

**WESTERN RIVERSIDE COUNTY
MULTIPLE SPECIES HABITAT CONSERVATION
PLAN CONSISTENCY ANALYSIS AND BIOLOGY
REPORT**

**33890 WINCHESTER ROAD PROJECT
WINCHESTER, RIVERSIDE COUNTY, CALIFORNIA
MSHCP PERMITTEE:
WINCHESTER**



June 2023

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MSHCP PERMITTEE:

WINCHESTER

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LSA Project No. CHF2101



June 2023

EXECUTIVE SUMMARY

U-Stor-It retained LSA to conduct a Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) consistency analysis and general biological study of the approximately 11.1-acre 33890 Winchester Road Project (project) in Winchester, Riverside County, within Assessor's Parcel Number 472-110-038 on the southeast corner of Winchester Road and Elmhurst Lane. In addition, the portion of Coventry Road north of the project site will require improvements and is considered an off-site work area and consists of approximately 0.50 acre. A total of 0.20 acre will be avoided on the project site. The remainder of the project site and off-site work area will be either temporarily or permanently impacted totaling 11.92 acres. The study focuses on both the main project site and the off-site work area. LSA conducted the study to address compliance with the MSHCP and the California Environmental Quality Act and for the identification of potential jurisdictional waters. Results of the MSHCP consistency analysis and general biological study are summarized below.

- One drainage located on the western portion of the project site contains aquatic resources potentially subject to the jurisdiction of the United States Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife within the project site. No riparian habitat was found within the project site.
- The project site is within an MSHCP designated Criteria Area.
- One drainage, mentioned above, contains riverine/riparian areas as defined in the MSHCP. Additionally, the site does not contain fairy shrimp habitat or potential vernal pools; therefore, focused surveys will not be required for sensitive riparian bird species or fairy shrimp species associated with vernal pools.
- The project site is within the MSHCP survey area for burrowing owl (BUOW) (*Athene cunicularia*); therefore, focused BUOW breeding season surveys (March 1–August 31) were conducted. One suitable BUOW burrow was observed on the project site but no burrowing owl or their sign were observed during the focused BUOW survey. A preconstruction survey is required due to the presence of suitable habitat in the form of nonnative grassland.
- The project site is not within an MSHCP Narrow Endemic Plant Species Survey Area (NEPSSA).
- The project site is not within an MSHCP designated survey area for any other species and does not contain Delhi series soils. Therefore, no surveys for other species will be required.
- Pursuant to the Urban/Wildlands Interface guidelines presented in MSHCP Section 6.1.4, the project has the potential to indirectly affect wildlife movement through edge effects associated with locating a commercial facility in proximity to an MSHCP Conservation Area.
- The project is within the Stephens' Kangaroo Rat Habitat Conservation Plan area, and payment of the appropriate fees will be required.
- The project site does not contain suitable habitat for species considered not adequately conserved as described in MSHCP Table 9-3. Suitable habitat for Parry's spineflower (*Chorizanthe parryi* var. *parryi*) is present on the project site and although the species is included in MSHCP Table 9-3, it is now considered adequately conserved. Therefore, no surveys for species listed in MSHCP Table 9-3 are required.

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LIST OF ABBREVIATIONS AND ACRONYMS

APN	Assessor's Parcel Number
ARL	additional reserve lands
BIOS	Biogeographic Information and Observation System
BUOW	burrowing owl
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
cm	centimeter(s)
CMU	concrete masonry unit
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRPR	California Rare Plant Rank
DBESP	Determination of Biologically Equivalent or Superior Preservation
ft	foot/feet
GPS	global positioning system
HCP	Habitat Conservation Plan
IPAC	Information for Planning and Consultation
JDSA	jurisdictional delineation survey area
JPR	Joint Project Review
MSHCP	Western Riverside County Multiple Species Habitat Conservation Plan
NEPSSA	Narrow Endemic Plant Species Survey Area
NRCS	National Resources Conservation Service
OHWM	ordinary high water mark
project	33890 Winchester Road Project
RCA	Western Riverside County Regional Conservation Authority

RWQCB	Regional Water Quality Control Board
SKR	Stephens' kangaroo rat
SKR HCP	Stephens' Kangaroo Rat Habitat Conservation Plan
SR-79	State Route 79
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WOTS	waters of the States
WOTUS	waters of the United States

1.0 INTRODUCTION

U-Stor-It retained LSA to conduct a Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) consistency analysis and general biological study of the approximately 11.1-acre 33890 Winchester Road Project (project) in the unincorporated community of Winchester within Assessor's Parcel Number (APN) 472-110-038 on the southeast corner of Winchester Road (State Route [SR-] 79) and Elmhurst Lane, Riverside County, California (see Figure 1; all figures are provided in Appendix A). In addition, the portion of Coventry Road northeast of the project site will require improvements and is considered an off-site work area. This study focuses on both the main project site and an off-site work area. LSA conducted the study to address compliance with the MSHCP and the California Environmental Quality Act (CEQA) and identify potential jurisdictional waters. The study included a site visit on November 18, 2021, by LSA biologist Carla Cervantes and focused burrowing owl surveys conducted March 15 through July 22, 2022, by LSA biologists Denise Woodard, Carla Cervantes, and Jeremy Rosenthal.

1.1 PROJECT AREA

The project area consists of APN 472-110-038 and is 11.1 acres. The project proposes to develop the entire parcel. Additionally, the portion of Coventry Road northeast of the project site, the off-site work area, consists of approximately 0.50 acre.

1.2 PROJECT DESCRIPTION

The proposed project site is currently undeveloped. A new storage facility is planned that includes nine storage unit buildings along with a bioretention/detention basin and an associated asphalt-paved parking lot on the project site (see Figure 2). As part of project activities, the portion of Coventry Road adjacent to the project site will require road improvements and will be converted from a dirt access road to a paved road. This area is noted as the off-site work area. Permanent and temporary impacts are anticipated with project implementation; however, all temporary impacts are those impacts within developed areas and are considered temporary as the land cover either already consists of paved areas or is otherwise not conducive to plant growth. A total of 0.20 acre will be avoided on the project site.

1.3 GENERAL SETTING

The project site is located at the southeast corner of Winchester Road and Elmhurst Lane bounded by Winchester Road (State Route 79 [SR-79]) surrounded by undeveloped land to the northwest, Elmhurst Lane and Coventry Lane followed by undeveloped land to the northeast, undeveloped land and commercial development to the southeast, and residential development to the southwest. The project location is depicted on the United States Geological Survey (USGS) *Winchester, California* topographic quadrangle map in Section 21 of Township 6 South, Range 2 West, San Bernardino Baseline and Meridian (USGS 2018) (Figure 1). The project area is an approximately 11.1 -acre lot and contains two concrete slabs from a former single-family residence. The off-site work area consists of undeveloped land and a gravel paved road. The site elevation ranges from 1,430 to 1,455 feet (ft) above mean sea level. Mapped soils on the project site consist of Escondido fine sandy loam, 8 to 15 percent slopes, eroded (EcD2); Garretson very fine sandy loam, 0 to 2 percent slopes (GaA); Garretson very fine sandy loam, 2 to 8 percent slopes (GaC); Grangeville fine sandy loam, drained, 0 to 2 percent slopes (GtA); Lodo rocky loam, 25 to 30 percent slopes,

eroded (LpF2); and Monserate sandy loam, 0 to 5 percent slopes (MmB) National Resources Conservation Service (NRCS 2021) (see Figure 3). Soil observed throughout the site appears to be consistent with these designations.

2.0 RESERVE ASSEMBLY ANALYSIS

2.1 CELL AND CRITERIA ANALYSIS

The MSHCP provides for the assembly of a Conservation Area consisting of Core Areas and Linkages for the conservation of covered species. The Conservation Area is to be assembled from portions of the MSHCP Criteria Area, which consist of quarter-section (i.e., approximately 160-acre) Criteria Cells, each with specific criteria for the species conservation within that cell.

The project site is within MSHCP Criteria Cell #5169; therefore, a cell or criteria analysis is required and is provided below (see Figure 4). A description of the conservation requirement for Criteria Cell #5169 is noted below.

Conservation within this cell will contribute to assembly of Proposed Constrained Linkage 17. Conservation within this cell will focus on grassland, chaparral, and coastal sage scrub habitat. Areas conserved within this cell will be connected to chaparral habitat and agricultural land proposed for conservation in Cell #5173 to the west, to chaparral, coastal sage scrub, and grassland habitat proposed for conservation in Cell Group U to the north, and to grassland and coastal sage scrub habitat proposed for conservation in Cell Groups to the east. Conservation within this cell will range from 25 percent–35 percent of the cell focusing on the northern portion of the cell.

Although nonnative grassland does occur on the project site, it does not connect to either chaparral or agricultural lands present in Criteria Cell #5173 located to the west. Winchester Road acts as a barrier to the connection between undeveloped portions of the two cells. Cell Group U, which contains Criteria Cells #5067, #5070, #5073, and #5074 located to the north, connects with Criteria Cell #5169 where the project site is located. However, the project site does not directly connect to the areas identified for conservation within Cell Group U as the project site occurs in the south-central portion of the Criteria Cell, and Coventry Lane and residential development separate the two. Cell Group S, which occurs to the east of the project site, also does not directly connect to the project site due to the location of the project site within Criteria Cell #5169 but also by Coventry Lane, residential development, and portions of Washington Road. The project site also occurs in the central and south-central portions of the Criteria Cell, whereas conservation is prioritized in the northern portion of Cell #5169. There continue to be undeveloped parcels within the Criteria Cell that are in alignment with the conservation requirement for the cell, primarily those parcels located to the west of Winchester Road in the northwestern portion of the cell. Remaining undeveloped parcels in the cell are located between Winchester Road, Washington Street, and Keller Road and do not connect directly to surrounding large areas proposed for conservation. Therefore, conservation of the project parcel is not warranted. In a letter dated September 29, 2021, from the Riverside County Planning Department, it was confirmed that MSHCP criteria do not describe conservation for the project site (Riverside County Planning Department 2021).

Approximately 33 acres of developed areas occur within Criteria Cell #5169, primarily located in the southern portion of the cell. There are approved Joint Project Reviews (JPRs) present within the criteria cell and they include all of the area west of Winchester Road and a small portion east of

Winchester Road. In total, approximately 18 acres are identified as proposed development limited to an area west of Winchester Road, and 23 acres of proposed conservation are identified within the criteria cell as part of the approved JPRs. All the proposed conservation areas are located in the northern half of Criteria Cell #5169 on both sides of Winchester Road, which is consistent with the conservation requirement for the cell. An additional approximately 78 acres of undeveloped potential conservation area occurs within the cell and does not include the area identified as part of the approved JPRs, project site, or off-site work area. This includes approximately 32 acres in the northern half of the criteria cell. Given the project's location in the center and south-central portions of the criteria cell, adequate undeveloped areas occur in the northern portion of the cell to meet the low (25 percent), mid (30 percent), and high (35 percent) conservation targets even with development of the project (see Figure 5). Therefore, implementation of the project would not conflict with the conservation requirement for Criteria Cell #5169.

2.2 PUBLIC/QUASI-PUBLIC LANDS ANALYSIS

The project site is not within or adjacent to public/quasi-public lands; therefore, no additional public/quasi-public lands analysis is required. It should also be noted that the project site is not located within or adjacent to MSHCP additional reserve lands (ARL) or non-MSHCP conservation easements.

3.0 VEGETATION

The project site is moderately disturbed due to discing in the vicinity of the former single-family residence on the project site. Based on historical aerial imagery, the project site consisted of single-family residential structures through at least 2002, when said structures were razed. Apart from regular discing, the project site has been relatively undeveloped through the present.

As a result of regular discing, the vegetation on the project site and off-site work area consists primarily of nonnative grasslands but also includes developed and disturbed areas and is described in detail below (Table A, see also Figure 6). A complete list of plant species observed on the site is included in Appendix B. Figure 6 shows vegetation communities/land cover and photograph locations, and site photographs are provided in Figure 7.

Table A: Mapped Vegetation/Land Cover Classifications and Impacts

Vegetation/ Land Cover	Project Areas		Project Site			Off-Site Work Area	
	Project Site (acres)	Off-Site Work Area (acres)	Temporary Impacts (acres)	Permanent Impacts (acres) ²	Avoided (acres)	Temporary Impacts (acres)	Permanent Impacts (acres) ³
Nonnative grassland	10.59	0.17	0	10.39	0.19	0	0.17
Developed ¹	0.11	0.30	0	0.11	0	0.30	0
Disturbed	0.41	0.03	0	0.40	0.01	0	0.03
TOTAL	11.1	0.50	0	10.90	0.20	0.30	0.20

Source: Compilation from field surveys conducted by LSA on September 9 and September 15, 2022.

¹ Impacts to developed areas are considered temporary as the land cover either already consists of paved areas or is otherwise not conducive to plant growth.

² Includes 1.47 acres of fuel modification zone (1.34 acres to nonnative grassland, 0.13 acre to disturbed).

³ The off-site work area will be entirely impacted.

Dominant species within nonnative grassland areas include ripgut brome (*Bromus diandrus*), red brome (*Bromus rubens*), hare barley (*Hordeum murinum* ssp. *leporinum*), and common fiddleneck (*Amsinckia intermedia*). A few loosely spaced individual California buckwheat (*Eriogonum fasciculatum*) and California sagebrush (*Artemisia californica*) occur within this community.

Areas mapped as “developed” in Figure 6 consist of dilapidated structures, concrete pads, and well-traveled dirt roads that do not allow for the establishment of vegetation. This land cover was present on the central portion of the site.

Areas mapped as disturbed consist of bare ground and/or unpaved access roads that were historically or recently used to traverse the project site or areas associated with weed abatement areas along Coventry Road. Plants that occur within this land cover are dominated by nonnative plant species such as Russian thistle (*Salsola tragus*), shortpod mustard (*Hirschfeldia incana*), and prickly lettuce (*Lactuca serriola*).

There are no native trees present within the project site; however, several nonnative trees were observed within the project site such as Peruvian pepper tree (*Schinus molle*), olive (*Olea europaea*), and eucalyptus (*Eucalyptus* sp.).

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

Section 6.1.2 of the MSHCP requires assessment of impacts to riparian habitats, riverine areas, and vernal pools, including focused surveys for sensitive riparian bird and fairy shrimp species when suitable habitat is present. The intent of the assessment requirement is to provide for the protection of resources used by MSHCP covered species, as well as existing and future downstream conservation areas. Riverine/riparian areas and vernal pools are defined in Section 6.1.2 of the MSHCP as follows:

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 determinations 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 wetland 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.

4.1 RIPARIAN/RIVERINE AREAS

4.1.1 Methods

The project site was assessed for riparian/riverine areas at the time of the November 18, 2021, site visit. The assessment included identification and mapping of plant communities on the site as well

as any drainage features. The assessment also included a review of seasonally appropriate aerial photographs from Google Earth. (The photos covered these dates: September 1996, May 2002, June 2003, October 2003, December 2003, September 2004, December 2005, January 2006, August 2006, September 2006, January 2007, June 2009, November 2009, March 2011, June 2012, January 2013, March 2013, November 2013, April 2014, February 2016, October 2016, February 2018, August 2018, December 2018, August 2019, and August 2021.)

4.1.2 Existing Conditions and Results

Drainage Feature 1 (D-1) is an unnamed tributary to Murrieta Creek, which is tributary to Santa Margarita River, which in turn is tributary to the Pacific Ocean (Figure 8). The southern portion of the drainage has a defined channel bed and banks and visible, albeit slight, indicators of flow and ordinary high water mark (OHWM) indicators that include bed and banks and a natural line impressed on the bank. The northern portion of the drainage has signs of historical discing and lacks a defined bed, bank, and OHWM. This feature flows in a north-to-south direction, carrying storm water flow and nuisance flow accumulation from the western side of SR-79 via a 3 ft diameter pipe culvert that runs beneath SR-79 where it sheet-flows directly into the single-family residential development to the southwest of the site. Beyond the single-family residence to the south, current aerial imagery reveals the drainage begins to sheet flow, potentially due to frequent soil tilling activity, where it lacks a defined bed, bank, and OHWM. The drainage sheet flow appears to continue to the south; however, based on current conditions, it is unclear whether the sheet flow originating from D-1 makes a connection to Keller Road. Further, Keller Road is potentially a main source of water runoff during large storm events that creates a drainage connection to the south. However, based on historical aerial imagery, a historical nexus may have been present and the drainage sheet flow originating from D-1 continues to the south where it flows through Keller Road. Beyond Keller Road, the drainage connectivity merges with an unnamed stream that is tributary to Murrieta Creek. D-1 measured 7 ft wide at the southernmost portion, 5.25 ft wide near the central portion and northernmost portions and lacked any standing or flowing water at the time of the fieldwork and appears to convey only ephemeral stormwater runoff. This drainage feature lacked an accumulation of soils or dead vegetative material from adjacent vegetation. There was annual, upland nonnative vegetation growing in the drainage feature with the same composition present as that in adjacent upland areas. D-1 is considered an MSHCP riparian/ riverine feature and comprises 0.061 acre consistent with the CDFW jurisdictional area described in Section 9.2 below (Figure 9). The jurisdictional delineation report is included as Appendix C.

4.1.3 Impacts and Mitigation

Since the project has been designed to avoid D-1 in its entirety, a Determination of Biologically Equivalent or Superior Preservation (DBESP) will not be required under the MSHCP (see Figure 2). Consistent with the MSHCP as an avoided riparian/riverine feature, D-1 will be placed under a conservation easement, deed restriction, or other method to protect it from future impacts. The method and timing of protection will be discussed with the Western Riverside County Regional Conservation Authority (RCA) and is anticipated to be in place prior to the start of construction activities.

4.2 VERNAL POOLS

4.2.1 Methods

The project site was assessed for the presence of potential vernal pools at the time of the November 8, 2021, site visit. The assessment included a search for depressions that may provide sufficient ponding of water to sustain hydrophytic vegetation and create hydric soil conditions during the growing season. The assessment also included a review of seasonally appropriate aerial photographs from Google Earth.

4.2.2 Existing Conditions and Results

No vernal pools were observed on the site. Low-lying areas that occur on site did not show signs of ponding or surface water and lacked hydrophytic vegetation. The soil mapped and observed on the site are rock and sandy loams, which are unlikely to support ponding sufficient for vernal pool formation. No areas containing surface water were observed on historical aerial imagery.

4.3 FAIRY SHRIMP

4.3.1 Methods

The project site was assessed for fairy shrimp habitat at the same time and using the same methods as the assessment for vernal pools. The MSHCP calls for habitat assessments for three sensitive species of fairy shrimp: Santa Rosa Plateau fairy shrimp (*Linderiella santarosae*), Riverside fairy shrimp (*Streptocephalus woottoni*), and vernal pool fairy shrimp (*Branchinecta lynchi*). The Santa Rosa Plateau fairy shrimp occurs only on the Santa Rosa Plateau of extreme southwestern Riverside County. A fourth sensitive species of Southern California, the San Diego fairy shrimp (*Branchinecta sandiegonensis*), is found primarily in coastal areas of Orange and San Diego Counties. It has been found as far inland as the Wildomar area of southwest Riverside County but is not expected in the project area. These sensitive fairy shrimp species inhabit vernal pools as well as stock ponds, large road ruts, or other similar habitats that pond water long enough to allow growth and reproduction. To provide fairy shrimp habitat, a feature must regularly pond water for at least 18 days for vernal pool fairy shrimp (Eriksen and Belk 1999) and two months for Riverside fairy shrimp (United States Fish and Wildlife Service [USFWS] 2012).

4.3.2 Existing Conditions and Results

As noted above, there are no vernal pools or low-lying areas that may function as vernal pools or depressions that hold water long enough to eliminate upland vegetation on the project site. No inundation on the site was seen in seasonally appropriate aerial photographs, and the sandy loam soils are porous and unsuitable for ponding of sufficient duration to provide habitat suitable for shrimp habitat. Given these factors, the site does not have habitat suitable for sensitive fairy shrimp species, and no surveys are required.

