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June 28, 2021

Don Copeland
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RE: Response to Comments
CUP200006
Assessor's Parcel Number(s): 377-372-038

Dear Don:

Jericho is in receipt of your comment letter dated March 18, 2021 regarding the Western Riverside MSHCP Consistency Analysis Commercial Retail-Northwest Corner of Central Ave (HWY74) and Alan Street, Riverside County, CA, prepared by Jericho Systems Inc., dated October 2020.

Attached to this letter is a revised MSHCP report containing a revision date of June 2021 (referred to herein as revised report) that addresses your comments. Your comments are in *italicized* type and our response are in standard type.

2.2 Project Description page 5 – *please discuss if there are any offsite impacts, if none, please state that fact.*

The Project Description on page 5 of the revised report now indicates that there are no off-site improvements. Therefore, there will be no off-site impacts.

5.1.3 Impacts page 8 – *Please discuss how the streambed area will be avoided. Add a sentence to the document, "County will Condition the project to either offer the riverine area to a conservation entity, to be approved by EPD, or a deed restriction will be placed over the area. An Environmental Constraints Sheet will also be created for the Final Map and all exhibits".*

The revised report reflects this sentence as requested.

Figure 3, what does the dashed blue line represent?

The legend on Figure 3 of the revised report has been revised to note that the dashed blue line represents the FEMA 100-year floodplain.

Please include a map that shows the riverine area to be avoided.

Figure 3 identifies the extent of Arroyo Del Torro within the parcel overlaid on the site plan. As shown on Figure 3, the site does not include any development or grading near the limits of the Arroyo Del Torro.

CONCLUSION

We hope the revised report and explanation satisfies the County's comments.

Please be advised that Jericho is closing its business, effective June 30, 2021 due to some health issues I have been struggling with. I have made provisions for my client documents to be kept on file with former Jericho staff so that any further comments can be addressed. If you have additional questions or need more clarification, please contact the applicant's representative, Mary McKenna-Lanier at mary@mckennalanier.com or at (949) 701-1606, as she has been given instructions for contact.

Thank you, Don, and it was a pleasure working with you on this and other projects.

Sincerely,

A handwritten signature in black ink, appearing to read "Shay Lawrey". The signature is fluid and cursive, with the first name "Shay" being more prominent and the last name "Lawrey" following in a similar style.

Shay Lawrey
President

Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis

**Commercial Retail – Northwest Corner of
Central Avenue (Hwy 74) and Allan Street**

Permittee Name:

Joseph Karaki

Karaki WS

**4887 E. La Palma Ave | Suit 707
Anaheim, CA 92807**

Applicant Name:

Joseph Karaki

Karaki WS

**4887 E. La Palma Ave | Suit 707
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Prepared by:

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47 N. 1st Street, Suite 1

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Shay Lawrey: (909) 915-5900

October 2020

Revised June 2021

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1 EXECUTIVE SUMMARY

Jericho Systems, Inc. (Jericho) is pleased to provide this Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis prepared for the commercial development (Project) located in Lake Elsinore, California (Figures 1, 2A, 2B and 3).

The 2.5-acre Project site is located within Elsinore Area Plan of the Western Riverside County Multiple Species Habitat Plan (MSHCP) area. The MSHCP requires that a project comply with the MSHCP policies identified in Section 6 of the MSHCP. The Project site is not located in within a 'Cell group' or in a 'Criteria Cell'. The site is not in an amphibian, owl, criteria area species, mammal, or narrow endemic plant species survey area.

The project site consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances. These disturbances have resulted in the entire project site being dominated by non-native ruderal species with ornamental tree species scattered about the Project site.

Aerial imagery indicated that the site had potential habitat for burrowing owl; however, the field investigation resulted in dismissing what was seen on aerial imagery because the site conditions are entirely unsuitable for burrowing owl.

An ephemeral drainage known as Arroyo Del Torro crosses the western portion of the site and is considered a Riverine/Riparian Resource due to stormwater flow. However, the Project design avoids the Arroyo Del Torro. There are no vernal pools on site. None of the mapped soils on site are listed on the USDA-NRCS National Hydric Soils List to indicate the potential for vernal pools. The soils onsite are well drained and the duration, timing, and frequency of inundation on site provide no indication or validation of vernal pool ecology. Water does not accumulate on surface for seasonal periods (more than 3 weeks) of inundation. Clay soils are not mapped on site. The site as a whole lacks the water retention capabilities necessary to support vernal pools, therefore, the biological functions and values of Vernal Pools do not exist on site.

2 INTRODUCTION

The purpose of this Consistency Analysis (Analysis) report is to summarize the biological data for the proposed commercial retail development (Project) and to document project's consistency with the goals and objectives of the Western Riverside County Multiple Species Habitat Conservation Plan. The proposed project consists of the development of convenience market, drive-through restaurant, and retail tenant.

