

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

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



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MSHCP PERMITTEE:
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LSA Project No. 20242143



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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 1,300-foot-in-length off-site area of Supplemental 33890 Winchester Road Project (project) in the unincorporated community of Winchester, Riverside County, California. The project proposes the development of a new storage facility planned along with a detention basin on an approximately 11-acre parcel (Assessor's Parcel Number [APN] 472-110-038). Additionally, the portion of Coventry Lane north of the project site will require improvements and is considered an off-site work area. Both APN 472-110-038 and the off-site work area are considered the main project site.

In addition to the proposed work detailed above, the remaining portion of Coventry Lane from the main site south to Keller Road will require improvements. This section of road is approximately 1,300 feet in length, 1.790 acres in size, and located within the public right-of-way. It is located along several APNs (472-110-041, 472-110-042, 472-110-039, 472-110-040, and 472-110-043) on Coventry Lane that border the right-of-way and are not part of the project. The project will require road improvements and consists of approximately 2 acres permanently impacting the entire site (County Project Conditional Use Permit #CUP 210126, General Plan Amendment #GPA 210111, and Change of Zone #CZ 2100121). LSA conducted the study to address compliance with the MSHCP and the California Environmental Quality Act (CEQA), for the identification of potential jurisdictional waters and a focused Western burrowing owl (*Athene cunicularia* [BUOW]) survey. Results of the MSHCP consistency analysis, burrowing owl assessment, and general biological study are summarized below.

- One drainage located on the southern end of the project site contains aquatic resources potentially subject to the jurisdiction of the Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW) within the project site. Additionally, CDFW 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. However, riparian habitat is sparse and therefore focused surveys will not be required for sensitive riparian bird species. Additionally, the site does not contain fairy shrimp habitat or potential vernal pools; therefore, focused surveys will not be required for fairy shrimp species associated with vernal pools.
- The project site is within the MSHCP survey area for BUOW; therefore, focused BUOW breeding season surveys (March 1–August 31) were conducted. No suitable BUOW burrows were observed on the project site, and no BUOW or their sign were observed during the focused survey. A pre-construction 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.
- If vegetation removal is planned during the nesting season (February 1 through August 31), a pre-construction nesting bird survey shall be conducted and avoidance measures taken to ensure that no take of birds or their nests will occur.
- 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 (SKR HCP) 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. 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
BMPs	best management practices
BUOW	burrowing owl
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
cm	centimeter(s)
CNDDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CUP	Conditional Use Permit
CWA	Clean Water Act
CZ	Change of Zone
DBESP	Determination of Biologically Equivalent or Superior Preservation
EcD2	Escondido fine sandy loam, 8 to 15 percent slopes, eroded
GaC	Garretson very fine sandy loam, 2 to 8 percent slopes
GPA	General Plan Amendment
GPS	global positioning system
GtA	Grangeville fine sandy loam, drained, 0 to 2 percent slopes
HANS	Habitat Acquisition and Negotiation Strategy
HCP	Habitat Conservation Plan
HMMP	Habitat Mitigation Monitoring Plan
IPAC	Information for Planning and Consultation
JDSA	jurisdictional delineation survey area

JPR	Joint Project Review
MmB	Monserate sandy loam, 0 to 5 percent slopes
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	Supplemental 33890 Winchester Road Project
RCA	Regional Conservation Authority
RWQCB	Regional Water Quality Control Board
SKR	Stephens' kangaroo rat
SKR HCP	Stephens' Kangaroo Rat Habitat Conservation Plan
TNW	traditional navigable water
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
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 proposed Supplemental 33890 Winchester Road Project (project) in the unincorporated community of Winchester in Riverside County, California (see Figure 1; all figures are provided in Appendix A). The project proposes the development of a new storage facility planned along with a detention basin on an approximately 11-acre parcel (Assessor's Parcel Number [APN] 472-110-038). Additionally, the portion of Coventry Lane north of the project site will require improvements and is considered an off-site work area. Both APN 472-110-038 and the off-site work area are considered the main project site.

In addition to the proposed work detailed above, the remaining portion of Coventry Lane from the main site south to Keller Road will require improvements. This section of road is approximately 1,300 feet in length, 1.79 acres in size, and within the public right-of-way. It is located along several parcels (APNs 472-110-041, 472-110-042, 472-110-016, 472-110-039, 472-110-040, and 472-110-043) that border the right-of-way and are not part of the project. This portion of Coventry Lane southeast of the main site will require improvements to the existing gravel road and culvert installation at Coventry Lane and Keller Road. This study focuses on the off-site work area of the main site and will be referred to as the project site (County Project #CUP 210126, General Plan Amendment #GPA210111, and change of zone #CZ2100121). 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 December 16, 2024, by LSA biologist Jeremy Rosenthal and a focused burrowing owl (BUOW) survey.

1.1 PROJECT AREA

The project area is adjacent to APNs 472-110-041, 472-110-042, 472-110-016, 472-110-039, 472-110-040, and 472-110-043, which border the right-of-way but are not part of the project. The amended project site consists of 1.790 acres. The project proposes to make road improvements within this area that consist of a paved road and shoulder.

1.2 PROJECT DESCRIPTION

The proposed project site is currently a dirt and gravel road and adjacent undeveloped land. The project site will require road improvements and will be converted from a dirt access road to a paved road.

1.3 GENERAL SETTING

The project site is located south of Elmhurst Lane and follows along Coventry Lane to Keller Road surrounded to the north by undeveloped land, to the east by industrial development, and to the west and south by undeveloped open land and industrial development. 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 1979) (Figure 1). The project area is an approximately 2-acre (1,300 feet) stretch of dirt and gravel road and adjacent undeveloped land on the southwest corner. The site elevation ranges from 1,420 to 1,440 feet above mean sea level.

Mapped soils on the project site consist of Escondido fine sandy loam, 8 to 15 percent slopes, eroded (EcD2); Grangeville fine sandy loam, drained, 0 to 2 percent slopes (GtA); Garretson very fine sandy loam, 2 to 8 percent slopes (GaC); and Monserate sandy loam, 0 to 5 percent slopes (MmB) (United States Department of Agriculture [USDA] 2024) (see Figure 2). 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 3). 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.

The project site does not contain chaparral or coastal sage scrub habitats due to being a well-traveled road. However, a small amount of nonnative grassland (0.003 acre) occurs on the northernmost portion of the site. While this habitat type is targeted for conservation within Cell #5169, it is small and within the public right-of-way. Additionally, other remaining undeveloped parcels in this cell are available for conservation. The site does not connect to either chaparral or agricultural lands present in Criteria Cell #5173 located to the west, and 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 residential developments, 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 continues 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.

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 or project site. This includes approximately 32 acres in the northern half of the criteria cell. Given the project's location in the 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 4). Therefore, implementation of the project would not conflict with the conservation requirements for Criteria Cell #5169.

The Habitat Acquisition and Negotiation Strategy (HANS) (HAN210116) and JPR (23-02-09-01) were completed for Parcel 472-110-038, which is part of the main project, in May 2023. The JPR concluded the following:

Consistency Conclusion: The project is consistent with both the Criteria and Other Plan requirements with implementation of the measures presented in these Findings (including any within the project information provided to the Regional Conservation Authority by the Permittee for this JPR).

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 highly disturbed due to the active dirt road and the vicinity of surrounding industrial development near the project site. Based on historical aerial imagery, the project site consisted of disturbance of an existing road through at least 2002. The project site has been relatively disturbed through the present.

The vegetation on the project site consists of developed and disturbed areas and is described in detail below (Table A, see also Figure 5). Table A also includes vegetation totals and impacts for the original project site. A complete list of plant species observed on the site is included in Appendix B. Figure 5 shows vegetation communities/land cover and photograph locations, and site photographs are provided in Figure 6.

Vegetation and land cover on the site are primarily sparse and ruderal in nature (Figure 5). Vegetation and land cover present on site consist of barren and development 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*), tumble pigweed (*Amaranthus albus*), and prickly lettuce (*Lactuca serriola*). Areas mapped as “developed” in Figure 5 consist of well-traveled gravel roads that do not allow for the establishment of vegetation. No native trees are present within the project site; however, several nonnative trees were observed within the project site, including Peruvian pepper (*Schinus molle*), China berry (*Melia azadarach*), and eucalyptus (*Eucalyptus* sp.).

Areas surrounding the project site consist of nonnative grasslands and disturbed areas. Dominant species within nonnative grassland include ripgut brome (*Bromus diandrus*), red brome (*Bromus rubens*), hare barley (*Hordeum murinum* ssp. *leporinum*), and common fennel (*Foeniculum vulgare*). No other plant communities occur within the project area.



Table A: Mapped Vegetation/Land Cover Classifications and Impacts

Vegetation/ Land Cover	Original Project Areas		Amended Project Site	Vegetation Grand Total	Original Project Site			Original Off-Site Work Area		Amended Project Site			Impact Grand Total		
	Project Site (acres)	Off-Site Work Area (acres)			Temporary Impacts (acres)	Permanent Impacts (acres) ²	Avoided (acres)	Temporary Impacts (acres)	Permanent Impacts (acres) ³	Temporary Impacts (acres)	Permanent Impacts (acres)	Avoided (acres)	Temporary Impacts (acres)	Permanent Impacts (acres)	Avoided (acres)
Nonnative grassland	10.59	0.17	0.003	10.763	0	10.39	0.19	0	0.17	0	0.003	0	0	10.563	0.19
Developed ¹	0.11	0.30	0.460	0.87	0	0.11	0	0.30	0	0	0.460	0	0.30	0.57	0
Disturbed	0.41	0.03	1.324	1.764	0	0.40	0.01	0	0.03	0	1.299	0.028	0	1.729	0.038
TOTAL	11.1	0.50	1.790	13.39	0	10.90	0.20	0.30	0.20	0	1.762	0.028	0.30	12.862	0.228

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.

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 MSHCP Riparian/Riverine areas at the time of the December 16, 2024, 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, 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, December 2020, August 2021, February 2022, January 2023, May 2023, and June 2024.)

4.1.2 Existing Conditions and Results

An unnamed drainage feature was identified within the survey area. The unnamed drainage flows into Murrieta Creek, which is tributary to the Santa Margarita River, which in turn is tributary to the Pacific Ocean, a traditional navigable water (TNW) (see Figure 7). The portion of the unnamed drainage that occurs to the east and west of Coventry Lane has a clearly visible bed and bank and an ordinary high water mark (OHWM). This earthen drainage flows generally in an east-to-west direction, carrying stormwater flow and nuisance flow accumulation from the adjacent undeveloped areas to the east of the jurisdictional delineation study area (JDSA) via a 3-foot-diameter pipe metal culvert that runs beneath Coventry Lane where it drains to the west off site and beyond Keller Road. The unnamed drainage feature had a 3-foot-wide OHWM that consisted of scour and sediment deposits and a clearly defined bed and bank, with an 11-foot-wide bank-to-bank width that lacked any standing or flowing water at the time of the fieldwork and appears to convey only ephemeral stormwater runoff. The drainage was mostly unvegetated with sparse weedy annual species. A small patch (0.015 acre) of riparian vegetation (mule fat [*Baccharis salicifolia*] and tamarisk [*Tamarix ramosissima*]) occurs at the western side of the culvert outlet. This unnamed feature is considered an MSHCP Riparian/Riverine feature and comprises 0.022 acre consistent with the California Department of Fish and Wildlife (CDFW) jurisdictional area described in Section 9.2 below (see Figure 8). The jurisdictional delineation report is included as Appendix C.

4.1.3 Impacts and Mitigation

The proposed project is expected to result in permanent impacts to MSHCP Riparian/Riverine, as shown on Figure 8, due to the paving of Coventry Lane. Table B quantifies anticipated permanent impacts to MSHCP Riparian/Riverine. Compensatory habitat replacement would also be required to compensate for permanent impacts, as described below. Additionally, a Determination of Biologically Equivalent or Superior Preservation (DBESP) will be required under the MSHCP.

