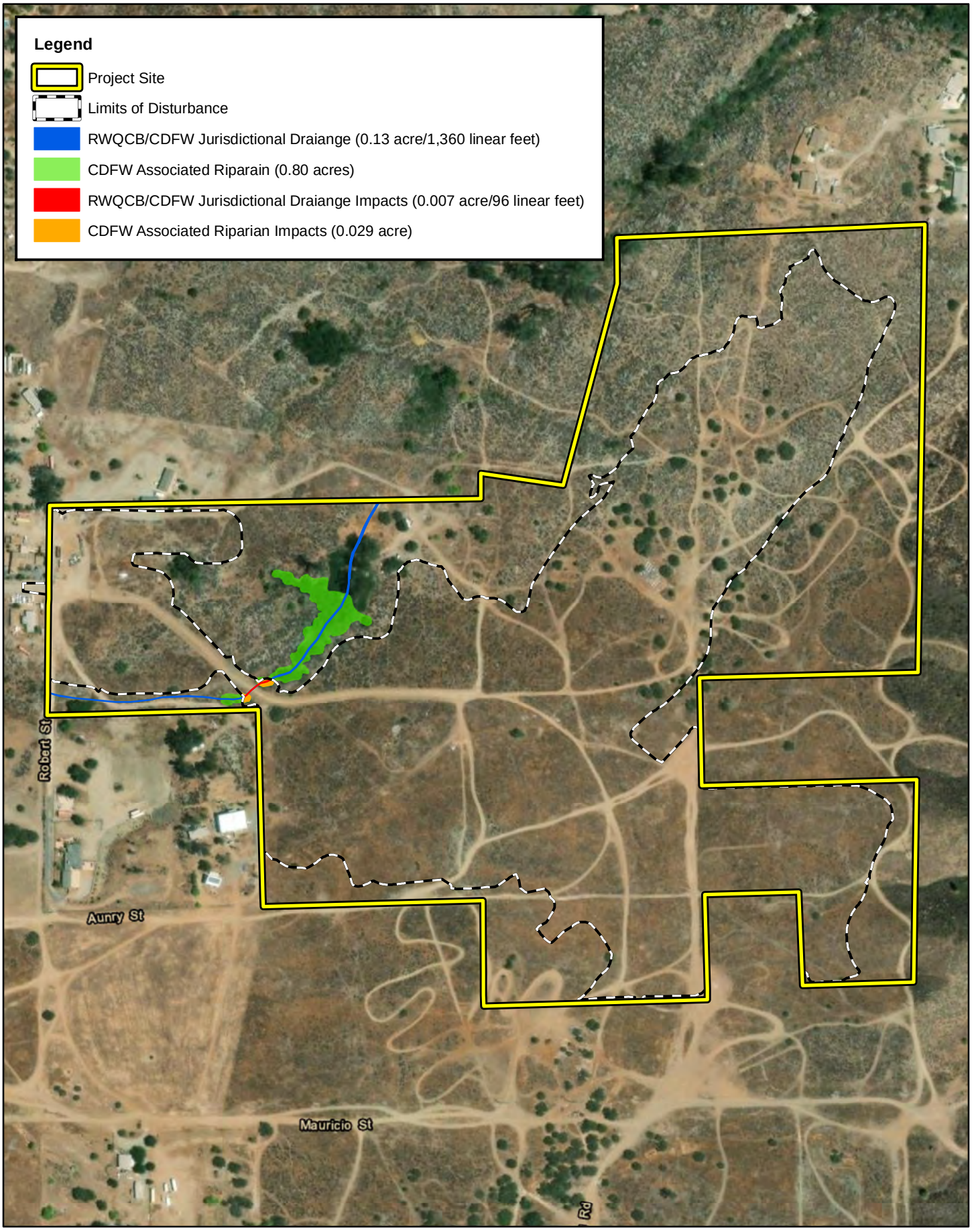
0 125 250 500 Feet

Source: ESRI Aerial Imagery, Riverside County

CRESCENT CEMETERY

Vegetation

Exhibit 6



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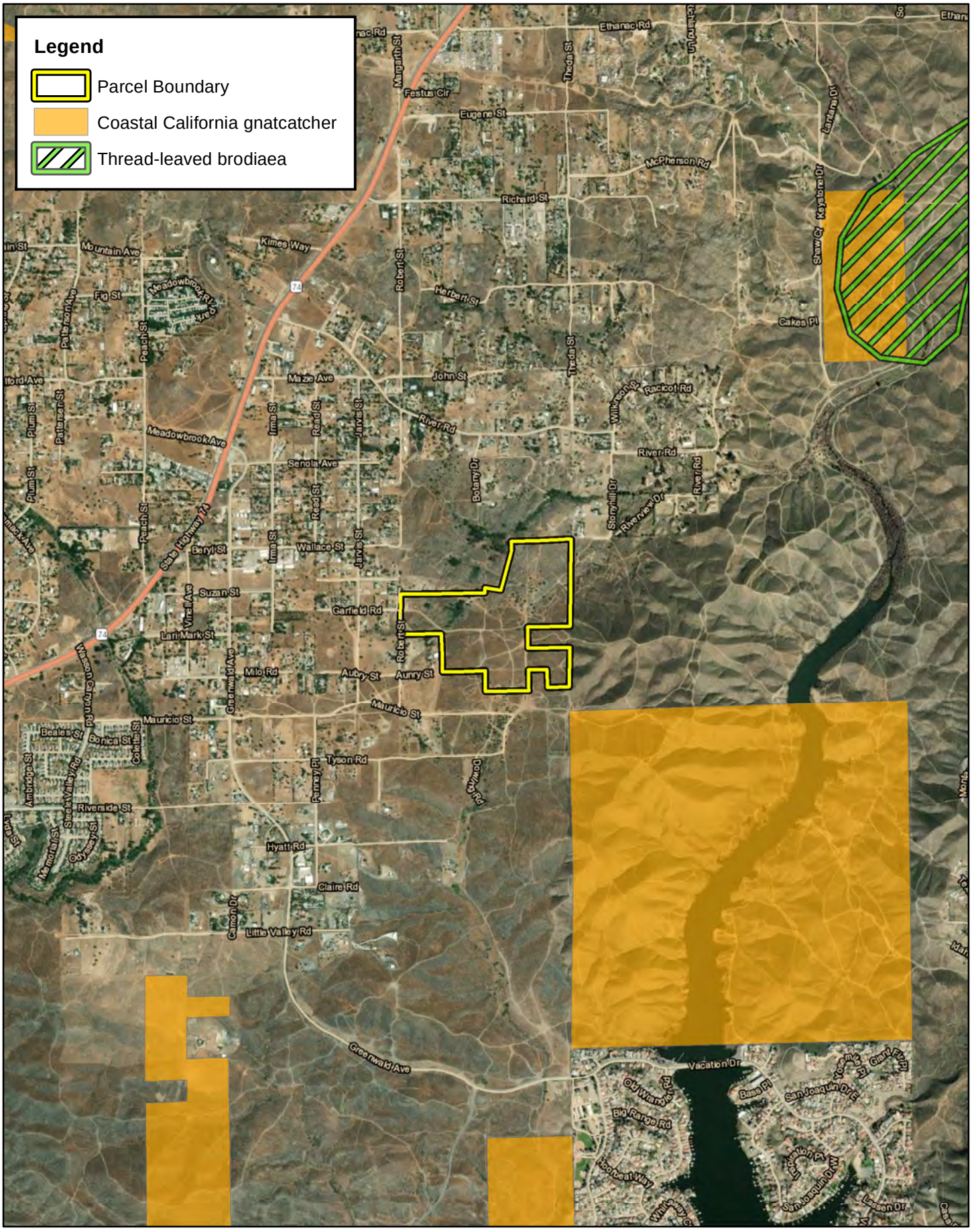
Source: ESRI Aerial Imagery, Riverside County

CRESCENT CEMETERY

Jurisdictional Areas

Exhibit 7



ELMT CONSULTING

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Source: ESRI Aerial Imagery, USFWS Critical Habitat, Riverside County

CRESCENT CEMETERY

Critical Habitat

Exhibit 8

Section 5 MSHCP Consistency Analysis

The project site is located in the Elsinore Area Plan, of the MSHCP but is not located within any Criteria Cells or designated conservation areas (Exhibit 9, *MSHCP Conservation Areas*). Additionally, the project site is located within the MSHCP designated survey area for burrowing owl (*Athene cunicularia*).

Since the County of Riverside is a permittee under the MSHCP and, while the project is not specifically identified as a Covered Activity under Section 7.1, *Covered Activities Outside Criteria Area and PQP Lands*, of the MSHCP, public and private development that are outside of Criteria Areas and Public/Quasi-Public (PQP)[3] Lands are permitted under the MSHCP, subject to consistency with MSHCP policies that apply to area outside of Criteria Areas. As such, to achieve coverage, the project must be consistent with the following policies of the MSHCP:

- The policies for the protection of species associated with Riparian/Riverine areas and vernal pools as set forth in Section 6.1.2 of the MSHCP;
- The policies for the protection of Narrow Endemic Plant Species as set forth in Section 6.1.3;
- The Urban/Wildlands Interface Guidelines as set forth in Section 6.1.4; and
- The requirements for conducting additional surveys as set forth in Section 6.3.2

5.1 RIPARIAN/RIVERINE AREAS AND VERNAL POOLS

5.1.1 Riparian/Riverine Areas

As defined under Section 6.1.2 of the MSHCP, *Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools,* riparian/riverine areas are 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. Any alteration or loss of riparian/riverine habitat from development of a Project will require the preparation of a Determination of Biologically Equivalent or Superior Preservation (DBESP) analysis to ensure the replacement of any lost functions and values of habitats in regard to the listed species. This assessment is independent from considerations given to waters of the United States and waters of the State under the CWA, the California Porter-Cologne Water Quality Control Act, and CDFW jurisdictional streambed under the California Fish and Game Code.