2.1 Project Area

The 2.5 gross acre Project site is located on Assessor's Parcel Number (APN): 377-372-038 in the City of Lake Elsinore, Riverside County, California, on the northwest corner of Central Avenue (Hwy 74) and Allan Street. The Site is identified on the *Lake Elsinore* US Geological Survey's (USGS) 7.5-minute topographic map in Section 30 of Township 5 South, Range 4 West (Figures 1, 2A and 2B). The site is bounded on the north by 8th Street, on the south by Central Avenue, on the east by vacant land, and on the west by vacant and residential uses.

2.2 Project Description

The Project proposes a small retail center consisting of three buildings (referred to as Building A, B, and C, Figure 3). Building A will have an area of 4,050 square foot (sqft) and is proposed to be a convenience market with a 1,440 sqft second floor mezzanine storage area. Building B will have an area of 1,510 sqft and is proposed to be a drive-through restaurant and a 2,015 sqft. retail tenant. Building C will have an area of 3,025 sqft and is proposed to be a multi-tenant retail building with a 1,400 sqft second floor office space. The convenience market will include the sale of beer and wine for off-site consumption. Parking provided will consist of 62 parking stalls, including 4 accessible vehicle and 4 electric vehicle stalls. The area of disturbance is 1.27 acres with the remaining providing emergency secondary access for the Project site. No signage is proposed and no offsite impacts will result from this project.

2.3 Covered Roads

The Project proposes no new roads.

2.4 General Setting

According to the EPA Regional map, the Project site is located in the Inland Valleys (85k) ecoregion. An ecoregion is a regional area that has similar ecosystems in terms of type, quality, and quantity of environmental resources. The Inland Valleys ecoregion is influenced less by marine processes, and more by alluvial processes. The ecoregion consists of alluvial fans and basin floors at the base of the San Bernardino and San Gabriel mountains and the San Jacinto and Perris Valleys in the south. The region was historically composed of Riversidean coastal sage scrub, valley grasslands, and riparian woodlands. The ecoregion is now heavily urbanized with some remaining agriculture.

Hydrologically, the Project site is located within the Lake Mathews hydrologic area, in the 14,217-acre hydrologic sub-area (HSA 801.35) within the Temescal Wash watershed (HUC 180702030601).

The City of Lake Elsinore is located in southwestern Riverside County at the foothills of the Cleveland National Forest. Topographically, Lake Elsinore is located on the east side of the Santa Ana mountains. Air quality is relatively poor, as characteristic of the region due to temperature inversions, convergence zones, and accumulation of air pollutants. Air pollutants of greatest concern are carbon monoxide, PM2.5, ozone, and PM10. The general climate of Lake Elsinore includes hot summers (99°F average maximum in August) and mild winters (38°F average minimum in February) with cool ocean breezes and sparse winter rainfall, averaging 12.09 inches of precipitation per year.

Soils in the survey area consist of Cortina cobbly loamy sand, 2-8% slopes (CmC), Terrace escarpments (TeG), and Arbuckle gravelly loam, 2-9% slopes – dry, MLRA 19 (AIC), (Figure 4). Soils in the Arbuckle series are well-drained remnants of alluvial fans derived from numerous types of rock. Soils in the Cortina series are well-drained soils made from alluvium derived from metasedimentary rock. Terrace escarpments are landforms (terraces) made from alluvium derived from mixed sources.

3 RESERVE ASSEMBLY ANALYSIS

The site is not located or mapped within any criteria cells or cell groups, reserve assembly or Public or Quasi-Public lands. Therefore, this analysis is not applicable.

4 VEGETATION MAPPING

The RCA MSHCP 2012 Vegetation map layer identifies entire Project area mapped as Developed/Disturbed Land. Field surveys confirmed mapping. Vegetation on site is primarily ruderal or ornamental. Plant species observed outside the Arroyo Del Toro including telegraph weed (*Heterotheca grandiflora*), twiggly wreath plant (*Stephanomeria virgata*), short-podded mustard (*Hirschfeldia incana*), gum tree (*Eucalyptus* spp.), china berry tree (*Melia azedarach*), tocalote (*Centaurea melitensis*), and non-native grasses (*Bromus* spp.). There are 25 gums trees on site that range in diameter at breast height (DBH) from 8 inches to 48 inches and provide potentially suitable nesting habitat for birds, including raptor species.

The vegetation within the Arroyo Del Toro includes Gooding's willow (*Salix gooddingii*), tamarisk (*Tamarix ramossima*), Peruvian pepper tree (*Schinus molle*), and gum tree.

5 PROTECTION OF SPECIES ASSOCIATED WITH RIPARIAN/RIVERINE AREAS AND VERNAL POOLS (SECTION 6.1.2)

According to Section 6.1.2 of the MSHCP:

"Riparian/Riverine Areas are lands which contain Habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year.