Table B: MSHCP Riparian/Riverine Impacts

Feature	MSHCP Riverine (acres)	MSHCP Riparian (acres)
Unnamed Drainage Feature	Permanent Impact	Permanent Impact
	0.006	0.012
Grand Total (acres)	0.018	

Source: Compiled by LSA (2025).

MSHCP = Multiple Species Habitat Conservation Plan

Compensatory Habitat Replacement for Jurisdictional Aquatic Resources: Jurisdictional areas that are permanently impacted by construction activities will be compensated at a 1.5:1 ratio through on-site mitigation, as detailed below.

To compensate for the permanent loss of 0.006 acre of MSHCP Riverine and 0.012 acre of MSHCP Riparian, the project will mitigate on site. The MSHCP Riparian/Riverine areas that are permanently impacted by construction activities will be compensated at a 1.5:1 ratio through on-site restoration by creating additional aquatic resources within APN 472-110-038. As noted in the May 2023 MSHCP Consistency Analysis and Biology Report for the Supplemental 33890 Winchester Road Project, the unnamed drainage feature (D-1) will be avoided and placed under a conservation easement, deed restriction, or other method to protect it from other impacts. The jurisdictional delineation for APN 472-110-038 was conducted in December 2021 and found that drainage D-1 contained 0.042 acre of potential non-wetland waters of the United States (WOTUS), 0.061 acre of MSHCP Riparian/Riverine, and 0.042 acre of potential non-wetland waters of the State (WOTS) within the JDSA. The 2023 JPR for the original project site proposed avoidance of 0.20 acre, which included 0.061 acre of MSHCP Riparian/Riverine. Due to this amended project, changes are proposed that will create additional aquatic resources by expanding drainage D-1 within APN 472-110-038 at a 1.5:1 ratio and having the land be conserved in perpetuity prior to the start of construction (i.e., habitat establishment). Exact requirements will be finalized during the permitting process. Furthermore, implementation of an on-site Habitat Mitigation Monitoring Plan (HMMP) will be prepared and will include an implementation plan, site preparation, seed and plant material, installation methods, maintenance methods, performance standards, maintenance and monitoring success criteria, and reporting measures. The HMMP will be reviewed and approved by the Regional Conservation Authority (RCA) and the Wildlife Agencies prior to any ground-disturbing activities. The percent cover for on-site mitigation will be based on the percent of native cover within similar riparian/resources on the parcel. This effort will require an HMMP to include an implementation plan, site preparation, seed and plant material, installation methods, maintenance methods, performance standards, maintenance and monitoring success criteria, and reporting measures. The percent cover for on-site mitigation will be based on the percent of native cover prior to construction. The mitigation area will be maintained until performance standards are achieved, which is anticipated to be approximately 5 years.

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 December 16, 2024, 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 (i.e., lack of vernal pool indicators). The soils 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

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

4.4.2 Existing Conditions and Results

One riparian/riverine feature is present on the project site. It consists of an unnamed, earthen, ephemeral drainage approximately 11 feet wide bank-to-bank. While the feature is mostly unvegetated, it does contain sparse weedy annual species and one small patch of riparian vegetation in the form of mule fat and tamarisk (0.015 acre).

The cumulative amount of riparian habitat in this patch (0.015 acre) is well below the minimum territory size of any of the subject riparian bird species, as described in their MSHCP species accounts. In addition, this area is of low habitat quality because it has an ephemeral source of water, is partially comprised of nonnative tamarisk and is isolated from larger blocks of riparian habitat.

Due to their small size, low quality, and isolation from other areas of riparian habitat, these riparian habitats are not suitable habitat for yellow-billed cuckoo, southwestern willow flycatcher, or least Bell's vireo. Therefore, no focused 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. Therefore, no survey or additional analysis is required.

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 December 16, 2024, 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, Part A of the focused surveys was conducted.

The surveys were conducted by LSA biologist Jeremy Rosenthal 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) (Western Riverside County RCA 2006). A total of one survey was conducted completing Part A of the focused survey. Due to the absence of suitable burrows and other substrate suitable for burrowing owl occupancy, Part B of the focused survey was not conducted or required. The survey was 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 C provides the dates, times, and weather conditions of the site visit. The survey was 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 C: Focused Survey Dates, Times, and Weather Conditions

Survey	Personnel	Date (2024)	Time (24-Hour) (start/finish)	Temp. (°F) (start/finish)	Wind (mph)	Sky
Burrow Survey, Burrowing Owl Survey 1	Jeremy Rosenthal	December 16	1100/1230	65/69	0–5	clear

Source: Compiled by LSA (2025).

°F = degrees Fahrenheit

mph = miles per hour

6.3.2 Existing Conditions and Results

No burrowing owls or burrowing owl sign were found to be present within the survey area. No burrows suitable for burrowing owl occupation were observed within the survey area. The site provides marginally suitable habitat for burrowing owl in the undeveloped portions, particularly in the northern portion of the project site before Coventry Lane turns toward the south. Although portions of the remaining undeveloped areas of the project site contain suitable cover for burrowing owl, the presence of numerous perching locations such as fence lines, trees, and distribution poles, which provide perching locations for predatory raptor species, make the area unsuitable. In addition, all undeveloped portions of the project site are subject to regular anthropogenic disturbance such as discing and vegetation clearing. The developed portion of the project site is unsuitable for burrowing owl, as it consists of Coventry Lane, a well-traveled gravel road.

Marginally suitable habitat for burrowing owl within the 500-foot buffer is adjacent to the project site to the southwest and northeast of the northernmost end of Coventry Lane where the area is undeveloped and consists of nonnative grassland containing low-growing plant species. However, based on historic aerial imagery, vegetation within those areas appears to be regularly disced/mowed since at least 2002. Similar undeveloped areas that provide marginal suitable habitat and are subject to similar disturbances are southeast of the Coventry Lane and Keller Road intersection. Developed areas within the 500-foot buffer lack suitable habitat for burrowing owl, as they consist of active residential and commercial uses, dilapidated structures, and concrete pads maintained in their current locations and conditions since at least 2002 and are subject to regular anthropogenic disturbances. No burrowing owls, their sign, or suitable burrows were observed within the 500-foot buffer (see Figure 10). 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 for impacts to BUOW will not be required under the MSHCP. However, marginally suitable BUOW habitat is present, and a pre-construction survey for BUOW is required within 30 days prior to ground disturbance, consistent with the MSHCP protocol.

If BUOW is found during the pre-construction survey, the project proponent will need to inform the CDFW, the USFWS, the County of Riverside, and the RCA, 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. Therefore, no survey or additional analysis is required.

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 March 1, 2025, using RareFind 5 (CDFW 2025).

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 were 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 D. 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 D: 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: C	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	Not Expected. Suitable habitat (chaparral, coastal scrub, oak woodlands, and grasslands) does not occur on site. This species was observed within 3 miles to the northeast, south, and west, just south of the project site in 1995, 2003, and 2015, respectively.

Sources: California Natural Diversity Database (CNDDB) (CDFW 2025); 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 converting the project site to a paved road in proximity to land described for conservation in the MSHCP Conservation Area as well as project affects to the unnamed drainage feature as described above in Section 4.1.3. 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. Storm water 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.

Due to the project impacting the unnamed drainage feature located at the southern project boundary, necessary Section 401 and Section 1602 permitting will be required. As part of the permitting processes, appropriate measures and best management practices (BMPs) will be put in place; 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, measures and BMPs will be developed as part of the permitting process.

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

The project is not proposing installation of 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. 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.

The project is not proposing any landscaping, as the entirety of the site will be paved. 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 project proposes road improvements to Coventry Lane, where barriers would not be appropriate. To the east and west of the project site are properties that already have erected fences to delineate property boundaries, which prevent public access into these sites.

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 work area.

The proposed project does not include any manufactured slopes, 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.

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

The unnamed drainage feature, as shown in Figure 7, is an earthen lined drainage feature designed to collect and convey storm water and other urban runoff out of the immediate natural and developed areas. The drainage originates off site from a 3-foot-diameter metal culvert that drains stormwater runoff from adjacent undeveloped areas to the east of the site. This drainage feature drains to the west off site, and beyond Keller Road, the drainage connectivity merges with an unnamed stream that flows into Murrieta Creek, which is tributary to the Santa Margarita River, which in turn is tributary to the Pacific Ocean, a TNW.

Under the current definition of WOTUS, a WOTUS carries a relatively permanent flow of water. Therefore, WOTUS does not include ephemeral features including ephemeral streams, swales, gullies, rills, and pools, such as the one described above.

Furthermore, this feature does not support jurisdictional wetlands. Therefore, based on current regulations, these features are categorically excluded from federal jurisdiction and do not meet the criteria for WOTUS pursuant to the Navigable Waters Protection Rule and permitting under Section 404 of the Clean Water Act (CWA), as administered by the United States Army Corps of Engineers (USACE).

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, the 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 (unnamed drainage feature) as shown in Figure 7. Therefore, the CDFW jurisdiction extends to the top of the banks of the unnamed drainage feature. This feature average bed and bank width is 11 feet and comprises 0.007 acre of CDFW streambed jurisdiction within the JDSA. Additionally, a total of 0.015 acre of CDFW riparian habitat occurs on site in the form of mulefat and tamarisk.

The project will entirely develop CDFW jurisdictional areas; therefore, permitting under Section 1602 of the California Fish and Game Code, as administered by the CDFW, will be required.

9.3 REGIONAL WATER QUALITY CONTROL BOARD JURISDICTION

9.3.1 Jurisdictional 401 Waters of the State

The unnamed drainage feature is considered jurisdictional under the Porter-Cologne Water Quality Control Act as it conveys ephemeral surface flows. This equates to approximately 0.004 acre of non-wetland WOTS within the project site.

The project will entirely develop Regional Water Quality Control Board (RWQCB) jurisdictional areas; therefore, permitting under Section 401 of the CWA and/or the Porter-Cologne Water Quality Control Act, as administered by the RWQCB, will not be required.

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

9.4 IMPACTS AND MITIGATION

The proposed project is expected to result in permanent impacts to jurisdictional resources, as shown on Figure 7, due to the paving of Coventry Lane. Table E quantifies anticipated permanent impacts to jurisdictional resources. Permanent impacts to jurisdictional aquatic resources require permits as described below. Compensatory habitat replacement would also be required to compensate for permanent impacts, as described below.

Table E: Delineation Results

Feature	USACE		RWQCB Non-Wetland WOTS (acres)		CDFW Streambed (acres)		CDFW Riparian (acres)	
	Total	Permanent Impact	Total	Permanent Impact	Total	Permanent Impact	Total	Permanent Impact
Unnamed Drainage Feature	-	-	0.004	0.003	0.007	0.006	0.015	0.012

Source: Compiled by LSA (2025).

CDFW = California Department of Fish and Wildlife

RWQCB = Regional Water Quality Control Board

USACE = United States Army Corps of Engineers

WOTS = waters of the State

Section 401 Permits and Streambed Alteration Agreement: Prior to commencement of construction activities, the Applicant will coordinate with the RWQCB to obtain a Water Quality Certification pursuant to Section 401 of the CWA. Furthermore, the Applicant will coordinate with the CDFW to obtain a Streambed Alteration Agreement.

Compensatory Habitat Replacement for Jurisdictional Aquatic Resources: Jurisdictional areas that are permanently impacted by construction activities will be compensated at a 1.5:1 ratio through on-site mitigation, as detailed below.