4.4 RIPARIAN BIRDS

4.4.1 Methods

Habitat suitability for riparian birds, including least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and yellow-billed cuckoo (*Coccyzus americanus*), was assessed in conjunction with the assessment for riverine/riparian areas.

4.4.2 Existing Conditions and Results

Although one riparian/riverine feature is present on the project site, suitable riparian bird habitat is absent from the project site. Therefore, no surveys for riparian birds will be required.

5.0 PROTECTION OF NARROW ENDEMIC PLANT SPECIES (MSHCP SECTION 6.1.3)

Section 6.1.3 of the MSHCP requires focused surveys for specified sensitive plant species if the project is within a Narrow Endemic Plant Species Survey Area (NEPSSA) and suitable habitat is present. The project site is not within an NEPSSA.

6.0 ADDITIONAL SURVEY NEEDS AND PROCEDURES (MSHCP SECTION 6.3.2)

MSHCP Section 6.3.2 requires surveys for additional plants, amphibians, small mammals, and the BUOW for projects within mapped survey areas.

6.1 CRITERIA AREA PLANT SPECIES

The project is not within a mapped survey area for Criteria Area Species Survey Area plant species; therefore, no surveys for Criteria Area plant species are required.

6.2 AMPHIBIANS

The project is not within a mapped survey area for amphibian species.

6.3 BURROWING OWL

The project site is within the MSHCP BUOW survey area. BUOW is found in open, dry grasslands, agricultural and rangelands, and desert habitats often associated with burrowing animals. It can also inhabit grass, forb, and shrub stages of pinyon and ponderosa pine habitats. It nests in abandoned burrows of ground squirrels or other animals, in pipes, under piles of rock or debris, and in other similar features.

6.3.1 Methods

Habitat suitability for BUOW was assessed during the November 18, 2021, site visit. The assessment included an evaluation of soil texture; vegetative cover; topography; and the presence of mammal burrows, rock piles, or other areas suitable for nest construction. Due to the presence of suitable habitat within an MSHCP BUOW survey area, focused surveys were conducted.

The surveys were conducted by LSA biologists Denise Woodard, Jeremy Rosenthal, and Carla Cervantes in accordance with the *Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area County of Riverside Guidelines for Burrowing Owl Surveys* (revised March 29, 2006) (RCA 2006). A total of four surveys were conducted from March 15 to July 22, 2022. The surveys were conducted by walking approximately 30-meter transects throughout areas of suitable habitat to look for burrowing owls, potential burrows (burrows greater than 11 centimeters [cm] in diameter and 150 cm deep), and burrowing owl sign. Potential burrows encountered during the survey were mapped using a handheld global positioning system (GPS) unit and examined for owl sign (e.g., feathers, pellets, whitewash, and prey remnants). Privately owned parcels located outside of the project site and off-site work area were surveyed using binoculars from public rights-of-way and advantageous viewpoints.

Table B provides the dates, times, and weather conditions of site visits. Surveys were conducted during weather conducive to observing owls outside their burrows and to detecting burrowing owl sign. No rain had occurred within 5 days prior to the site visits.

Table B: Focused Survey Dates, Times, and Weather Conditions

Survey	Personnel	Date (2022)	Time (24-Hour) (start/finish)	Temp. (°F) (start/finish)	Wind (mph)	Sky
Burrow Survey, Burrowing Owl Survey 1	Denise Woodard and Jeremy Rosenthal	March 15	0630/0700	47/47	0–3	clear
Burrowing Owl Survey 2	Carla Cervantes	May 11	0600/0740	43/46	0–1	clear
Burrowing Owl Survey 3	Carla Cervantes	June 21	0540/0700	60/63	0–1	clear
Burrowing Owl Survey 4	Jeremy Rosenthal	July 22	0630/0700	68/69	0–1	25% cloud cover

Source: Compiled by LSA (2022).

°F = degrees Fahrenheit

mph = miles per hour

6.3.2 Existing Conditions and Results

The site has low vegetative cover, is mostly devoid of trees, and contains suitable substrate for ground squirrel burrows. No burrowing owls or burrowing owl sign were found to be present within the survey area. One burrow suitable for burrowing owl occupation was observed within the survey area but showed no sign of burrowing owl use (see Figure 10). Suitable habitat is present on site, specifically the nonnative grassland containing low-growing plant species. Developed areas on site generally lack suitable habitat for burrowing owl as they consist of dilapidated structures, concrete pads, and well-traveled dirt roads maintained in their current location and condition since at least 2002 and are subject to regular anthropogenic disturbances.

Areas within 500 ft of the project site generally lack suitable habitat for burrowing owl as they primarily consist of developed land cover including residential and commercial uses. There is marginal suitable habitat for burrowing owl adjacent to the west and east of the project site where the area is undeveloped and consists of nonnative grassland vegetation similar to the project site. However, based on historic aerial imagery, vegetation within those areas appears to be regularly disced/mowed since at least 2002. No burrowing owls, their sign, or suitable burrows were observed within the 500 ft buffer.

Due to the presence of suitable BUOW habitat, a preconstruction survey for BUOW will also be required within 30 days prior to any ground-disturbing activities. The burrowing owl survey report is included as Appendix D.

6.3.3 Impacts and Mitigation

Since BUOW was not detected during the focused survey, a DBESP will not be required under the MSHCP.

If BUOW is found during the preconstruction survey, the project proponent will need to inform the California Department of Fish and Wildlife (CDFW) and the USFWS and prepare a Burrowing Owl Protection and Relocation Plan for approval by these agencies prior to initiating ground disturbance.

6.4 MAMMALS

The project is not within a mapped survey area for mammals.

7.0 INFORMATION ON OTHER SPECIES

7.1 DELHI SANDS FLOWER-LOVING FLY

The MSHCP requires surveys for the Delhi sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) in most areas of mapped Delhi series soils where suitable habitat exists (MSHCP Section 9).

The project site is not within an area of mapped Delhi soils, and (as noted in Section 1.3, General Setting, above) the soil mapped and observed throughout the site is sandy loam, which is inconsistent with Delhi soils; therefore, no survey or additional analysis is required for this species.

7.2 SPECIES NOT ADEQUATELY CONSERVED

Some species that will eventually have full coverage under the MSHCP are not considered adequately conserved until the requirements indicated in Table 9-3 of MSHCP Section 9 are met.

7.2.1 Methods

A literature review was conducted to investigate the potential occurrence of special-status species on the project site or in the vicinity. Database records for a 3-mile radius of the project site were searched on November 18, 2021, using RareFind 5 (CDFW 2021).

7.2.2 Existing Results

One of the species listed in MSHCP Table 9-3, which lists species that have not met the MSHCP definition of a covered species, has been reported within 3 miles of the project site. None of the MSHCP Table 9-3 species was observed during the site visit. Given habitat suitability and occurrences of this species within multiple locations reported within 3 miles of the project site, Parry's spineflower (*Chorizanthe parryi* var. *parryi*) has a low potential of being present, as described below in Table C. However, Parry's spineflower is no longer considered not adequately conserved in MSHCP Table 9-3 as it has met its conservation requirement and its status has been updated to adequately conserved (RCA 2022). Therefore, focused surveys and mitigation are not required.

Table C: MSHCP Species Not Adequately Conserved

Species	Status	MSHCP Habitat	Blooming Period/Activity Period	Occurrence Probability
<i>Chorizanthe parryi</i> var. <i>parryi</i> Parry's spineflower	US: – CA: 1B.1 MSHCP: P	Annual herb. Sandy or rocky soils in chaparral, coastal scrub, oak woodlands, and grassland at 40 to 1,705 m (100 to 5,600 ft) amsl. Known only from Los Angeles, Riverside, and San Bernardino counties.	Blooms April through June	Low. Suitable grasslands occur on site. This species was observed within 3 miles to the northeast, south, and west south of the project site in 1995, 2003, and 2015, respectively.

Sources: California Natural Diversity Database (CNDDDB) (CDFW 2021); Biogeographic Information and Observation System (BIOS) (CDFW n.d.); and Information for Planning and Consultation (IPaC) database (USFWS n.d.)

CA: State Classifications

1B.1 = Rare threatened, or endangered in California and elsewhere; seriously threatened in California

Western Riverside County MSHCP Status

C = Species is covered and adequately conserved under the MSHCP.

amsl = above mean sea level

CA = California

CDFW = California Department of Fish and Wildlife

ft = foot/feet

m = meter(s)

MSHCP = Multiple Species Habitat Conservation Plan

US = United States

USFWS = United States Fish and Wildlife Service

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

To preserve the integrity of areas described as existing or future MSHCP Conservation Areas, the guidelines contained in MSHCP Section 6.1.4 (Urban Wildlands Interface Guidelines) are to be implemented for projects adjacent to either existing conservation or land described for conservation in the MSHCP Criteria Area.

Pursuant to the Urban/Wildlands Interface guidelines presented in MSHCP Section 6.1.4, the project has the potential to indirectly affect wildlife movement through edge effects associated with locating a commercial facility in proximity to land described for conservation in the MSHCP Conservation Area as well as Drainage D-1 which will be avoided and protected in-kind (combined noted as land described for conservation in the MSHCP Conservation Area below). Edge effects are indirect effects associated with artificial lighting, increased noise, unnatural predators (e.g., domestic cats and other non-native animals), competitors (e.g., exotic plants and non-native animals), unauthorized recreational use that may damage vegetation and/or habitat, increased generation of dust and trash/debris, and effects on storm water and water quality. These effects and the alteration of existing on-site vegetation may result in changes in the behavioral patterns of wildlife or reduce the amount or diversity of wildlife adjacent to the site. Accordingly, an evaluation of potential edge effects of the project is presented below pursuant to MSHCP Section 6.1.4 pertaining to the Urban/Wildlands interface. The project must be conditioned to comply with the following:

Drainage: Proposed developments in proximity to the MSHCP Conservation Area shall incorporate measures, including measures required through the National Pollutant Discharge Elimination System (NPDES) requirements, to ensure that the quantity and quality of runoff discharged to the MSHCP Conservation Area is not altered in an adverse way when compared with existing conditions. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into land described for conservation in the MSHCP Conservation Area. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that may degrade or harm biological resources or ecosystem processes within land described for conservation in the MSHCP Conservation Area. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. Regular maintenance shall occur to ensure effective operations of runoff control systems. Stormwater improvements shall be designed to prevent or reduce the release of toxins, chemicals, petroleum products, exotic plant materials, and other elements that might degrade or harm biological resources or ecosystem processes within land described for conservation in the MSHCP Conservation Area.

A bioretention/detention basin will be installed and maintained in the southern portion of the project site and has been designed to prevent the release of toxins, chemicals, petroleum products or exotic plant materials that may originate from the project site. Therefore, the project is not anticipated to affect land described for conservation in the MSHCP Conservation Area due to drainage.

Toxics: Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts such as manure that are potentially toxic or may adversely affect wildlife species, habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the land described for conservation in the MSHCP Conservation Area. These potential toxicants are not anticipated to be substantially increased by the proposed project as it is not anticipated to produce bioproducts or other potentially toxic substances. As discussed above, any stormwater improvements will be designed to prevent or reduce toxic loads.

Lighting: Lighting may cause change in wildlife behavior including alterations of use and/or movement. This is especially concerning at wildlife crossings.

Light shielding shall be incorporated in project designs to avoid and minimize artificial night lighting effects to land described for conservation in the MSHCP Conservation Area. Night lighting installed as part of the project shall also be directed away from the land described for conservation in the MSHCP Conservation Area to protect species from direct night lighting. Therefore, the project is not anticipated to affect land described for conservation in the MSHCP Conservation Area due to lighting.

Noise: Proposed noise generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms, or walls to minimize the effects of noise on resources within land described for conservation in the MSHCP Conservation Area pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within land described for conservation in the MSHCP Conservation Area should not be subject to noise that would exceed commercial noise standards.

The project is not anticipated to produce noise levels that would exceed commercial noise standards. In addition, a combination of concrete masonry unit (CMU) block walls and wrought iron fencing will be installed as part of the project to both prevent unauthorized access and reduce noise originating from the project site. Therefore, the project is not anticipated to affect land described for conservation in the MSHCP Conservation Area due to noise.

Invasives: When approving landscape plans for development that is proposed adjacent to land described for conservation in the MSHCP Conservation Area, Permittees shall consider the invasive, nonnative plant species listed in Table 6-2 of the MSHCP and shall require revisions to landscape plants (subject to the limitations of their jurisdiction) to avoid the use of invasive species for the portions of development that are adjacent to land described for conservation in the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the land described for conservation in the MSHCP Conservation Area, species considered in the planting plans, resources being protected and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography and other features.

Any proposed landscaping adjacent to land described for conservation in the MSHCP Conservation Area shall not be composed of invasive, nonnative plants listed in Table 6-2 of the MSHCP. Therefore, the project is not anticipated to affect land described for conservation in the MSHCP Conservation Area due to invasives.

Barriers: Proposed land uses adjacent to land described for conservation in the MSHCP Conservation Area shall incorporate barriers, where appropriate in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms.

The land described for conservation in the MSHCP Conservation Area currently occurs along public roadways including Winchester Road and Elmhurst Lane and residential areas. Winchester Road has existing barbed wire fencing located parallel to it. Elmhurst Lane currently does not have any installed barriers adjacent to it. Consistent with existing barriers, the barbed wire fencing along Winchester Road will continue to exist, and no new barriers will be installed along Elmhurst Lane. As described in the noise section above, the project will install a combination of CMU block walls and wrought iron perimeter fencing to both prevent unauthorized access and reduce noise originating from the project site. However, these fences will not be located north of Elmhurst Lane and are not anticipated to prevent unauthorized access within land described for conservation in the MSHCP Conservation Area. Additionally, since the project includes commercial development, predatory wildlife such as domestic cats and other non-native animals are not expected to be introduced to the site through its operation when compared, for example, to a residential use where occupants may harbor pets. Additionally, development of the proposed project is expected to reduce unauthorized public access of the site (e.g., off-highway vehicle travel, loitering, and dumping of trash) through the development and use of commercial facilities and installed lighting. Additionally, the proposed project would include physical barriers, in the form of buildings and masonry walls along the entirety of Elmhurst Lane and along the northern portion adjacent to SR-79, north of the on-site drainage. To the southeast and southwest of the project site are residential properties and erected fences to delineate property boundaries, which prevent public access into the site. Finally, an existing barb-wire fence that prevents public access is present along the entirety of the project site adjoining SR-79.

Grading/Land Development: Manufactured slopes, fuel modification zones, basins, or other improvements shall not extend into land described for conservation in the MSHCP Conservation Area. Additionally, none of the aforementioned grading/land development activities will occur outside of the project site or off-site work area.

The proposed project does not include any ground disturbance, fuel modification zones, basins or other improvements within the land described for conservation in the MSHCP Conservation Area. Therefore, the project is not anticipated to affect land described for conservation in the MSHCP Conservation Area due to grading/land development. It should be noted that a fuel modification zone and fuel modification activities (totaling 1.47 acres) are proposed as part of the project design on the western portion of the project site, to the west of Drainage-1; however, as described, this fuel modification zone is not within lands described for conservation in the MSHCP Conservation Area (see Figure 6).

9.0 POTENTIAL JURISDICTIONAL WATERS AND STREAMBEDS

9.1 UNITED STATES ARMY CORPS OF ENGINEERS JURISDICTION

9.1.1 Jurisdictional 404 Waters of the United States

D-1, as shown in Figure 8, is potentially considered waters of the United States (WOTUS) under current regulatory definitions, as portions of it exhibit slight OHWM indicators, which include bed, banks, and a natural line impressed on the bank, and it potentially contributes flow to a traditional navigable water during 2- to 5-year rain events. Although D-1 appears to have a nexus to Murrieta Creek, it is unclear whether this nexus is significant in its contribution to the biological, chemical, and physical integrity of a traditional navigable water. Therefore, D-1 is potentially tributary to Murrieta Creek, which is tributary to Santa Margarita River, which in turn is tributary to the Pacific Ocean, a traditional navigable water. There are no jurisdictional wetlands within or adjacent to the delineated drainage. Because D-1 has slight OHWM indicators, is ephemeral, and a significant nexus is difficult to determine, the drainage should be considered a non-wetland WOTUS subject to regulation under Section 404 of the Clean Water Act. This feature ranged from approximately 1.5 ft to 2.0 ft in width, with an average width of approximately 1.75 ft, and comprises 0.042 acre of potential non-wetland WOTUS within the jurisdictional delineation survey area (JDSA).

The project will avoid D-1 in its entirety. Therefore, permitting under Section 404 of the Clean Water Act, as administered by the United States Army Corps of Engineers (USACE), will not be required.

9.2 CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE JURISDICTION

9.2.1 Jurisdictional 1602 Streambeds and Associated Riparian Habitat

In accordance with Section 1602 of the California Fish and Game Code, CDFW asserts jurisdiction over rivers, streams, and lakes, as well as any riparian vegetation associated with those features. There are no rivers or lakes within or immediately adjacent to the project limits, but an ephemeral stream is present (D-1) as shown in Figure 8; however, D-1 lacks any associated riparian habitat. Therefore, CDFW jurisdiction extends to the top of the banks in D-1. This feature ranged from 5 ft to 7 ft in width, with an average width of approximately 6 ft, and comprises 0.061 acre of CDFW Streambeds/Riparian jurisdiction within the JDSA.

The project will avoid D-1 in its entirety. Therefore, permitting under Section 1602 of the California Fish and Game Code, as administered by CDFW, will not be required.

9.3 REGIONAL WATER QUALITY CONTROL BOARD JURISDICTION

9.3.1 Jurisdictional 401 Waters of the State

All the areas on site determined to be WOTUS under both current and historic USACE definitions and guidelines are also considered to be waters of the State (WOTS). However, in many cases, Regional Water Quality Control Board (RWQCB) jurisdiction extends beyond the limits of USACE jurisdiction and may also include areas not identified as subject to USACE jurisdiction.

D-1 is potentially considered jurisdictional under the Porter-Cologne Water Quality Control Act, as it conveys ephemeral surface flows. RWQCB jurisdiction pursuant to Section 401 of the Clean Water Act and/or the Porter-Cologne Water Quality Control Act extends across each drainage from top-of-bank to top-of-bank, which coincides with CDFW's 1602 jurisdictional streambed limits. This feature comprises 0.042 acre of potential non-wetland WOTS within the JDSA.

The project will avoid D-1 in its entirety. Therefore, permitting under Section 401 of the Clean Water Act or Porter-Cologne Water Quality Control Act, as administered by RWQCB, will not be required.

The findings and conclusions presented in this report, including the location and extent of wetlands and other waters subject to regulatory jurisdiction, represent the professional opinion of LSA. These findings and conclusions should be considered preliminary until verified by the USACE and the CDFW.

10.0 NESTING BIRDS

During the bird breeding season (typically February 1 through August 31), electrical distribution poles and large trees on or adjacent to the project site may be used by hawks, ravens, or other large birds for nesting. Trees, shrubs, and other vegetation may provide nest sites for smaller birds, and burrowing owls may nest in ground squirrel burrows, pipes, or similar features. Most birds and their active nests are protected from “take” (meaning destruction, pursuit, possession, etc.) under the Migratory Bird Treaty Act and/or Sections 3503 through 3801 of the California Fish and Game Code. Activities that cause destruction of active nests, or that cause nest abandonment and subsequent death of eggs or young, may constitute violations of one or both laws.

If vegetation is to be removed during the nesting season (February 1 through August 31), a preconstruction nesting bird survey shall be conducted, and avoidance measures shall be taken to ensure that no take of birds or their nests will occur.

11.0 CEQA COMPLIANCE

11.1 ADOPTED HABITAT CONSERVATION PLANS

Section 10(a)(2)(A) of the 1973 Federal Endangered Species Act requires the preparation of a Habitat Conservation Plan (HCP) for incidental take of threatened or endangered species when there is no federal agency involvement in a project. Continuing land development may cause incidental take of listed species; therefore, HCPs have been prepared for areas within western Riverside County. The MSHCP and the Stephens' Kangaroo Rat Habitat Conservation Plan (SKR HCP) are the principal habitat conservation plans in western Riverside County. The USFWS regional office maintains a current list of habitat conservation plans for the Southern California region.