"Vernal pools are seasonal wetlands that occur in depression areas that have wetlands indicators of all three parameters (soils, vegetation and hydrology) during the wetter portion of the growing season but normally lack wetlands indicators of hydrology and/or vegetation during the drier portion of the growing season. Obligate hydrophytes and facultative wetlands plant species are normally dominant during the wetter portion of the growing season, while upland species (annuals) may be dominant during the drier portion of the growing season. The determination that an area exhibits vernal pool characteristics, and the definition of the watershed supporting vernal pool hydrology, must be made on a case-by-case basis. Such determination should consider the length of the time the area exhibits upland and wetland characteristics and the manner in which the area fits into the overall ecological system as a wetland. Evidence concerning the persistence of an area's wetness can be obtained from its history, vegetation, soils, and drainage characteristics, uses to which it has been subjected, and weather and hydrologic records.

"Fairy Shrimp. For Riverside, vernal pool and Santa Rosa fairy shrimp, mapping of stock ponds, ephemeral pools and other features shall also be undertaken as determined appropriate by a qualified biologist.

"With the exception of wetlands created for the purpose of providing wetlands Habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating characteristics as described above which are artificially created are not included in these definitions."

5.1 Riparian/Riverine

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 unavoidable alteration or loss of riparian/riverine area related to a project requires the preparation of a Determination of Biologically Equivalent or Superior Preservation (DBESP) analysis to ensure the replacement of any lost functions and values of the habitat. 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.

5.1.1 Methods

On July 22, 2020, Mr. Nordal also evaluated the property for waters of the State and US. Prior to the field visit, aerial photographs of the site were viewed and compared with the surrounding USGS 7.5-minute topographic quadrangle maps to identify drainage features within the survey area as indicated from topographic changes, blue-line features, or visible drainage patterns. The Environmental Protection Agency (EPA) Water Program “My Waters” data layer was also reviewed to determine whether any hydrologic features had been documented within the vicinity of the site. Similarly, the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) soil maps for Riverside County were used to identify the soil series in the area and to check these soils to determine whether they are regionally identified as hydric soils.

Mr. Nordal carefully assessed the site for depressions, inundation, presence of hydrophytic vegetation, staining, cracked soil, ponding, and indicators of active surface flow and corresponding physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris. Suspected jurisdictional areas were checked for the presence of definable channels, soils, and hydrology.

5.1.2 Existing Conditions and Results

The Arroyo Del Torro traverses the Project site from northeast to southwest on the western portion of the parcel. The Arroyo is approximately 12 feet wide and 4 inches deep and is fairly consistent in width and depth through its course. The channel bed is bare and consist of gravel and sand sized substrates. Vegetation on the outer edges of this Arroyo consists of scattered and degraded Gooding’s willow, gum trees, and Peruvian pepper trees. The Arroyo continues past the parcel boundaries, terminating at Conard Avenue to the southwest of the site. The functions and values of this drainage course include slowing erosion, maintaining soil quality and filtering pollution.

The footprint of Arroyo Del Torro on the Project site totals approximately 0.055 acre. It is considered a riverine riparian area and is also considered a jurisdictional streambed subject to the CDFW’s jurisdiction. This feature conveys water during rainfall and therefore meets the definition of freshwater flow during all or a portion of the year. Although this drainage is defined as a Riparian/Riverine area, it does not provide suitable habitat for, or contribute to the conservation of, any of the species listed in Section 6.1.2 of the MSHCP.

Arroyo Del Torro is an ephemeral stream that flow for less than 3 months per year. It is not tributary to a relatively permanent water downstream of the property and lacks a tributary connection/nexus to traditionally navigable waters (TNW) and therefore would not be considered a jurisdictional Water of the US. Arroyo Del Torro therefore, is not subject to the CWA Sections 404 or 401 regulations.

5.1.3 Impacts

The current site plan avoids the Arroyo (Figure 3). During construction visual demarcation will be installed in protection of the Arroyo. The County will condition the project to either offer the riverine area to a conservation entity, to be approved by EPD, or a deed restriction will be placed of the area. An Environmental Constraints sheet will also be created for the Final map and all exhibits.

5.1.4 Mitigation

No mitigation or permitting is required.

5.2 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.

5.2.1 Methods

Methods included a review of recent and historic aerial photographs (1996-2018) of the project site and its immediate vicinity, a review of soils data, and a site visit on July 22, 2020 by Jericho biologist Christian Nordal. The field visit included walking transects spaced at no more than 15 meters (approximately 50 feet) intervals to provide 100 percent visual coverage of the ground surface, looking for signs of clayey soils, ponding, cracking, mottling, etc.

5.2.2 Existing Conditions and Results

A review of recent and historic aerial photographs (1994-2018) of the project site and its immediate vicinity did not provide visual evidence of an astatic or vernal pool conditions on or in the vicinity of the project site.

Soils in the survey area consist of Cortina cobbly loamy sand, 2-8% slopes (CmC), Terrace escarpments (TeG), and Arbuckle gravelly loam, 2-9% slopes – dry, MLRA 19 (AIC). Soils in the Arbuckle series are well-drained remnants of alluvial fans derived from numerous types of rock. Soils in the Cortina series are well-drained soils made from alluvium derived from metasedimentary rock. Terrace escarpments are landforms (terraces) made from alluvium derived from mixed sources. Soils have been intensely bladed.