To compensate for the permanent loss of 0.003 acre of RWQCB non-wetland WOTS, 0.006 acre of CDFW streambed, and 0.012 acre of CDFW associated riparian, the project will mitigate on site. Jurisdictional areas that are permanently impacted by construction activities will be compensated at a 1.5:1 ratio through on-site restoration by creating additional jurisdictional aquatic resources within APN 472-110-038. As noted in the May 2023 MSHCP Consistency Analysis and Biology Report for the Supplemental 33890 Winchester Road Project, the unnamed drainage feature (D-1) will be avoided and placed under a conservation easement, deed restriction, or other method to protect it from other impacts. The jurisdictional delineation for APN 472-110-038 was conducted in December 2021 and found that drainage D-1 contained 0.042 acre of potential non-wetland WOTUS, 0.061 acre of CDFW Streambeds/Riparian, and 0.042 acre of potential non-wetland WOTS within the JDSA. The

2023 JPR for the original project site proposed avoidance of 0.20 acre, which included 0.061 acre of CDFW Streambeds/Riparian. Due to this amended project, changes are proposed that will create additional jurisdictional aquatic resources by expanding drainage D-1 within APN 472-110-038 at a 1.5:1 ratio and having the land be conserved in perpetuity prior to the start of construction (i.e., habitat establishment). Exact requirements will be finalized during the permitting process. Furthermore, implementation of an on-site HMMP will be prepared and will include an implementation plan, site preparation, seed and plant material, installation methods, maintenance methods, performance standards, maintenance and monitoring success criteria, and reporting measures. The HMMP will be reviewed and approved by the RCA and the Wildlife Agencies prior to any ground-disturbing activities. The percent cover for on-site mitigation will be based on the percent of native cover within similar riparian/resources on the parcel. This effort will require an HMMP to include an implementation plan, site preparation, seed and plant material, installation methods, maintenance methods, performance standards, maintenance and monitoring success criteria, and reporting measures. The percent cover for on-site mitigation will be based on the percent of native cover prior to construction. The mitigation area will be maintained until performance standards are achieved, which is anticipated to be approximately 5 years.

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 pre-construction 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 Stephens' kangaroo rat (SKR) (*Dipodomys stephensi*) are not required, but 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. Nine federal and/or State-listed species have been reported within 3 miles of the project site according to California Natural Diversity Database (CNDDDB) records and include the following: Munz's onion (*Allium munzii*), burrowing owl (*Athene cunicularia*), Crotch's bumble bee (*Bombus crotchii*), quino checkerspot butterfly (*Euphydryas editha quino*), Riverside fairy shrimp (*Streptocephalus woottoni*), western spadefoot (*Spea hammondi*), tricolored blackbird (*Agelaius tricolor*), coastal California gnatcatcher (*Poliophtila californica californica*), and SKR (*Dipodomys stephensi*). Table F describes the habitat requirements for all nine species, along with an assessment of habitat and the likelihood of the species occurring on the site.

Table F: 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>Bombus crotchii</i> Crotch's bumble bee	US: – CA: SCE MSHCP: –	Inhabits open scrub and grassland from coastal California to crest of Sierra-Cascade and in desert edge areas, south into Mexico. Primarily nests underground. Suitable bumble bee habitat requires the continuous availability of flowers on which to forage throughout the duration of the colony (spring through fall), colony nest sites, and overwintering sites for the queens.	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 with bare ground 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 to the project is also considered poor.
<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.
<i>Streptocephalus woottoni</i> Riverside fairy shrimp	US: FE CA: SA MSHCP: S	Warm-water vernal pools (i.e., large, deep pools that retain water into the warm season) with low to moderate dissolved solids, in annual grassland areas interspersed through chaparral or coastal sage scrub vegetation. Suitable habitat includes some artificially created	Seasonally following rains; typically, January through April	Not Expected. Vernal pools in grasslands are not present within the project site.

Table F: Threatened and Endangered Species

Species	Status	MSHCP Habitat	Blooming Period/Activity Period	Occurrence Probability
		or enhanced pools, such as some stock ponds, which have vernal pool like hydrology and vegetation. Known from areas within about 50 miles of the coast from Ventura County south to San Diego County and Baja California.		
Amphibians				
<i>Spea hammondi</i> Western spadefoot	US: FPT CA: SSC MSHCP: C	Grasslands and occasionally hardwood woodlands; largely terrestrial but requires rain pools or other ponded water persisting at least three weeks for breeding; burrows in loose soils during dry season. Occurs in the Central Valley and adjacent foothills, the non-desert areas of southern California, and Baja California.	October through April (following onset of winter rains)	Not Expected. No suitable wet areas on 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. Emergent wetlands and open water are not present within the project site. Additionally, grassland habitat is not present for foraging.
<i>Athene cunicularia</i> (burrow sites) Burrowing owl	US: – CA: SCE/SSC MSHCP: S	Open, treeless areas with low, sparse vegetation, usually on flat or gently sloping terrain, including grasslands, sparse scrub (cover less than 30 percent), farmland, airfields, airports, road embankments, cemeteries, urban vacant lots, desert areas, and other open habitat. They usually occupy ground squirrel burrows but may also utilize man-made structures such as culverts or debris piles, usually temporarily.	Year-round	Not Expected. Although marginal suitable habitat occurs within the northern portion of the project site, the presence of numerous perches for predatory raptor species, make the area unsuitable for burrowing owl. Additionally, no burrowing owls or burrowing owl sign were found during the burrowing owl burrow survey and habitat assessment.
<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. Coastal sage scrub is not present within the project site.

Table F: 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	Low. The project site is within the Stephens' Kangaroo Rat Habitat Conservation Plan. The closest occurrence to the site is 0.50 mile to the east, just east of Washington Street (CNDDDB). Despite close records from the 1990s, habitat within the site is disturbed and consists of either compacted well-traveled roads or weedy species with more than 50% vegetation cover. No suitable plant communities transitional between grassland and coastal sage scrub occur on site.

Sources: California Natural Diversity Database (CNDDDB) (CDFW 2025); 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

FPT= Federal Proposed 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.

SCE= State Candidate Endangered

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.

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

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 2025), maintain lists of species they consider needing monitoring. Legal protection for special-status species varies widely.

The following special-status species listed in Table G were reported within 3 miles of the project site but are not covered under the MSHCP: Robinson's pepper-grass (*Lepidium virginicum* var. *robinsonii*). Robinson's pepper-grass is not expected to occur given the absence of chaparral and coastal scrub habitats within the project site.

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 near 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 disturbance and development on four of the seven 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 north and south of the project site. The project would not substantially limit wildlife movement in the region as no structures that would limit wildlife movement are proposed and 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 are 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 G: 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 (coastal sage scrub and chaparral) not present within the project site.

Sources: California Natural Diversity Database (CNDDB) (CDFW 2025); Biogeographic Information and Observation System (BIOS) (CDFW n.d.); and Information for Planning and Consultation (IPaC) database (USFWS n.d.)

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)

MSHCP = Multiple Species Habitat Conservation Plan

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.

No native trees are present within the project site; however, several nonnative trees were observed within the project site, including Peruvian pepper, China berry, and eucalyptus.

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 disturbed habitat 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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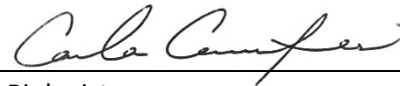
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13.0 CERTIFICATION STATEMENT

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: November 19, 2025

Signature: _____

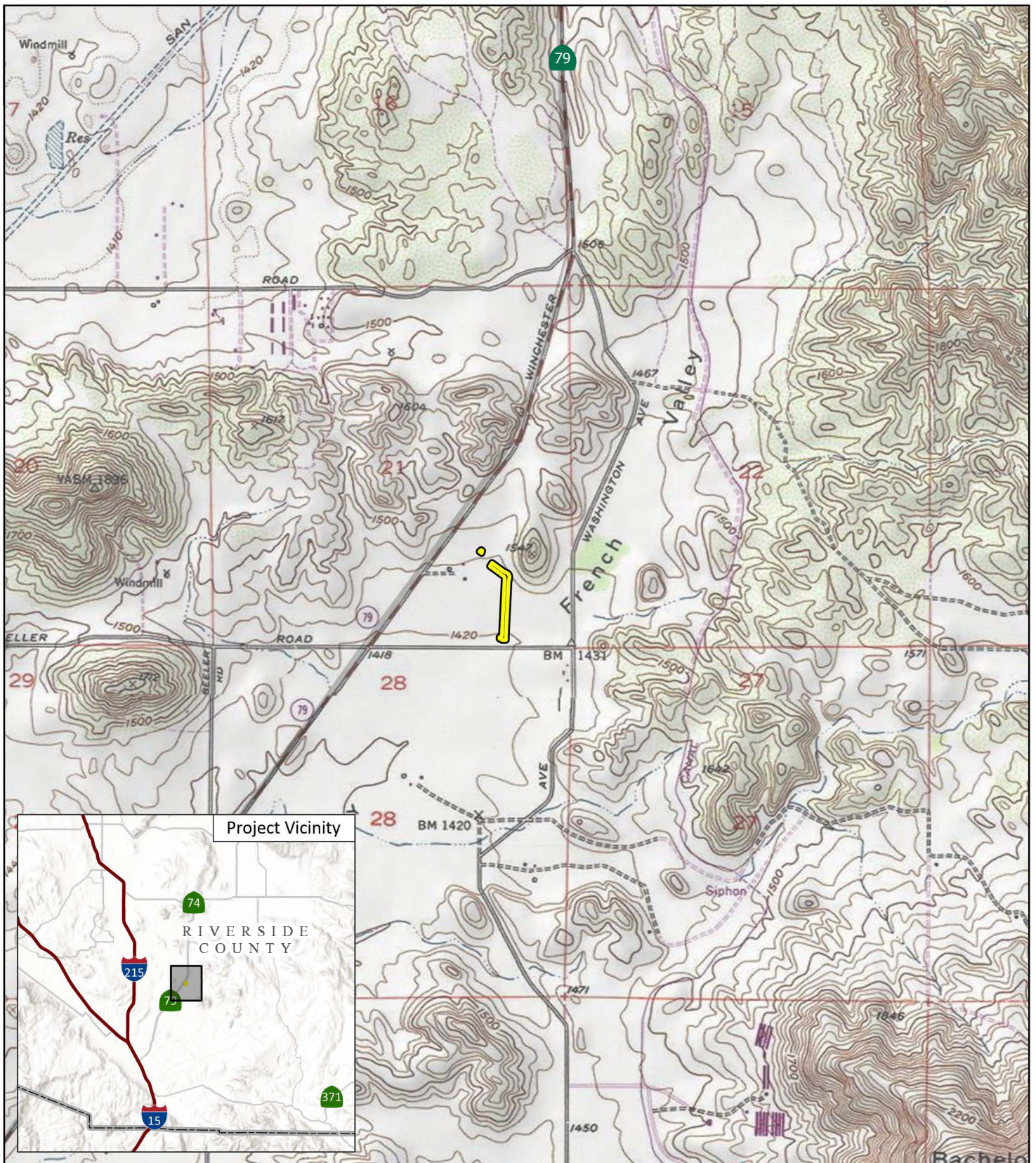


Biologist

APPENDIX A

FIGURES 1–9

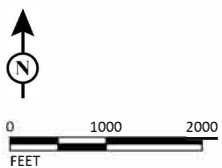
- Figure 1: Regional and Project Location
- Figure 2: Soils
- Figure 3: Criteria Cell #5169 and Adjacent Criteria Cells/Groups
- Figure 4: Criteria Cell #5169 Conservation Areas
- Figure 5: Vegetation, Land Use, Photo Locations and Impacts
- Figure 6: Representative Site Photos
- Figure 7: Jurisdictional Delineation Results
- Figure 8: MSHCP Riparian/Riverine
- Figure 9: Proposed Mitigation
- Figure 10: Burrowing Owl Survey Results



LSA

 Project Location

FIGURE 1



SOURCE: USGS 7.5' Quad - Winchester (1979), CA

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Supplemental 33890 Winchester Road
Regional and Project Location