The project site is within the MSHCP area and within the SKR HCP fee area. Because the project site is within the SKR HCP, focused surveys for SKR (*Dipodomys stephensi*) may be required, and a fee associated with the SKR HCP will be required. The project site is not subject to any other adopted HCP.

11.2 THREATENED AND ENDANGERED SPECIES

The USFWS and the CDFW may list species as threatened or endangered under the federal and California Endangered Species acts. The USFWS can designate critical habitat that identifies specific areas, either occupied or unoccupied, that are essential to the conservation of a listed species. Critical habitat areas may require special management considerations or protections. The USFWS and the CDFW have issued permits for the take of most threatened and endangered species within the MSHCP area. The MSHCP covers impacts to these species. However, if a project has the involvement of a federal agency, that agency is required to address impacts to listed species and critical habitat by consulting with the USFWS. The USFWS has indicated in the permit issued for the MSHCP that, in such cases, the consultation will be expedited, and no restrictions will be imposed on the project beyond those specified in the MSHCP.

No critical habitat occurs on the project site. Five federal and/or State-listed species have been reported within 3 miles of the project site according to California Natural Diversity Database records: Munz's onion (*Allium munzii*), quino checkerspot butterfly (*Euphydryas editha quino*), tricolored blackbird (*Agelaius tricolor*), coastal California gnatcatcher (*Poliophtila californica californica*), and SKR. Table D describes the habitat requirements for all five species, along with an assessment of habitat and the likelihood of the species occurring on the site.

The project site is within the MSHCP area and within the SKR HCP fee area. Because the project site is within the SKR HCP, focused surveys for SKR (*Dipodomys stephensi*) may be required, and a fee associated with the SKR HCP will be required. The project site is not subject to any other adopted HCP.

Table D: Threatened and Endangered Species

Species	Status	MSHCP Habitat	Blooming Period/ Activity Period	Occurrence Probability
Plants				
<i>Allium munzii</i> Munz's onion	US: FE CA: ST/1B.1 MSHCP: S	Perennial bulbiferous herb. Seasonally moist sites on clay soils (generally) or within rocky outcrops (pyroxenite) on rocky-sandy loams (such as Cajalco, Las Posas, and Vallecitos) with clay subsoils, in openings within coastal sage scrub, pinyon juniper woodland, and grassland, at 300 to 1,070 m (1,000 to 3,500 ft) in elevation. Known only from western Riverside County in the greater Perris Basin (Temescal Canyon-Gavilan Hills/Plateau, Murrieta-Hot Springs areas) and within the Elsinore Peak (Santa Ana Mountains) and Domenigoni Hills regions.	Blooms April through May	Not Expected. Seasonally moist sites and rocky outcrops are not present within the project site. Cajalco, Las Posas, and Vallecitos series soils are absent from the project site.
Invertebrates				
<i>Euphydryas editha quino</i> Quino checkerspot butterfly	US: FE CA: SA MSHCP: C	Meadows or openings within coastal sage scrub or chaparral below about 5,000 ft in elevation where food plants (<i>Plantago erecta</i> and/or <i>Orthocarpus purpurascens</i>) are present. Historically known from Santa Monica Mountains to northwestern Baja California; currently known only from southwestern Riverside County, southern San Diego County, and northern Baja California.	January through late April	Not Expected. Meadows or openings within coastal sage scrub or chaparral and required food plants are not present within the project site.
Birds				
<i>Agelaius tricolor</i> (nesting colony) Tricolored blackbird	US: – CA: ST/SSC (breeding) MSHCP: C	Open country. Forages in grassland and cropland habitats. Nests in large groups near fresh water, preferably in emergent wetland with tall, dense cattails or tules, but also in thickets of willow, blackberry, wild rose, or tall herbs. Seeks cover for roosting in emergent wetland vegetation, especially cattails and tules, and in trees and shrubs. Occurs in western Oregon, California, and northwestern Baja California.	Year-round	Not Expected (nesting). Emergent wetlands and open water are not present within the project site.
<i>Poliophtila californica</i> Coastal California gnatcatcher	US: FT CA: SSC MSHCP: C	Inhabits coastal sage scrub in low-lying foothills and valleys up to about 500 m (1,640 ft) in elevation in cismontane southwestern California and Baja California.	Year-round	Not Expected. Although California sagebrush is present within the project site, it is limited to a few loosely spaced individuals within nonnative grassland, and suitable coastal sage scrub habitat is not present within the project site.

Table D: Threatened and Endangered Species

Species	Status	MSHCP Habitat	Blooming Period/ Activity Period	Occurrence Probability
Mammals				
<i>Dipodomys stephensi</i> Stephens' kangaroo rat	US: FE CA: ST MSHCP: C	Found in plant communities transitional between grassland and coastal sage scrub, with perennial vegetation cover of less than 50%. Most commonly associated with <i>Artemisia tridentata</i> , <i>Eriogonum fasciculatum</i> , and <i>Erodium</i> . Requires well-drained soils with compaction characteristics suitable for burrow construction (neither sandy nor too hard). Not found in soils that are highly rocky or sandy, less than 20 inches deep, or heavily alkaline or clay, or in areas exceeding 25% slope. Occurs only in western Riverside County, northern San Diego County, and extreme southern San Bernardino County, below 915 m (3,000 ft) in elevation. In northwestern Riverside County, known only from east of Interstate 15. Reaches its northwest limit in south Norco, southeastern Riverside, and in the Reche Canyon area of Riverside and extreme southern San Bernardino Counties.	Year-round, nocturnal	High. The project site is within the Stephens' Kangaroo Rat Habitat Conservation Plan. Numerous species accounts have been recorded within 1 mile of the project site (CNDDDB).

Sources: California Natural Diversity Database (CNDDDB) (CDFW 2022); Biogeographic Information and Observation System (BIOS) (CDFW n.d.); and Information for Planning and Consultation (IPaC) database (USFWS n.d.)

US: Federal Classifications

FT = Listed as threatened

FE = Listed as endangered.

CA: State Classifications

SA = Special Animal. Refers to any other animal monitored by the Natural Diversity Database, regardless of its legal or rarity status.

SSC = Species of Special Concern. Refers to animals with vulnerable or seriously declining populations.

ST = Listed as threatened

CNPS Designations

1B.1 = Rare threatened, or endangered in California and elsewhere

Western Riverside County MSHCP Status

S = Species is covered and adequately conserved under the MSHCP, but surveys are required within indicated habitats and/or survey areas.

CA = California

CDFW = California Department of Fish and Wildlife

CNDDDB = California Natural Diversity Database

ft = foot/feet

m = meter(s)

MSHCP = Multiple Species Habitat Conservation Plan

US = United States

USFWS = United States Fish and Wildlife Service

11.3 OTHER SPECIAL-STATUS SPECIES

Other special-status species may occur on the project site. The CDFW; the USFWS; local agencies; and special interest groups, such as the California Native Plant Society (CNPS) (CNPS 2021), maintain lists of species they consider to need monitoring. Legal protection for special-status species varies widely.

The special-status species listed in Table E may be expected to occur in the general project vicinity but are not covered under the MSHCP. None of the species listed in Table E has been reported from the project site, and none was observed during the site visit. Cooper's hawk (*Accipiter cooperii*) was observed on the project site and foraging habitat is present. However, nesting habitat is limited to a handful of nonnative trees located in the center of the site (see Section 3.0). It is unlikely for Cooper's hawk to nest on site if red-tailed hawks (*Buteo jamaicensis*) continue to utilize trees on site for nesting. Therefore, Cooper's hawk has a low probability to occur.

The following special-status species listed in Table F were reported within 3 miles of the project site: Robinson's pepper-grass (*Lepidium virginicum* var. *robinsonii*) and Crotch's bumble bee (*Bombus crotchii*). Robinson's pepper-grass is not expected to occur given the absence of chaparral and coastal scrub habitats within the project site. Crotch's bumble bee is not expected to occur because of the absence of a suitable habitat.

11.4 WILDLIFE MOVEMENT, CORRIDORS, AND NURSERY SITES

Wildlife movement includes seasonal migration along corridors and daily movements for foraging. Migration corridors may include areas of unobstructed movement of deer, riparian corridors providing cover for migrating birds, routes between breeding waters and upland habitat for amphibians, and areas between roosting and feeding areas for birds.

The project site does not contain any essential connectivity areas, natural landscape blocks, natural areas small or potential riparian connections, as documented in the California Essential Habitat Connectivity Project report (Spencer et al. 2010).

The project site is located within Proposed Constrained Linkage 17 as identified in the MSHCP (Dudek 2003). However, it is not located within any proposed cores or habitat blocks or existing cores and linkages.

The project site is bordered by existing paved roads and development on two of the four adjoining properties that restrict wildlife movement in the project vicinity. The majority of wildlife movement within the project site is anticipated to be limited to wildlife present on site or within the nonnative grasslands to the adjoining northwest and northeast of the project site. The project would not substantially limit wildlife movement in the region as areas within the central portion of Proposed Constrained Linkage 17 to the north that support greater opportunity for wildlife movement would remain intact and are generally undeveloped besides existing paved roadways.

11.5 NATURAL COMMUNITIES OF INTEREST

Riparian habitats, oak woodlands, and vernal pools are among the natural communities of interest to the CDFW.

Plant communities and land covers present on site are limited to nonnative grasslands and developed areas. None of these plant communities or land covers is riparian habitats, oak woodlands, or vernal pools or are considered natural communities of interest. Therefore, impacts to natural communities of interest would not occur on site.

Table E: Special-Status Species Potentially Occurring in the Project Vicinity (Not Covered by MSHCP)

Species	Status	Habitat and Distribution	Blooming Period/ Activity Period	Occurrence Probability
Plants				
<i>Sphaerocarpos drewei</i> Bottle liverwort	US: – CA: 1B.1	Liverwort. Found within soil openings in chaparral and coastal sage scrub in Riverside and San Diego counties. Elevation from 90 to 600 m (300 to 2,000 ft) amsl.	N/A	Not Expected. Suitable habitat not present within project site.
<i>Texosporium sancti-jacobi</i> Woven-spored lichen	US: – CA: 3	Lichen. A small whitish or gray crustose lichen of open sites in chaparral with <i>Adenostoma fasciculatum</i> , <i>Eriogonum</i> , and <i>Selaginella</i> at 290 to 660 m (950 to 2,200 ft) amsl. Usually found on decaying organic matter where bioturbation (mixing of the soil profile by plants or animals) is restricted.	Seasonally following rains.	Not Expected. Suitable habitat not present within project site.
<i>Abronia villosa</i> var. <i>aurita</i> Chaparral sand-verbena	US: – CA: 1B.1	Annual or perennial herb. Sandy areas (generally flats and benches along washes) in chaparral and coastal sage scrub, and improbably in desert dunes or other sandy areas, below 1,600 m (5,300 ft) amsl. In California, reported from Riverside, San Diego, Imperial, Los Angeles, and Ventura counties. Believed extirpated from Orange County. Also reported from Arizona and Mexico (Baja California). Plants reported from desert communities are likely misidentified.	Blooms mostly March through August	Not Expected. Suitable habitat not present within project site.
<i>Almutaster pauciflorus</i> Alkali marsh aster	US: – CA: 2B.2	Perennial herb. Occurs within alkaline soils in meadows and seeps reported from Inyo, Kern, Riverside, and San Bernardino counties.	Blooms June through October	Not Expected. Suitable habitat not present within project site.
<i>Juncus luciensis</i> Santa Lucia dwarf rush	US: – CA: 1B.2	Annual grasslike herb. Occurs in vernal pools, meadows and seeps, lower montane coniferous forest, chaparral, and great basin scrub habitats at 280 to 2035 m (918 to 6,675 ft) amsl.	Blooms April through July.	Not Expected. Suitable habitat not present within project site.
<i>Pseudognaphalium leucocephalum</i> White rabbit-tobacco	US: – CA: 2B.2	Perennial herb. Sand and gravel at the edges of washes or mouths of steep canyons at 0 to 2,100 m (0 to 7,000 ft) amsl. In California, known from Los Angeles, Orange, Riverside, Santa Barbara, San Diego, San Luis Obispo, and Ventura counties. Also occurs in Arizona, New Mexico, Texas, and Mexico.	Blooms usually August through November	Not Expected. Suitable habitat not present within project site.
<i>Scutellaria bolanderi</i> ssp. <i>austromontana</i> Southern mountains skullcap	US: – CA: 1B.2	Perennial herb. Mesic areas in gravelly soils of stream banks or in oak or pine woodland (rarely chaparral) at 425 to 2,000 m (1,400 to 6,600 ft) amsl. Known from Riverside and San Diego counties. Believed extirpated from San Bernardino County and perhaps Los Angeles County.	Blooms June through August	Not Expected. Suitable habitat not present within project site.

Table E: Special-Status Species Potentially Occurring in the Project Vicinity (Not Covered by MSHCP)

Species	Status	Habitat and Distribution	Blooming Period/ Activity Period	Occurrence Probability
<i>Symphytotrichum defoliatum</i> San Bernardino aster	US: – CA: 1B.2	Perennial herb. Vernal wet sites (such as ditches, streams, and springs) in many plant communities below 2,040 m (6,700 ft) amsl. In California, known from Ventura, Kern, San Bernardino, Los Angeles, Orange, Riverside, and San Diego Counties. May also occur in San Luis Obispo County. In the western Riverside County area, this species is scarce, and documented only from Temescal and San Timoteo Canyons (Roberts, Fred M. Jr., et al., 2004. <i>The Vascular Plants of Western Riverside County, California</i>).	Blooms July through November	Not Expected. Suitable habitat not present within project site.
Invertebrates				
<i>Branchinecta sandiegonensis</i> San Diego fairy shrimp	US: FE CA: SA	Small, shallow (usually less than 30 centimeters [12 inches] deep), relatively clear but unpredictable vernal pools on coastal terraces. Pools must retain water for a minimum of 13 days for this species to reproduce (3 to 8 days for hatching, and 10 to 20 days to reach reproductive maturity). Known from Orange and San Diego Counties, and Baja California.	Seasonally following rains in late fall, winter and spring	Not Expected. Suitable habitat not present within project site.
<i>Linderiella occidentalis</i> California linderiella	US: - CA: -	Vernal pools in undisturbed grasslands with old alluvial soils underlain by hardpan or in sandstone depressions. Low alkaline waters, conductivity, and total dissolved solids.	Seasonally following rains in late fall, winter, and spring	Not Expected. Suitable habitat not present within project site.
<i>Socalchemmis icenoglei</i> Icenogle's socalchemmis spider	US: – CA: SA	Known only from the type locality in the Winchester area of western Riverside County.	Secretive year-round	Not Expected.
Reptiles				
<i>Anniella stebbinsi</i> Southern California legless lizard	US: – CA: SSC	Inhabits sandy or loose loamy soils with high moisture content under sparse vegetation in Southern California.	Nearly year-round, at least in southern areas	Not Expected. Suitable habitat not present within project site.
<i>Arizona elegans occidentalis</i> California glossy snake	US: – CA: SSC	Scrub and grassland habitats, often with loose or sandy soils. Patchily distributed from the eastern portion of San Francisco Bay to southern San Joaquin Valley and in non-desert areas of southern California. Also occurs in Baja California, Mexico.	Most active March through June (nocturnal)	Low. Suitable habitat present within project site.

Table E: Special-Status Species Potentially Occurring in the Project Vicinity (Not Covered by MSHCP)

Species	Status	Habitat and Distribution	Blooming Period/ Activity Period	Occurrence Probability
<i>Diadophis punctatus modestus</i> San Bernardino ringneck snake	US: – CA: SA	Under surface objects along drainage courses, preferring mesic chaparral and oak and walnut woodland communities. Moist habitats of southwestern California from about Ventura to Orange Counties.	Diurnal. Crepuscular and nocturnal during warmer periods.	Not Expected. Suitable habitat not present within project site.
<i>Thamnophis hammondi</i> Two-striped garter snake	US: – CA: SSC	Highly aquatic. Only in or near permanent sources of water. Streams with rocky beds supporting willows or other riparian vegetation. From Monterey County to northwest Baja California.	Diurnal Year-round	Not Expected. Suitable habitat not present within project site.
Birds				
<i>Accipiter cooperii</i> Cooper's hawk	US: – CA: SA (breeding)	Forages in a wide range of habitats, but primarily in forests and woodlands. These include natural areas as well as human-created habitats such as plantations and ornamental trees in urban landscapes. Usually nests in tall trees (20 to 60 ft) in extensive forested areas (generally woodlots of 4 to 8 hectares with canopy closure of greater than 60%). Occasionally nests in isolated trees in more open areas.	Diurnal Year-round	Low. Observed on the project site and suitable foraging and nesting habitat is present. Unlikely to nest on the project site if red-tailed hawks continue to utilize suitable nesting trees on the project site.
Mammals				
<i>Eumops perotis californicus</i> Western mastiff bat	US: – CA: SSC	Occurs in many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, grasslands, chaparral, etc.; roosts in crevices in vertical cliff faces, high buildings, and tunnels, and travels widely when foraging.	Year-round; nocturnal	Low (foraging). Suitable foraging opportunities exist within the project site.
<i>Lasiurus xanthinus</i> Western yellow bat	US: – CA: SSC	Found mostly in desert and desert riparian areas of the southwestern US, but also expanding its range with the increased usage of native and nonnative ornamental palms in landscaping. Individuals typically roost amid dead fronds of palms in desert oases but have also been documented roosting in cottonwood trees. Forage over many habitats.	Year-round; nocturnal	Low (foraging). Suitable foraging opportunities exist within the project site.
<i>Chaetodipus californicus femoralis</i> Dulzura pocket mouse	US: – CA: SSC	Found in a variety of habitats including coastal sage scrub, chaparral and grassland in northern Baja California, San Diego, and extreme southwestern and western Riverside Counties. Limit of range to northwest (at interface with <i>C. c. dispar</i>) unclear.	Year-round	Not Expected. Suitable habitat not present within project site.

Table E: Special-Status Species Potentially Occurring in the Project Vicinity (Not Covered by MSHCP)

Species	Status	Habitat and Distribution	Blooming Period/ Activity Period	Occurrence Probability
<i>Onychomys torridus ramona</i> Southern grasshopper mouse	US: – CA: SSC	Believed to inhabit sandy or gravelly valley floor habitats with friable soils in open and semi-open scrub, including coastal sage scrub, mixed chaparral, low sagebrush, riparian scrub, and annual grassland with scattered shrubs, preferring low to moderate shrub cover. More susceptible to small- and large-scale habitat loss and fragmentation than most other rodents, due to its low fecundity, low population density, and large home range size. Arid portions of southwestern California and northwestern Baja California.	Nocturnal, active year-round	Not Expected. Suitable habitat not present within project site.
<i>Perognathus longimembris internationalis</i> Jacumba pocket mouse	US: – CA: SSC	Occurs in desert riparian, desert scrub, desert wash, arid coastal scrub, and sagebrush communities at moderate altitudes. Rarely found in rocky sites. Known from desert areas from east central San Diego County (San Felipe Valley and La Puerta Valley) south to Baja California. A report of this species from Temecula Creek (P. Brylski September 21, 1993 collection) in Riverside County was based on misidentification of Los Angeles pocket mouse (<i>Perognathus longimembris brevinasus</i> ; Museum of Vertebrate Zoology No. 182967).	Nocturnal.	Not Expected. Suitable habitat not present within project site.

Sources: California Natural Diversity Database (CNDDDB) (CDFW 2021); Biogeographic Information and Observation System (BIOS) (CDFW n.d.); and Information for Planning and Consultation (IPaC) database (USFWS n.d.)

US: Federal Classifications

FE = Listed as endangered.

CA: State Classifications

SA = Special Animal. Refers to any other animal monitored by the Natural Diversity Database, regardless of its legal or rarity status.