One (1) unnamed drainage feature (Drainage 1) was observed within the boundaries of the project site at the time of the investigation that will qualify as riparian/riverine habitat under the MSHCP (refer to Exhibit 7, *On-site Drainage Features*). Drainage 1 extends from west to east to northeast within the western region of the site. The majority of Drainage 1 supports similar upland vegetation observed in the Riversidean sage

[3] PQP Lands are a subset of MSHCP Conservation Area lands totaling approximately 347,000 acres of lands known to be in public/private ownership and expected to be managed for open space value and/or in a manner that contributes to the Conservation of Covered Species (including lands contained in existing reserves). The acreage of PQP Lands has been accounted for in the MSHCP tracking process for assembling the Conservation Area.

scrub plant community that dominates the site. In addition, a mixed riparian scrub plant community is supported in the middle and eastern portions of Drainage 1, surrounding a well that was installed to provide irrigation for a horticultural operation that occurred on-site from 2019 to 2023. Discharges from the well provide the perennial fresh water necessary to support the mixed riparian scrub and the well was observed holding surface water during all visits to the site.

The limits of disturbance for the project were purposefully designed to avoid impacts to Drainage 1 and associated riparian habitats to the greatest extent possible; however, a small portion of Drainage 1 will be impacted from project implementation as a result of installation of a road culvert in the drainage to facilitate a site access road. Project activities will result in permanent impacts to 0.036 acre (96 linear feet) to the riverine habitat associated with Drainage 1. In accordance with Section 6.1.2 of the MSHCP, a Determination of Biologically Equivalent or Superior Preservation (DBESP) has been prepared for the project (submitted to the County as a separate document), that proposes to mitigate impacts to riverine habitat through the purchase of mitigation credits through either the Riverpark Mitigation Bank or Skunk Hollow Mitigation Bank and/or other approved bank, or combination thereof at a 1:1 ratio, or on a ratio otherwise agreed upon by the regulatory agencies. The applicant will be responsible for the purchase of mitigation credits to compensate for impacts to riparian/riverine habitat prior to the start of construction.

The purchase of mitigation credits would result in a net increase in the function and ecological value of riparian/riverine habitat within the region by preserving/enhancing high quality habitat along the San Jacinto River within the Riverpark Mitigation Bank, or at the Skunk Hollow Mitigation Bank.

Riparian Obligate Avian Species

The mixed riparian scrub associated with Drainage 1 provides low quality habitat for the State- and federally-listed as endangered least Bell's Vireo (*Vireo bellii pusillus* [LBVI]), outside of the proposed limits of disturbance, and is not expected to provide suitable habitat for the other riparian obligate species listed under the MSHCP that may occur within the regional vicinity, including southwestern willow flycatcher (*Empidonax traillii extimus*), or yellow-billed cuckoo (*Coccyzus americanus*).

The composition of the mixed riparian scrub supported on-site has been degraded by invasive plant species, namely tree of heaven, and previous agricultural activities. The mixed riparian scrub, located outside of the proposed limits of disturbance does not have a contiguous willow canopy, and does not provide the dense, multi-storied canopy for southwestern willow flycatcher and yellow-billed cuckoo. Due to incomplete canopy, limited acreage, and lack of riparian plant species diversity of the mixed riparian scrub supported on-site, the habitat associated with the on-site drainage feature was determined not to provide suitable habitat for southwestern willow flycatcher and yellow-billed cuckoo.

However, the mixed riparian scrub plant community has the potential to provide low quality habitat for LBVI. LBVI do not require the dense multi-storied riparian canopy that southwestern willow flycatcher and yellow-billed cuckoo need. The mixed riparian scrub has a degraded and inconsistent canopy throughout the length of the drainage and generally provides limited nesting opportunities by LBVI. However, the area of Project impacts do not provide nesting opportunities due to the extreme degradation inconsistency of the canopy and presence significant invasive species that are not favored by LBVI.

Therefore, the project would not impact riparian species, including LBVI, due to the fact that riparian vegetation does not exist in the direct impact area of the project's road culvert. The degraded and inconsistent canopy does exist within several feet of the proposed road culvert improvements, but construction is not required in these areas to construct the road culvert. Further, a pre-construction nesting bird clearance survey is required, which would further ensure that there would be no impacts to bird species associated with riparian plant communities. Because of the poor quality of the habitat adjacent to the planned culvert, and that no riparian vegetation exists directly within the planned construction limits, no focused surveys are deemed necessary.

The portion of Drainage 1 that will be impacted is considered riverine.

5.1.2 Vernal Pools

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.

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 consider the length of time the area exhibits 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.

The MSHCP lists two general classes of soils known to be associated with special-status plant species; clay soils and Traver-Domino Willow association soils. The specific clay soils known to be associated with 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 species associated with vernal pools can occur on the project site. None of these soils have been documented within the project site.

The site contains 38 road rut/small depressional areas that pond seasonally. Although these features exhibit hydrology, the features are compacted and lack hydric soils, and the features do not support any vegetation. As a result, these features are not MSHCP vernal pools because they lack two of the parameters needed to be considered as a depressional wetland.

Fairy Shrimp

There are three species of fairy shrimp with the potential to occur on-site: vernal pool fairy shrimp (*Branchinecta lynchi*), Riverside fairy shrimp (*Streptocephalus woottoni*), and versatile fairy shrimp (*Branchinecta lindahli*). Vernal pool (*lynchi*) fairy shrimp are federally listed as threatened, and Riverside fairy shrimp (*woottoni*) are federally listed as endangered, whereas the versatile fairy shrimp (*lindahli*) is relatively common and is not listed or considered sensitive. Vernal pool fairy shrimp (*lynchi*) have the widest geographic range of the federally listed vernal pool crustaceans and occur from southern Oregon to northern and central California, generally west of the Sierra Nevada, to southern California. The species' range extends south to Orange and Los Angeles counties and east to western Riverside County but is generally absent from San Diego County. Vernal pool fairy shrimp are found in vernal pools and other vernal pool-like habitats such as ephemeral ponds or features that can be formed from anthropogenic events such as tire ruts. Riverside fairy shrimp can be found in Riverside, Orange, and San Diego counties and occur in vernal pools and other ephemeral features with long inundation times. The versatile fairy shrimp (*lindahli*) is common in pools throughout California and can co-occur with vernal pool (*lynchi*) and Riverside fairy shrimp (*woottoni*).

To determine if the vernal pools on site support the three species of fairy shrimp, Fairy Shrimp surveys were conducted in the dry season of 2023, the wet season of 23-24 and the dry season of 2024 (Helix 2023 and 2024).

All survey events combined sampled a total of 38 features within the project site during the Based on the information gathered from all surveys and factoring the nearest known location for vernal pool fairy shrimp (*B. lynchi)* it is presumed that the federally listed vernal pool fairy shrimp (*B. lynchi)* is absent from the site. Both results for wet and dry season surveys did not indicate presence of Riverside fairy shrimp (S. *woottoni*). As a result, Riverside fairy shrimp (S. *woottoni*) is also presumed absent from the project site. According to the survey reports, the only species present on site is the non-listed versatile fairy shrimp (*B. lindahli*).

5.2 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, and, therefore, the project is consistent with Section 6.1.3 of the MSHCP. No additional surveys or analysis are required.

5.3 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 any Criteria Cells or designated conservation areas. However, the northern portion of the site does occur adjacent to mapped MSHCP Conserved Public/Quasi-Public Land (PQP) within APN 3491-700-02 (refer to Exhibit 9);, this parcel does not occur within any Criteria Cells and is not documented as contributing to nearby Linkages.

The limits of disturbance for the proposed project were purposefully designed to avoid impacts to adjacent PQP Conserved Land and no impacts to PQP Conserved Land will occur due to project implementation. However, due to the proximity of the project site to the adjacent PQP Conserved Land, the project will need to comply with the Urban/Wildlands Interface Guidelines.

The Urban/Wildlife Interface Guidelines, as discussed below, will be incorporated into the project to ensure that Project-related impacts, including drainage, toxics, lighting, noise, invasive plant species, barriers, and grading/land development, are avoided or minimized to the fullest extent possible.

Drainage

The project's stormwater will be directed to three stormwater basins on-site, away from the PQP Conservation Lands. The basin will be designed in accordance with all federal, state, regional, and local standards and regulations concerning water quality. These measures will assure that the project stormwater discharges are no greater in volume and velocity than current conditions and that the water leaving the site complies with all applicable water quality standards.

Toxics

According to the MSHCP, measures will be incorporated to ensure that application of chemicals does not result in discharge to the PQP Conservation Lands. During the construction of the project, construction activities have the potential to cause release of toxics that could indirectly impact the PQP Conservation Lands. To address these potential short-term impacts, the project is required to stage construction operations as far away from the MSHCP Conservation Area to the maximum extent feasible.

Lighting

The proposed project is not anticipated to significantly increase lighting and glare. However, light sources will be designed with to direct the lighting towards the ground and the developed areas and have a zero-side angle cut off to the horizon.

Noise

The grave sites will be separated from the adjacent PQP Conservation Lands by natural open space (refer to Exhibits 4 and 9). The natural open space buffer along with the passive nature of the cemetery activities

would lessen noise exposure to any MSHCP-covered species. Construction-related noise will be mitigated to be consistent with the County's Noise Ordinances by limiting construction activities to daytime hours and requiring construction equipment to be tuned and equipped with mufflers. Under the MSHCP, wildlife within the PQP Conservation Lands should not be subject to noise that would exceed residential noise standards. Due to the passive nature of the cemetery activities, noise would not exceed residential noise standards.