FIGURE 2

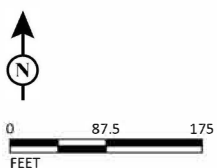
LSA

- Project Location
- Previous Project Areas Analyzed

Soils

- EcD2 - Escondido fine sandy loam, 8 to 15 percent slopes, eroded
- GaC - Garretson very fine sandy loam, 2 to 8 percent slopes
- GtA - Grangeville fine sandy loam, drained, 0 to 2 percent slopes
- MmB - Monserate sandy loam, 0 to 5 percent slopes

Supplemental 33890 Winchester
Road Project
Soils



SOURCE: Nearmap (1/13/2025)

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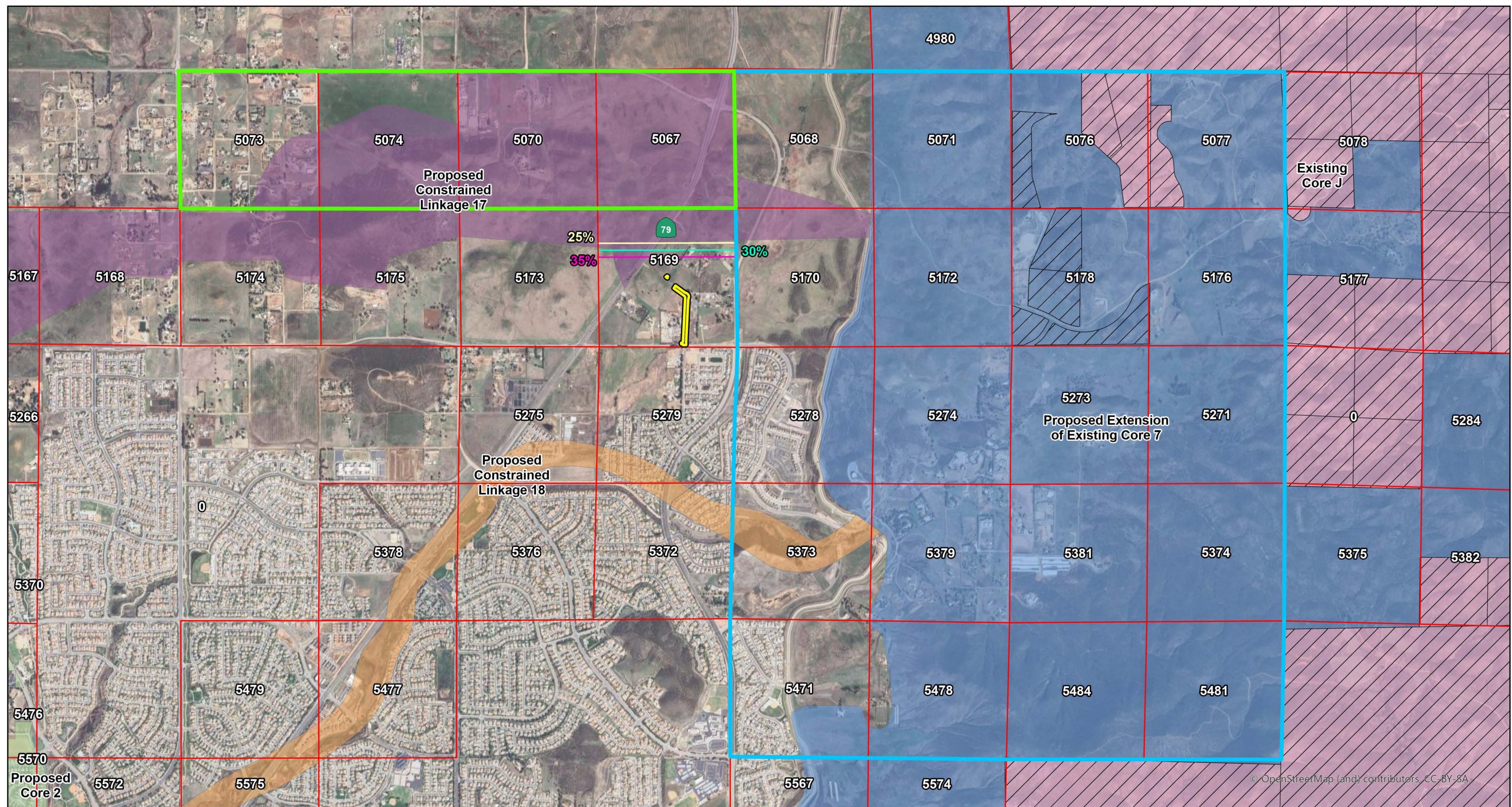


FIGURE 3

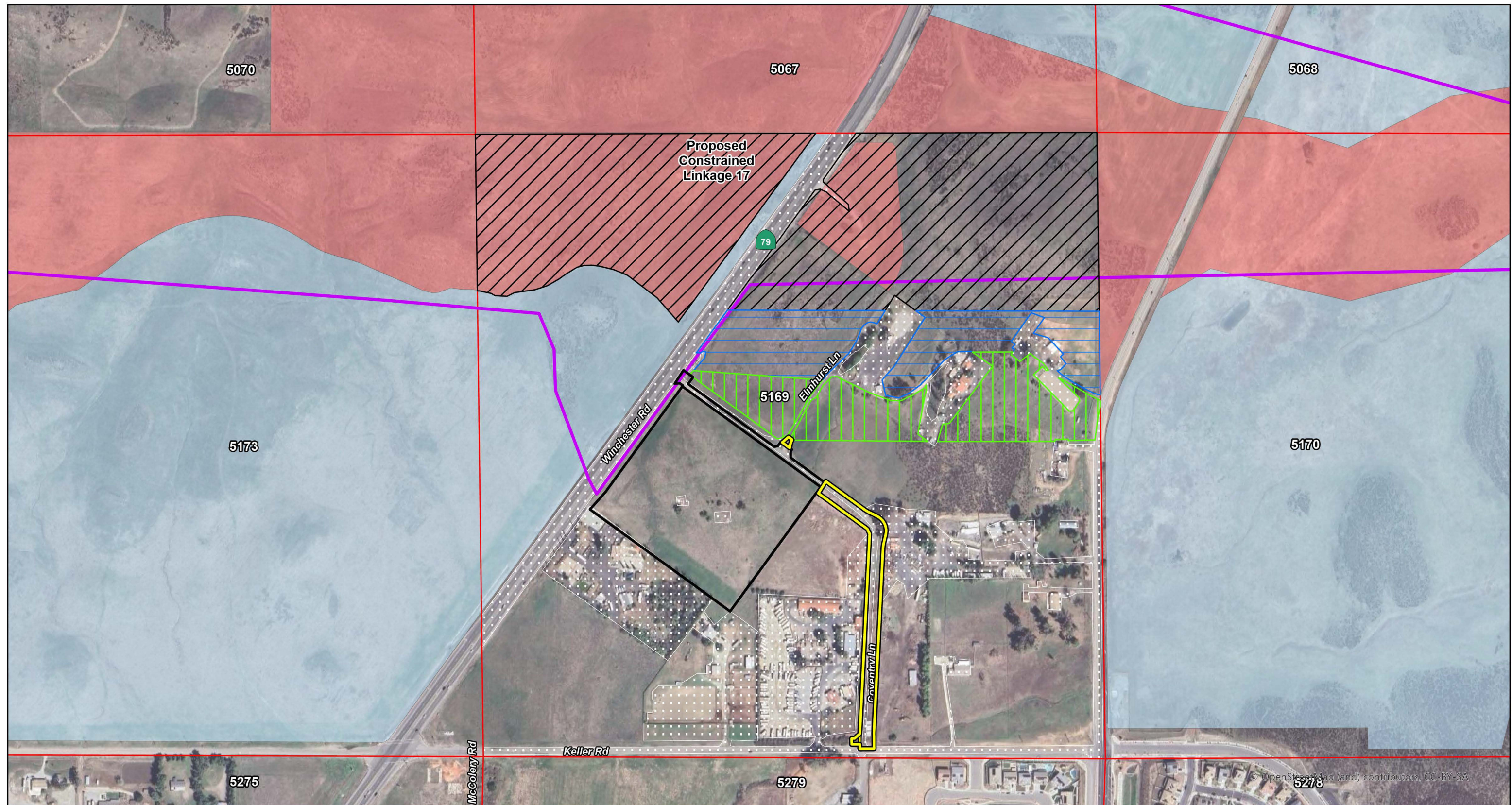


0 900 1800

FEET

SOURCE: Google Imagery (2024); MSHCP (2020)

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LSA



0 200 400
FEET

SOURCE: Google Imagery (2024); MSHCP (2020)

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- Project Location
- Previous Project Areas Analyzed
- 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%)

FIGURE 4

Supplemental 33890 Winchester Road Project
Criteria Cell #5169 Conservation Areas



LSA



0 87.5 175
FEET

SOURCE: Nearmap (1/13/2025)

I:\2024\20242143\GIS\Pro\Chicago Capital 33890 Winchester Road\Chicago Capital 33890 Winchester Road.aprx (4/23/2025)

-  Project Location
-  Previous Project Areas Analyzed
-  Photo Points
-  Permanent Impact

Vegetation

-  Disturbed (1.32 acres)
-  Developed (0.46 acres)
-  Nonnative Grassland (0.003 acres)

FIGURE 5

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



Photo 1: View facing northwest toward State Route 79 from the northern project boundary.



Photo 2: View facing east at the only portion of the project without perching locations.



Photo 3: View facing south along Coventry Lane and adjacent development/disturbance.



Photo 4: View facing north along Coventry Lane from the central portion of the project site.

LSA

FIGURE 6
Page 2 of 4

Supplemental 33890 Winchester Road Project
Representative Site Photos



Photo 5: View facing south along Coventry Lane from the central portion of the project site.



Photo 6: View facing north from the southern project boundary.

LSA

FIGURE 6
Page 3 of 4

*Supplemental 33890 Winchester Road Project
Representative Site Photos*



Photo 7: View facing east at the unnamed drainage feature that runs beneath Coventry Lane.



LSA



0 87.5 175
FEET

SOURCE: Nearmap (1/13/2025)

I:\2024\20242143\GIS\Pro\Chicago Capital 33890 Winchester Road\Chicago Capital 33890 Winchester Road.aprx (4/23/2025)

Project Location

Previous Project Areas Analyzed

Roadside Drainage (93.79 linear feet)

CDFW Associated Riparian (0.015 acres)

CDFW Bank-to-Bank (0.007 acres)

RWQCB Non-wetland WOTS (0.004 acres)

FIGURE 7

Supplemental 3890 Winchester Road Project
Jurisdictional Delineation Results



FIGURE 8

LSA

-  Project Location
-  Previous Project Areas Analyzed
-  Potential MSHCP Riparian (0.015 acres)
-  Potential MSHCP Riverine (0.07 acres)