SSC = Species of Special Concern. Refers to animals with vulnerable or seriously declining populations.

CNPS Designations

1B.1 = Rare threatened, or endangered in California and elsewhere

1B.2 = Plants rare, threatened, or endangered in California and elsewhere; fairly threatened in California

2B.2 = Plants rare, threatened, or endangered in California, but more common elsewhere; fairly threatened in California

3 = Plants about which we need more information

amsl = above mean sea level

CA = California

CDFW = California Department of Fish and Wildlife

ft = foot/feet

m = meter(s)

MSHCP = Multiple Species Habitat Conservation Plan

N/A = not available

US = United States

USFWS = United States Fish and Wildlife Service

Table F: Special-Status Species Recorded within 3 Miles of the Project Site (Not Covered by MSHCP)

Species	Status	Habitat and Distribution	Blooming Period/Activity Period	Occurrence Probability
Plants				
<i>Lepidium virginicum</i> var. <i>robinsonii</i> Robinson's pepper-grass	US: – CA: 4.3	Annual Herb. Dry soils in coastal sage scrub and chaparral below 885 m (2,900 ft) amsl. In California, known only from Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, and San Diego counties, and Santa Cruz Island. Also occurs in Mexico.	Blooms January through July	Not Expected. Suitable habitat not present within project site.
Invertebrates				
<i>Bombus crotchii</i> Crotch's bumble bee	US: – CA: SA	Inhabits open scrub (including chaparral) and grassland with high floral diversity from coastal California to the crest of the Sierra-Cascade and in desert edge areas, south into Mexico. Primarily nests underground. Suitable bumble bee habitat requires the continuous availability of sufficient flowers suitable for foraging to sustain the colony throughout its duration (spring through summer), as well as sites suitable for colony nesting and for overwintering of the queens. Preferred foraging plants of this species in Southern California habitats include sages (<i>Salvia</i>), vetches (<i>Vicia</i>), deerweed (<i>Acmispon</i>), lupines (<i>Lupinus</i>), poppies (<i>Eschscholzia</i>), milkweeds (<i>Asclepias</i>), and phacelias (<i>Phacelia</i>) (<i>California Bumble Bee Atlas</i> result highlights for 2022-2023, at cabumblebeeatlas.org).	Spring and summer	Not Expected. Preferred foraging plants typically used by Crotch's bumble bee in the region not observed on the site. The project site is dominated by grasses and weedy annuals and lacks the diversity and abundance of suitable foraging plant species to sustain a colony throughout the bee foraging season. Adjacent habitat is also poor.

Table F: Special-Status Species Recorded within 3 Miles of the Project Site (Not Covered by MSHCP)

Species	Status	Habitat and Distribution	Blooming Period/Activity Period	Occurrence Probability
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Sources: California Natural Diversity Database (CNDDDB) (CDFW 2021); Biogeographic Information and Observation System (BIOS) (CDFW n.d.); and Information for Planning and Consultation (IPaC) database (USFWS n.d.)

CA: State Classifications

SA = Special Animal. Refers to any other animal monitored by the Natural Diversity Data Base, regardless of its legal or rarity status.

CNPS Designations

4 = Plants of limited distribution; not very threatened in California

amsl = above mean sea level

CA = California

CDFW = California Department of Fish and Wildlife

ft = foot/feet

m = meter(s)

US = United States

USFWS = United States Fish and Wildlife Service

11.6 WETLANDS

Wetland areas are not present on site. Additional focused surveys are not required.

11.7 LOCAL POLICIES AND ORDINANCES PROTECTING BIOLOGICAL RESOURCES

The Riverside County General Plan and development ordinances may include regulations or policies governing biological resources. For example, policies may include tree preservation, locally designated species survey areas, local species of interest, and significant ecological areas.

The project will not conflict with local policies or ordinances applicable to biological resources.

11.8 INDIRECT EFFECTS

Indirect impacts to surrounding areas as a result of the project may include, but are not limited to, increased dust, noise, lighting, traffic, and stormwater runoff. Because of the small scale of the project and its location within a landscape that is already highly disturbed or developed, substantial indirect impacts to sensitive biological resources are not anticipated.

11.9 CUMULATIVE EFFECTS

Project construction will contribute to the incremental loss of nonnative grassland in the region, including potential habitat for some special-status species. Cumulative impacts potentially include habitat fragmentation, increased edge effects, reduced habitat quality, and increased wildlife mortality. The MSHCP provides a comprehensive approach to the regional conservation of these habitats and, as a regional plan, serves to provide mitigation for cumulative impacts to covered species. Project compliance and consistency with the MSHCP ensure that any cumulative impacts to covered species are effectively mitigated. Special-status species that are not covered by the MSHCP also benefit from the surveys, conservation, and other measures of the MSHCP because they occupy many of the same habitats.

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13.0 CERTIFICATION STATEMENT

I hereby certify that the statements furnished in this report present the data and information required for this biological evaluation and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: June 13, 2023

Signature: _____


Jeremy Rosenthal
Biologist

APPENDIX A

FIGURES 1–10

Figure 1: Regional and Project Location

Figure 2: Site Plan

Figure 3: Soils

Figure 4: Criteria Cell #5169 and Adjacent Criteria Cells/Groups

Figure 5: Criteria Cell #5169 Conservation Areas

Figure 6: Vegetation, Land Use, Photo Locations and Impacts

Figure 7: Representative Site Photos

Figure 8: Jurisdictional Delineation Map

Figure 9: MSHCP Riparian/Riverine

Figure 10: Burrowing Owl Survey Results

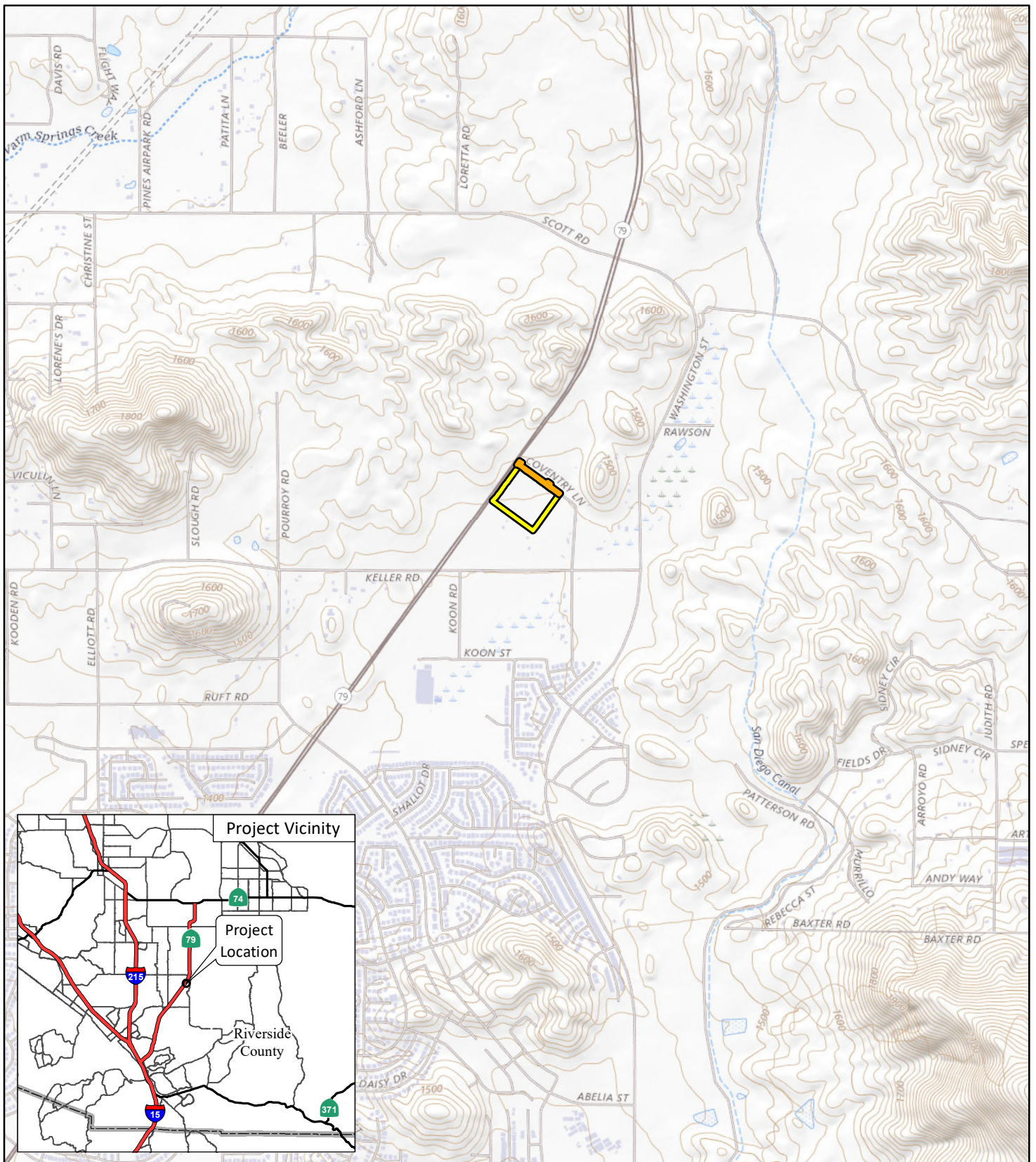


FIGURE 1

LSA

LEGEND

- Project Boundary
- Offsite Work Area



0 1000 2000
FEET

SOURCE: USGS The National Map (2018)

I:\CHF2101\GIS\MXD\ProjectLocation.mxd (6/7/2023)

33890 Winchester Road Project
Regional and Project Location

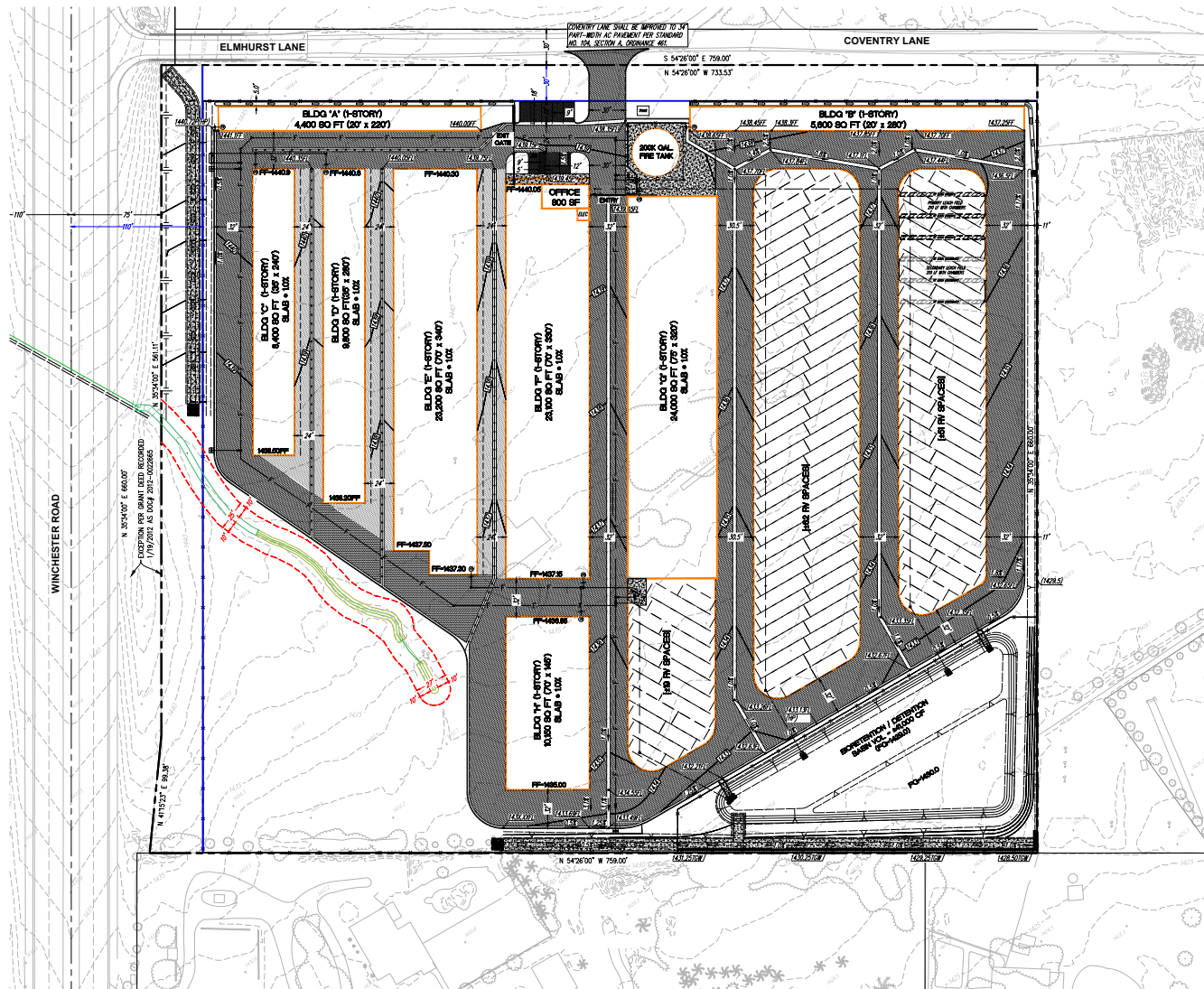
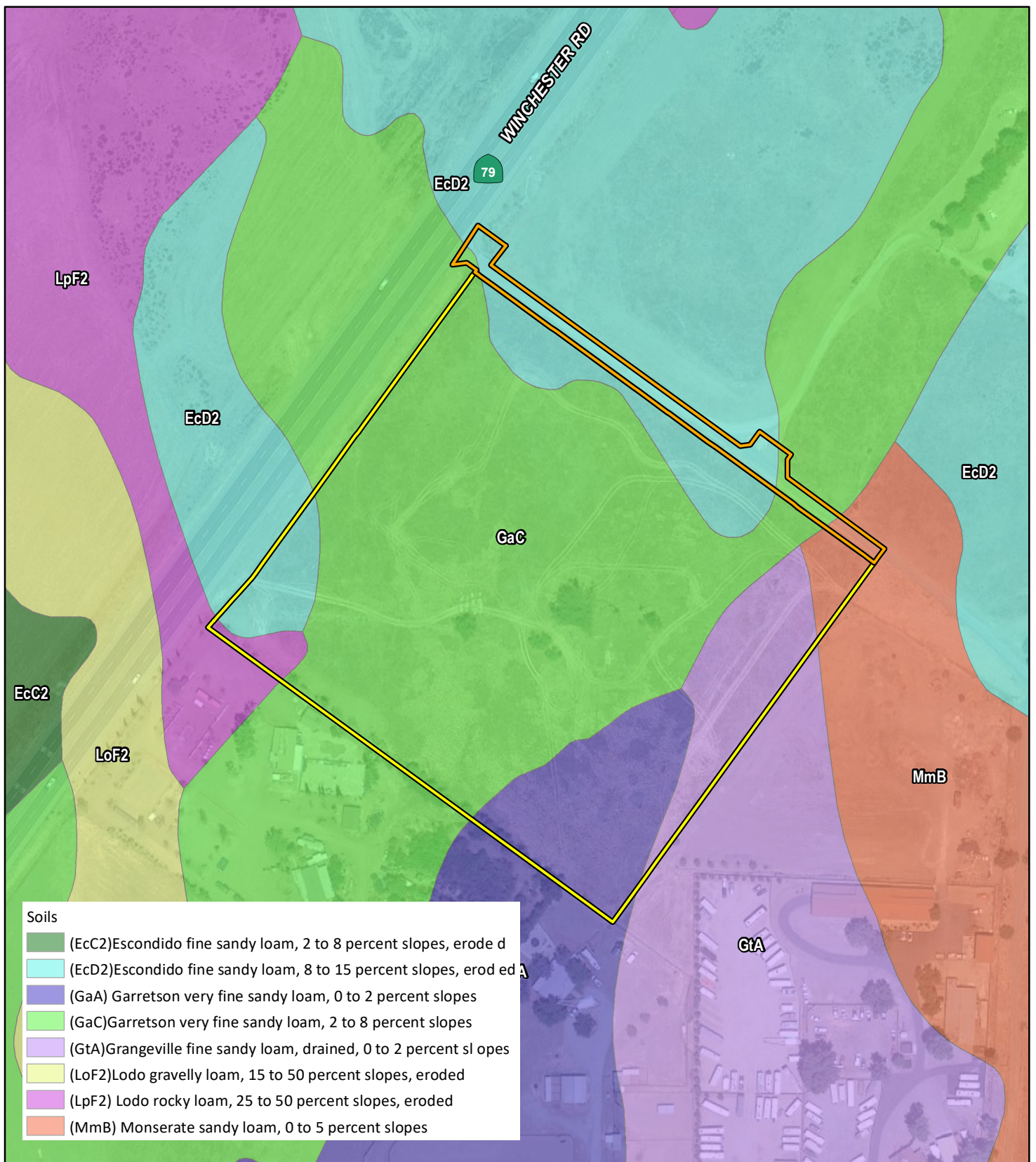


FIGURE 2





LEGEND

- Project Boundary
- Offsite Work Area



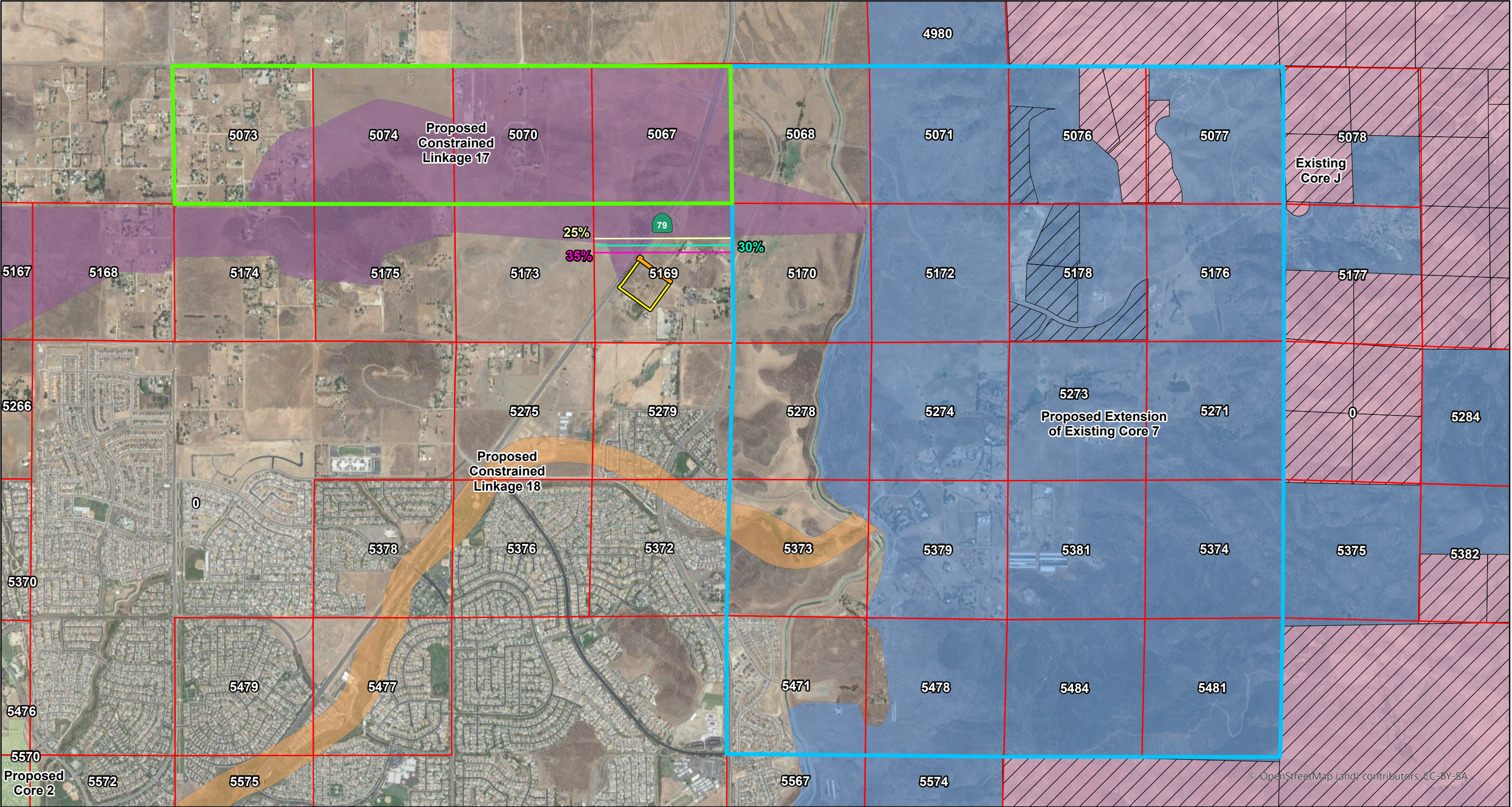
0 100 200
FEET

SOURCE: Google Imagery (2021); Esri SSURGO (2021)