Invasive Plant Species

Plant species acceptable for the Project's landscaping must not be considered an invasive species pursuant to Table 6-2 of the MSHCP. To ensure this, the final landscape plans will be reviewed and verified by the County for consistency with the plant species list in Table 6-2 of the MSHCP. Allowable use of invasive species on a project site is based on the proximity of the plantings to the PQP Conservation Lands, the sensitivity of resources in the PQP Conservation Lands to invasion, and barriers to plant and seed dispersal. If the site is sufficiently contained such that invasive plantings would not be able to spread outside of the developed Project footprint, invasive plantings may be allowed on the site. However, the County will make the final decision on the suitability of this species for the Project's landscape plan.

Barriers

Barriers would restrict direct access to the PQP Conservation Lands from the project site by unauthorized public access or domestic animals. Under the MSHCP, suitable barriers include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms. The barriers would and should be placed within the boundaries of the development and will be outside of the confines of the PQP Conservation Lands.

Grading/Land Development

Manufactured slopes associated with proposed site development will not extend into the PQP Conservation Lands. No manufactured slopes are anticipated to be constructed within the PQP Conservation Lands. Should manufactured slopes be necessary, they will be kept within the boundaries of the development footprint and not encroach into the PQP Conservation Lands.

5.4 ADDITIONAL MSHCP CONSIDERATIONS

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 located within the designated survey area for burrowing owl as depicted in Figure 6-4 within Section 6.3.2 of the MSHCP. No other special-status wildlife species surveys were identified.

Burrowing Owl

Burrowing owl is currently designated as a California Species of Special Concern. The burrowing owl is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with level to gently-sloping areas characterized by open

vegetation and bare ground. The western burrowing owl (*A.c. hypugaea*), which occurs throughout the western United States including California, rarely digs its own burrows and is instead dependent upon the presence of burrowing mammals (i.e., California ground squirrels, coyotes, and badgers) whose burrows are often used for roosting and nesting. The presence or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drain pipes, stand-pipes, and dry culverts. They also require low growth or open vegetation allowing line-of-sight observation of the surrounding habitat to forage and watch for predators. In California, the burrowing owl breeding season extends from the beginning of February through the end of August.

Under the MSHCP burrowing owl is considered an adequately conserved covered species that may still require focused surveys in certain areas as designated in Figure 6-4 of the MSHCP. The project site is located within a MSHCP designated burrowing owl survey area. In accordance with the MSHCP Burrowing Owl Survey Instructions (2006), survey protocol consists of two steps, Step I – Habitat Assessment and Step II – Locating Burrows and Burrowing Owls. The following section describes the methodology followed during the burrowing owl habitat assessment conducted for this project.

- Step I – Habitat Assessment: Step 1 of the MSHCP habitat assessment for burrowing owl consists of a walking survey to determine if suitable habitat is present on-site. The habitat assessment was conducted on November 13 and 16, 2022. Upon arrival at the project site, and prior to initiating the assessment survey, binoculars were used to scan all suitable habitats on and adjacent to the property, including perch locations, to establish owl presence.

  All suitable areas of the project site were surveyed on foot by walking slowly and methodically while recording/mapping areas that may represent suitable owl habitat on-site. Primary indicators of suitable burrowing owl habitat in western Riverside County include, but are not limited to, native and non-native grassland, interstitial grassland within shrub lands, shrub lands with low density shrub cover, golf courses, drainage ditches, earthen berms, unpaved airfields, pastureland, dairies, fallow fields, and agricultural use areas. Burrowing owls typically use burrows made by fossorial mammals, but they often utilize man-made structures, such as earthen berms, cement culverts, cement, asphalt, rock, wood debris piles, openings beneath cement or asphalt pavement. Burrowing owls are often found within, under, or in close proximity to man-made structures.

  According to the MSHCP guidelines, if suitable habitat is present, the biologist should also walk the perimeter of the property, which consists of a 150-meter (approximately 500 feet) buffer zone around the project site boundary. If permission to access the buffer area cannot be obtained, the biologist shall not trespass, but visually inspect adjacent habitats with binoculars. In addition to surveying the entire Project Site all bordering natural habitats located immediately adjacent to the Project Site were assessed. Results from the habitat assessment indicate that suitable resources (i.e., low growing vegetation that provides line of site opportunities) for burrowing owl are present throughout the project site. Accordingly, if suitable habitat is documented on-site or within adjacent habitats, both Step II, focused burrow surveys and the 30-day preconstruction surveys are required in order to comply with the MSHCP guidelines.

- Step II – Locating Burrows and Burrowing Owls: Concurrent with the initial habitat assessment, a detailed focused burrow survey was conducted and included documentation of appropriately sized natural burrows or suitable man-made structures that may be utilized by burrowing owl – as part of the MSHCP protocol, which is described below under Part A, Focused Burrow Survey. The MSHCP protocol indicates that no more than 100 acres should be surveyed per day/per biologist.

    - Part A – Focused Burrow Survey: A systematic survey for burrows, including burrowing owl sign, was conducted by walking across all suitable habitats mapped within the project site on November 13 and 16, 2023. Pedestrian survey transects were spaced to allow 100% visual coverage of the ground surface. The distances between transect centerlines were no more than 30 meters (approximately 100 feet) apart, and owing to the terrain, often much smaller. Transect routes were also adjusted to account for topography and in general ground surface visibility. Areas providing potential habitat for burrowing owls were surveyed for suitable burrows, consisting of natural and non-natural substrates in areas with low, open vegetation. All burrows encountered were examined for shape, scat, pellets, white-wash, feathers, tracks, and prey remains. Suitable burrows/sites, including rock piles and non-natural substrates, were thoroughly examined for signs of presence.

    - Part B – Focused Burrow Survey: Due to surrounding development to the west, a zone of influence was not able to be surveyed; however, these areas do not support suitable habitat for burrowing owls. Some areas to the north and east of the project site within 500 feet, support dense vegetation and were determined not to provide suitable habitat. Survey transects on the project site were oriented north to west and were conducted at a maximum of 30-meter (approximately 100 feet) intervals to ensure 100% visual coverage of all areas in suitable habitat on the project site, and within the survey area. The focused burrowing owl surveys were conducted during the recognized timeframe (the breeding season is typically March through August) in the morning one hour before sunrise to two hours after sunrise.

      Suitable burrows/sites, including rock piles and non-natural substrates, were thoroughly examined for signs of presence. All burrows encountered were examined for shape, scat, pellets, white-wash, feathers, tracks, and prey remains. The location of all suitable burrowing owl habitat, potential owl burrows, burrowing owl sign, and any owls observed were recorded and mapped, with a hand-held GPS unit, if observed. Methods to detect presence of burrowing owls included direct observation, aural detection, and signs of presence. Binoculars were used to observe distant birds and their activity around potential nesting habitat. The survey area was assessed on foot by qualified biologists Travis J McGill, Rachael A. Lyons, and Megan E. Peukert, who are knowledgeable in the habitats and behavior of burrowing owls.

      Four focused burrowing owl surveys were conducted on May 10 and 31 and June 14 and 28, 2024. All surveys were completed between 0630 and 1030. The surveys were conducted to document the presence/absence of burrowing owl on the project site. Refer to Table 1, *Survey Data*, for a summary of the survey dates and times, personnel, weather conditions, and general findings.

Table 1: Burrowing Owl Survey Data

Survey No.	Survey Date	Surveyor	Time	Temperature (˚F)	Cloud Cover	Wind Speed (mph)	Burrowing Owl Detected On-Site
1	5/10/24	Travis J. McGill, Rachael Lyons & Megan E. Peukert	0630-1000	66-73	10%	0-5	No
2	5/31/24	Megan E. Peukert & Rachael Lyons	0700-1030	65-68	30%	0-5	No
3	6/14/24	Travis J. McGill, Rachael Lyons & Megan E. Peukert	0630-1030	65-69	30%	0-5	No
4	6/28/24	Megan E. Peukert & Rachael Lyons	0700-1030	67-74	0%	0-5	No