No ponding was observed on-site. Soils are well drained and no mud/soil cracks or any other indicators of pooling was observed on site.

From this review of historic aerial photographs and observations during the field investigations, it can be concluded that there is no indication of vernal pools or suitable fairy shrimp habitat occurring on the project site, as no ponding was observed on-site. Further, no special-status plant and wildlife species associated with vernal pools were observed during the field visit. Additionally, the routine disturbances on-site, and compacted soils also preclude vernal pools from existing on-site.

5.2.3 Impacts

There are no impacts to vernal pools because none exist on site, and the soil type on site does not support the potential for vernal pools.

5.2.4 Mitigation

No mitigation is required because no vernal pools exist on site.

5.3 Fairy Shrimp

Fairy shrimp can be found in non-vernal pool features such as stock ponds, ephemeral pools, road ruts, human-made depressions, or other depressions that may pond water. No habitat features suitable for fairy shrimp exist on site.

Therefore, evaluations for the presence of fairy shrimp were warranted or required. No further discussion on fairy shrimp is made in this report.

5.4 Riparian Birds

Riparian Birds covered under the MSHCP such as the Least Bell's vireo (*Vireo bellii pusillus*) [LBVI], Southwestern willow flycatcher (*Empidonax trallii extimus*) [SWWF] and Yellow-billed cuckoo (*Coccyzus americanus*) [YBCU] are found only in well-developed riparian habitat. No habitat features suitable for any riparian birds exist on site. Therefore, evaluations for the presence of riparian birds were not warranted or required. No further discussion on riparian birds is made in this report.

6 PROTECTION OF NARROW ENDEMIC PLANT SPECIES (SECTION 6.1.3)

The MSHCP identifies the potential presence for a number of endemic plant species.

The MSHCP states that in general, habitat suitability assessments may be undertaken year-round, with the exception of vernal pool species for which habitat suitability assessments must be conducted during the rainy season. Species found in vernal pools and associated Habitats include the following Narrow Endemic Plant Species: San Diego ambrosia (*Ambrosia pumila*), spreading navarretia (*Navarretia fossalis*), California Orcutt grass (*Orcuttia californica*), and Wright's trichocoronis (*Trichocoronis wrightii* var. *wrightii*). Species found in vernal pools and associated Habitats include the following Criteria Area Survey plant species: San Jacinto Valley crownscale (*Atriplex coronator* var. *notatior*), Parish's brittlescale (*Atriplex parishii*), Davidson's saltscale (*Atriplex serenana* var. *davidsonii*), thread-leaved brodiaea (*Brodiaea filifolia*), Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), little mouseltail (*Myosurus minimus*), and prostrate navarretia (*Navarretia prostrata*) (MSHCP, Section 6.1.3)

The Project site does not fall within a Narrow Endemic Plant Species Survey Area (NEPSSA). No further analysis or discussion is needed or warranted.

6.1 Impacts

There are no impacts to the narrow endemic plants because the soils and vegetation communities do not support potential for Narrow Endemic Plant Species.

7 ADDITIONAL SURVEY NEEDS AND PROCEDURES (SECTION 6.3.2)

The Project site is not mapped in a Criteria Cell or survey area for plants, burrowing owl, mammals or amphibians. As aerial imagery showed the site to be cleared and grubbed of vegetation, a burrowing owl habitat suitability assessment was conducted, and no habitat were found, and there was no evidence of burrowing owl.

7.1 Criteria Area Plant Species

The Proposed Project Site does not fall within a mapped survey area for Criteria Area Plant Species. No surveys or further discussion is warranted.

7.2 Amphibians

The Proposed Project Site does not fall within a mapped survey area for Amphibian. No surveys or further discussion is warranted.

7.3 Burrowing Owl

The Project site is not within a mapped survey area for burrowing owl, in accordance with MSHCP Figure 6-4 and a recent review of the RCA MSHCP Information GIS map.

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 [*Otospermophilus beecheyi*], coyotes, and badgers [*Taxidea taxus*]) 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 survey for burrowing owl requires a systematic survey of all areas that provide suitable habitat plus a 150-meter (approximately 500 feet) zone of influence on all sides of suitable habitat, where applicable.

7.3.1 Methods

On July 22, 2020, a burrowing owl habitat suitability assessment was conducted in accordance with the Western Riverside County MSHCP, which follows the 1993 “*Burrowing Owl Survey Protocol and Mitigation Guidelines*” prepared by the California Burrowing Owl Consortium.

If suitable habitat is present, this protocol requires four (4) surveys between March 1 and August 31 with the first site survey counting as one survey period.

Step I Habitat Assessment

Burrowing owl habitat generally includes, but is not limited to, short or sparse vegetation (at least at some time of year), presence of burrows, burrow surrogates or presence of fossorial mammal dens, well-drained soils, and abundant and available prey.