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FIGURE 3

33890 Winchester Road Project
Soils



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LEGEND

- Project Boundary
- Offsite Work Area
- PQP Lands
- Criteria Cells

- Cell Groups
- S
 - U

Cores and Linkages

- Existing Core J
- Proposed Constrained Linkage 17
- Proposed Constrained Linkage 18
- Proposed Core 2
- Proposed Extension of Existing Core 7

Areas Noted for Conservation

- Low (25%)
- Mid (30%)
- High (35%)

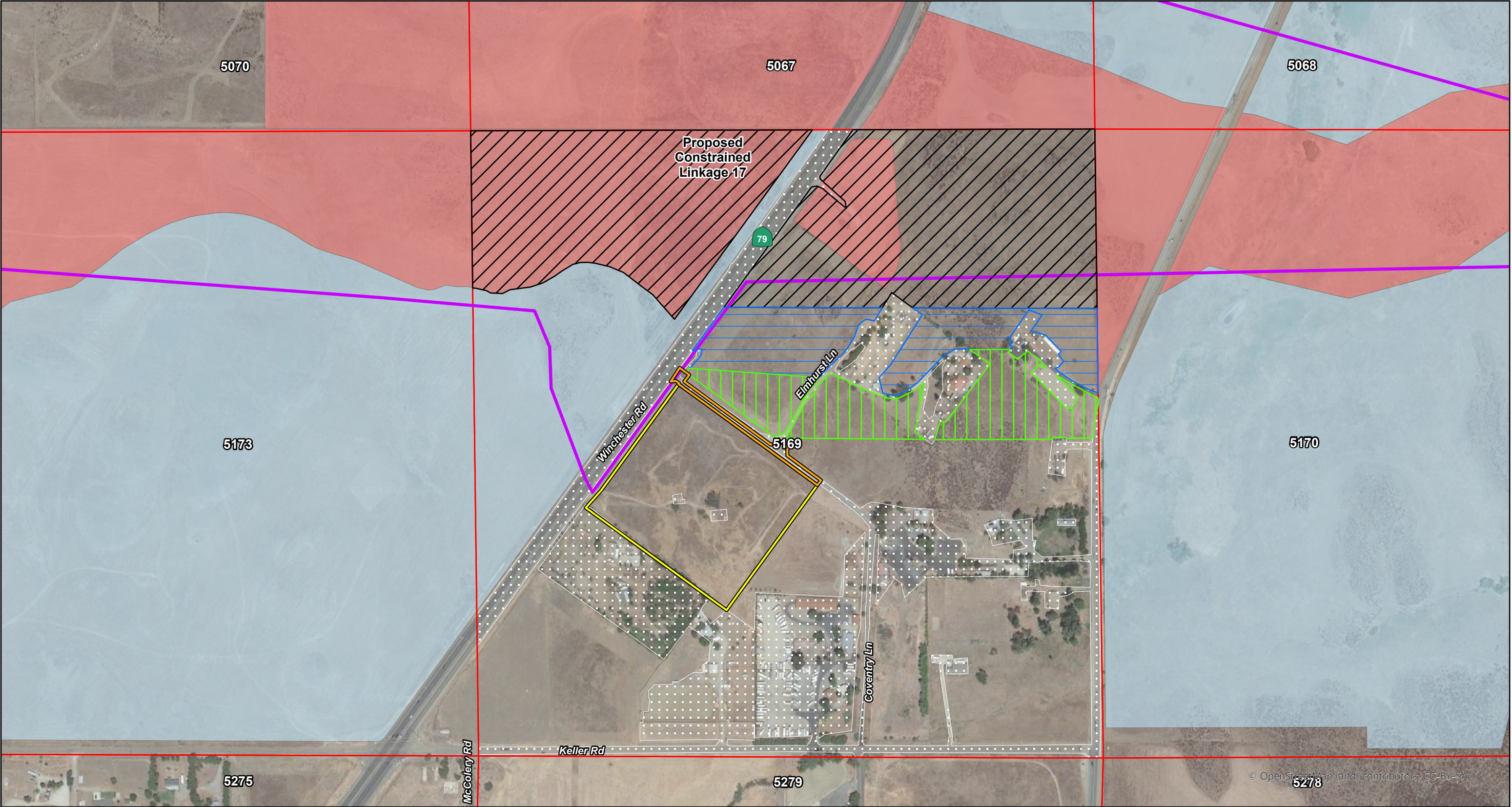
FIGURE 4



0 900 1800
FEET

SOURCE: Google Imagery (2021); MSHCP (2020)

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LEGEND

- Project Boundary
- Offsite Work Area
- Criteria Cells

- Approved Joint Project Review
- Proposed Development
- Proposed MSHCP Conservation
- Developed Areas

- Conserved Areas
- Proposed Constrained Linkage 17
- Potential Conserved Areas
 - Low (25%), Mid (30%), and High (35%)
 - Mid (30%) and High (35%)
 - High (35%)



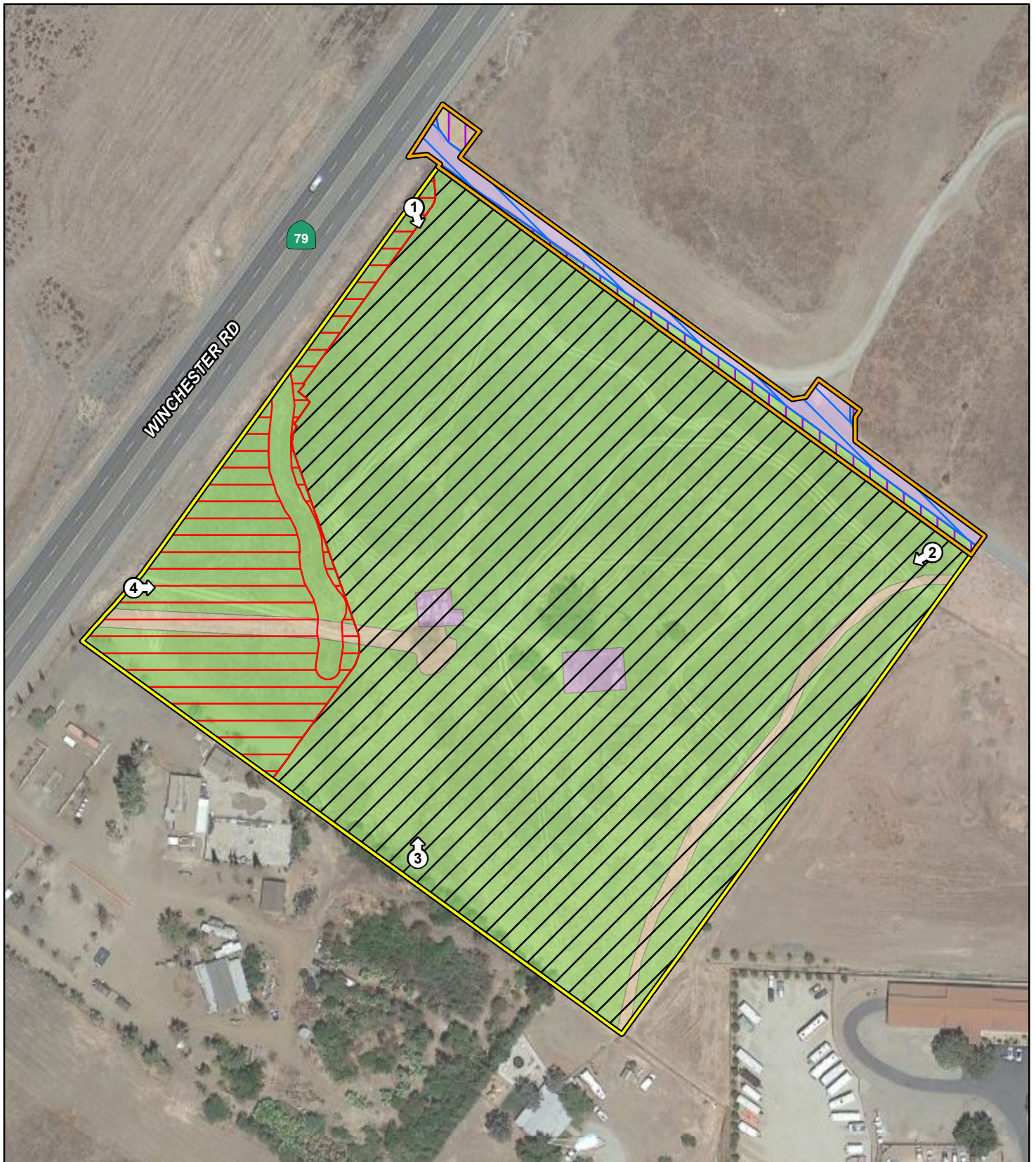
0 200 400
FEET

SOURCE: Google Imagery (2021); MSHCP (2020)

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FIGURE 5

33890 Winchester Road Project
Criteria Cell #5169 Conservation Areas



LSA

- Project Boundary
- Offsite Work Area
- ↻ Photo Location

- Vegetation
- Developed
 - Disturbed
 - Nonnative Grassland

- Temporary Impacts
- Permanent Impacts
- Proposed Plan Area
- Fuel Modification Area - 100 ft
- Offsite Work Area

FIGURE 6



0 75 150
FEET

SOURCE: Google Imagery (2022)

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33890 Winchester Road Project
Vegetation, Land Use, Photo Locations, and Impacts



Photo 1: Looking north at Drainage-1 from the southern portion of the drainage.



Photo 2: Looking south at Drainage-1 from the northern portion of the drainage.

LSA

FIGURE 7

33890 Winchester Road Project
Representative Site Photos



FIGURE 8

LSA



0 25 50
FEET

SOURCE: Nearmap (9/8/2021)

I:\CHF2101\GIS\Pro\33890 Winchester Road Project\33890 Winchester Road Project.aprx (11/22/2022)

LEGEND

- Project Boundary
- Potential CDFW Jurisdiction (0.044 acre)
- Potential USACE/RWQCB Jurisdiction (0.025 acre)
- Potential CDFW/USACE/RWQCB Jurisdiction (0.017 acre)
- Culvert

33890 Winchester Road Project
Jurisdictional Delineation Map



FIGURE 9

LSA

LEGEND

- Project Boundary
- Potential MSHCP Riparian/Riverine (0.061 acre)
- Culvert



0 25 50
FEET

SOURCE: Nearmap (9/8/2021)

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33890 Winchester Road Project
MSHCP Riparian/Riverine

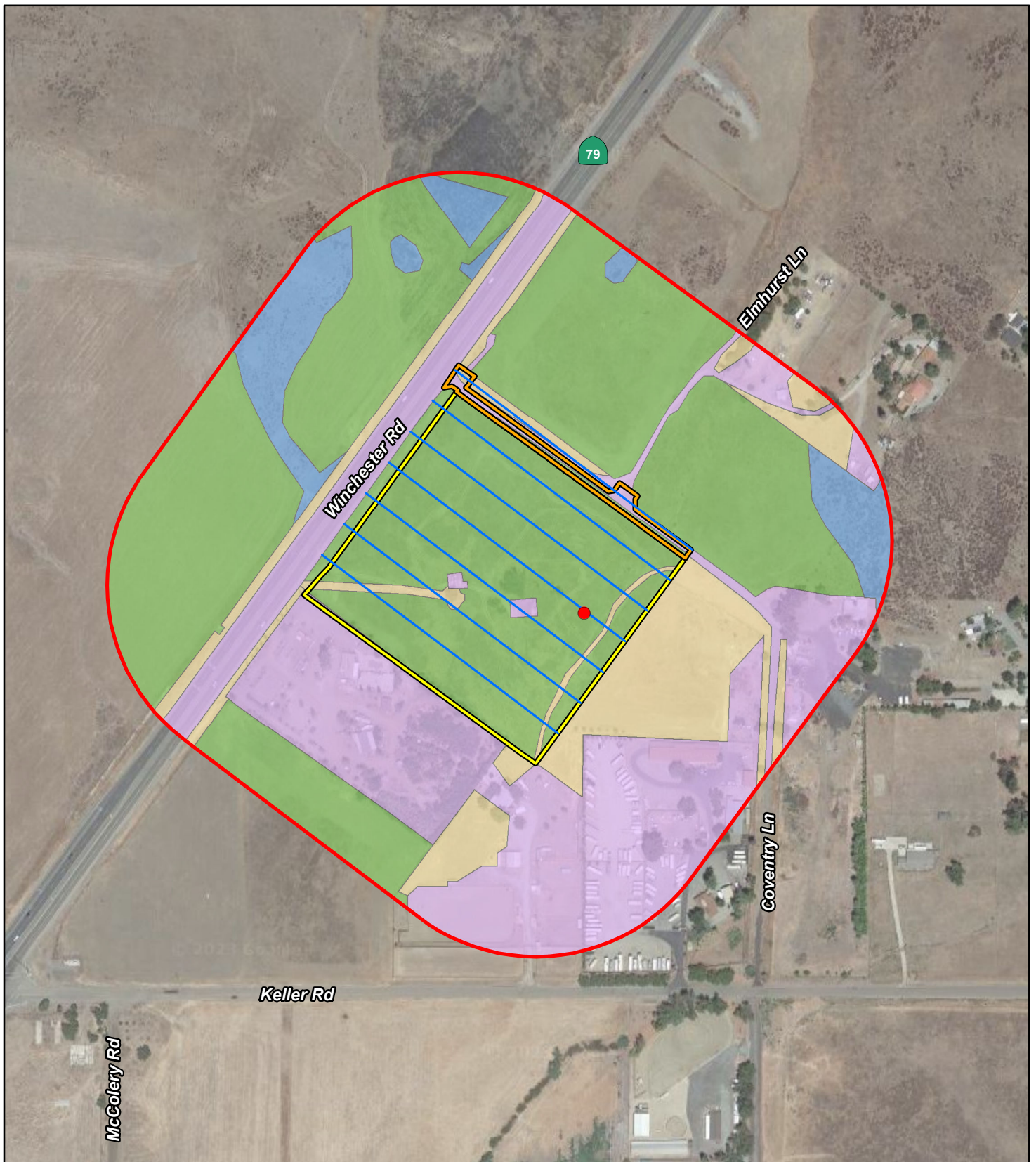
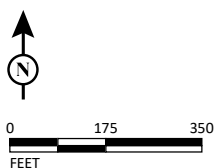


FIGURE 10

LSA



LEGEND

- Project Boundary
- Offsite Work Area
- Survey Area (500 ft)
- Transects (30 meters)
- Potential Burrowing Owl Burrow (no sign)

Vegetation

- Coastal Sage Scrub
- Developed
- Disturbed
- Nonnative Grassland

SOURCE: Google Imagery (2021)

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33890 Winchester Road Project
Burrowing Owl Survey Results

APPENDIX B

PLANT AND ANIMAL SPECIES OBSERVED

PLANT AND ANIMAL SPECIES OBSERVED

LSA biologists observed the following species in the specified study area.

* Introduced species that are not native to California

EUDICOTS

Anacardiaceae

*Schinus molle**

Asteraceae

Artemisia californica

*Centaurea melitensis**

Deinandra sp.

*Lactuca serriola**

*Verbesina encelioides**

Boraginaceae

Amsinckia sp.

Heliotropium curassavicum

Brassicaceae

*Hirschfeldia incana**

Chenopodiaceae

*Salsola tragus**

Euphorbiaceae

Croton setigerus

Euphorbia sp.

Malvaceae

*Malva parviflora**

Myrtaceae

Eucalyptus sp.*

Oleaceae

*Olea europaea**

Polygonaceae

Eriogonum fasciculatum

Solanaceae

Datura wrightii

Sumac Family

Peruvian peppertree

Sunflower Family

California sagebrush

Maltese star-thistle

Tarweed

Prickly lettuce

Golden crownbeard

Borage Family

Fiddleneck

Salt heliotrope

Mustard Family

Shortpod mustard

Saltbush Family

Russian thistle

Spurge Family

Dove weed

Spurges

Mallow Family

Cheeseweed mallow

Myrtle Family

Eucalyptus

Olive Family

Olive

Buckwheat Family

California buckwheat

Nightshade family

Jimsonweed

MONOCOTS

Poaceae

*Bromus diandrus**
Bromus madritensis ssp. *rubens**
*Cynodon dactylon**
Hordeum murinum ssp. *leporinum* *

Grass Family

Ripgut brome
Red brome
Bermuda grass
Hare barley

BIRDS

Anatidae

Anas platyrhynchos
Branta canadensis

Ducks, Geese, and Waterfowl

mallard
Canada goose

Accipitridae

Accipiter cooperii
Buteo jamaicensis

Hawks, Kites, Eagles, and Allies

Cooper's hawk
Red-tailed hawk

Falconidae

Falco Sparverius

Falcons

American kestrel

Columbidae

*Columba livia**
Zenaida macroura

Pigeons and Doves

Rock pigeon
Mourning dove

Trochilidae

Calypte anna

Hummingbirds

Anna's hummingbird

Icteridae

Agelaius phoeniceus
Euphagus cyanocephalus
Icterus bullockii
Sturnella neglecta

Blackbirds

red-winged blackbird
Brewer's blackbird
Bullock's oriole
western meadowlark

Picidae

Melanerpes formicivorus

Woodpeckers

Acorn woodpecker

Tyrannidae

Sayornis nigricans
Sayornis saya
Tyrannus vociferans

Tyrant Flycatchers

black phoebe
Say's phoebe
Cassin's kingbird

Corvidae

Corvus brachyrhynchos
Corvus corax

Crows and Jays

American crow
Common raven

Aegithalidae

Psaltirparus minimus

Long-Tailed Tits and Bushtits

Bushtit

Turdidae

Sialia mexicana
Catharus guttatus

Thrushes

Western bluebird
Hermit thrush

Troglodytidae

Thryomanes bewickii

Sturnidae

Sturnus vulgaris

Mimidae

Mimus polyglottos

Passeridae

*Passer domesticus**

Fringillidae

Haemorhous mexicanus

Spinus psaltria

Passerellidae

Chondestes grammacus

Melospiza crissalis

Melospiza melodia

Passerculus sandwichensis

Zonotrichia leucophrys

Psaltirparus minimus

Parulidae

Geothlypis trichas

Setophaga coronata

REPTILES

Colubridae

Pituophis catenifer

MAMMALS

Sciuridae

Otospermophilus beecheyi

Leporidae

Sylvilagus audubonii

Wrens

Bewick's wren

Starlings

European starling

Mockingbirds and Thrashers

Northern mockingbird

Old World Sparrows

House sparrow

Finches

House finch

Lesser goldfinch

New World Sparrows

lark sparrow

California towhee

Song sparrow

Savannah sparrow

White-crowned sparrow

Bushtit

Wood Warblers

Common yellowthroat

Yellow-rumped warbler

Colubrid Snakes

Gophersnake

Squirrels, Chipmunks, and Marmots

California ground squirrel

Rabbits and Hares

Desert cottontail

APPENDIX C

JURISDICTIONAL DELINEATION REPORT

DRAFT

JURISDICTIONAL DELINEATION REPORT

33890 WINCHESTER ROAD PROJECT WINCHESTER, RIVERSIDE COUNTY, CALIFORNIA

Prepared for:

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501 West Broadway Suite 2020
San Diego, California 92101

Prepared by:

Jeremy Rosenthal
LSA Associates, Inc.
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ACRONYMS AND ABBREVIATIONS

1987 Manual	<i>Corps of Engineers 1987 Wetland Delineation Manual</i>
amsl	above mean sea level
CDFW	California Department of Fish and Wildlife
CFR	Code of Federal Regulations
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
ft	foot/feet
JDSA	Jurisdictional Delineation Study Area
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
OHWM	ordinary high water mark
<i>Procedures</i>	<i>State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State</i>
project	33890 Winchester Road Project
<i>Rapanos</i>	the 2006 United States Supreme Court decision in the consolidated cases <i>Rapanos v. United States</i> and <i>Carabell v. United States</i>
Regional Supplement	Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region
RWQCB	Santa Ana Regional Water Quality Control Board
SR-79	State Route 79
SWRCB	State Water Resources Control Board
TNW	traditionally navigable water
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service

USGS	United States Geological Survey
WOTS	waters of the State
WOTUS	waters of the United States

INTRODUCTION

This Jurisdictional Delineation Report presents the results of a delineation of aquatic resources and drainage features conducted for the 33890 Winchester Road Project (project) in Winchester, California. U-Stor-It proposes the construction of a storage unit facility with associated asphalt-paved parking areas and a detention basin. In addition, the portion of Coventry Lane north of the project site would require improvement and is considered an off-site work area, which is included in the study area.