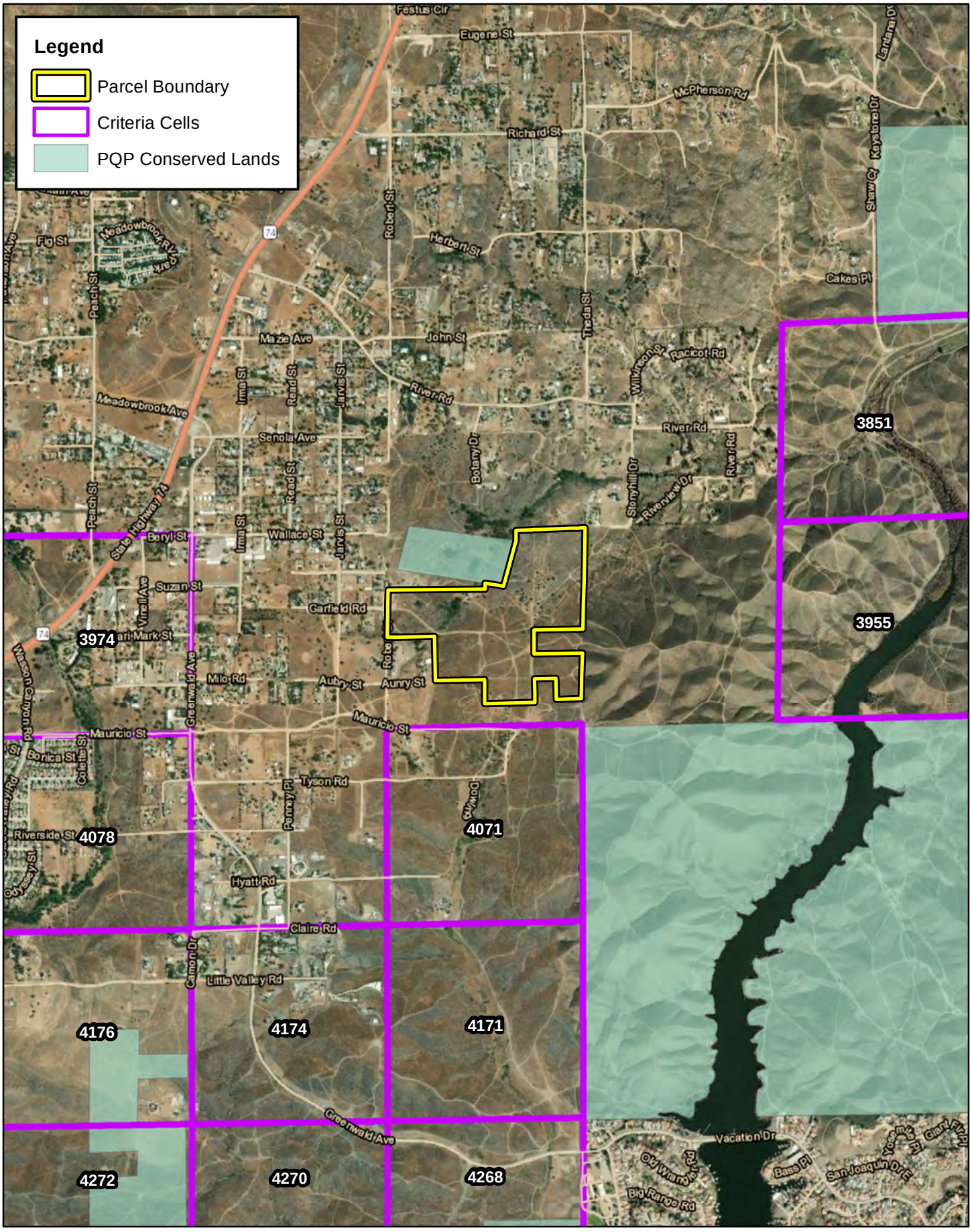
Based on the results of the 2024 burrowing owl focused surveys, no burrowing owls or evidence of recent or historic use by burrowing owls were observed on the project site. As a result, burrowing owls are presumed to be absent from the project site.

To ensure burrowing owl remain absent from the project site, it is recommended that a 30-day burrowing owl pre-construction clearance survey be conducted in accordance with the *Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area* prior to any ground disturbing activities. If burrowing owls and/or birds displaying nesting behaviors are observed within the project site during future construction, further review may be needed to ensure compliance with the MSHCP, MBTA and Fish and Game Code.

5.5 FUELS MANAGEMENT

In accordance with Section 6.4 of the MSHCP, *Fuels Management*, fuels management focuses on hazard reduction for humans and their property. Fuels management for human hazard reduction involves reducing fuel loads in areas where fire may threaten human safety or property, suppressing fires once they have started, and providing access for fire suppression equipment and personnel.

Per the MSHCP, new Development (i.e., what this project is proposing), that is planned adjacent to a PQP Conservation Lands or other undeveloped areas, brush management shall be incorporated in the project footprint boundaries and shall not encroach into the PQP Conservation Lands.



ELMT CONSULTING

0 1,000 2,000 4,000 Feet

Source: ESRI Aerial Imagery, Riverside County

CRESCENT CEMETERY

MSHCP Criteria Area

Exhibit 9

Section 7 Stephen's Kangaroo Rat Habitat Conservation Plan

Separate from the consistency review against the policies of the MSHCP, Riverside County established a boundary in 1996 for protecting the Stephens' kangaroo rat (*Dipodomys stephensi*), a federally endangered and state threatened species. The Stephens' kangaroo rat is protected under the Stephens' Kangaroo Rat Habitat Conservation Plan (County Ordinance No. 663.10; SKR HCP). As described in the MSHCP Implementation Agreement, a Section 10(a) Permit, and California Fish and Game Code Section 2081 Management Authorization were issued to the Riverside County Habitat Conservation Agency (RCHCA) for the Long-Term SKR HCP and was approved by the USFWS and CDFW in August 1990 (RCHCA 1996). Relevant terms of the SKR HCP have been incorporated into the MSHCP and its Implementation Agreement. The SKR HCP will continue to be implemented as a separate HCP; however, to provide the greatest conservation for the largest number of Covered Species, the Core Reserves established by the SKR HCP are managed as part of the MSHCP Conservation Area consistent with the SKR HCP. Actions shall not be taken as part of the implementation of the SKR HCP that will significantly affect other Covered Species. Take of Stephens' kangaroo rat outside of the boundaries but within the MSHCP area is authorized under the MSHCP and the associated permits.

The project site is located within the Mitigation Fee Area of the SKR HCP but is not located within or adjacent to any of the Core Reserve Areas. Since the project site is not located within or adjacent to any of the Core Reserve Areas, no focused SKR surveys or on-site mitigation would be required. On-site mitigation is only recommended in Ordinance 663.10 when a site is located within or adjacent to a Core Reserve Area. As a result, the applicant will only be required to pay the SKR HCP Mitigation Fee prior to development of the project site.

Section 8 Conclusion and Recommendations

The discussion below provides a summary of survey results; avoidance and minimization efforts; direct, indirect, and cumulative project impacts; and compensatory mitigation measures for each biological resource area required to be analyzed according to CEQA, based on Appendix G (Environmental Checklist Form) of the CEQA Guidelines:

***CEQA Threshold**: Would the proposed Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?*

Special-Status Plant Species

One (1) special-status plant species, paniculate tarplant, was observed during the field investigation. Further, based on habitat requirements for identified special-status species, known species distributions, and the quality and availability of habitats present, it was determined that the project site has a low potential to support Payson's jewelflower, Peninsular spineflower, southern California black walnut, Robinson's pepper-grass, and Coulter's Matilija poppy.

The general suitability of the project site for these species is limited; however, due to the location of the site on the northern periphery of the Sedco Hills and the subsequent increased suitability of nearby habitats to the south, these species were determined to have a low potential to occur. Since the site provides only limited suitability habitat for these species and no direct observations of these species were made, it is unlikely that any paniculate tarplant, Robinson's pepper-grass, or Coulter's Matilija poppy supported on-site contribute meaningfully to the continued conservation of these species, if present. No mitigation obligations specific to these species are expected and no additional surveys are recommended.

Special-Status Wildlife Species

Three (3) special-status wildlife species, orange-throat whiptail, loggerhead shrike, and coastal California gnatcatcher, were observed during the field investigation. Further, based on habitat requirements for the identified special-status species, known species distributions, and the quality and availability of habitats present, it was determined that the project site has a high potential to support Cooper's hawk, sharp-shinned hawk, coastal whiptail, Costa's hummingbird, San Diego banded gecko, red-diamond rattlesnake, California horned lark, San Diego desert woodrat, coast horned lizard, and coast patch-nosed snake; and a low potential to support southern California rufous-crowned sparrow, grasshopper sparrow, golden eagle, California glossy snake, Bell's sparrow, burrowing owl, Crotch bumblebee, American bumble bee, Dulzura pocket mouse, northwestern San Diego pocket mouse, San Bernardino ringneck snake, western mastiff bat, San Diego black-tailed jackrabbit, and pallid bobcat. Of the aforementioned species, only coastal California gnatcatcher is federally listed as threatened and Crotch bumblebee is a candidate for state listing. In addition, orange-throat whiptail, loggerhead shrike, coastal California gnatcatcher, Cooper's hawk, sharp-shinned hawk, coastal whiptail, San Diego banded gecko, red-diamond rattlesnake, California horned lark, San Diego desert woodrat, coast horned lizard, southern California rufous-crowned sparrow, grasshopper

sparrow, golden eagle, Bell's sparrow, burrowing owl, northwestern San Diego pocket mouse, San Diego black-tailed jackrabbit, and pallid bobcat are covered species under the MSHCP.

Since coastal California gnatcatcher is a fully covered species under the MSHCP, no focused surveys for this species are required. To ensure impacts to aforementioned avian species do not occur from implementation of the proposed project, a pre-construction nesting bird clearance survey shall be conducted prior to ground disturbance. With implementation of the pre-construction nesting bird clearance survey, impacts to the aforementioned species will be less than significant and no mitigation will be required.

Recommendations for avoidance and minimization:

1. 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.

2. Crotch bumble bee, a candidate for listing under the California Endangered Species Act, was detected on the project site during the 2024 flight season during the first survey, with two surveys pending (Appendix F is reserved for the final report). If impacts to the Crotch bumblebee, , cannot be avoided, an Incidental Take Permit would be required from the CDFW as it is not an MSCHP-covered species.

CEQA Threshold: *Would the proposed Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

Riparian Habitat and Special-Status Natural Communities

One (1) unnamed drainage feature (Drainage 1) was observed within the boundaries of the project site at the time of the investigation. The on-site ephemeral drainage feature is not relatively permanent, standing, or a continuously flowing body of water and, therefore, will not qualify as waters of the United States under the regulatory authority of the Corps (*Sackett v. EPA* (2022) 143 S. Ct. 1322, 1336). However, the on-site drainage feature will qualify was waters of the State and fall under the regulatory authority of the Regional Board and CDFW.

The project applicant will likely be required to obtain the following regulatory approvals prior to impacts occurring within the identified jurisdictional areas: Corps Approved Jurisdictional Determination/Waiver; Regional Board CWA Section 401 Water Quality Certification; and CDFW Section 1602 SAA.

No sensitive habitats were identified within the Project site. Thus, no sensitive natural communities will be impacted from Project implementation.