Per the literature review, the closest documented BUOW occurrence is approximately 3.8 miles northeast from the Project site along Highway 74 near Ethanac Road and Eugene Street. There are no BUOW occurrences documented in the Project area,

Mr. Nordal conducted a BUOW habitat assessment on July 22, 2020. Surveys were conducted by walking north-south transects spaced at approximately 30 meters (approximately 100 feet) intervals, adjusted for terrain and vegetation density as necessary, to provide 100 percent visual coverage of the ground surface determined to contain suitable habitat for BUOW. Adjacent areas that were not accessible on foot were

surveyed with binoculars. 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.

7.3.2 Existing Conditions and Results

Habitat on site is not suitable for BUOW. Vegetation on site is dense and no suitable burrows or burrow surrogates are on site. There is no recent of historic sign (pellets, feathers, castings, or whitewash) of BUOW on the Project site.

Based on this information, it was determined that BUOW are absent from the project site and habitat is not suitable.

7.3.3 Impacts

No impacts can be identified in that no BUOW or BUOW sign was observed on the Project site.

7.3.4 Mitigation

Burrowing owl were not present, and there was not suitable habitat found in the survey, therefore, no mitigation is required.

7.4 Mammals

The Proposed Project Site does not fall within a mapped survey area for Mammals. No surveys or further discussion is warranted.

8 INFORMATION ON OTHER SPECIES

8.1 Delhi Sands Flower Loving Fly

The Project site does not fall within the Delhi soils mapped within the MSHCP baseline data. No further discussion is warranted.

8.2 Species Not Adequately Conserved

MSHCP Table 9-3 identifies 28 species where requirements must be met for those to be considered not adequately conserved. None of the species listed in the MSHCP Table 9-3 occur on or near the Project site. Therefore, there is no further action required.

9 GUIDELINES PERTAINING TO THE URBAN/WILDLANDS INTERFACE (SECTION 6.1.4)

The MSHCP Section 6.1.4 Guidelines are intended to address indirect effects associated with locating Development in proximity to the MSHCP Conservation Area, where applicable. The Project Site is not located in proximity to an MSHCP Conservation Area.

The Project Site is not located in proximity to an MSHCP Conservation Area, therefore the analysis for this criterion does not apply.

10 BEST MANAGEMENT PRACTICES (VOLUME I, APPENDIX C)

This section of the report is designed to describe and comment as to the necessity of implementation of the BMPs identified in Volume 1, Appendix C. The BMPs and their applicability to the Project are identified in Table 2.

MSHCP Consistency Analysis

Table 2
MSHCP Best Management Practices Applicability (Volume 1, Appendix C)

BMP No.	BMP	Applicable Yes or No	Comment
1	A condition shall be placed on grading permits requiring a qualified biologist to conduct a training session for project personnel prior to grading. The training shall include a description of the species of concern and its habitats, the general provisions of the Endangered Species Act (Act) and the MSHCP, the need to adhere to the provisions of the Act and the MSHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be accomplished.	No	There are no sensitive species within or near the Project site.
2	Water pollution and erosion control plans shall be developed and implemented in accordance with RWQCB requirements.	Yes	The site will include grading and paving.
3	The footprint of disturbance shall be minimized to the maximum extent feasible. Access to sites shall be via pre-existing access routes to the greatest extent possible.	No	The site is in an urban area and the remnants of vacant habitat do not provide suitable habitat for species.
4	The upstream and downstream limits of projects disturbance plus lateral limits of disturbance on either side of the stream shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work.	Yes	The Arroyo Del Torro crosses the parcel but will be avoided by the Project development.
5	Projects should be designed to avoid the placement of equipment and personnel within the stream channel or on sand and gravel bars, banks, and adjacent upland habitats used by target species of concern.	Yes	The Arroyo Del Torro crosses the parcel but will be avoided by the Project development.
6	Projects that cannot be conducted without placing equipment or personnel in sensitive habitats should be timed to avoid the breeding season of riparian identified in MSHCP Global Species Objective No. 7.	Yes	The Arroyo Del Torro crosses the parcel but will be avoided by the Project development.
7	When stream flows must be diverted, the diversions shall be conducted using sandbags or other methods requiring minimal instream impacts. Silt fencing of other sediment trapping materials shall be installed at the downstream end of construction activity to minimize the transport of sediments offsite. Settling ponds where sediment is collected shall be cleaned out in a manner that prevents the sediment from reentering the stream. Care shall be exercised when removing silt fences, as feasible, to prevent debris or sediment from returning to the stream.	Yes	The Arroyo Del Torro crosses the parcel but will be avoided by the Project development.
8	Equipment storage, fueling, and staging areas shall be located on upland sites with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. Project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, FWS, and CDFG, RWQCB and shall be cleaned up immediately and contaminated soils removed to approved disposal areas	Yes	The Arroyo Del Torro crosses the parcel but will be avoided by the Project development.