The Jurisdictional Delineation Study Area (JDSA) covered herein extends 319 feet (ft) north-to-south on the western portion of the site. The purpose of this delineation report is to determine the extent of both State of California and federal jurisdiction within the JDSA. This includes the potential jurisdiction of the United States Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA), the Regional Water Quality Control Board (RWQCB) under Section 401 of the CWA and/or the Porter-Cologne Water Quality Control Act, and the California Department of Fish and Wildlife (CDFW) under Section 1602 of the California Fish and Game Code. This report has been prepared to inform the environmental planning and review process. All referenced figures are included in Appendix A.

SITE DESCRIPTION AND SETTING

The JDSA is at the southeast corner of the intersection of Winchester Road (State Route 79 [SR-79]) and Elmhurst Lane in Winchester, Riverside County, California, depicted on the United States Geological Survey (USGS) *Winchester, California* 7.5-minute series topographic quadrangle (refer to Figure 1). Elevations in the JDSA range from 1,430 feet above mean sea level (amsl) to 1,455 feet amsl. The topography within the JDSA is relatively flat with a road crossing and associated pipe culvert near the southernmost portion. The JDSA is undeveloped and is bordered to the north by SR-79. The area is surrounded by relatively open lands, consisting of agricultural (mowed/disc'd hayfields) and low-density, rural residential uses. The JDSA is located within the Murrieta Watershed, which is 32.31 square miles extending westerly from its terminus at Murrieta Creek in Temecula, to the west of the study area, to upstream portions of Tualal Creek in Winchester, to the north of the study area. All surface waters within the JDSA are ultimately conveyed to Murrieta Creek. Murrieta Creek discharges from Temecula into Santa Margarita River, which is tributary to the Pacific Ocean.

Based on a review of historic aerial photographs of the project area extending back to the late 1930s (NETR 2021), there appears to have been a naturally occurring ephemeral drainage within the northern portion of the JDSA; however, it was displaced by the subsequent development of SR-79 by at least the mid-1950s. Following the development of SR-79, the majority of accumulated stormwater runoff appears have been redirected to the western side of SR-79, where it eventually crosses into the JDSA via a 3-ft pipe-culvert. Additionally, surface flow into the former historical on-site drainage feature appears to have been impacted by the channelizing of Tualal Creek in the mid-1960s. Further, the former historical on-site drainage feature does not appear as a blue-line stream on the USGS *Winchester, California* 7.5-minute series topographic maps, nor does it appear within the CDFW Biogeographic Information and Observation System (CDFW n.d.).

The climate is classified as Mediterranean (i.e., arid climate with hot, dry summers and mild, wet winters). The average annual precipitation is 11.11 inches. Although most of the precipitation occurs from November through May, thunderstorms may occur at other times of the year and can result in high levels of precipitation. Temperatures typically range between 36 and 98 degrees Fahrenheit.

REGULATORY BACKGROUND

UNITED STATES ARMY CORPS OF ENGINEERS

The USACE regulates discharges of dredged or fill material into waters of the United States (WOTUS). These waters include wetland and non-wetland bodies of water that meet specific criteria. USACE regulatory jurisdiction pursuant to Section 404 of the federal CWA is founded on a connection, or nexus, between the waterbody in question and interstate commerce. This connection may be direct (through a tributary system linking a stream channel with traditionally navigable waters [TNWs] used in interstate or foreign commerce) or may be indirect (through a nexus identified in USACE regulations).

For several decades, the operable definition of WOTUS was provided at 33 Code of Federal Regulations (CFR) 328.3, but implementation of this definition has been shaped by the courts and subsequent guidance over the years, most substantially by the 2001 United States Supreme Court decision in *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers*, No. 99-1178 and the 2006 Supreme Court decision in the consolidated cases *Rapanos v. United States* and *Carabell v. United States* (126 S. Ct. 2208), collectively referred to as *Rapanos*. The Supreme Court concluded that wetlands are “waters of the United States” if they significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as navigable. However, the involved Supreme Court justices were not able to agree on a single, underlying standard that would govern future jurisdictional disputes. Instead, a four-justice plurality opinion, authored by Justice Antonin Scalia, and an opinion by Justice Anthony M. Kennedy, proposed two alternative tests for evaluating jurisdictional waters:

1. Relative permanence and continuous surface connection
2. Significant nexus: a nexus exists when the feature (whether an adjacent wetland or tributary) significantly affects the chemical, physical, and biological integrity of other covered waters

Following the *Rapanos* decision, the lower courts immediately struggled to determine which “test” should be used, which led to inconsistency in CWA implementation across the states. On June 5, 2007, the USACE issued guidance regarding the *Rapanos* decision. After consideration of public comments and agencies’ experience, revised guidance was issued on December 2, 2008. This guidance states that the USACE will assert jurisdiction over TNWs, wetlands adjacent to TNWs, relatively permanent nonnavigable tributaries that have a continuous flow at least seasonally (typically 3 months), and wetlands that directly abut relatively permanent tributaries. Under the 2008 *Rapanos* Guidance, the USACE determined that a significant nexus was required for its jurisdiction to extend to waters that are nonnavigable tributaries that are not relatively permanent waters and wetlands adjacent to nonnavigable tributaries that are not relatively permanent waters. The USACE generally did not assert jurisdiction over swales or erosional features, or ditches excavated wholly in and draining only uplands that do not carry a relatively permanent flow of water. However, the USACE reserved the right to regulate these waters on a case-by-case basis.

Several recent attempts have been made to clarify the scope of WOTUS. Based, in part, on the *Rapanos* decision and the opinions authored by Justice Kennedy and Justice Scalia, new rules defining WOTUS were promulgated under the Obama and the Trump administrations. The 2015 “Clean Water Rule” and the 2020 “Navigable Waters Protection Rule” set forth different definitions for WOTUS (ranging from relatively broad federal jurisdiction under the 2015 rule to relatively limited federal jurisdiction under the 2020 rule). Each of these new rules prompted series of legal challenges and court decisions. On August 30, 2021, the United States District Court for Arizona vacated the 2020 Navigable Waters Protection Rule, which reinstated federal wetland regulations and definitions originally adopted by the federal government in the 1980s. In light of this order, the United States Environmental Protection Agency (EPA) and the USACE (collectively “agencies”) have halted implementation of the 2020 Navigable Waters Protection Rule and are interpreting WOTUS consistent with the pre-2015 regulatory regime (and 2008 *Rapanos* Guidance) until further notice.

While litigation continues and the agencies, on November 18, 2021, the agencies announced plans for new WOTUS rulemaking, the current definition of WOTUS¹ is as follows:

1. All waters which are 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;
2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under this definition;
5. Tributaries of waters identified in paragraphs (1) through (4) of this section;
6. The territorial sea; and
7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (1) through (6) of this section;

¹ See “Current Implementation of Waters of the United States.” Website: <https://www.epa.gov/wotus/current-implementation-waters-united-states> (accessed January 11, 2022).

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not WOTUS.

WOTUS do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

Agencies will decide jurisdiction over the following waters based on a fact-specific analysis to determine whether they have a significant nexus with a traditional navigable water:

- Nonnavigable tributaries that are not relatively permanent
- Wetlands adjacent to nonnavigable tributaries that are not relatively permanent
- Wetlands adjacent to but that do not directly abut a relatively permanent nonnavigable tributary

The agencies generally will not assert jurisdiction over the following features:

- Swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow)
- Ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water

The 2008 *Rapanos* Guidance and 2021 *Revised Definition of "Waters of the United States"* proposed rules acknowledge that certain ephemeral waters, especially in the arid West, are distinguishable from the geographic features described above where such ephemeral waters are tributaries and they have a significant nexus to downstream traditional navigable waters. In such cases, the agencies will decide CWA jurisdiction on a fact-specific analysis to determine whether they have a significant nexus with traditional navigable waters.

The agencies will apply the significant nexus standard as follows:

- A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of downstream traditional navigable waters
- Significant nexus includes consideration of hydrologic and ecologic factors

Given the substantial changes in operable definitions that have taken place and are likely to continue considering recent regulatory revisions and court actions, it is impossible to predict the regulations that will be in place at the time of a particular jurisdictional determination by the USACE. Therefore, this jurisdictional delineation focuses on identifying the boundaries of potentially jurisdictional waterbodies, using methods for determining the locations of the ordinary high water mark (OHWM) and wetland boundaries as described below. These methods for determining the

boundaries of waterbodies in general have not substantially changed over the years and are not likely to change with any revised regulations. This delineation can then be used in combination with a companion jurisdictional analysis to determine which of the identified waterbodies are actually jurisdictional, based on the definition that is in effect at the time of a jurisdictional determination by the USACE.

The USACE typically considers any body of water displaying an OHWM for designation as WOTUS, subject to the applicable definition of WOTUS. USACE jurisdiction over non-tidal waters of the U.S. extends laterally to the OHWM or beyond the OHWM to the limit of any adjacent wetlands, if present.

The OHWM is defined as “that line on the shore established by the fluctuations of water and indicated by 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, or other appropriate means that consider the characteristics of the surrounding area” (33 CFR 328.3). Jurisdiction typically extends upstream to the point where the OHWM is no longer perceptible.

Waters found to be isolated and not subject to CWA regulation may still be regulated by the RWQCB under the State’s Porter-Cologne Water Quality Control Act.

Wetland Waters of the United States

Wetland delineations for Section 404 purposes must be conducted according to the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Version 2.0) (Regional Supplement) (USACE 2008) and the Corps of Engineers 1987 Wetland Delineation Manual (1987 Manual) (USACE 1987). Where there are differences between the two documents, the *Regional Supplement* takes precedence over the 1987 Manual.

The USACE and the EPA define wetlands as:

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.

To be considered a jurisdictional wetland under Section 404, an area must possess three wetland characteristics: hydrophytic vegetation, hydric soils, and wetland hydrology. Each characteristic has a specific set of mandatory wetland criteria that must be satisfied for that particular wetland characteristic to be met. Several indicators may be analyzed to determine whether the criteria are satisfied.

Hydrophytic vegetation and hydric soil indicators provide evidence that episodes of inundation have lasted more than a few days or have occurred repeatedly over a period of years, but do not confirm that an episode has occurred recently. Conversely, wetland hydrology indicators provide evidence that an episode of inundation or soil saturation occurred recently, but do not provide evidence that

episodes lasted more than a few days or occurred repeatedly over a period of years. Because of this, if an area lacks one of the three characteristics under normal circumstances, the area is considered nonwetland under most circumstances.

Determination of wetland limits may be obfuscated by a variety of natural environmental factors or human activities, collectively called difficult wetland situations, including cyclic periods of drought and flooding, highly ephemeral stream systems, or in areas recently altered by anthropogenic activities. During periods of drought, for example, bank return flows are reduced and water tables are lowered. This results in a corresponding lowering of ordinary high water and invasion of upland plant species into wetland areas.

Conversely, extreme flooding may create physical evidence of high water well above what might be considered ordinary and may allow the temporary invasion of hydrophytic species into nonwetland areas. In highly ephemeral systems typical of Southern California, these problems are encountered frequently. In these situations, professional judgment based on years of practical experience and extensive knowledge of local ecological conditions comes into play in delineating wetlands. The *Regional Supplement* provides additional guidance for difficult wetland situations.

Hydrophytic Vegetation

Hydrophytic vegetation is plant life that grows and is typically adapted for life in permanently or periodically saturated soils. The hydrophytic vegetation criterion is met if more than 50 percent of the dominant plant species from all strata (tree, shrub, herb, and woody vine layers) are considered hydrophytic. Hydrophytic species are those included on the National Wetland Plant List published by the USACE (2018). Each species on the list is rated according to a wetland indicator category, as shown below in Table A.

Table A: Hydrophytic Vegetation Ratings

Category	Rating	Probability
Obligate Wetland	OBL	Almost always occur in wetlands (estimated probability greater than 99 percent)
Facultative Wetland	FACW	Usually occur in wetlands (estimated probability 67–99 percent)
Facultative	FAC	Equally likely to occur in wetlands and nonwetlands (estimated probability 34–66 percent)
Facultative Upland	FACU	Usually occur in nonwetlands (estimated probability 67–99 percent)
Obligate Upland	UPL	Almost always occur in nonwetlands (estimated probability greater than 99 percent)

Source: United States Army Corps of Engineers (2008).

To be considered hydrophytic, the species must have wetland indicator status (i.e., be rated Obligate Wetland [OBL], Facultative Wetland [FACW], or Facultative [FAC]).

The delineation of hydrophytic vegetation is typically based on the most dominant species from each vegetative stratum (strata are considered separately); when more than 50 percent of these dominant species are hydrophytic (i.e., FAC, FACW, or OBL), the vegetation is considered hydrophytic. In particular, the USACE recommends the use of the “50/20” rule (also known as the dominance test) from the *Regional Supplement* for determining dominant species. Under this method, dominant species are the most abundant species that immediately exceed 50 percent of

the total dominance measure for the stratum, plus any additional species comprising 20 percent or more of the total dominance measure for the stratum. In cases where indicators of hydric soil and wetland hydrology are present but the vegetation initially fails the dominance test, the prevalence index must be used. The prevalence index is a weighted average of all plant species within a sampling point. The prevalence index is particularly useful when communities only have one or two dominants, where species are present at roughly equal coverage, or when strata differ greatly in total plant cover. In addition, USACE guidance provides that morphological adaptations may be considered when determining hydrophytic vegetation when indicators of hydric soil and wetland hydrology are present (USACE 2008). If the plant community passes either the dominance test or prevalence index after reconsidering the indicator status of any plant species that exhibits morphological adaptations for life in wetlands, then the vegetation is considered hydrophytic.

Hydric Soils

Hydric soils¹ are defined as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part.² Soils are considered likely to meet the definition of a hydric soil when they meet one or more of the following criteria:

1. All Histels except Folistels and Histosols except Folists;
2. Soils that are frequently ponded for a long duration or very long duration³ during the growing season; or
3. Soils that are frequently flooded for a long duration or very long duration during the growing season.

Hydric soils develop under conditions of saturation and inundation combined with microbial activity in the soil that causes a depletion of oxygen. Although saturation may occur at any time of year, microbial activity is limited to the growing season, when soil temperature is above biologic zero (the soil temperature at a depth of 50 centimeters (19.7 inches), below which the growth and function of locally adapted plants are negligible). Biogeochemical processes that occur under anaerobic conditions during the growing season result in the distinctive morphologic characteristics of hydric soils. Based on these criteria and on information gathered from the National Soil Information System database, the United States Department of Agriculture's Natural Resources Conservation Service (NRCS) created a Soil Data Access Hydric Soils List that is updated annually.

The *Regional Supplement* has a number of field indicators that may be used to identify hydric soils. The NRCS (USDA 2016) has also developed a number of field indicators that may demonstrate the presence of hydric soils. These indicators include hydrogen sulfide generation, accumulation of

¹ The hydric soils definition and criteria included in the *1987 Manual* are obsolete. Users of the *1987 Manual* are directed to the United States Department of Agriculture's Natural Resources Conservation Service website for the most current information on hydric soils.

² Current definition as of 1994 (*Federal Register*, July 13).

³ "Long duration" is defined as a single event ranging from 7 to 30 days; "very long duration" is defined as a single event that lasts longer than 30 days.

organic matter, and the reduction, translocation and/or accumulation of iron and other reducible elements. These processes result in soil characteristics that persist during both wet and dry periods. Separate indicators have been developed for sandy soils and for loamy and clayey soils.

Wetland Hydrology

Under natural conditions, development of hydrophytic vegetation and hydric soils is dependent on a third characteristic: wetland hydrology. Areas with wetland hydrology are those where the presence of water has an overriding influence on vegetation and soil characteristics due to anaerobic and reducing conditions, respectively (USACE 1987). The wetland hydrology criterion is satisfied if the area is seasonally inundated or saturated to the surface for a minimum of 14 consecutive days during the growing season in most years (USACE 2008).

Hydrology is often the most difficult criterion to measure in the field due to seasonal and annual variations in water availability. Some of the indicators commonly used to identify wetland hydrology include visual observation of inundation or saturation, watermarks, recent sediment deposits, surface scour, and oxidized root channels (rhizospheres) resulting from prolonged anaerobic conditions.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

The CDFW, through provisions of the California Fish and Game Code (Section 1600 et seq.), is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. Streams (and rivers) are defined by the presence of a channel bed and banks and at least a periodic or intermittent flow of water. The CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by the CDFW.

In obtaining CDFW agreements, the limits of wetlands are not typically determined. This is because the CDFW generally includes, within the jurisdictional limits of streams and lakes, any riparian habitat present. Riparian habitat includes willows, mule fat, and other vegetation typically associated with the banks of a stream or lake shorelines and may not be consistent with USACE definitions. In most situations, wetlands associated with a stream or lake would fall within the limits of riparian habitat. Thus, defining the limits of CDFW jurisdiction based on riparian habitat will automatically include any wetland areas and may include additional areas that do not meet USACE criteria for soils and/or hydrology (e.g., where riparian woodland canopy extends beyond the banks of a stream, away from frequently saturated soils).

REGIONAL WATER QUALITY CONTROL BOARD

The Porter-Cologne Water Quality Control Act of the California Water Code (Section 13000 et seq.) established nine RWQCBs to oversee water quality on a day-to-day basis at the local and/or regional level. Their duties include preparing and updating water quality control plans and associated requirements and issuing water quality certifications under Section 401 of the CWA. The CWA grants ultimate authority to the State Water Resources Control Board (SWRCB) over State water rights and water quality policy. Under the Porter-Cologne Water Quality Control Act, the RWQCBs (or the SWRCB for projects that cross multiple RWQCB jurisdictions) are responsible for issuing National

Pollutant Discharge Elimination System permits for point-source discharges and waste discharge requirements for non-point source discharges into jurisdictional waters of the State (WOTS).

The definition of waters under the jurisdiction of the State is broad and includes any surface water or groundwater, including saline waters within the boundaries of the State. Waters that meet the definition of WOTUS are also considered WOTS, but the jurisdictional limits of WOTS may extend beyond the limits of WOTUS. Isolated waters that may not be subject to regulations under federal law are considered to be WOTS and regulated accordingly.

Although there is no formal statewide guidance for the delineation of non-wetland WOTS, jurisdiction generally corresponds to the surface area of aquatic features that are at least seasonally inundated, and all areas within the banks of defined rivers, streams, washes, and channels, including associated riparian vegetation. Currently, each RWQCB reserves the right to establish criteria for the regulation of nonwetland WOTS.