CEQA Threshold: *Would the proposed Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Federally Protected Wetlands

No inundated areas, wetland features, or wetland plant species that would be considered wetlands as defined by Section 404 of the Clean Water Act occur within the proposed Project footprint. As a result, implementation of the proposed Project would not result in any impacts or have substantial adverse effect on federally protected wetlands.

CEQA Threshold: *Would the proposed Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

Wildlife Corridors

As mapped by the MSHCP, the project site has not been identified as occurring in a wildlife corridor or linkage. The proposed project has been designed in such a way that the majority of high-quality habitat supported within site boundaries will not be significantly impacted. In addition, the location of the site on the western periphery of the open space within the Temescal Mountains and the presence of residential developments and State Route 74 to the north and west of the site generally precludes the site from functioning as a major wildlife movement corridor or linkage.

The undeveloped land in the immediate vicinity of the project site provides local wildlife movement opportunities for wildlife species moving through the immediate area. The project site does not function as a major wildlife movement corridor or linkage. As such, implementation of the proposed project is not

expected to have a significant impact to wildlife movement opportunities or prevent local wildlife movement through the area since there is ample habitat adjacent to the project site to support wildlife movement opportunities.

CEQA Threshold: *Would the proposed Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Local Policies or Ordinances

There are no local policies or ordinances that pertain to the proposed project. Therefore, impacts on local polices or ordinances are not expected to occur from development of the proposed project, and mitigation is not required.

CEQA Threshold: *Would the proposed Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan?*

Local, Regional, and State Plans

The project site is located in the Elsinore Area Plan, of the MSHCP but is not located within any Criteria Cells or designated conservation areas. Based on the analysis provided in this report and with completion of recommendations in this report and payment of the MSHCP Local Development Mitigation Fee, development of the project site will be fully consistent with the MSHCP. Additionally, the project site is also located within the fee area for the SKR HCP. With payment of the Stephen's kangaroo rat mitigation fee, development of the project will be consistent with the SKR HCP.

Recommendations for avoidance and minimization:

3. In order to comply with the conservation goals of the MSCHP, a 30-day burrowing owl pre-construction clearance survey be conducted in accordance with the *Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area* prior to any ground disturbing activities. If burrowing owls and/or birds displaying nesting behaviors are observed within the project site and off-site improvement areas during future construction, further review may be needed to ensure compliance with the MSHCP, MBTA and Fish and Game Code.

Section 9 References

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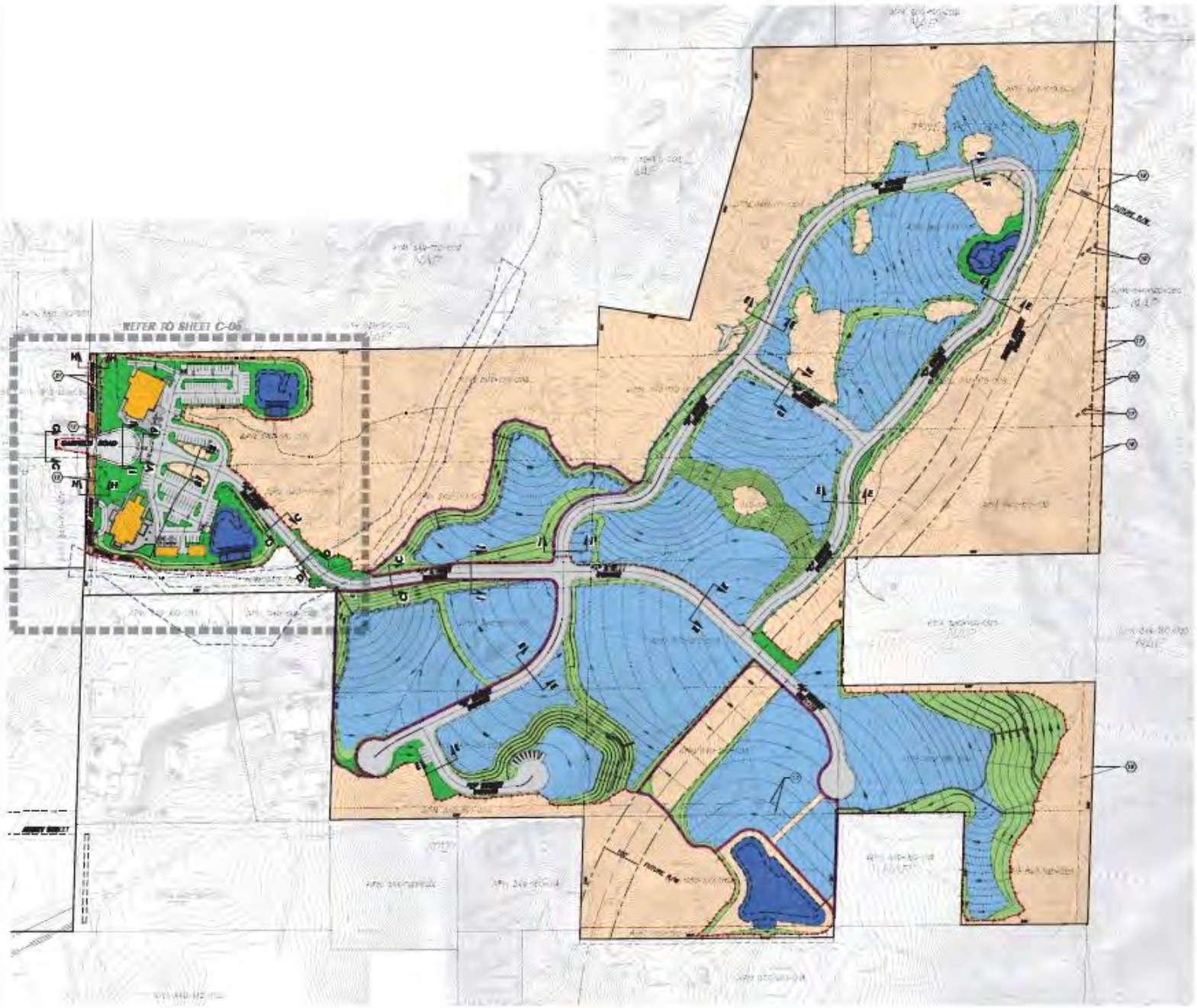
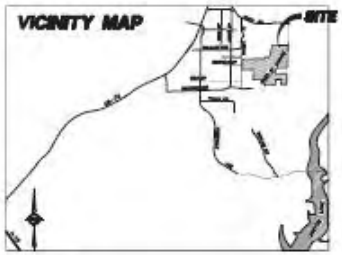
Appendix A Site Plan





NOTES

1. REFER TO GROUNDWORK SHEET, SHEETS C-2 AND C-3, FOR EASEMENT LOCATIONS.
2. REFER TO SHEET C-8 FOR STREET CROSS SECTIONS.
3. FOR GENERAL NOTES REFER TO SHEET C-1.

LEGEND

- PROJECT BOUNDARY LINE
- PROPOSED RIGHT OF WAY
- PROPOSED LOT LINE
- PROPOSED CURB
- EXISTING LOT LINE
- EASEMENT LINE
- PROPOSED CENTERLINE
- EXISTING WATER
- PROPOSED STORM DRAIN
- FLOOD PLAIN LIMITS
- FLOWLINE
- WALL
- DAYLIGHT
- TOP OF SLOPE
- TOE OF SLOPE

- GRADE SITE
- NATURAL OPEN SPACE
- SLOPES 3:1 TO 4:1
- LANDSCAPE AREAS
- STRUCTURE/BUILDING
- WATER QUALITY AND DETENTION BASIN

PHASES

- PHASE 01
- PHASE 02
- PHASE 03



PREPARED FOR:
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CONTACT: CHARLES CHRISTIAN, COUNTY OF RIVERSIDE

PREPARED BY:
[illegible] ASSOCIATES
[illegible]