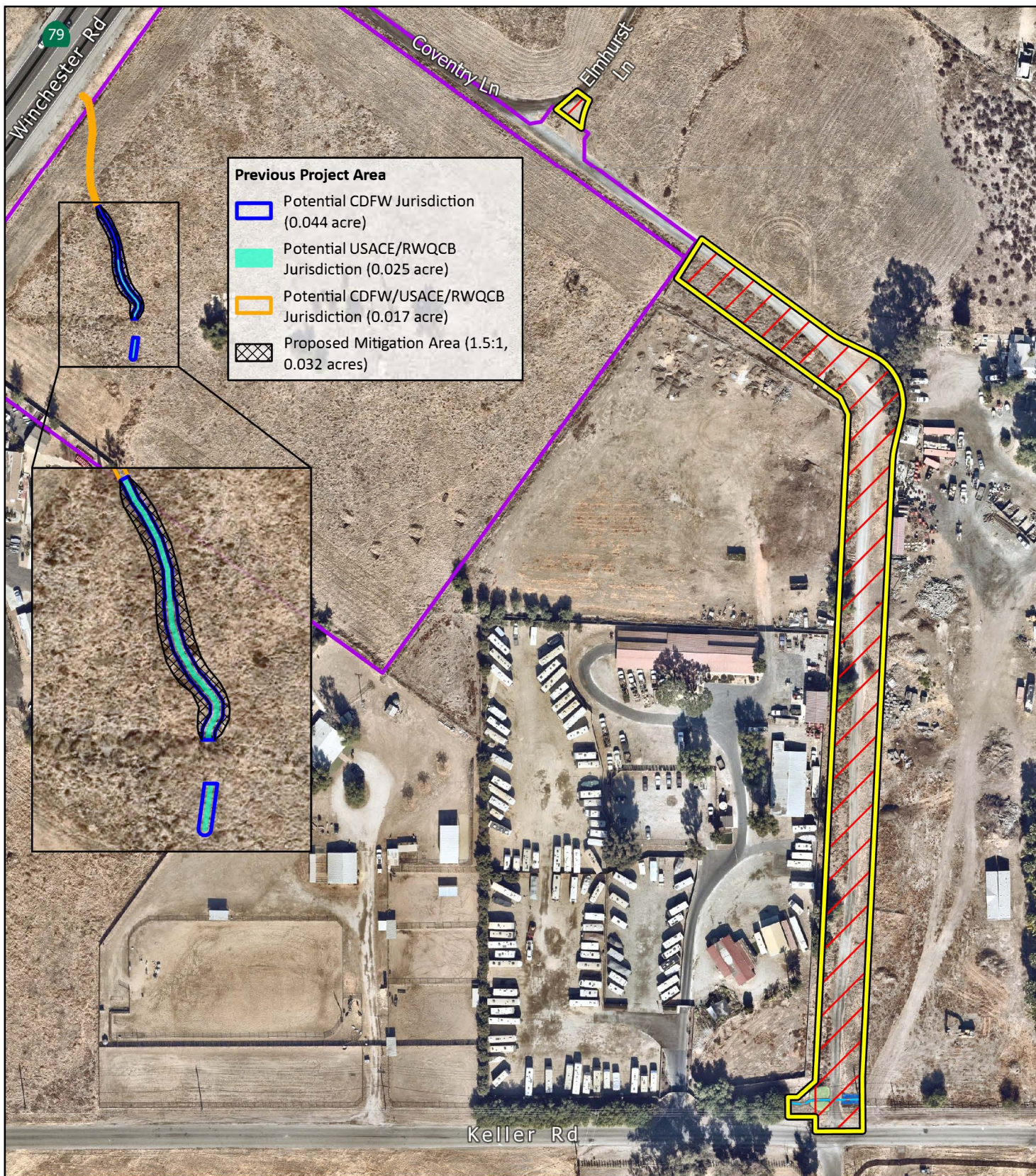


0 87.5 175
FEET

SOURCE: Nearmap (1/13/2025)

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33890 Winchester Road Project
MSHCP Riparian/Riverine



LSA



0 87.5 175
FEET

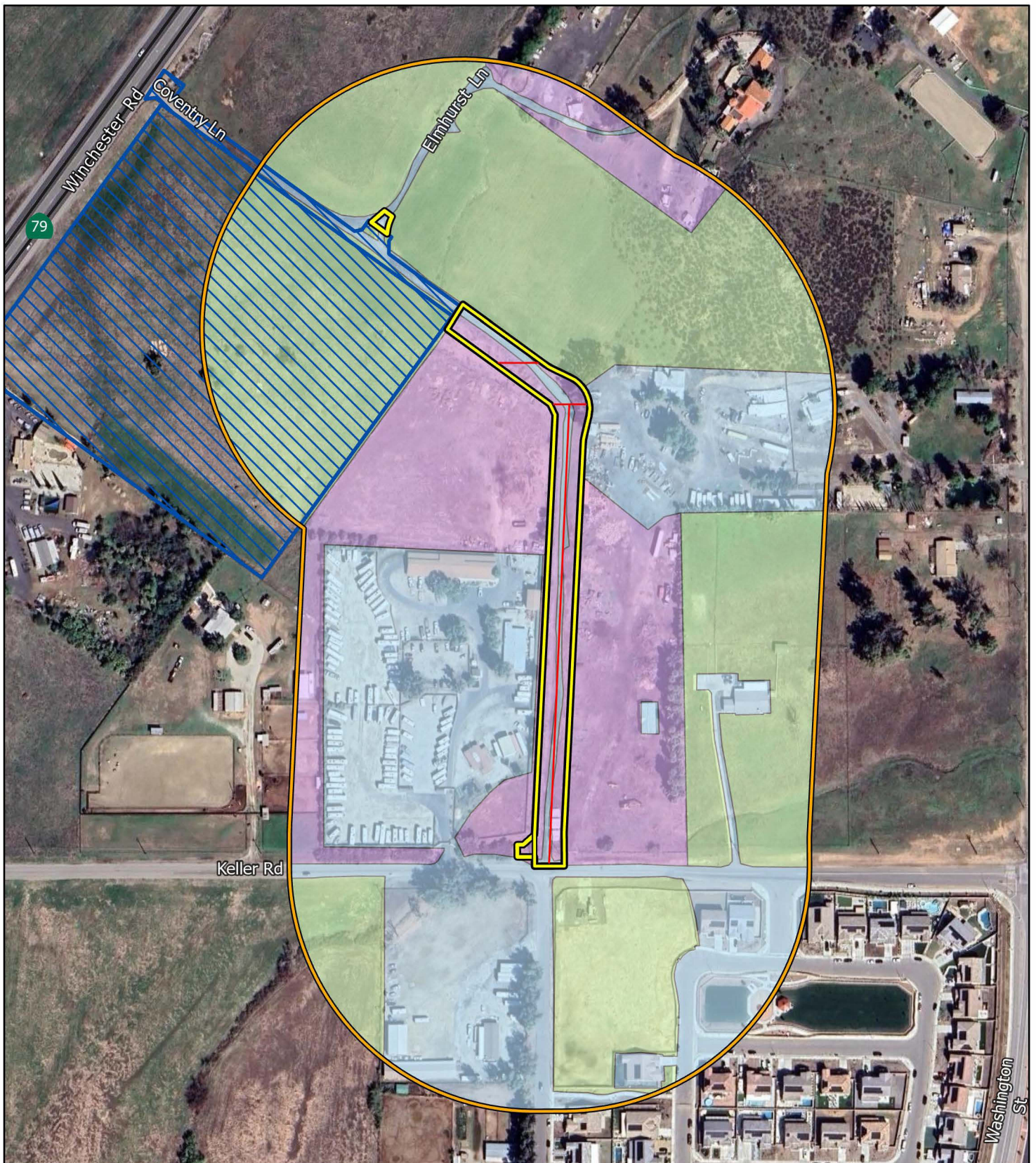
SOURCE: Nearmap (1/13/2025)

- Project Location
- Previous Project Areas Analyzed
- Permanent Impact
- Proposed Mitigation Area (1.5:1, 0.032 acres)

- Roadside Drainage (93.79 linear feet)
- CDFW Associated Riparian/MSHCP Riparian (0.015 acres)
- CDFW Bank-to-Bank/MSHCP Riverine (0.007 acres)
- RWQCB Non-wetland WOTS (0.004 acres)

FIGURE 9

33890 Winchester Road Project
Proposed Mitigation



LSA



0 137.5 275
FEET

SOURCE: Google Maps (2024)

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- Project Location
- 500-ft Buffer
- Previous Project Areas Analyzed
- Transect Lines

- Developed
- Disturbed
- Nonnative Grassland

FIGURE 10

Supplemental 33890 Winchester Road
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

CONIFERS

Pinaceae

Pine sp.

Pine Family

Pines

EUDICOTS

Amaranthaceae

*Amaranthus albus**

Amaranth Family

Tumble pigweed

Anacardiaceae

*Schinus molle**

*Schinus terebinthifolius**

Sumac Family

Peruvian pepper

Brazilian pepper

Apiaceae

*Foeniculum vulgare**

Carrot Family

Common fennel

Asteraceae

Baccharis salicifolia

*Centaurea melitensis**

Cirsium sp.

*Dittrichia graveolens**

*Erigeron bonariensis**

Erigeron canadensis

Helianthus annuus

*Lactuca serriola**

*Sonchus asper**

Sunflower Family

Mulefat

Maltese star-thistle

Thistle

Stinkwort

Flax-leaved horseweed

Canadian horseweed

Common sunflower

Prickly lettuce

Prickly sow thistle

Boraginaceae

Heliotropium curassavicum

Borage Family

Salt heliotrope

Brassicaceae

*Brassica nigra**

*Sisymbrium irio**

Mustard Family

Black mustard

London rocket

Chenopodiaceae

*Salsola tragus**

Saltbush Family

Russian thistle

Euphorbiaceae

Croton setiger

Spurge Family

Dove weed

Fabaceae

Astragalus sp.

Pea Family

Milk vetch

Meliaceae

*Melia azedarach**

Myrtaceae

Eucalyptus sp.*

Solanaceae

*Nicotiana glauca**

Tamaricaceae

*Tamarix ramosissima**

MONOCOTS

Arecaceae

*Washingtonia robusta**

Poaceae

*Bromus diandrus**

*Bromus madritensis**

*Festuca perennis**

Hordeum murinum ssp. *leporinum**

BIRDS

Accipitridae

Buteo jamaicensis

Columbidae

*Columba livia**

Zenaida macroura

Corvidae

Corvus brachyrhynchos

Corvus corax

Fringillidae

Haemorhous mexicanus

Mimidae

Toxostoma redivivum

Mimus polyglottos

Parulidae

Setophaga coronata

Passerellidae

Melospiza lincolni

Melospiza melodia

Zonotrichia leucophrys

Sturnidae

*Sturnus vulgaris**

Mahogany Family

China berry

Myrtle Family

Eucalyptus

Nightshade family

Tree tobacco

Tamarisk family

Tamarisk

Palm Family

Mexican fan palm

Grass Family

Ripgut brome

Compact brome

Ryegrass

Hare barley

Hawks, Kites, Eagles, and Allies

Red-tailed hawk

Pigeons and Doves

Rock pigeon

Mourning dove

Crows and Jays

American crow

Common raven

Finches

House finch

Mockingbirds and Thrashers

California Thrasher

Northern mockingbird

Wood Warblers

Yellow-rumped warbler

New World Sparrows

Lincoln's sparrow

Song sparrow

White-crowned sparrow

Starlings

European starling

Trochilidae

Calypte anna

Troglodytidae

Thryomanes bewickii

Tyrannidae

Sayornis nigricans

Tyrannus vociferans

Hummingbirds

Anna's hummingbird

Wrens

Bewick's wren

Tyrant Flycatchers

black phoebe

Cassin's kingbird

APPENDIX C

JURISDICTIONAL DELINEATION REPORT

DRAFT

JURISDICTIONAL DELINEATION REPORT

**SUPPLEMENTAL 33890 WINCHESTER ROAD PROJECT
WINCHESTER, RIVERSIDE COUNTY, CALIFORNIA**



April 2025

JURISDICTIONAL DELINEATION REPORT

SUPPLEMENTAL 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:

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LSA Project No. 20242143



April 2025

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APPENDICES

A: FIGURES

LIST OF ABBREVIATIONS AND ACRONYMS

°F	degrees Fahrenheit
1987 Manual	<i>1987 Wetland Delineation Manual</i>
APN	Assessor's Parcel Number
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
FAC	Facultative
FACW	Facultative Wetland
JDSA	Jurisdictional Delineation Study Area
LSA	LSA Associates, Inc.
NETRonline	Nationwide Environmental Title Research Online
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NWI	National Wetlands Inventory
OBL	Obligate Wetland
OHWM	ordinary high water mark
Porter-Cologne Act	Porter-Cologne Water Quality Control Act
Procedures	<i>State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State</i>
project	Supplemental 33890 Winchester Road Project

Rapanos	consolidated cases of <i>Rapanos v. United States</i> and <i>Carabell v. United States</i>
Regional Supplement	<i>Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region</i> (Version 2.0)
RWQCB	Regional Water Quality Control Board
Sackett	<i>Sackett v. Environmental Protection Agency</i>
SR-79	State Route 79
SWRCB	State Water Resources Control Board
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
WOTS	waters of the State
WOTUS	waters of the United States

INTRODUCTION

U-Stor-It retained LSA Associates (LSA) to conduct a jurisdictional waters study and delineation in support of the Supplemental 33890 Winchester Road Project (project). The project proposes the development of a new storage facility planned along with a detention basin on an approximately 11-acre parcel (Assessor's Parcel Number [APN] 472-110-038). Additionally, the portion of Coventry Lane north of the project site will require improvements and is considered an off-site work area. Both APN 472-110-038 and the off-site work area are considered the main project site.