Wetland Waters of the State

On August 28, 2019, the California Office of Administrative Law approved the SWRCB proposed *State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (Procedures)*. The *Procedures*, effective on May 28, 2020, apply to discharges of dredged or fill material to WOTS. The *Procedures* consist of four major elements: (1) a wetland definition, (2) a framework for determining whether a feature that meets the wetland definition is a water of the State, (3) wetland delineation procedures, and (4) procedures for the submission, review, and approval of applications for Water Quality Certifications and Waste Discharge Requirements for dredge or fill activities.

The SWRCB and the RWQCBs define a wetland as such:

An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation.

The RWQCB will rely on the final aquatic resource report verified by the USACE for determining the extent of wetland WOTUS. However, if it is not delineated in a final aquatic report, the procedures will use the USACE *1987 Manual* and the *Regional Supplement* to determine whether the area meets the State definition of a wetland. As described in the *1987 Manual* and the *Regional Supplement*, an area "lacks vegetation" if it has less than 5 percent areal coverage of plants at the peak of the growing season. The methods shall be modified only to allow for the fact that the lack of vegetation does not prevent the determination of such an area that meets the State definition of wetland.

METHODOLOGY

Prior to conducting delineation fieldwork, LSA reviewed the following literature and materials:

- Historic and current aerial photographic imagery (NETR 2021)
- Historic and current USGS topographic maps (USGS 2021)
- United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) wetland mapper (USFWS 2021)
- NRCS Web Soil Survey (USDA 2019)

LSA Senior Biologist Denise Woodard and Biologist Jeremy Rosenthal conducted the fieldwork for a jurisdictional delineation on December 2, 2021. They visually surveyed the JDSA on foot. All drainage features within the JDSA were evaluated according to the most current federal and/or State regulatory criteria and guidance and mapped using aerial photographs. This included the State wetland definition and delineation procedures recently enacted by the SWRCB and the current USACE regulations pertaining to jurisdictional WOTUS, which are consistent with the pre-2015 regulatory regime until further notice. In addition, Ms. Woodard and Mr. Rosenthal noted and photographed the general conditions and characteristics associated with each drainage feature.

The boundaries of drainage features observed within the JDSA during the fieldwork were mapped on a recent, high-resolution aerial photograph (on a scale of 1 inch = approximately 100 ft) showing the JDSA. The widths and lengths of these drainage features mapped during the course of the field investigation were determined by a combination of direct measurements taken in the field and measurements taken from the aerial photographs. Features within the JDSA that are generally excluded from federal and/or State jurisdiction under current regulatory definitions and guidance were evaluated and mapped as “non-jurisdictional features.” Because none of the drainage features in the JDSA exhibited characteristics indicative of wetlands (e.g., areas dominated by hydrophytic vegetation or hydric soils), wetland delineation procedures described in the *Regional Supplement* and those recently enacted by the SWRCB were not implemented.

RESULTS

DATABASE SEARCHES

National Wetlands Inventory

The JDSA does not contain any NWI surface waters or wetlands based on the query conducted (Figure 2).

USDA Soil Survey

The soils mapped on the site include Escondido fine sandy loam, 8 to 15 percent slopes, eroded; Garretson very fine sandy loam, 0 to 2 percent slopes; Garretson very fine sandy loam, 2 to 8 percent slopes; Grangeville fine sandy loam, drained, 0 to 2 percent slopes; Lodo rocky loam, 25 to 50 percent slopes, eroded; and Monserate sandy loam, 0 to 5 percent slopes (USDA 2019; Figure 3). Soil observed throughout the site appears to be consistent with this designation. None of the mapped soils is considered hydric soils and has a drainage class ranging from moderately well drained to somewhat excessively drained (Table B).

Table B: Mapped Soils Classifications

Soil	Drainage Class	Frequency of Flooding	Frequency of Ponding	Hydric Soil Rating
Escondido fine sandy loam, 8 to 15 percent slopes, eroded	Well drained	None	None	No
Garretson very fine sandy loam, 0 to 2 percent slopes	Well drained	None	None	No
Garretson very fine sandy loam, 2 to 8 percent slopes	Well drained	None	None	No
Grangeville fine sandy loam, drained, 0 to 2 percent slopes	Moderately well drained	Rare	None	No
Lodo rocky loam, 25 to 50 percent slopes, eroded	Somewhat excessively drained	None	None	No
Monserate sandy loam, 0 to 5 percent slopes	Well drained	None	None	No

Source: United States Department of Agriculture (2019).

DESCRIPTIONS OF DELINEATED FEATURES

A brief description of the delineated feature is provided below. Figure 4 shows the location of the drainage feature and Figure 5 provides representative photographs of the drainage feature.

Drainage Feature 1 (D-1) is an unnamed tributary to Murrieta Creek, which is tributary to Santa Margarita River, which in turn is tributary to the Pacific Ocean. The southern portion of the drainage has a defined channel bed and banks and visible, albeit slight, indicators of flow and OHWM indicators that include bed and banks and a natural line impressed on the bank. The northern portion of the drainage has signs of historical discing and lacks a defined bed, bank, and OHWM.

This feature flows in a north-to-south direction, carrying storm water flow and nuisance flow accumulation from the western side of SR-79 via a 3 ft diameter pipe culvert that runs beneath SR-79 where it sheet-flows directly into the single-family residential development to the southwest of the site. Beyond the single-family residence to the south, current aerial imagery reveals the drainage begins to sheet flow, potentially due to frequent soil tilling activity, where it lacks a defined bed, bank, and OHWM. The drainage sheet flow appears to continue to the south, but, based on current conditions, it is unclear if the sheet flow originating from D-1 makes a connection to Keller Road. Further, Keller Road is potentially a main source of water runoff during large storm events that creates a drainage connection to the south. However, based on historical aerial imagery, a historical nexus may have been present and the drainage sheet flow originating from D-1 continues to the south where it flows through Keller Road. Beyond Keller Road, the drainage connectivity merges with an unnamed stream that is tributary to Murrieta Creek. D-1 measured 7 ft wide at the southernmost portion, 5.25 ft wide near the central portion and northernmost portions, and lacked any standing or flowing water at the time of the fieldwork and appears to convey only ephemeral stormwater runoff. This drainage feature lacked an accumulation of soils or dead vegetative material from adjacent vegetation. There was annual non-native vegetation growing in the drainage feature.

JURISDICTIONAL CONCLUSIONS

One distinct drainage feature, D-1, was identified within the JDSA (refer to Figure 4) and, in this case, was determined to be jurisdictional. The regulatory basis for whether a particular waterbody (or feature) is jurisdictional or non-jurisdictional is described below under the applicable regulatory agency.

A potential jurisdictional feature, adjoining Coventry Lane on the northeasternmost portion of the project site, was observed in historical aerial imagery. This area of the project site was thoroughly surveyed for jurisdictional resources; however, no jurisdictional resources were observed during the jurisdictional delineation in that portion of the project site.

UNITED STATES ARMY CORPS OF ENGINEERS JURISDICTION

Jurisdictional 404 Waters of the United States

D-1 is potentially considered WOTUS under current regulatory definitions, as portions of it exhibit slight OHWM indicators, which include bed, banks, and a natural line impressed on the bank, and it potentially contributes flow to a TNW during 2- to 5-year rain events. While D-1 appears to have a nexus to Murrieta Creek, it is unclear whether this nexus is significant in its contribution to the biological, chemical, and physical integrity of a traditional navigable water. Therefore, D-1 is potentially tributary to Murrieta Creek, which is tributary to Santa Margarita River, which in turn is tributary to the Pacific Ocean, a traditional navigable water. There are no jurisdictional wetlands within or adjacent to the delineated drainage. Because D-1 has slight OHWM indicators, is ephemeral, and a significant nexus is difficult to determine, the drainage should be considered a non-wetland WOTUS subject to regulation under Section 404 of the CWA. This feature ranged from approximately 1.5 ft to 2.0 ft in width, with an average width of approximately 1.75 ft, and comprises 0.042 acre of potential non-wetland WOTUS within the JDSA.

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE JURISDICTION

Jurisdictional 1602 Streambeds and Associated Riparian Habitat

In accordance with Section 1602 of the California Fish and Game Code, CDFW asserts jurisdiction over rivers, streams, and lakes, as well as any riparian vegetation associated with those features. There are no rivers or lakes within or immediately adjacent to the project limits, but an ephemeral stream is present (D-1) as shown in Figure 4; however, D-1 lacks any associated riparian habitat. Therefore, CDFW jurisdiction extends to the top of the banks in D-1. This feature ranged from approximately 5 ft to 7 ft in width, with an average width of approximately 6 ft, and comprises 0.061 acre of CDFW Streambeds/Riparian jurisdiction within the JDSA.

REGIONAL WATER QUALITY CONTROL BOARD JURISDICTION

Jurisdictional 401 Waters of the State

All the areas on site determined to be WOTUS under both current and historic USACE definitions and guidelines are also considered to be WOTS. However, in many cases, RWQCB jurisdiction extends beyond the limits of USACE jurisdiction and may also include areas not identified as subject to USACE jurisdiction.

D-1 is potentially considered jurisdictional under the Porter-Cologne Water Quality Control Act, as it conveys ephemeral surface flows. RWQCB jurisdiction pursuant to Section 401 of the CWA and/or the Porter-Cologne Water Quality Control Act extends across each drainage from top-of-bank to top-of-bank, which coincides with CDFW's 1602 jurisdictional streambed limits. This feature comprises 0.042 acre of potential non-wetland WOTS within the JDSA.

DISCLAIMER

The findings and conclusions presented in this report, including the locations and extents of features subject to regulatory jurisdiction (or lack thereof), represent the professional opinion of the consultant biologists. These findings and conclusions should be considered preliminary until verified by the appropriate regulatory agencies.

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APPENDIX A

FIGURES

Figure 1: Regional and Project Location

Figure 2: National Wetland Inventory

Figure 3: Soils

Figure 4: Jurisdictional Delineation Map

Figure 5: Representative Site Photographs

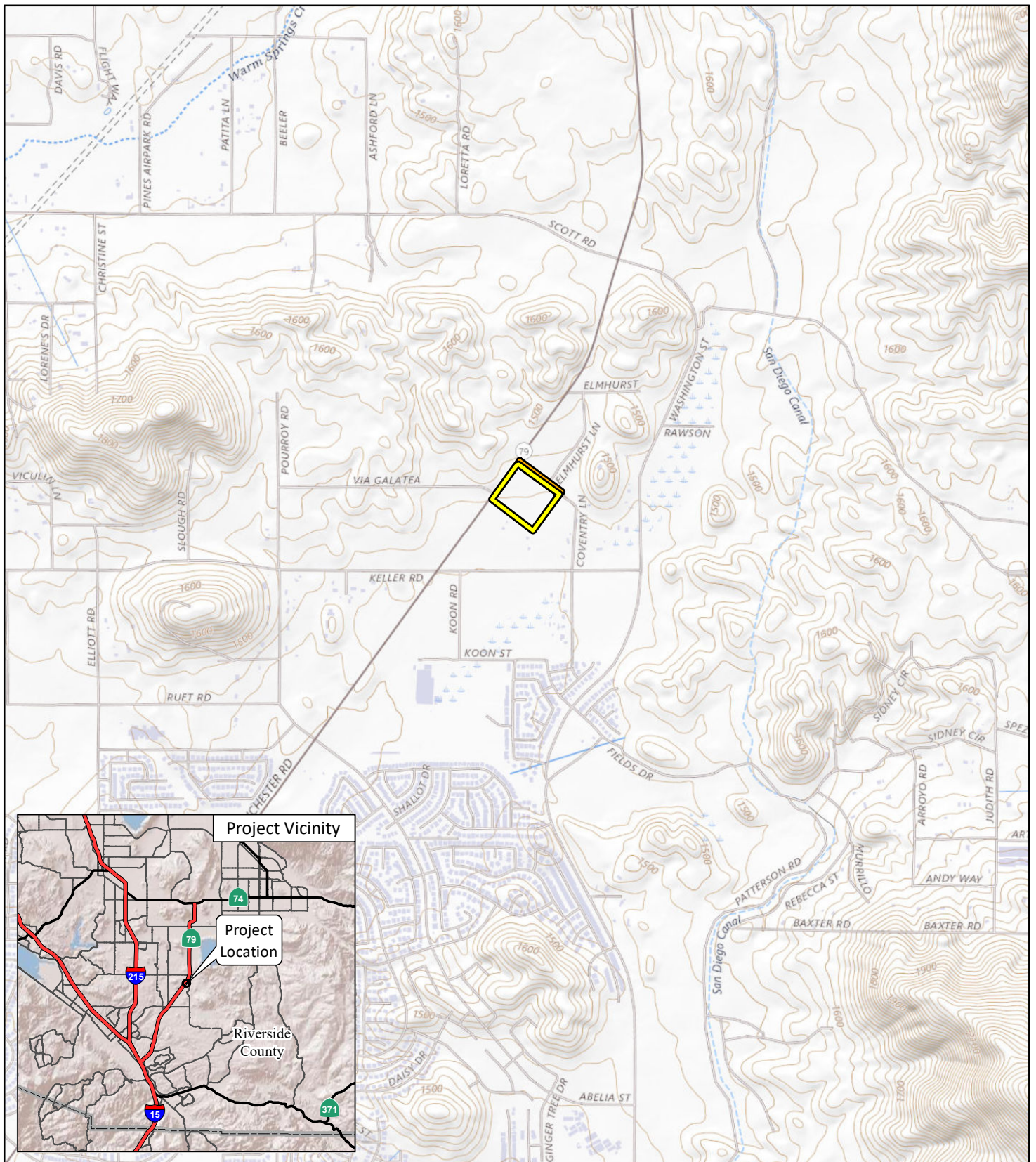


FIGURE 1

LSA

LEGEND

- Project Boundary
- Offsite Work Area



0 1000 2000
FEET

SOURCE: USGS The National Map (2018)

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33890 Winchester Road Project
Regional and Project Location

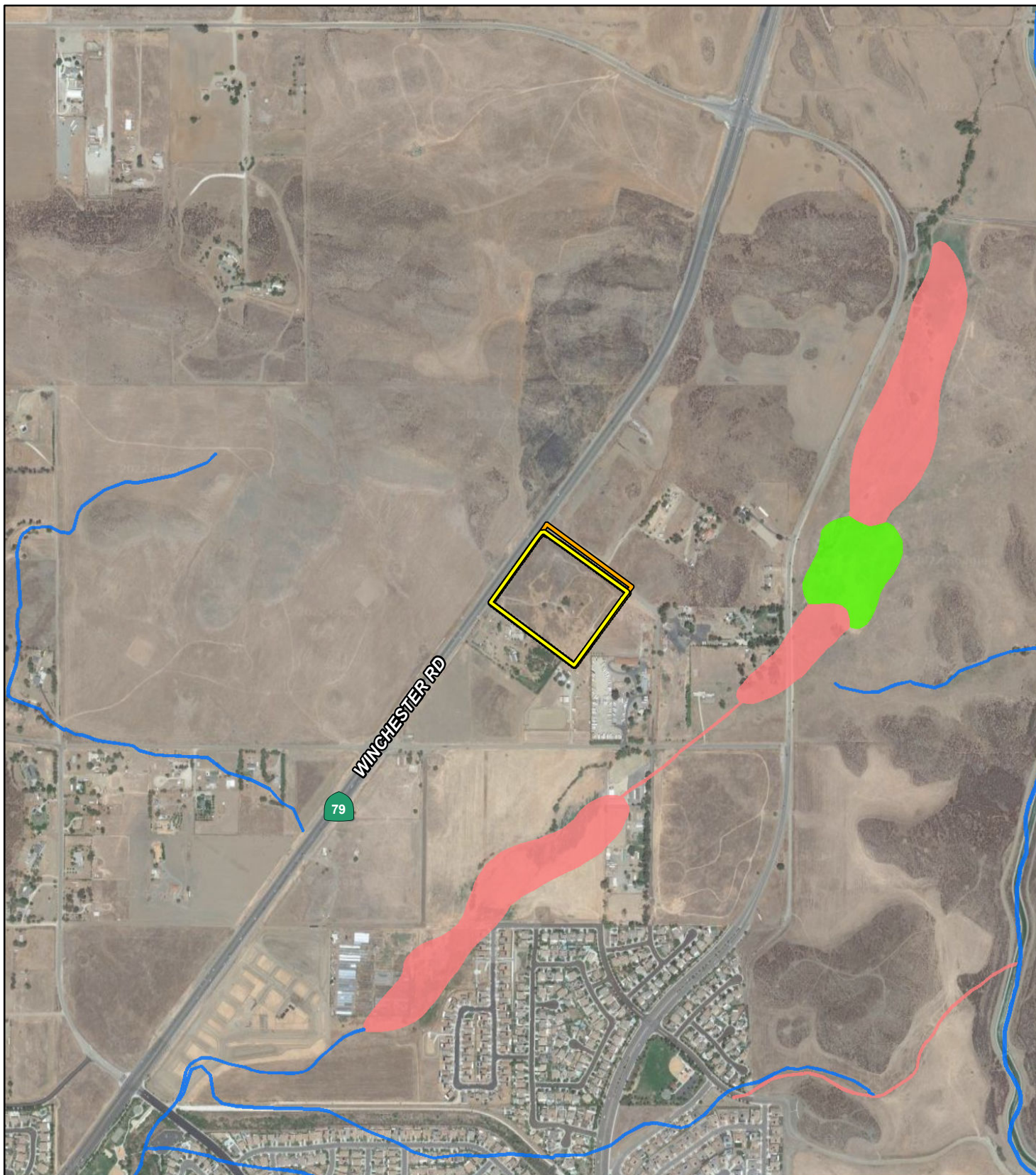


FIGURE 2

LSA

LEGEND

- Project Boundary
- Offsite Work Area

National Wetland Inventory

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Riverine

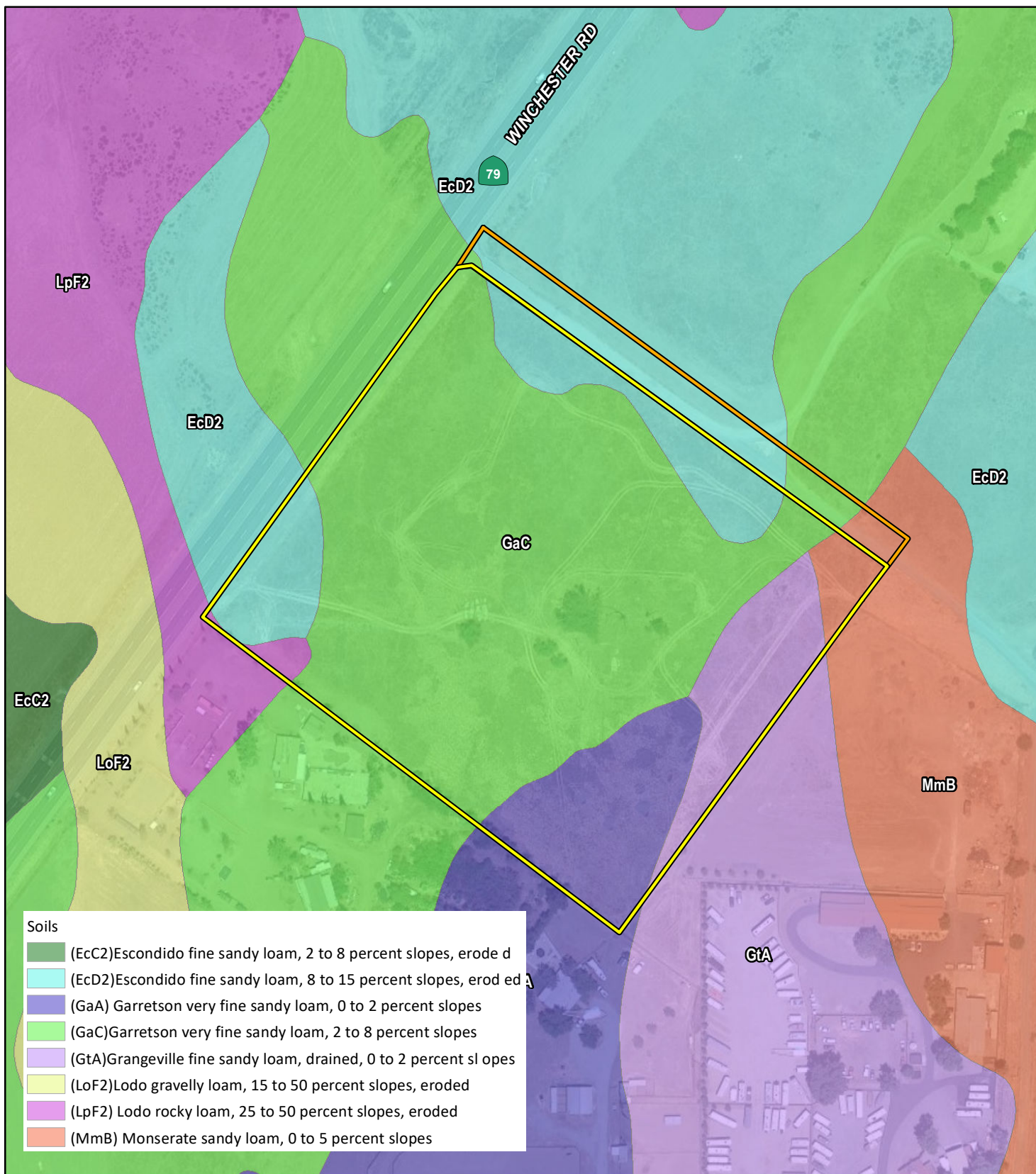


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SOURCE: Google Imagery (2021); USFWS NWI (2020)

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33890 Winchester Road Project
National Wetland Inventory



LSA

LEGEND

- Project Boundary
- Offsite Work Area



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SOURCE: Google Imagery (2021); Esri SSURGO (2021)

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FIGURE 3

33890 Winchester Road Project
Soils



FIGURE 4

LSA

LEGEND

- Project Boundary
- Potential CDFW Jurisdiction (0.044 acre)
- Potential USACE/RWQCB Jurisdiction (0.025 acre)
- Potential CDFW/USACE/RWQCB Jurisdiction (0.017 acre)
- Culvert

↻ Photo Location



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FEET

SOURCE: Nearmap (9/8/2021)

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33890 Winchester Road Project
Jurisdictional Delineation Map



Photo 1: Looking north at Drainage-1 from the southern portion of the drainage.