MSHCP Consistency Analysis

BMP No.	BMP	Applicable Yes or No	Comment
9	Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the stream channel or on its banks.	Yes	The Arroyo Del Torro crosses the parcel but will be avoided by the Project development.
10	The qualified project biologist shall monitor construction activities for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat and species of concern outside the project footprint.	No	There are no sensitive species or habitat on the Project site.
11	The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species.	No	Vegetation on-site is ruderal.
12	Exotic species that prey upon or displace target species of concern should be permanently removed from the site to the extent feasible.	Yes	Vegetation on-site is ruderal.
13	To avoid attracting predators of the species of concern, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site(s).	No	There are no sensitive species on site or adjacent to the site.
14	Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. Employees shall be instructed that their activities are restricted to the construction areas.	No	There are no sensitive species on site or adjacent to the site.
15	The Permittee shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs.	No	No restoration areas are required.

11 REFERENCES

- USFWS (United States Fish and Wildlife Service). 2000. *Southwestern Willow Flycatcher Protocol Revision 2000*. Sacramento, California: USFWS. <https://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/SWWFlycatcher.2000.protocol.pdf>
- USFWS. 2001. *Least Bell's Vireo Survey Guidelines*. January 19, 2001. Sacramento, California: USFWS. https://www.fws.gov/cno/es/Recovery_Permitting/birds/least_bells_vireo/LeastBellsVireo_SurveyGuidelines_20010119.pdf
- USFWS. 2015. *A Natural History Summary and Survey Protocol for the Western Distinct Population Segment of the Yellow-Billed Cuckoo*. Prepared by M. Halterman, M.J. Johnson, J.A. Holmes, and S.A. Laymon. Sacramento, California: USFWS. April 2015. https://www.fws.gov/southwest/es/Documents/R2ES/YBCU_SurveyProtocol_FINAL_DR_AFT_22Apr2015.pdf

12 SUPPORTING APPENDICES

The following supporting reports are attached:

Figure 1 - Regional Overview Site Vicinity
Figure 2A - Site Location
Figure 2B - Site Location
Figure 3 – Site Plan
Figure 4 – Soils
Figure 5 – CNDDDB Results