CONDITIONAL USE PERMIT - CUP230002

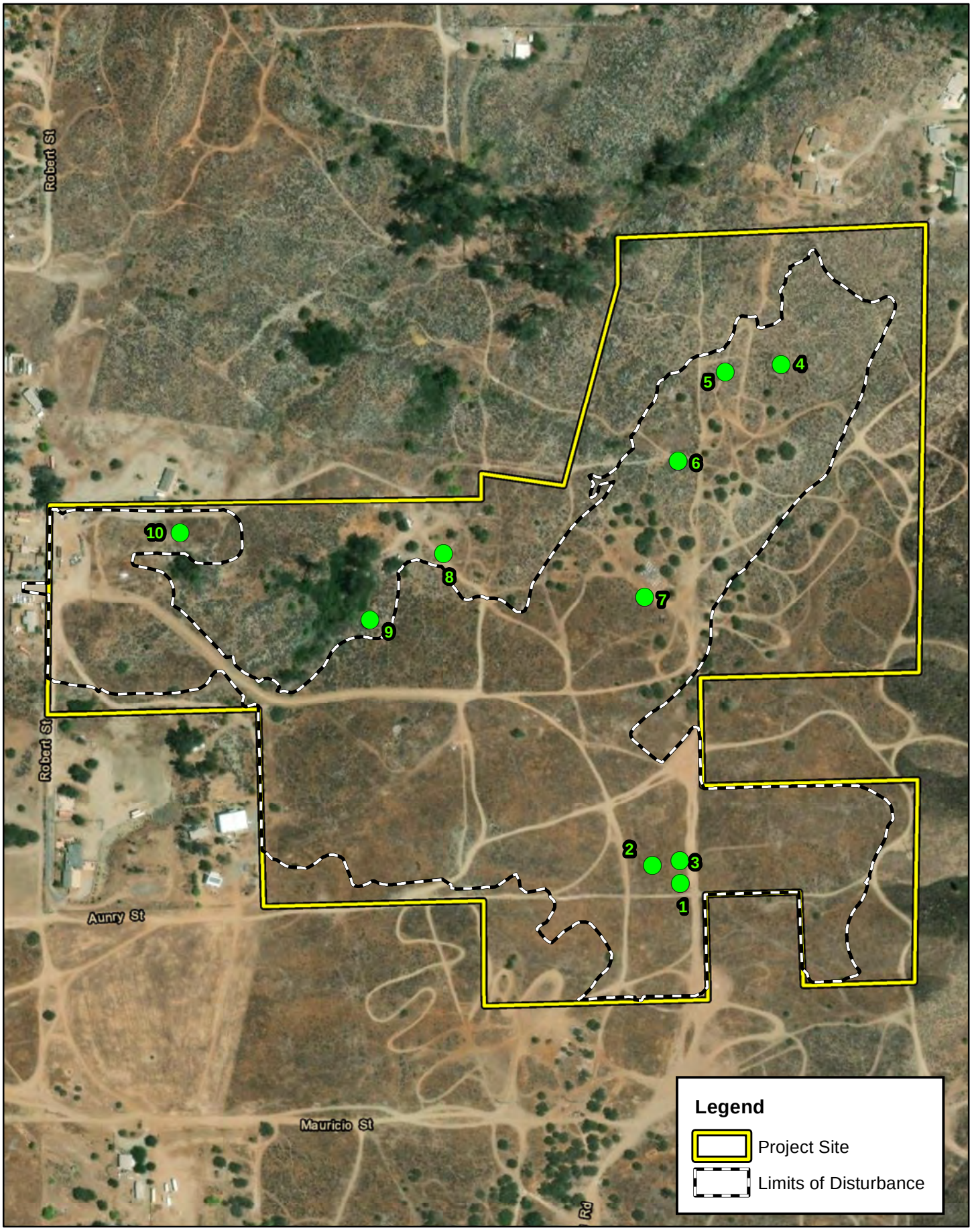
SITE PLAN - OVERALL

DESIGNED BY	DATE	CITY FILE NO.	SHEET
DRAWN BY: P.R.			C-5
CHECKED BY:			

REVISIONS	
DATE	DESCRIPTION

DATE: Nov. 02, 2023 12:11:36 File: P:\1187\Planning\SA_CUP 230002\dwg_CUP\C05_SitePlanOverall_CUP 230002.dwg

Appendix B Site Photographs



ELMT CONSULTING

0 125 250 500 Feet

Source: ESRI Aerial Imagery, Riverside County

CRESCENT CEMETERY

Photo Index

Exhibit 1



Photograph 1: From the southeast corner of the project site, looking west along the southern boundary.



Photograph 2: From the southeast corner of the project site, looking northwest through undeveloped land.



Photograph 3: From the southeast corner of the project site, looking north along the eastern boundary.



Photograph 4: From the northeast portion of the project site looking west through undeveloped land onsite.



Photograph 5: From the northeast portion of the project site, looking southwest through undeveloped land.



Photograph 6: From the northeast portion of the project site, looking south through undeveloped land.



Photograph 7: From the middle of the project site, looking west through an area which supports an apiary onsite.



Photograph 8: From the northwest region of the project site, looking south through an area of the site which historically supported a well and pump system.



Photograph 9: From the southwest region of the project site, looking east through existing vegetation surrounding the onsite drainage feature.



Photograph 10: From the southwest region of the project site, looking northeast through undeveloped land onsite.