Photo 2: Looking south at Drainage-1 from the northern portion of the drainage.

LSA

FIGURE 5

33890 Winchester Road Project
Representative Site Photos

APPENDIX D

BURROWING OWL SURVEY REPORT



CARLSBAD
CLOVIS
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

September 2, 2022

Peter Nora
U-Stor-It
501 West Broadway, Suite 2020
San Diego, California 92101

Subject: Results of a Burrowing Owl Survey for the 33890 Winchester Road Project in
Winchester, Riverside County, California (LSA Project No. CHF2101)

Dear Mr. Nora:

This report documents the results of a burrowing owl (*Athene cunicularia*) survey for the 33890 Winchester Road Project (project). The approximately 11-acre project site is within Assessor's Parcel Number 472-110-038 on the southeast corner of Winchester Road (State Route [SR]-79) and Elmhurst Lane in Winchester, Riverside County, California (Figure 1; all figures attached).

One suitable burrow for burrowing owl was detected; however, no burrowing owls or their sign were observed during the 2022 survey efforts.

BACKGROUND

Burrowing owls are found in open, dry grasslands; agricultural and range lands; desert habitats; and grass, forb, and shrub stages of pinyon and ponderosa pine habitats. They nest in abandoned burrows of ground squirrels or other animals, in pipes, in rock and debris piles, and in other similar features.

Burrowing owls and their nests and eggs are protected from "take" under Sections 3503, 3503.5, and 3800 of the California Fish and Game Code. Activities that cause destruction of active nests, or that cause nest abandonment and subsequent death of eggs or young, may constitute violations of this law.

Burrowing owl is a Species of Special Concern as determined by the California Department of Fish and Wildlife (CDFW) and is a covered species under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP has established survey areas for burrowing owl where focused surveys are required if suitable habitat is determined to be present.

SURVEY AREA

The area surveyed with transects (Figure 2) is approximately 11 acres and includes the entire project site and off-site work area, which is potentially suitable for burrowing owl. The off-site work area contains a portion of Coventry Lane north of the project site that will require improvements. The survey area focused on both the main project site and off-site work area. The entire project site and off-site work area are also within the MSHCP burrowing owl survey area.

Vegetation within the project site is undeveloped and highly disturbed due to discing in the vicinity of the former single-family residence on the project site. The site is bordered by Winchester Road (SR-79) followed by undeveloped land to the northwest, Elmhurst Lane and Coventry Lane followed by undeveloped land to the northeast, undeveloped land and commercial development to the southeast, and residential development to the southwest. The topography of this area is relatively flat with slight topographic changes. The site elevation ranges from approximately 1,430 to 1,455 feet above mean sea level.

Vegetation and land cover on the site are primarily sparse and ruderal in nature (Figure 2). Vegetation and land cover present on site consist of nonnative grassland, disturbed, and developed. There are no native trees present within the project site; however, several nonnative trees were observed within the project site such as Peruvian pepper tree (*Schinus molle*), olive (*Olea europaea*), and eucalyptus (*Eucalyptus* sp.). Dominant species within nonnative grassland include ripgut brome (*Bromus diandrus*; nonnative species), red brome (*Bromus rubens*; nonnative species), hare barley (*Hordeum murinum* ssp. *leporinum*; nonnative species), and common fiddleneck (*Amsinckia intermedia*). There are no other plant communities on the site. Areas mapped as “developed” in Figure 2 consist of dilapidated structures, concrete pads, and well-traveled dirt roads that do not allow for the establishment of vegetation. Figure 3 shows recent photographs of on-site conditions.

METHODS

The surveys were conducted by LSA biologists Denise Woodard, Jeremy Rosenthal, and Carla Cervantes according to the *County of Riverside Guidelines for Burrowing Owl Surveys* (revised March 29, 2006). A total of four surveys were conducted from March 15 to July 22, 2022. The surveys were conducted by walking approximately 30-meter transects throughout areas of suitable habitat to look for burrowing owls, potential burrows (burrows greater than 11 centimeters [cm] in diameter and 150 cm deep), and burrowing owl sign. Potential burrows encountered during the survey were mapped using a handheld global positioning system (GPS) unit and examined for owl sign (e.g., feathers, pellets, whitewash, and prey remnants). Privately owned parcels located outside of the project site and off-site work area were surveyed using binoculars from public rights-of-way and advantageous viewpoints.

Table A provides the dates, times, and weather conditions of site visits. Surveys were conducted during weather conducive to observing owls outside their burrows and to detecting burrowing owl sign. No rain had occurred within 5 days prior to the site visits.

Table A: Focused Survey Dates, Times, and Weather Conditions

Survey	Personnel	Date (2022)	Time (24-Hour) (start/finish)	Temp. (°F) (start/finish)	Wind (mph)	Sky
Burrow Survey, Burrowing Owl Survey 1	Denise Woodard and Jeremy Rosenthal	March 15	0630/0700	47/47	0–3	clear
Burrowing Owl Survey 2	Carla Cervantes	May 11	0600/0740	43/46	0–1	clear
Burrowing Owl Survey 3	Carla Cervantes	June 21	0540/0700	60/63	0–1	clear
Burrowing Owl Survey 4	Jeremy Rosenthal	July 22	0630/0700	68/69	0–1	25% cloud cover

Source: Compiled by LSA (2022).

°F = degrees Fahrenheit

mph = miles per hour

RESULTS

No burrowing owls or burrowing owl sign were found to be present within the survey area. One burrow suitable for burrowing owl occupation was observed within the survey area but showed no sign of burrowing owl use. Suitable habitat is present on site, specifically the nonnative grassland containing low-growing plant species. Developed areas on site generally lack suitable habitat for burrowing owl as they consist of dilapidated structures, concrete pads, and well-traveled dirt roads maintained in their current location and condition since at least 2002 and are subject to regular anthropogenic disturbances.

Areas within 500 feet of the project site generally lack suitable habitat for burrowing owl as they primarily consist of developed land cover including residential and commercial uses. There is marginal suitable habitat for burrowing owl adjacent to the west and east of the project site where the area is undeveloped and consists of nonnative grassland vegetation similar to the project site. However, based on historic aerial imagery, vegetation within those areas appears to be regularly disced/mowed since at least 2002. No burrowing owls, their sign, or suitable burrows were observed within the 500-foot buffer.

Wildlife species detected during the survey included bald eagle (*Haliaeetus leucocephalus*), Cooper's hawk (*Accipiter cooperii*), American kestrel (*Falco sparverius*), red-tailed hawk (*Buteo jamaicensis*), rock pigeon (*Columba livia*), mourning dove (*Zenaida macroura*), Brewer's blackbird (*Euphagus cyanocephalus*), red-winged blackbird (*Agelaius phoeniceus*), Anna's hummingbird (*Calypte anna*), Bullock's oriole (*Icterus bullockii*), mallard (*Anas platyrhynchos*), European starling (*Sturnus vulgaris*; nonnative species), Canada goose (*Branta canadensis*), black phoebe (*Sayornis nigricans*), Say's phoebe (*Sayornis saya*), acorn woodpecker (*Melanerpes formicivorus*), Cassin's kingbird (*Tyrannus vociferans*), American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), bushtit (*Psaltirparus minimus*), western bluebird (*Sialia mexicana*), hermit thrush (*Catharus guttatus*), Bewick's wren (*Thryomanes bewickii*), northern mockingbird (*Mimus polyglottos*), house sparrow (*Passer domesticus*; nonnative species), house finch (*Haemorhous mexicanus*), lesser goldfinch (*Carduelis psaltria*), California towhee (*Pipilo crissalis*), song sparrow (*Melospiza melodia*), Savannah sparrow (*Passerculus sandwichensis*), white-crowned sparrow (*Zonotrichia leucophrys*), lark sparrow

(*Chondestes grammacus*), western meadowlark (*Sturnella neglecta*), common yellowthroat (*Geothlypis trichas*), yellow-rumped warbler (*Setophaga coronata*), gopher snake (*Pituophis catenifer*), California ground squirrel (*Spermophilus beecheyi*), and desert cottontail (*Sylvilagus audubonii*).

DISCUSSION

One suitable burrow was observed within the project site; however, it lacked sign of burrowing owl use during the focused burrowing owl surveys. The project site contains marginal suitable habitat; however, an active red-tailed hawk nest was observed within the large eucalyptus tree located on the project site, thereby making the site less suitable for burrowing owl. Nonetheless, since portions of the project site are suitable for burrowing owl and burrowing owl could occupy these areas prior to construction, a preconstruction burrowing owl survey will be required within 30 days prior to ground disturbance. If burrowing owl is found during the preconstruction survey, the project proponent will need to inform the CDFW and U.S. Fish and Wildlife Service (USFWS) and prepare a Burrowing Owl Protection and Relocation Plan for approval by these agencies prior to initiating ground disturbance.

If you have any questions concerning the report, I can be contacted at (626) 257-0215 or ryan.villanueva@lsa.net.

Sincerely,

LSA Associates, Inc.



Ryan Villanueva
Senior Biologist

Attachments: Figure 1: Regional and Project Location
Figure 2: Survey Results and Vegetation Map
Figure 3: Representative Site Photos

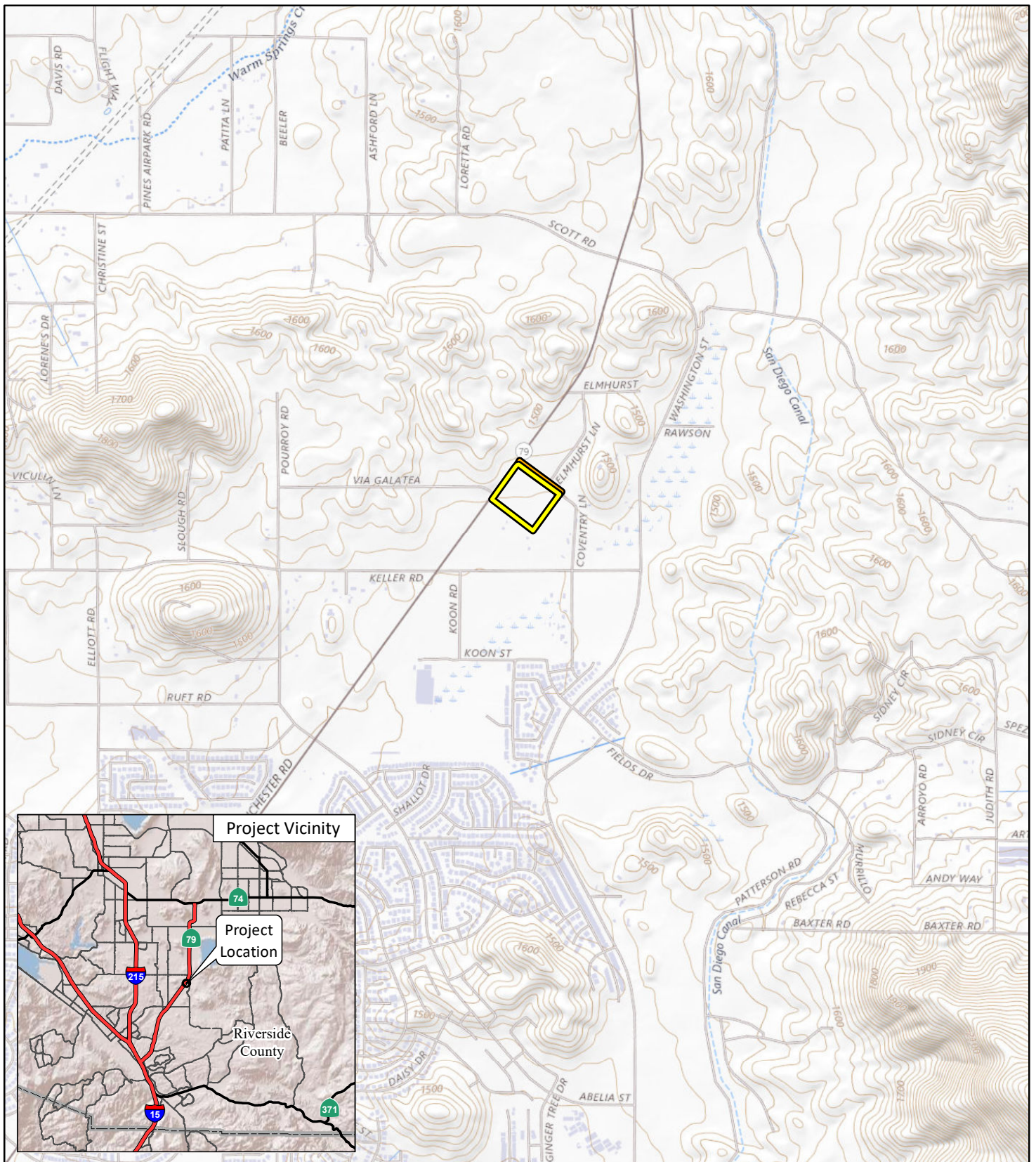


FIGURE 1

LSA

LEGEND

- Project Boundary
- Offsite Work Area



0 1000 2000
FEET

SOURCE: USGS The National Map (2018)

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33890 Winchester Road Project
Regional and Project Location

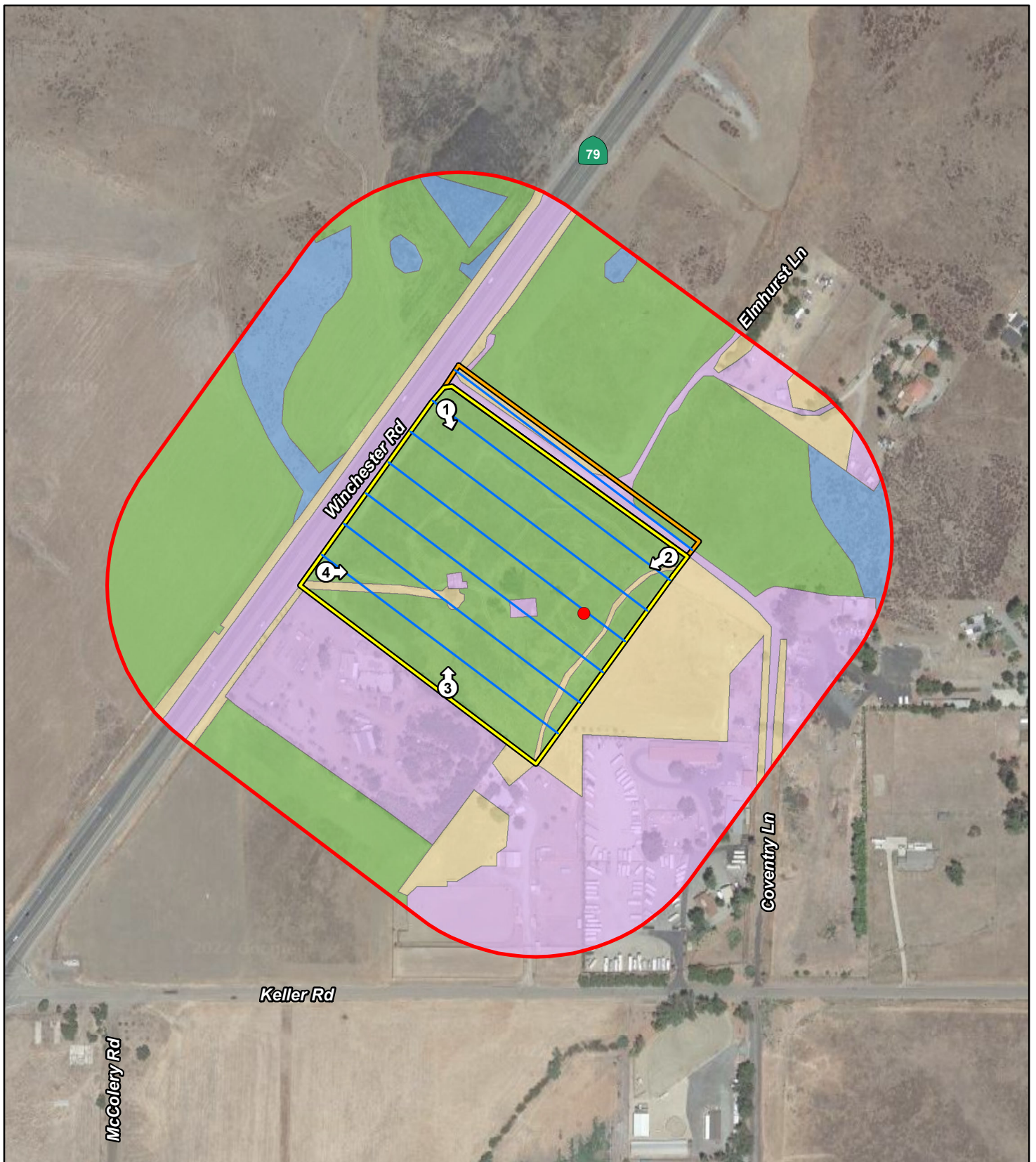
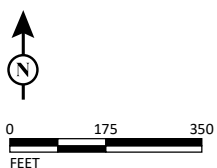


FIGURE 2

LSA



LEGEND

- Project Boundary
- Offsite Work Area
- SurveyArea_500ft
- Transects (30 meters)
- Photo Location
- Potential Burrowing Owl Burrow (no sign)

Vegetation

- Coastal Sage Scrub
- Developed
- Disturbed
- Nonnative Grassland

SOURCE: Google Imagery (2021)

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33890 Winchester Road Project
Survey Results and Vegetation Map



Photo 1: Looking south from the northern portion of the project site.



Photo 2: Looking southwest from the eastern portion of the project site.



Photo 3: Looking north from the southern portion of the project site.



Photo 4: Looking east from the western portion of the project site.