Appendix A – Photos
Appendix B – Biological Resources Assessment, September 2020

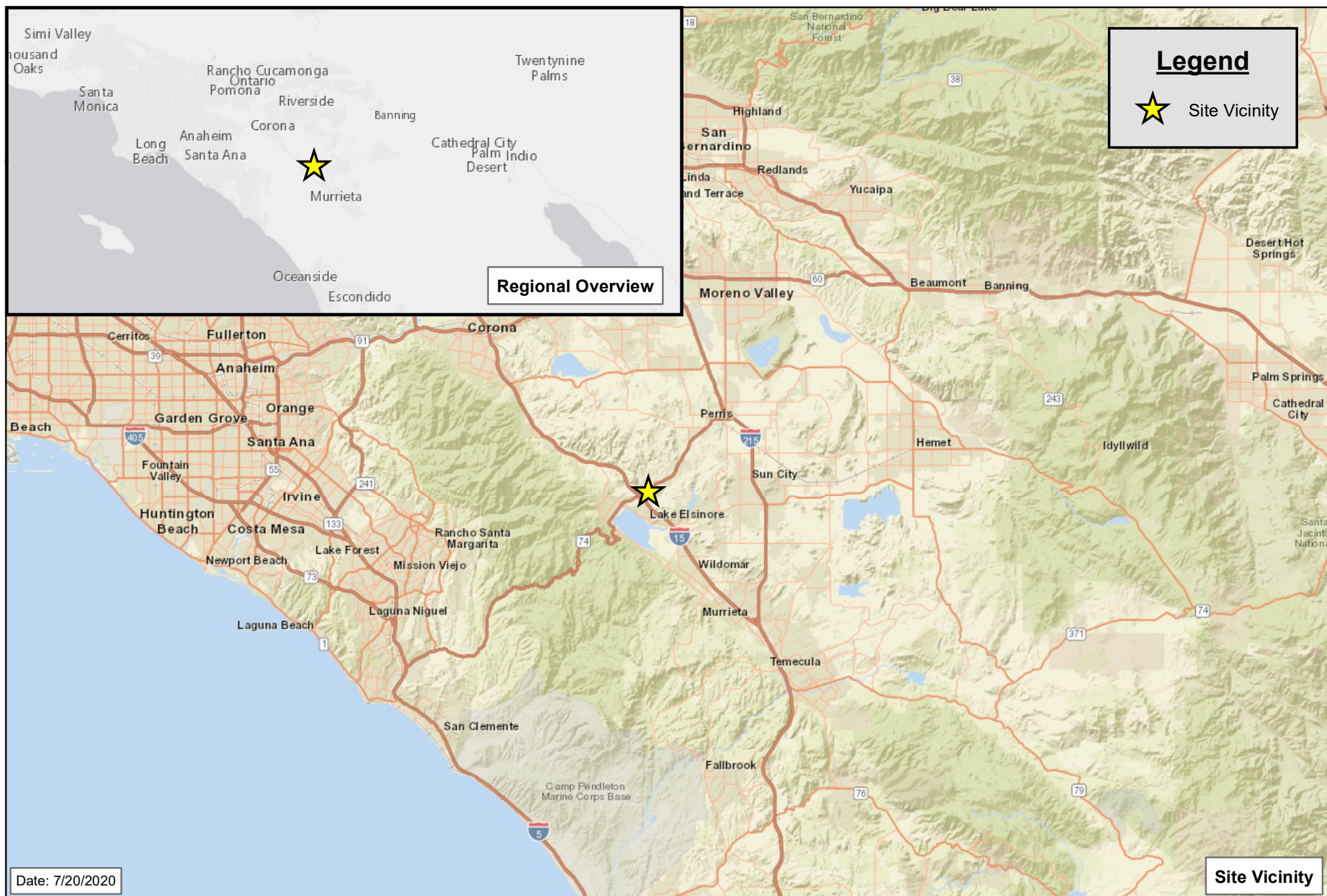
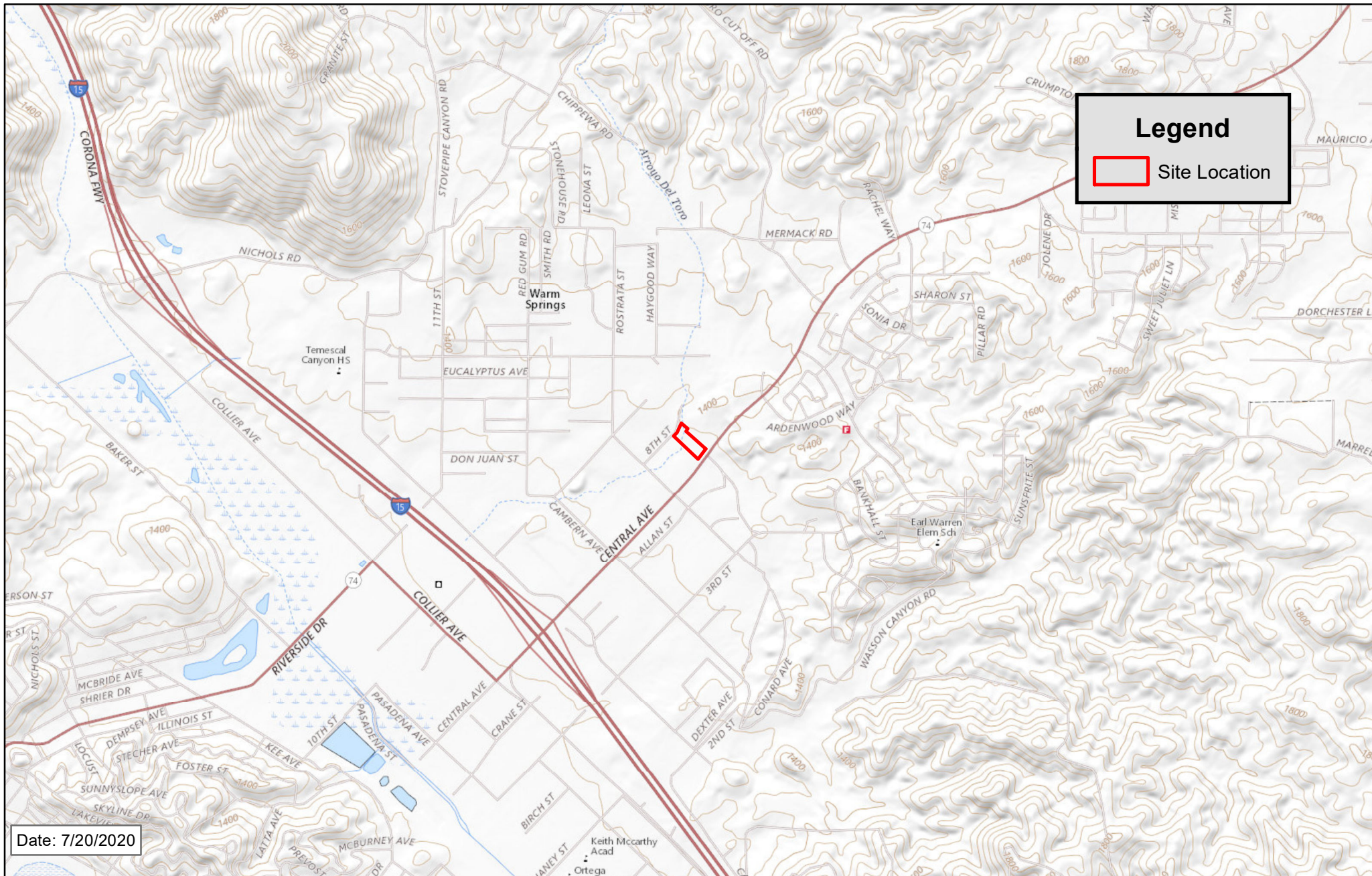




Figure 2A
Site Location

Commercial Center
 Lake Elsinore



Date: 7/20/2020

0 0.15 0.3 0.6 0.9 1.2 Miles

1 inch = 2,000 feet

Imagery Date: 8/6/2017

Service Layer Credits: USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed October 2018.