Appendix C Potentially Occurring Special-Status Biological Resources

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

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
WILDLIFE SPECIES					
Accipiter cooperii Cooper's hawk	Fed: None CA: WL	Generally found in forested areas up to 3,000 feet in elevation, especially near edges and rivers. Prefers hardwood stands and mature forests but can be found in urban and suburban areas where there are tall trees for nesting. Common in open areas during nesting season.	Yes	No	**High** Suitable foraging habitat and nesting opportunities are present within and surrounding 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.	Yes	No	**High** Suitable foraging habitat is present within and surrounding the project site. This species does not nest in the region.
Agelaius tricolor tricolored blackbird	Fed: None CA: **THR**; SSC	Range is limited to the coastal areas of the Pacific coast of North America, from Northern California to upper Baja California. Can be found in a wide variety of habitat including annual grasslands, wet and dry vernal pools and other seasonal wetlands, agricultural fields, cattle feedlots, and dairies. Occasionally forage in riparian scrub habitats along marsh borders. Basic habitat requirements for breeding include open accessible water, protected nesting substrate (freshwater marsh dominated by cattails, willows, and bulrushes [*Schoenoplectus* sp.]), and either flooded or thorny or spiny vegetation and suitable foraging space providing adequate insect prey.	Yes	No	**Presumed Absent** There is no suitable habitat 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.	Yes	No	**Low** Limited foraging and nesting habitat are present within and to the south of the project site. More suitable habitat is present to the east and south.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
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.	Yes (e)	No	**Low** Limited foraging and nesting habitat are present within and to the south of the project site.
Anaxyrus californicus arroyo toad	Fed: **END** CA: SSC	Occurs in washes and intermittent streams with a mixture of gravel and sandy substrate. Requires a moderate cover of willows, cottonwoods, mulefat, and sycamore to provide shade over the water, and oaks in the upland area to forage for ants.	Yes (a)	No	**Presumed Absent** There is no suitable habitat 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.	Yes	No	**Presumed Absent** There is no suitable habitat 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	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Ardea herodias great blue heron	Fed: None CA: None	Forages along streams, marshes, lakes, and meadows. Nests colonially in tall trees (typically Eucalyptus sp.), on cliffsides, or in isolated spots in marshes.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Arizona elegans occidentalis California glossy snake	Fed: None CA: SSC	Inhabits arid scrub, rocky washes, grasslands, and chaparral habitats.	No	No	**Low** Suitable foraging and cover habitat are present within and surrounding 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.	Yes	No	**Low** Suitable foraging and nesting habitat are present within and surrounding the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Aspidoscelis hyperythra Orange-throat whiptail	Fed: None CA: WL	Semi-arid brushy areas typically with loose soil and rocks, including washes, streamsides, rocky hillsides, and coastal chaparral.	Yes	Yes	**Present** Suitable foraging and cover habitat are present within and 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.	Yes	No	**High** Suitable foraging and cover habitat are present within and to the south of the project site.
Athene cunicularia burrowing owl	Fed: None CA: SSC	Occurs in open, annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Dependent upon fossorial mammals for burrows, most notable ground squirrels.	Yes (c)	No	**Low** Portions of the project site provide line-of-sight opportunities favored by burrowing owls. Several suitable burrows for roosting and nesting were observed in heavily vegetated areas.
Aythya valisineria canvasback	Fed: None CA: None	Breeds in small lakes, deep-water marshes, bays, and ponds. Occurs more commonly in waters with a border of dense vegetation, which they use to construct their nests.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Bombus crotchii Crotch bumblebee	Fed: None CA: CE	Colonial species that lives almost exclusively from coastal California east towards the Sierra-Cascade Crest and can be found uncommonly in western Nevada and south through Baja California. Inhabits grassland and scrub habitats in hotter and drier climates than most other bumblebee species and is only capable of tolerating a narrow range of climatic conditions. Feeds on a variety of annual and perennial plant species, classifying it as a dietary generalist. This species usually nests underground, often in abandoned rodent dens.	No	Yes	**Present** Observed onsite during the first of three focused presence/absence surveys during the 2024 flight season.
Bombus pensylvanicus American bumble bee	Fed: None CA: None	Prefers farmlands, meadows, grasslands, and open fields. Nests below grass or underground. Feeds on pollen of a wide variety of flowering plants including vetches, clovers, goldenrods, and many crop species.	No	No	**Low** Limited habitat is present within and surrounding the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Botaurus lentiginosus American bittern	Fed: None CA: None	Often breed in shallow wetlands dominated by tall emergent vegetation, including cattail marshes, wet meadows, bogs, and shrubby marshes and occasionally hayfields.	Yes (a)	No	**Presumed Absent** There is no suitable habitat 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.	Yes	No	**Presumed Absent** There is no suitable habitat 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.	Yes	No	**Presumed Absent** There is no suitable habitat 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	No	**High** Suitable foraging and nesting habitat are present within and surrounding the project site.
Campylorhynchus brunneicapillus sandiegensis coastal cactus wren	Fed: None CA: SSC	Found in arid and semi-arid habitats with a high occurrence of cactus and spiny trees. Nests almost exclusively in prickly pear and cholla cactus.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Chaetodipus californicus femoralis Dulzura pocket mouse	Fed: None CA: SSC	Occurs in desert and coastal habitats in southern California, Mexico, and northern Baja California, from sea level to at least 1,400 meters. 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	No	**Low** Limited foraging and burrowing habitat are present within and surrounding the project site.
Chaetodipus fallax fallax northwestern San Diego pocket mouse	Fed: None CA: SSC	Occurs in desert and coastal habitats in southern California, Mexico, and northern Baja California, from sea level to at least 1,400 meters. 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.	Yes	No	**Low** Limited foraging and burrowing habitat are present within and surrounding the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
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	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Charadrius montanus mountain plover	Fed: None CA: SSC	Found in short grasslands, freshly-plowed fields, newly-sprouting grain fields, and sometimes in sod farms. Prefers short vegetation or bare ground with flat topography, particularly grazed areas or areas with fossorial rodents.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Charadrius nivosus nivosus western snowy plover	Fed: **THR** CA: SSC	Occurs on sandy beaches, salt pond levees and along the shores of large alkali lakes. Requires sandy or gravelly substrate for nesting.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Chlidonias niger black tern	Fed: None CA: SSC	Found at freshwater marshes and lakes and found along coastal waters in migration. For nesting favors fresh waters with extensive marsh vegetation and open water, also sometimes in smaller marshes and wet meadows. In migration found on larger lakes and along coast. Winters in tropical coastal regions, mostly just offshore or around salt lagoons and estuaries.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Cicindela senilis frosti senile tiger beetle	Fed: None CA: None	Found in coastal salt marshes and interior alkali mud flats. Adults overwinter in shallow underground galleries beneath flat rocks.	No	No	**Presumed Absent** There is no suitable habitat 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.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Cistothorus palustris clarkae Clark's marsh wren	Fed: None CA: SSC	Restricted to freshwater and brackish marshes dominated by bulrushes or cattails. Has a narrow distribution along the coast of southern California from Los Angeles basin south to the Mexican border.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Coleonyx variegatus abbotti San Diego banded gecko	Fed: None CA: SSC	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.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Crotalus ruber red-diamond rattlesnake	Fed: None CA: SSC	It can be found from the desert, through dense chaparral 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. It is most commonly associated with heavy brush with 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.	Yes	No	**High** Suitable foraging and cover habitat are present within and to the south of the project site. Local records indicate this species occurs nearby.
Cypseloides niger black swift	Fed: None CA: SSC	Aerial feeder, forages over forests and open areas. Nests behind or adjacent to waterfalls and wet cliffs, on sea cliffs and caves, and occasionally limestone caves.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Diadophis punctatus modestus San Bernardino ringneck snake	Fed: None CA: None	Found near water under cover of bark, logs, stones, or boards, although it is not an active burrower. Common in open, relatively rocky areas within woodland, chaparral, forest, and grassland habitats. Also found on farms and in gardens. Restricted to springs and watercourses in arid regions.	No	No	**Low** Isolated suitable habitat is present within the project site. Local records indicate this species occurs nearby.
Dipodomys merriami parvus San Bernardino kangaroo rat	Fed: **END** CA: CE; SSC	Primarily found in Riversidian alluvial fan sage scrub and sandy loam soils, alluvial fans and flood plains, and along washes with nearby sage scrub. May occur at lower densities in Riversidian upland sage scrub, chaparral and grassland in uplands and tributaries in proximity to Riversidian alluvial fan sage scrub habitats. Tend to avoid rocky substrates and prefer sandy loam substrates for digging of shallow burrows.	Yes (c)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Dipodomys simulans Dulzura kangaroo rat	Fed: None CA: None	Relatively common in chaparral, coastal sage scrub, Riversidean alluvial fan sage scrub, and peninsular juniper woodland habitats.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Dipodomys stephensi Stephens' kangaroo rat	Fed: **THR** CA: **THR**	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.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Egretta thula snowy egret	Fed: None CA: None	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	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Elanus leucurus white-tailed kite	Fed: None CA: FP	Occurs in low elevation, open grasslands, savannah-like habitats, agricultural areas, wetlands, and oak woodlands. Uses trees with dense canopies for cover.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Empidonax traillii willow flycatcher	Fed: None CA: **END**	A rare to locally uncommon, summer resident in wet meadow and montane riparian habitats (2,000 to 8,000 ft) in the Sierra Nevada and Cascade Range. Most often occurs in broad, open river valleys or large mountain meadows with lush growth of shrubby willows.	No	No	**Presumed Absent** There is no suitable habitat present within the limits of disturbance for the proposed project.
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.	Yes (a)	No	**Presumed Absent** There is no suitable habitat present within the limits of disturbance for the proposed project.
Emys marmorata western pond turtle	Fed: None CA: SSC	Found in ponds, lakes, rivers, streams, creeks, marshes, and irrigation ditches, with abundant vegetation, either rocky or muddy bottoms, in woodland, forest, and grassland. In streams, prefers pools to shallower areas. Logs, rocks, cattail mats, and exposed banks are required for basking. May enter brackish water and even seawater. Found at elevations from sea level to over 5,900 feet (1,800 m).	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
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.	Yes	No	**High** Suitable foraging and cover habitat are present within and to the south of the project site. Local records indicate this species occurs nearby.
Eumops perotis californicus western mastiff bat	Fed: None CA: SSC	Primarily a cliff-dwelling species, roost generally under exfoliating rock slabs. Roosts are generally high above the ground, usually allowing a clear vertical drop of at least 3 meters below the entrance for flight. In California, it is most frequently encountered in broad open areas. Its foraging habitat includes dry desert washes, flood plains, chaparral, oak woodland, open ponderosa pine forest, grassland, and agricultural areas.	No	No	**Low** Suitable foraging habitat and roosting opportunities are present within and surrounding the project site.
Euphydryas editha quino Quino checkerspot butterfly	Fed: **END** CA: None	Range is now limited to a few populations in Riverside and San Diego counties. Common in meadows and upland sage scrub/chapparal habitat.	Yes	No	**Presumed Absent** The project site does not occur in proximity to known populations.
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.	Yes	No	**Presumed Absent** There is no suitable habitat 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.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Falco peregrinus anatum American peregrine falcon	Fed: DL CA: DL; FP	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.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Hydroprogne caspia Caspian tern	Fed: None CA: None	Occurs near large lakes, coastal waters, beaches, and bays. Found on both fresh and salt water, favoring protected waters such as bays and lagoons, rivers, not usually foraging over open sea. Nests on open ground on islands, coasts.	No	No	**Presumed Absent** There is no suitable habitat 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.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lanius ludovicianus loggerhead shrike	Fed: None CA: SSC	Often found in broken woodlands, shrublands, and other habitats. Prefers open country with scattered perches for hunting and fairly dense brush for nesting.	Yes	Yes	**Present** Suitable foraging and nesting habitat is present within and surrounding 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	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lasiurus xanthinus western yellow bat	Fed: None CA: SSC	Roosts in palm trees in foothill riparian, desert wash, and palm oasis habitats with access to water for foraging.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Lepus californicus bennettii San Diego black-tailed jackrabbit	Fed: None CA: None	Occurs in diverse habitats, but primarily is found in arid regions supporting shortgrass habitats. Openness of open scrub habitat is preferred over dense chaparral.	Yes	No	**Low** Suitable foraging and cover habitat are present within and to the south of the project site. This species is known to occupy Sedco Hills.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
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.	Yes	No	**Low** Suitable foraging and cover habitat are present within and surrounding the project site. Free-roaming domestic dogs likely preclude this species from establishing on-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.	Yes	No	**Presumed Absent** There is no suitable habitat 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.	Yes	No	**High** Suitable foraging and cover habitat are present within and to the south of the project site.
Numenius americanus long-billed curlew	Fed: None CA: WL	Preferred winter habitats include large coastal estuaries, upland herbaceous areas, and croplands. On estuaries, feeding occurs mostly on intertidal mudflats.	No	No	**Presumed Absent** There is no suitable habitat 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.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
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	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Pandion haliaetus osprey	Fed: None CA: WL	Remain close to still or slow-moving bodies of water including oceans, rivers, lakes, mangroves, coastal wetlands, lagoons, reefs, estuaries and marshes. Generally nest in high places, such as trees, power poles, or cliffs.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Pelecanus erythrorhynchos American white pelican	Fed: None CA: SSC	Locally common winter resident of southern California. Typically forage in shallow inland waters, such as open areas in marshes and along lake or river edges. Also occur in shallow coastal marine habitats.	No	No	**Presumed Absent** There is no suitable habitat 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.	Yes (c)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Phrynosoma blainvillii coast horned lizard	Fed: None CA: SSC	Occurs in a wide variety of vegetation types including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland and coniferous forest. In inland areas, this species is restricted to areas with pockets of open microhabitat, created by disturbance (i.e. fire, floods, roads, grazing, fire breaks). 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.	Yes	No	**High** Suitable foraging and burrowing habitat are present within and to the south of the project site. Local records indicate this species occurs nearby.
Plegadis chihi white-faced ibis	Fed: None CA: WL	Prefers to feed in fresh emergent wetland, shallow lacustrine waters, muddy ground of wet meadows, and irrigated or flooded partures and croplands. Nests in dense, fresh emergent wetland.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Polioptila californica californica coastal California gnatcatcher	Fed: **THR** CA: SSC	Obligate resident of sage scrub habitats that are dominated by California sagebrush (*Artemisia californica*). This species generally occurs below 750 feet elevation in coastal regions and below 1,500 feet inland. Ranges from the Ventura County, south to San Diego County and northern Baja California and it is less common in sage scrub with a high percentage of tall shrubs. Prefers habitat with more low-growing vegetation.	Yes	Yes	**Present** Suitable foraging and nesting habitat are present within and to the south of the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Progne subis purple martin	Fed: None CA: SSC	Summer resident in a variety of wooded, low-elevation habitats throughout the state. Uses valley foothill and montane hardwood, valley foothill and montane hardwood-conifer, and riparian habitats. Also occurs in coniferous habitats, including closed-cone pine-cypress, ponderosa pine, Douglas-fir, and redwood.	Yes	No	**Presumed Absent** There is no suitable habitat 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	No	**High** Suitable foraging and cover habitat are present within and to the south of the project site. Local records indicate this species occurs nearby.
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	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Spea hammondii western spadefoot	Fed: None 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.	Yes	No	**Presumed Absent** There is no suitable habitat 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	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Streptocephalus woottoni Riverside fairy shrimp	Fed: **END** CA: None	Freshwater crustacean that is found in vernal pools in the coastal California area.	Yes (a)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
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	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Thamnophis hammondii two-striped garter snake	Fed: None CA: SSC	Occurs in or near permanent fresh water, often along streams with rocky beds and riparian growth up to 7,000 feet in elevation.	No	No	**Presumed Absent** There is no suitable habitat 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.	Yes (a)	No	**Low** Riparian habitats supported on-site provide limited foraging and nesting habitat; however, the limits of disturbance for the proposed project do not support suitable nesting habitat.
PLANT SPECIES					
Allium munzii Munz's onion	Fed: **END** CA: **THR** CNPS: 1B.1	Grows within vernally moist, heavy clay soils within chaparral, cismontane woodland, coastal scrub, pinyon and juniper woodland, valley and foothill grassland. Found at elevations ranging from 974 to 3,510 feet. Blooming period is from March to May.	Yes (b)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Ambrosia pumila San Diego ambrosia	Fed: **END** CA: None CNPS: 1B.1	Occurs in open habitats in coarse substrates near drainages, and in upland areas on clay slopes or on the dry margins of vernal pools. This species occurs in a variety of associations that are dominated by sparse grasslands or marginal wetland habitats such as river terraces, pools, and alkali playas. Found at elevations ranging from 65 to 1,360 feet. Blooming period is from April to October.	No	No	**Presumed Absent** The project site occurs outside of the known elevation range for this species.
Atriplex coronata* var. *notatior San Jacinto Valley crownscale	Fed: **END** CA: None CNPS: 1B.1	Grows in alkaline conditions within playas, mesic valley and foothill grasslands, and vernal pools. Found at elevations ranging from 456 to 1,640 feet. Blooming period is from April to August.	Yes (d)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Brodiaea filifolia thread-leaved brodiaea	Fed: **THR** CA: **END** CNPS: 1B.1	Grows in clay soils within chaparral openings, cismontane woodland, coastal scrub, playas, valley and foothill grassland, and vernal pools. Found at elevations ranging from 82 to 3,675 feet. Blooming period is from March to June.	Yes (d)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Carex buxbaumii Buxbaum's sedge	Fed: None CA: None CNPS: 4.2	Grows within bogs and fens, meadows and seeps (mesic) and marshes and swamps. Found at elevations ranging from 10 to 10,825 feet. Blooming period is from March to August.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Caulanthus simulans Payson's jewelflower	Fed: None CA: None CNPS: 4.2	Occurs on granitic, sandy soils in chaparral and coastal scrub habitats. Found at elevations ranging from 295 to 7,218 feet. Blooming period is from February to June.	Yes	No	**Low** Limited habitat is present within the project site.
Centromadia pungens ssp. laevis smooth tarplant	Fed: None CA: None CNPS: 1B.1	Found in alkaline soils within chenopod scrub, meadows and seeps, playas, riparian woodland, valley and foothill grassland habitats. Found at elevations ranging from 0 to 2,100 feet. Blooming period is from April to September.	Yes (d)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Chorizanthe leptotheca Peninsular spineflower	Fed: None CA: None CNPS: 4.2	Found in granitic soils within chaparral, coast scrub, and lower montane coniferous forest habitats. Found at elevations ranging from 984 to 6,234 feet. Blooming period is from May to August.	Yes (e)	No	**Low** Limited habitat is present within the project site.
Chorizanthe parryi* var. *parryi Parry's spineflower	Fed: None CA: None CNPS: 1B.1	Occurs on openings in sandy and/or rocky soils in chaparral, coastal sage scrub, and sandy openings within alluvial washes and margins. Found at elevations ranging from 900 to 4,005 feet. Blooming period is from April to June.	Yes (e)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Chorizanthe polygonoides var. longispina long-spined spineflower	Fed: None CA: None CNPS: 1B.2	Typically found on clay lenses which are largely devoid of shrubs. Can be found on the periphery of vernal pool habitat and even on the periphery of montane meadows near vernal seeps. Found at elevations ranging from 98 to 5,020 feet. Blooming period is from April to July.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Convolvulus simulans small-flowered morning-glory	Fed: None CA: None CNPS: 4.2	Grows in clay soils within serpentinite seeps, chaparral, coastal scrub, valley and foothill grassland habitats. Found at elevations ranging from 98 to 2,297 feet. Blooming period is from March to July.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
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 8 to 3,085 feet. Blooming period is from April to November.	No	Yes	**Present** Suitable habitat is present throughout the project site. This species is well-adapted to growing in disturbed settings.
Dodecahema leptoceras slender-horned spineflower	Fed: **END** CA: **END** CNPS: 1B.1	Flood deposited terraces and washes in chaparral, coastal scrub (alluvial fan sage scrub). Found at elevations ranging from 655 to 2,495 feet. Blooming period is from April to June.	Yes (b)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Dudleya multicaulis many-stemmed dudleya	Fed: None CA: None CNPS: 1B.2	Often occurs on clay soils and around granitic outcrops in chaparral, coastal sage scrub, and grasslands. Found at elevations ranging from 50 to 2,590 feet. Blooming period is from April to July.	Yes (b)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Harpagonella palmeri Palmer's grapplinghook	Fed: None CA: None CNPS: 4.2	Occurs on clay soils in chaparral, coastal scrub, and valley and foothill grasslands. Found at elevations ranging from 66 to 3,133 feet. Blooming period is from March to May.	Yes	No	**Presumed Absent** There is no suitable habitat 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.	Yes	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Juglans californica southern California black walnut	Fed: None CA: None CNPS: 4.2	Occurs in alluvial soils in chaparral, cismontane woodland, coastal scrub, and riparian woodlands. From 15 to 5,875 feet in elevation. Blooming period is from May to June.	Yes	No	**Low** Suitable habitat is present within the project site. This highly conspicuous species was not observed during the field investigation.
Lasthenia glabrata* ssp. *coulteri Coulter's goldfields	Fed: None CA: None CNPS: 1B.1	Prefers playas, vernal pools, and coastal salt marshes and swamps. Found at elevations ranging from 3 to 4,003 feet. Blooming period is from February to June.	Yes (d)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
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	No	**Low** Limited habitat is present within the project site. More suitable habitat is present to the east and south.
Microseris douglasii* ssp. *platycarpha small-flowered microseris	Fed: None CA: None CNPS: 4.2	Occurs in clay soils in cismontane woodland, coastal scrub, valley and foothill grasslands, and around vernal pools. Found at elevations ranging from 49 to 3,510 feet. Blooming period is from March to May.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Myosurus minimus ssp. apus little mousetail	Fed: None CA: None CNPS: 3.1	Occurs in alkaline soils in valley and foothill grassland and vernal pools. Found at elevations ranging from 66 to 2,100 feet. Blooming period is from March to June.	Yes (d)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Navarretia fossalis spreading navarretia	Fed: **THR** CA: None CNPS: 1B.1	Grows in chenopod scrub, assorted shallow freshwater marshes and swamps, playas, and vernal pools. Found at elevations ranging from 98 to 2,149 feet. Blooming period is from April to June.	Yes (b)	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
Orcuttia californica California Orcutt grass	Fed: **END** CA: **END** CNPS: 1B.1	Primarily restricted to the southern basaltic claypan vernal pools at the Santa Rosa Plateau, and alkali vernal pools at Skunk Hollow, and at Salt Creek. Grows in elevations ranging from 45 to 2,165 feet above msl. Blooming period is from April to August.	Yes (b)	No	**Presumed Absent** There is no suitable habitat 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.	Yes (e)	No	**Low** Limited habitat is present within the project site.
Viguiera laciniata San Diego County viguiera	Fed: None CA: None CNPS: 4.3	Grows within chaparral and coastal scrub habitats. Found at elevations ranging from 200 to 2,460 feet. Blooming period is typically from February to June and can extend through August.	No	No	**Presumed Absent** There is no suitable habitat present within or adjacent to the project site.
CDFW SENSITIVE HABITATS					