In addition to the proposed work detailed above, the remaining portion of Coventry Lane from the main site south to Keller Road will require improvements. This section of road is approximately 1,300 feet in length, 1.79 acres in size, is within the public right-of-way, and occurs along several parcels (APNs 472-110-041, 472-110-042, 472-110-016, 472-110-039, 472-110-040, and 472-110-043). The off-site improvements from Coventry Lane south to Keller Road are the focus of this report (County Project #CUP 210126, General Plan Amendment #GPA210111, and change of zone #CZ2100121). The project area is located within Sections 21 and 28, Township 6 South, Range 2 West, within Coventry Lane and Keller Road, approximately 0.30 mile east of State Route 79 (SR-79) in Winchester, Riverside County, California, as shown on the *Winchester, California* 7.5-minute series United States Geological Survey (USGS) topographic map (Figure 1) (all figures are provided in Appendix A).

The technical study area for purposes of this jurisdictional delineation will be referred to as the Jurisdictional Delineation Study Area (JDSA) and consists of the area within the project limits. This report presents the results of a delineation of potential wetland and non-wetland waters of the United States (WOTUS) subject to jurisdiction of the United States Army Corps of Engineers (USACE) and the Regional Water Quality Control Board (RWQCB) as part of the evaluation for potential permit requirements under Section 404 of the federal Clean Water Act (CWA) and certification under Section 401 of the CWA, and streambeds and associated riparian habitat subject to the jurisdiction of the California Department of Fish and Wildlife (CDFW) for Streambed Alteration Agreement processing under Section 1600 et seq. of the California Fish and Game Code. This jurisdictional delineation is also an important source of information for the evaluation of potential impacts associated with the project for California Environmental Quality Act (CEQA) analysis.

The findings and conclusions presented in this report, include the potential jurisdiction of the USACE under Section 404 of the CWA, the RWQCB under Section 401 of the CWA and/or the Porter-Cologne Water Quality Control Act (Porter-Cologne Act), and the CDFW under Section 1602 of the California Fish and Game Code. These findings and conclusions should be considered preliminary until verified by the USACE, CDFW, and RWQCB.

SITE DESCRIPTION

The JDSA consists of undeveloped land within the public right-of-way of Coventry Lane and Keller Road and is bordered to the north by undeveloped land, to the east by industrial development, and to the west and south by undeveloped open land and industrial development. The site is more or less flat with elevations ranging from approximately 1,420 to 1,440 feet above sea level. A shallow

intermittent drainage feature crosses Coventry Lane from east to west. The JDSA is within the Warm Springs Creek Hydrologic Unit Code 180703020401, which encompasses 36,367.06 acres (California Natural Resources Agency 2025) in the project area. The climate in the area of the JDSA 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 (°F).

Vegetation and land cover on the site are primarily sparse and ruderal in nature. Developed areas consist of well-traveled gravel roads that do not allow for the establishment of vegetation. No native trees are present within the project site; however, several nonnative trees were observed within the project site, including Peruvian pepper tree (*Schinus molle*), China berry (*Melia azadarach*), and eucalyptus (*Eucalyptus* sp.). Areas surrounding the project site consist of nonnative grasslands and disturbed areas. 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 fennel (*Foeniculum vulgare*; nonnative species). No other plant communities occur within the survey area.

REGULATORY BACKGROUND

UNITED STATES ARMY CORPS OF ENGINEERS

The CWA provides the primary means for the protection of WOTUS, including wetlands. Under Section 404 of the CWA, the USACE, under the United States Environmental Protection Agency (EPA), regulates the discharge of dredged and fill material into “waters of the U.S., including wetlands”.

The CWA addresses “navigable waters” as defined in the statute as WOTUS. The USACE has further refined the definition through various Clean Water Rules, including wetlands as a subset of WOTUS. Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas (33 Code of Federal Regulations [CFR] 328.3[b] and 40 CFR 230.3[t]). Wetlands generally contain three distinct parameters: hydrophytic vegetation, hydric soils, and wetland hydrology.

WOTUS that are generally not considered to be USACE jurisdictional include non-tidal drainage and irrigation ditches excavated on dry land, artificially irrigated areas, artificial lakes or ponds excavated on dry land used for irrigation or stock watering, small artificial waterbodies such as swimming pools, and water-filled depressions (51 *Federal Register* 41217 1986). In addition, a Supreme Court ruling (*South Waste Agency of North Cook County vs. USACE*, January 9, 2001) determined that the USACE exceeded its statutory authority by asserting CWA jurisdiction over “an abandoned sand and gravel pit in northern Illinois, which provides habitat for migratory birds.” Based solely on the use of such waters by migratory birds, the Supreme Court’s holding was strictly limited to waters that are “non-navigable, isolated, and intrastate.”

The Supreme Court further addressed the extent of the USACE’s jurisdiction in the consolidated cases *Rapanos v. United States* (No. 04-1034) and *Carabell v. United States* (No. 04-1384) (USACE and EPA 2007), referred to as “Rapanos.” In Rapanos, a sharply-divided Court issued multiple opinions, none of which garnered the support of a majority of justices. This created substantial uncertainty as to which jurisdictional test should be used in routine jurisdictional determinations. The Ninth Circuit Court of Appeal, which encompasses California, answered this in *Northern California River Watch v. City of Healdsburg* (August 11, 2006). In this case, the Court held that Justice Kennedy’s opinion in Rapanos provided the controlling rule of law. Under that rule, wetlands or other waters that are not navigable are subject to USACE jurisdiction if they have “a significant nexus to waters that are navigable in fact.” As Justice Kennedy explained, whether a “significant nexus” exists in any given situation will need to be decided on a case-by-case basis, depending on site-specific circumstances. The EPA and the USACE subsequently developed an instructional guidebook on how to apply these rulings for all future jurisdictional determinations (USACE and EPA 2007) as well as a memorandum providing guidance to implement the United States Supreme Court’s decision in Rapanos (Grumbles and Woodley 2007).

On January 18, 2023, the USACE published in the *Federal Register* the final Revised Definition of Waters of the United States (88 *Federal Register* 61964 2023). On March 25, 2023, the United States Supreme Court modified the January 2023 definition of WOTUS in *Sackett v. Environmental Protection Agency* (598 U.S. 651-728 2023) hereafter referred to as Sackett. Specifically, the Supreme Court considered the “significant nexus” standard established under Rapanos to be inconsistent with the CWA while upholding the plurality standard that the USACE jurisdiction is limited to WOTUS that are “relatively permanent, standing or continuously flowing bodies of water” that can be described in ordinary parlance as “streams, oceans, rivers, and lakes.” The Supreme Court further affirmed that wetlands can be considered WOTUS when a continuous surface connection to bodies that are WOTUS is present and that no clear boundary exists between WOTUS and wetlands. Sackett further revised the CWA by removing wetlands from consideration as WOTUS simply because they cross or form a portion of state boundaries.

On September 8, 2023, the USACE published a final rule conforming the January 2023 rule with the Sackett decision, removing the “significant nexus” standard. The amended rule is operative in California.

Features currently included in the definition of WOTUS per 33 CFR 328.3(b) include:

- (1) Waters which are:
 - (i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
 - (ii) The territorial seas; or
 - (iii) Interstate waters;
- (2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;
- (3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section that are relatively permanent, standing or continuously flowing bodies of water;
- (4) Wetlands adjacent to the following waters:
 - (i) Waters identified in paragraph (a)(1) of this section, or
 - (ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3) of this section and with a continuous surface connection to those waters.
- (5) Intrastate lakes and ponds not identified in paragraphs (a)(1) through (4) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3) of this section.

Features currently excluded from identification as WOTUS include:

Interstate Wetlands

- Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act.
- Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.
- Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water.
- Artificially irrigated areas that would revert to dry land if the irrigation ceased.
- Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
- Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons.
- Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States.
- Swales and erosional features (e.g., gullies, small washes) characterized by low volume, infrequent, or short duration flow.

On July 24, 2020, the USACE and the EPA issued a joint memorandum superseding Regulatory Guidance Letter 07-02 and clarifying that the construction and maintenance of irrigation ditches is excluded from regulation under CWA Section 404.

Given the substantial changes in operable definitions that have occurred and are likely to continue considering recent regulatory revisions and court actions, it is not possible to predict the regulations that will be in place at the time of a particular jurisdictional determination by the USACE. 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 WOTUS extends laterally to the OHWM or beyond the OHWM to the limit of any contiguous 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 geographic specific regional supplement, the USACE’s *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Version 2.0) (Regional Supplement) (USACE 2008), and the USACE 1987 *Wetlands 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 non-wetland 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 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. Per the *Sackett v. Environmental Protection Agency* Supreme Court ruling, wetlands must have a continuous surface connection to another WOTUS to be considered an adjacent wetland.

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 non-wetland 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 (2022). 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%)
Facultative Wetland	FACW	Usually occur in wetlands (estimated probability 67–99%)
Facultative	FAC	Equally likely to occur in wetlands and non-wetlands (estimated probability 34–66%)
Facultative Upland	FACU	Usually occur in non-wetlands (estimated probability 67–99%)
Obligate Upland	UPL	Almost always occur in non-wetlands (estimated probability >99%)

Source: *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Version 2.0) (USACE 2008).

To be considered hydrophytic, the species must have wetland indicator status (i.e., be rated as 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. 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 duration² 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 (USDA) 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 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

¹ The hydric soils definition and criteria included in the *1987 Wetland Delineation Manual* are obsolete. Users of the *1987 Wetland Delineation 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 "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.

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.

Deepwater Aquatic Habitat

Deepwater aquatic habitats are areas that are permanently inundated at mean annual water depths greater than 6.6 feet or permanently inundated areas less than 6.6 feet in depth that do not support rooted-emergent or woody plant species.³ Deepwater aquatic waters do not qualify as wetland waters due to the lack of hydrophytic terrestrial vegetation. Deepwater aquatic waters are recognized as having a high habitat value due to their use as a fish and wildlife resource and limited distribution in the Arid West region.

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 an intermittent flow of water. CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFW.

CDFW has various definitions and descriptions of the terms “channel bed” and “banks.” The following definitions are taken from Appendix C: Legal Opinions of CDFW’s *A Field Guide to Lake and Streambed Alteration Agreements Sections 1600–1607, California Fish and Game Code* (CDFW 1994) to characterize the bed and bank:

The extent of a stream bed and banks can be measured by several means: (1) flood plain, depending on the return frequency considered and if the riparian vegetation is present in the flood plain; (2) the outer edge of riparian vegetation used as a line of demarcation; (3) the bank, channel, or levee that confines flows; and (4) the extent of riparian vegetation outside of a levee.

The following concepts are also described in *A Field Guide to Lake and Streambed Alteration Agreements*, prepared by the CDFW Environmental Services Division in January 1994:

³ Areas less than 6.6 feet mean annual depth that support only submergent aquatic plants are vegetated shallows, not wetlands.