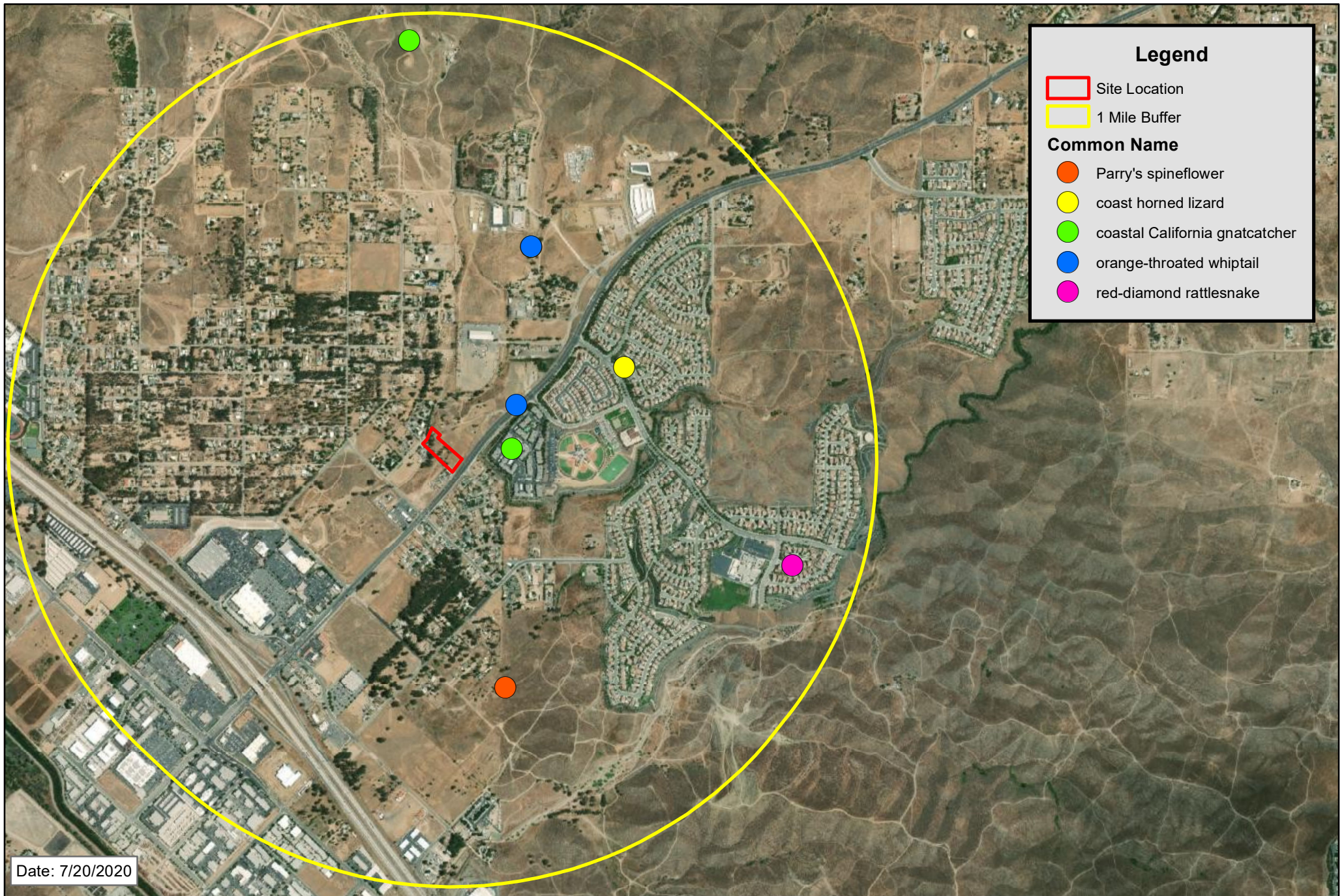
0 0.0075 0.015 0.03 0.045 0.06 Miles

1 inch = 104 feet

Imagery Date: 7/19/2019

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





Legend

Site Location

1 Mile Buffer

Common Name

● Parry's spineflower

● coast horned lizard

● coastal California gnatcatcher

● orange-throated whiptail

● red-diamond rattlesnake

0 0.125 0.25 0.5 0.75 1 Miles

1 inch = 1,593 feet

Imagery Date: 7/19/2019

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Appendix A – Photos

Appendix A – Site Photos



Photo 1 –
Facing east
from 8th Street



Photo 2 –
Facing south in
the Arroyo Del
Torro.

Appendix A – Site Photos



Photo 3 –
Looking north
in the Arroyo
Del Torro



Photo 4 –
From the
western
portion of the
site looking
east across the
middle of the
site.

Appendix A – Site Photos



Photo 5 –
From the
middle of site
looking west
toward the
Arroyo Del
Torro and 8th
Street.



Photo 6 –
Showing
recent
disturbance
in the middle of
the site.

Appendix A – Site Photos



Photo 7 –
From the
middle of the
looking west
toward the
Eucalyptus on
site.



Photo 8 –
Showing tree
trimming that
has occurred
on site.

Appendix A – Biological Resources Assessment, September 2020