Scientific Name Common Name	**Status**	**Habitat**	**Covered by MSHCP**	**Observed On-site**	**Potential to Occur**
Southern Coast Live Oak Riparian Forest	CDFW Sensitive Habitat	Open to locally dense evergreen riparian woodlands dominated by *Quercus agrifolia*. This type appears to be richer in herbs and poorer in understory shrubs than other riparian communities. Bottomlands and outer floodplains along larger streams, on fine-grained, rich alluvium. Canyons and valleys of coastal southern California.	NA	No	**Absent**
Southern Cottonwood Willow Riparian Forest	CDFW Sensitive Habitat	Dominated by cottonwood (*Populus* sp.) and willow (*Salix* sp.) trees and shrubs. Considered to be an early successional stage as both species are known to germinate almost exclusively on recently deposited or exposed alluvial soils.	NA	No	**Absent**
Southern Sycamore Alder Riparian Woodland	CDFW Sensitive Habitat	Occurs below 2,000 meters in elevation, sycamore and alder often occur along seasonally-flooded banks; cottonwoods and willows are also often present. Poison oak, mugwort, elderberry and wild raspberry may be present in understory.	NA	No	**Absent**

U.S. Fish and Wildlife Service (Fed) - Federal
END- Federal Endangered
THR- Federal Threatened

California Department of Fish and Wildlife (CA) - California
END- California Endangered
THR- California Threatened
Candidate- Candidate for listing under the California Endangered Species Act
FP- California Fully Protected
SSC- Species of Special Concern
WL- Watch List

California Native Plant Society (CNPS)
California Rare Plant Rank
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 More Information is Needed – A Review List
4 Plants of Limited Distribution – A Watch List

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

Western Riverside County MSHCP
Yes- Fully covered
No- Not covered
Yes (a)- May require surveys under MSHCP Section 6.1.2
Yes (b)- May require surveys under MSHCP Section 6.1.3
Yes (c)- May require surveys under MSHCP Section 6.3.2
Yes (d)- May require surveys under MSHCP Section 6.3.2
Yes (e)- Conditionally covered pending the achievement of species-specific conservation measures

Appendix 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.

Appendix E Crotch Bumble Bee Survey