Streams can include intermittent ephemeral streams, dry washes, canals, aqueducts, irrigation ditches if they support aquatic life, riparian vegetation, or seasonally stream-dependent terrestrial wildlife, such as amphibians.

Natural attributes or biological components of a stream include aquatic and riparian vegetation, and all aquatic animals, including fish, amphibians, reptiles, invertebrates, and terrestrial species, which derive benefits from the stream system.

CDFW regulates wetland areas only to the extent that those wetlands are a part of a river, stream, or lake as defined by CDFW. CDFW jurisdiction typically extends beyond the streambed/banks to the limits of the riparian vegetation (if present) associated with streams, rivers, or lakes.

In obtaining CDFW agreements, the limits of wetlands are not typically determined. The reason for this is that CDFW generally includes, within the jurisdictional limits of streams and lakes, any riparian habitat present. Riparian habitat includes willows (*Salix* spp.), mulefat (*Baccharis salicifolia*), 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 (§ 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 (NPDES) 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.

While 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 as well as 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 non-wetland 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 stated below:

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 the fieldwork associated with this jurisdictional delineation, the following literature and materials were reviewed:

- Historic and current aerial photographic imagery (NETRonline 2024; Google Earth 2024);
- Historic and current USGS topographic maps (USGS 2024);
- United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) wetland mapper (USFWS 2024); and
- Natural Resources Conservation Service Web Soil Survey (USDA 2024b).

LSA Biologist Jeremy Rosenthal conducted the fieldwork for this assessment on December 16, 2024. The JDSA was visually surveyed on foot. All features within the JDSA were evaluated according to the most current federal and/or State regulatory criteria and guidance and were 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 final 2023 rule until further notice. In addition, the general conditions and characteristics associated with each drainage feature were noted and photographed.

Areas of potential jurisdiction observed within the JDSA during the fieldwork were mapped on a recent, high-resolution aerial photograph (on a scale of 1 inch = approximately 200 feet) and/or on ESRI's Field Maps mobile application showing the JDSA. The widths of the features mapped during the course of the field investigation were determined by direct measurements taken in the field.

RESULTS

NATIONAL WETLANDS INVENTORY

The NWI query did not identify any wetlands, lakes, or riverine features within the JDSA.

USDA SOIL SURVEY

Soils within the JDSA were mapped using the NRCS Web Soil Survey classifications (USDA 2024b).⁴ No soils within the JDSA are mapped as hydric. See Table B, below.

Table B: Mapped Soils Classifications

Soil (Map Unit Symbol)	Drainage Class	Frequency of Flooding	Frequency of Ponding	Hydric Soil Rating
Escondido fine sandy loam, 8 to 15% slopes, eroded	Well drained	None	None	No
Monserate sandy loam, 0 to 5% slopes	Well drained	None	None	No
Grangeville fine sandy loam, drained, 0 to 2 percent slopes	Moderately well drained	Rare	None	No
Garretson very fine sandy loam, 2 to 8 percent slopes	Well drained	None	None	No

Source: USDA NRCS Web Soil Survey Version 3.4.0. (2024b).

NRCS = Natural Resources Conservation Service

USDA = United States Department of Agriculture

DELINEATED FEATURES

A brief description of each delineated feature is provided below. Figure 2 shows the location of the drainage features, and Figure 3 provides site photographs of the drainage features.

One potential unnamed, jurisdictional feature was identified within the JDSA during the December 16, 2024, survey. The regulatory basis for the determination of jurisdictional status of this feature is described below under the applicable regulatory agency.

- **Unnamed Drainage Feature:** This drainage feature occurs on the southern end of the JDSA. It is an unnamed, intermittent, earthen drainage that flows generally in an east-to-west direction. This drainage originates off site from a 3-foot-diameter metal culvert that drains stormwater runoff from adjacent undeveloped areas to the east of the JDSA. A 3-foot wide OHWM was identified and consisted of scour and sediment deposits. The feature consisted of a clearly defined bed and bank, with an 11-foot wide bank-to-bank width. The drainage was mostly unvegetated with sparse weedy annual species. A small patch (0.015 acre) of riparian vegetation (mulefat and tamarisk [*Tamarix ramosissima*]) occurs at the western side of the culvert outlet. No standing water or saturation was present at the time of the field survey. This drainage feature drains to the west off site, and beyond Keller Road, the drainage connectivity merges

⁴ United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS). 2024b. Web Soil Survey Version 3.4.0.

with an unnamed stream that is tributary to Murrieta Creek, which is tributary to Santa Margarita River, which in turn is tributary to the Pacific Ocean.

CONCLUSIONS

Under current regulations, the drainage would likely not be regulated by the USACE, but would be subject to review and likely be regulated by the RWQCB and CDFW. Details and rationale are provided in Table C, and discussed by agency, below.

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The unnamed intermittent drainage feature is tributary to an unnamed stream that is tributary to Murrieta Creek. Murrieta Creek is tributary to the Santa Margarita River, which in turn is tributary to the Pacific Ocean, a traditional navigable water.

The unnamed intermittent drainage feature is a nonwetland drainage feature that collects localized stormwater runoff. This drainage feature shows evidence of an OHWM and comprises 0.004 acre of potential nonwetland WOTUS within the JDSA (Table C). The USACE generally does not assert jurisdiction over drainage features that do not carry a relatively permanent flow of water. This drainage feature is not expected to be regulated by the USACE as a WOTUS. However, the USACE reserves the right to regulate these types of waters on a case-by-case basis.

Table C: Delineation Results

Feature	USACE	RWQCB Non-Wetland WOTS (acres)	CDFW Streambed (acres)	CDFW Riparian (acres)	Linear Feet	Cowardin Type	Location (decimal degrees)
Unnamed Drainage Feature	nonjurisdictional	0.004	0.007	0.015	93.79	None	33.627339° / - 117.086949°
Total	-	0.004	0.007	0.015	93.79		

Source: Compiled by LSA (2025).

CDFW = California Department of Fish and Wildlife

RWQCB = Regional Water Quality Control Board

WOTS = waters of the State

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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.

The unnamed intermittent drainage feature contains 0.007 acre of streambed (bank to bank) and 0.015 acre of riparian habitat (see Table C) that would be subject to the regulatory authority of CDFW under Section 1600 et seq. of the California Fish and Game Code.

REGIONAL WATER QUALITY CONTROL BOARD

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

The unnamed intermittent drainage feature is considered WOTS under the Porter-Cologne Water Quality Control Act, as this feature conveys intermittent surface flows. While there are specific procedures for delineating State wetlands (SWRCB 2019), there is currently no formal statewide guidance on determining RWQCB non-wetland WOTS. Each RWQCB has the discretion to determine the occurrence and extent of jurisdictional non-wetland WOTS. In this particular case, RWQCB potential jurisdiction (i.e., WOTS) would coincide with those waters that meet the USACE's current definition of WOTUS as well as any areas that satisfy the SWRCB's definition and delineation procedures regarding State wetlands. This drainage feature comprises 0.004 acre of nonwetland WOTS within the JDSA (see Table C).

Disclaimer

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

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APPENDIX A

FIGURES

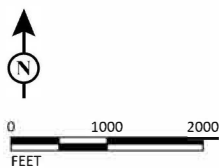
- Figure 1: Regional and Project Location
- Figure 2: Jurisdictional Delineation Results
- Figure 3: Representative Site Photos



LSA

 Project Location

FIGURE 1



SOURCE: USGS 7.5' Quad - Winchester (1979), CA

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Supplemental 33890 Winchester Road
Regional and Project Location



LSA

Project Location

Photo Points

Roadside Drainage (93.79 linear feet)

CDFW Associated Riparian (0.015 acres)

CDFW Bank-to-Bank (0.007 acres)

RWQCB Non-wetland WOTS (0.004 acres)

FIGURE 2



0 87.5 175
FEET

SOURCE: Nearmap (1/13/2025)

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Supplemental 33890 Winchester Road Project
Jurisdictional Delineation Results



Photo 1: View facing north towards Coventry Lane from Keller Road.



Photo 2: View facing east from Coventry Lane.

LSA

FIGURE 3
Page 1 of 2

*Supplemental 33890 Winchester Road Project
Representative Site Photos*



Photo 3: View facing east at California Department of Fish and Wildlife riparian habitat.



Photo 4: View facing northeast from Keller Road.

APPENDIX D

BURROWING OWL SURVEY REPORT



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

April 24, 2025

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

Subject: Results of a Burrowing Owl Burrow Survey and Habitat Assessment for the Supplemental 33890 Winchester Road Project in Winchester, Riverside County, California (LSA Project No. 20242143)

Dear Mr. Nora:

This report documents the results of a burrowing owl (*Athene cunicularia*) burrow survey and habitat assessment for the Supplemental 33890 Winchester Road Project (project). The approximately 2-acre project site (County Project #CUP 210126, General Plan Amendment #GPA210111, and change of zone #CZ2100121) is within Assessor's Parcel Numbers 472-110-041, 472-110-042, 472-110-016, 472-110-039, 472-110-040, and 472-110-043 along Coventry Lane south to Keller Road in Winchester, Riverside County, California (Figure 1; all figures attached).

No burrowing owl, suitable burrows for burrowing owls or their sign were detected during the December 16, 2024 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 survey area included approximately 2 acres of potentially suitable burrowing owl habitat (Figure 2). Portions of the project site lie within the MSHCP burrowing owl survey area.

The project site is a mix of developed and undeveloped land. The developed portion of the site consists of Coventry Lane, a public gravel road. The undeveloped portion of the site is highly disturbed due to discing adjacent to Coventry Lane. The site is bordered by Bill and Dave's Landscaping to the east, single-family residences to the west, undeveloped lands to the southwest and northeast at the northmost end of Coventry Lane and is bordered by Keller Road to the south. The topography is relatively flat, with elevation ranging from 1,425 to 1,435 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 barren and development. No native trees are present within the project site; however, several nonnative trees were observed within the project site, including Peruvian pepper tree (*Schinus molle*), China berry (*Melia azadarach*), and eucalyptus (*Eucalyptus* sp.). Areas surrounding the project site consist of nonnative grasslands and disturbed areas. Dominant species within nonnative grassland include riggut brome (*Bromus diandrus*; nonnative species), red brome (*Bromus rubens*; nonnative species), hare barley (*Hordeum murinum* ssp. *leporinum*; nonnative species), and common fennel (*Foeniculum vulgare*; nonnative species). No other plant communities occur within the survey area. Areas mapped as "developed" in Figure 2 consist of well-traveled gravel roads that do not allow for the establishment of vegetation. Figure 3 shows recent photographs.

METHODS

The burrow survey and a habitat assessment was conducted by LSA biologist Jeremy Rosenthal according to the *County of Riverside Guidelines for Burrowing Owl Surveys* (revised March 29, 2006). on December 16, 2024. The survey was conducted by walking 30-meter (98.4-foot) transects throughout areas of potentially suitable habitat to look for burrowing owls, potential burrows (burrows greater than 11 centimeters [cm] [4.3 inches] in diameter and 150 cm [5 feet] deep), and burrowing owl sign. Privately owned parcels outside of the project site and off-site work areas were surveyed using binoculars from public rights-of-way and advantageous viewpoints.

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

Table A: Survey Date, Time, and Weather Conditions

Survey	Personnel	Date (2024)	Time (24-Hour) (start/finish)	Temp. (°F) (start/finish)	Wind (mph)	Sky
Burrow Survey, Burrowing Owl Survey 1	Jeremy Rosenthal	December 16	1100/1230	65/69	0–5	clear

Source: Compiled by LSA (2024).

°F = degrees Fahrenheit

mph = miles per hour

RESULTS

No burrowing owls or burrowing owl sign were found to be present within the survey area. No burrows suitable for burrowing owl occupation were observed within the survey area. The site provides marginally suitable habitat for burrowing owl in the undeveloped portions, particularly in the northern portion of the project site before Coventry Lane turns toward the south. Although portions of the remaining undeveloped portions of the project site contain suitable cover for burrowing owl, the presence of numerous perching locations such as fence lines, trees, and distribution poles, which provide perching locations for predatory raptor species, make the area unsuitable. In addition, all undeveloped portions of the project site are subject to regular anthropogenic disturbance such as discing and vegetation clearing. The developed portion of the project site is unsuitable for burrowing owl, as it consists of Coventry Lane, a well-traveled gravel road.

Marginally suitable habitat for burrowing owl within the 500-foot buffer adjacent to the project site to the southwest and northeast of the northernmost end of Coventry Lane where the area is undeveloped and consists of nonnative grassland containing low-growing plant species. However, based on historic aerial imagery, vegetation within those areas appears to be regularly disced/mowed since at least 2002. Similar undeveloped areas that provide marginal suitable habitat and are subject to similar disturbances are southeast of the Coventry Lane and Keller Road intersection. Developed areas within the 500-foot buffer lack suitable habitat for burrowing owl, as they consist of active residential and commercial uses, dilapidated structures, and concrete pads maintained in their current locations and conditions since at least 2002 and are subject to regular anthropogenic disturbances. No burrowing owls, their sign, or suitable burrows were observed within the 500-foot buffer.

Wildlife species detected during the survey include red-tailed hawk (*Buteo jamaicensis*), rock pigeon (*Columba livia*), mourning dove (*Zenaidura macroura*), Anna's hummingbird (*Calypte anna*), European starling (*Sturnus vulgaris*; nonnative species), black phoebe (*Sayornis nigricans*), Cassin's kingbird (*Tyrannus vociferans*), American crow (*Corvus brachyrhynchos*), common raven (*Corvus corax*), Bewick's wren (*Thryomanes bewickii*), northern mockingbird (*Mimus polyglottos*), house finch (*Haemorhous mexicanus*), song sparrow (*Melospiza melodia*), white-crowned sparrow (*Zonotrichia leucophrys*), yellow-rumped warbler (*Setophaga coronata*), Lincoln's sparrow (*Melospiza lincolni*), and California thrasher (*Toxostoma redivivum*).

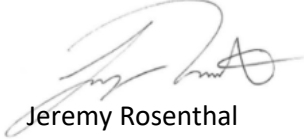
DISCUSSION

No burrowing owl, suitable burrows for burrowing owls or their sign were detected during the burrow survey and habitat assessment. Due to the absence of suitable burrows for the species, additional focused surveys for the species during the breeding season are not required, consistent with the MSHCP protocol. The project site contains marginally suitable habitat for burrowing owl in its northern reaches. In addition, since portions of habitat surrounding the project site are suitable for burrowing owl and burrowing owl could occupy these areas prior to construction, a pre-construction burrowing owl survey will be required within 30 days prior to ground disturbance, consistent with the MSHCP protocol.

If you have any questions concerning the report, please contact me at 949-535-1591 or jeremy.rosenthal@lsa.net

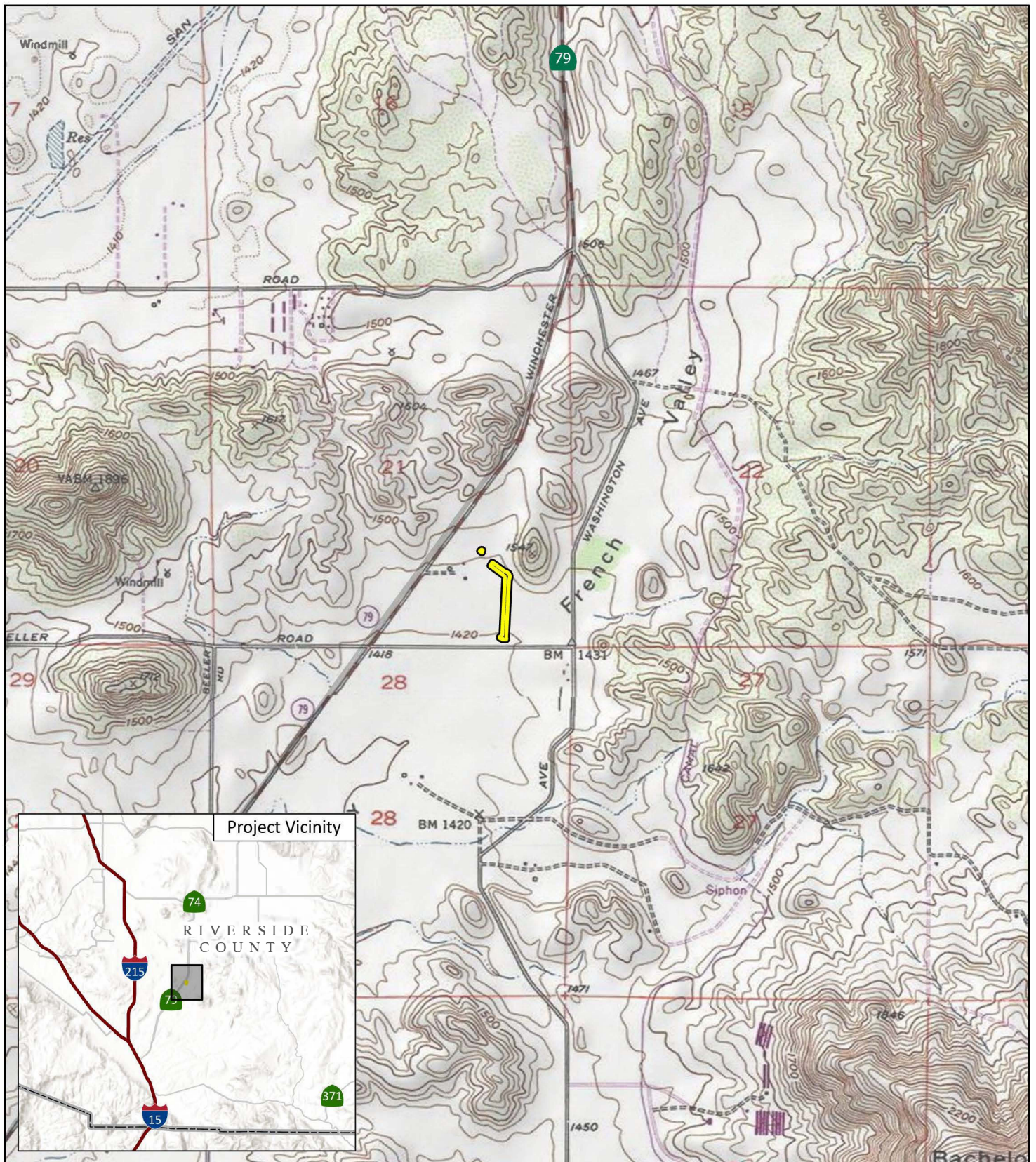
Sincerely,

LSA Associates, Inc.



Jeremy Rosenthal
Senior Biologist

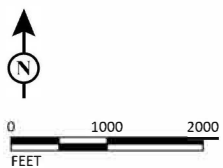
Attachments: Figure 1: Regional and Project Location
Figure 2: Survey Results and Vegetation Map
Figure 3: Representative Site Photos



 Project Location

FIGURE 1

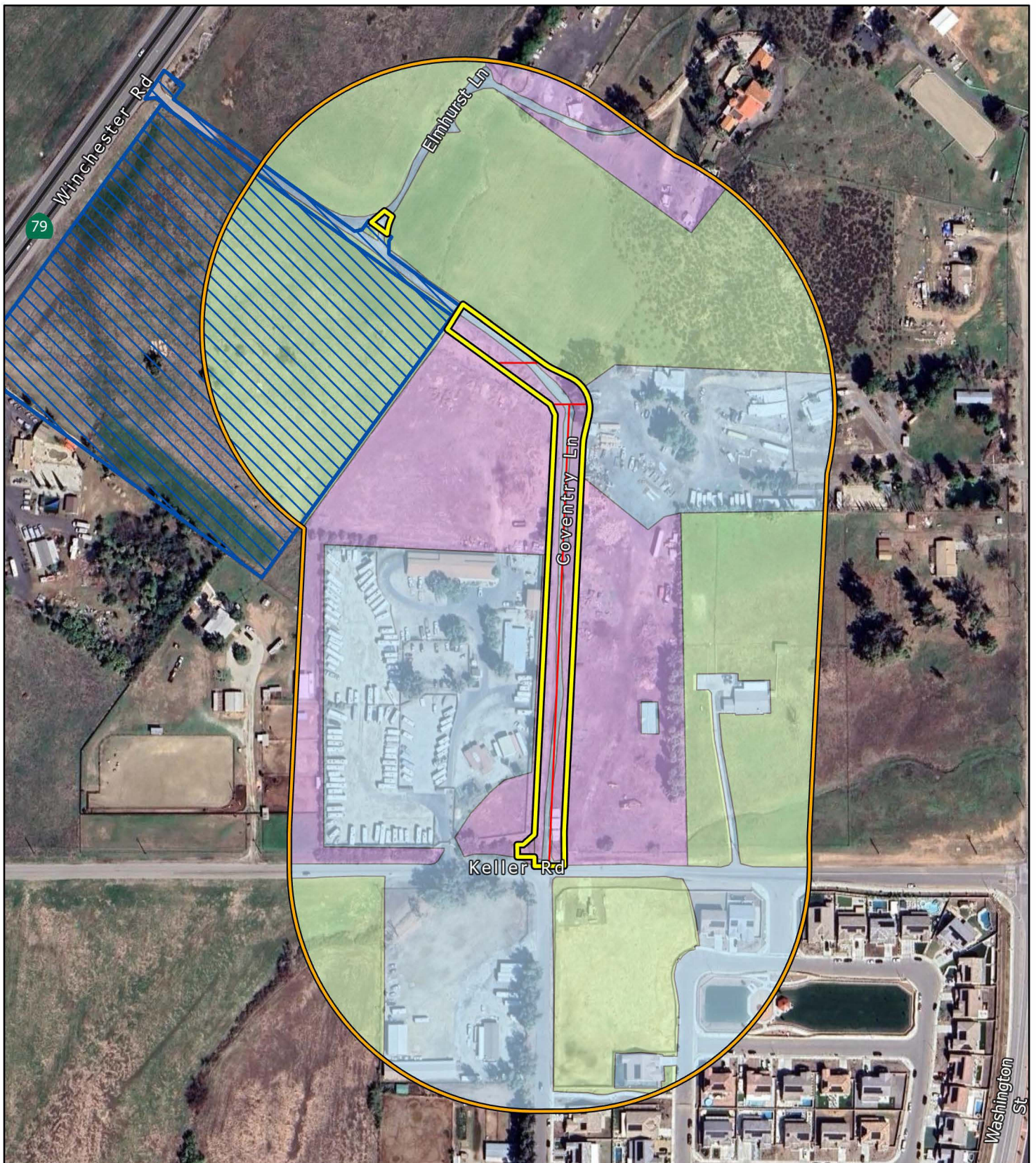
LSA



SOURCE: USGS 7.5' Quad - Winchester (1979), CA

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Supplemental 33890 Winchester Road
Regional and Project Location



LSA



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FEET

SOURCE: Google Maps (2024)

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- Project Location
- 500-ft Buffer
- Previous Project Areas Analyzed
- Transect Lines

- Vegetation
- Developed
 - Disturbed
 - Nonnative Grassland

FIGURE 2

Supplemental 33890 Winchester Road
Survey Results and Vegetation Map



Photo 1: View of project site facing northeast from Coventry Lane. December 16, 2024.



Photo 2: View of project site facing east along Coventry Lane. December 16, 2024.

LSA

FIGURE 3
Page 1 of 2

*Supplemental 33890 Winchester Road
Representative Site Photos*



Photo 3: View of project site facing north along Coventry Lane. December 16, 2024.



Photo 4: View of project site facing north from the intersection of Coventry Lane and Keller Road. December 16, 2024.