

**Habitat Assessment (Burrowing Owl) and
MSHCP Consistency Analysis**

APN 434-180-003, -005, and 433-070-039

A 65.2-acre Property, Total Area Surveyed: 65.2 acres

**City of San Jacinto, Riverside County, California
San Jacinto USGS Topographic Quadrangle
Section 26, T4S, R1W**

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Surveys Conducted On: January 4 and November 13, 2006

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SECTION 1: SUMMARY

This report contains the results of a habitat assessment and Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis conducted by Michael Brandman Associates (MBA) on an approximately 65.2-acre property located in the City of San Jacinto, Riverside County, California. The Project Site does not overlap with Criteria Cells of the Western Riverside County MSHCP. The property falls within the MSHCP survey area for burrowing owl (*Athene cunicularia*) (BUOW). The assessment determined that the Project Site contains suitable habitat for the BUOW, and a focused survey is recommended. Although Riverside County's Conservation Summary Report Generator didn't identify the need to assess the habitat for Narrow Endemic Plant Species, the City of San Jacinto specifically requested that it be addressed in this report. The project site does not provide typically suitable Narrow Endemic Plant Species habitat due to the lack of vernal pools and the disturbed nature of the site from agricultural activities. The Project Site contains suitable avian nesting habitat. There are no jurisdictional drainage features or riparian/riverine habitat on the Project Site. No vernal pools or vernal pool habitat occur on the Project Site. The Project Site does not support fairy shrimp habitat.

SECTION 2: INTRODUCTION

At the request of the Kasbergen Hafliger Property, MBA conducted a habitat assessment and MSHCP Consistency Analysis consistent with the Western Riverside County MSHCP, including an assessment for BUOW, within a 65.2-acre property located in the City of San Jacinto, Riverside County, California. This property is hereinafter referred to as Project Site or Site.

2.1 - PROJECT LOCATION

The Project Site is located east of and abutting Alessandro Avenue, south of and abutting the Ramona Expressway, and north of Burt Avenue in the City of San Jacinto, Riverside County, California (Exhibits 1 and 2). It consists of Assessor's Parcel Numbers 434-180-005 and 433-070-039 and is within unsectioned land of Township 4 South and Range 1 West of the San Jacinto U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle (Exhibit 3).

2.2 - PROJECT DESCRIPTION

Kasbergen Hafliger Property is proposing to develop a subdivision on this 65.2-acre property, consisting of residential homes, roads, utilities, and stormwater drainage. A site map will be provided when available.

Exhibit 1: Regional Vicinity Map

Exhibit 2: Local Vicinity Map

Exhibit 3: USGS Quadrangle Map

**Exhibit 4: Site Plan
(not currently available)**

SECTION 3: REGULATORY BACKGROUND

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

3.1 - FEDERAL ENDANGERED SPECIES ACT

The U.S. Fish and Wildlife Service (USFWS) administers the federal Endangered Species Act (FESA) that provides a process for listing species as either threatened or endangered, and methods of protecting listed species. The FESA defines as “endangered” any plant or animal species that is in danger of extinction throughout all or a significant portion of its range. A “threatened” species is a species that is likely to become endangered in the foreseeable future. A “proposed” species is one that has been officially proposed by USFWS for addition to the federal threatened and endangered species list.

Section 9 of the FESA prohibits “take” of threatened or endangered species. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. The presence of any federally threatened or endangered species that are in a project area generally imposes severe constraints on development, particularly if development would result in “take” of the species or its habitat. Under the regulations of the FESA, the USFWS may authorize “take” when it is incidental to, but not the purpose of, an otherwise lawful act.

3.2 - CALIFORNIA ENDANGERED SPECIES ACT

The California Department of Fish and Game (CDFG) administers the California Endangered Species Act (CESA). The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

3.3 - SECTION 3503 AND 3511 OF CALIFORNIA FISH AND GAME CODE

The CDFG administers the California Fish and Game Code. There are particular sections of the Code that are applicable to natural resource management. For example, section 3503 of the Code states it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Section 3511 of the Code lists fully-protected birds species, where the CDFG is unable to authorize the issuance of permits or licenses to take these species. Pertinent species that are state fully protected include golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*).

3.4 - MIGRATORY BIRD TREATY ACT

The Migratory Bird Treaty Act (MBTA) makes it unlawful to pursue, capture, kill, or possess or attempt to do the same to any migratory bird or part, nest, or egg of any such bird listed in wildlife protection treaties between the United States, Great Britain, Mexico, Japan, and the countries of the former Soviet Union.

3.5 - SECTION 404 OF THE FEDERAL CLEAN WATER ACT

Section 404 of the federal Clean Water Act, which is administered by the U.S. Army Corps of Engineers (USACE), regulates the discharge of dredge and fill material into waters of the United States (U.S.). USACE has established a series of nationwide permits that authorize certain activities in waters of the U.S., provided that a proposed activity can demonstrate compliance with standard conditions. Normally, USACE requires an individual permit for an activity that will affect an area equal to or in excess of 0.5 acre of waters of the U.S. Projects that result in impacts to less than 0.5 acre can normally be conducted pursuant to one of the nationwide permits, if consistent with the standard permit conditions. Use of any nationwide permit is contingent on the activities having no impacts to endangered species.

3.6 - SECTION 1600 OF THE CALIFORNIA FISH AND GAME CODE

All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake in California are subject to the regulatory authority of the CDFG pursuant to Sections 1600 through 1603 of the Code, requiring preparation of a Streambed Alteration Agreement. Under the Code, a stream is defined as a body of water that flows at least periodically, or intermittently, through a bed or channel having banks and supporting fish or other aquatic life. Included are watercourses with surface or subsurface flows that support or have supported riparian vegetation. CDFG also has jurisdiction within altered or artificial waterways based on the value of those waterways to fish and wildlife, and also has jurisdiction over dry washes that carry water ephemerally during storm events.

3.7 - SECTION 401 OF THE CLEAN WATER ACT

Section 401 of the Clean Water Act requires that “any applicant for a federal permit for activities that involve a discharge to waters of the State, shall provide the federal permitting agency a certification from the State in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the federal Clean Water Act.” Therefore, before the USACE will issue a Section 404 permit, applicants must apply for and receive a Section 401 water quality certification from the Regional Water Quality Control Board (RWQCB).

3.8 - PORTER COLOGNE ACT

The RWQCB regulates actions that would involve “discharging waste, or proposing to discharge waste, with any region that could affect the water of the state” (water code 13260(a)), pursuant to provisions of the State Porter-Cologne Water Quality Act. “Waters of the State” are defined as “any surface water or groundwater, including saline waters, within the boundaries of the state” (water code 13050 (e)).

3.9 - WESTERN RIVERSIDE COUNTY MSHCP

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

The approval of the MSHCP and execution of the Implementing Agreement (IA) by the wildlife agencies allows signatories of the IA to issue “take” authorizations for all species covered by the MSHCP, including state- and federal-listed species as well as other identified sensitive species and/or their habitats. Each city or local jurisdiction will impose a Development Mitigation Fee for projects within their jurisdiction. With payment of the mitigation fee to the County and compliance with the survey requirements of the MSHCP where required, full mitigation in compliance with the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), CESA, and FESA will be granted. The Development Mitigation Fee varies according to project size and project description. The fee for residential development ranges from approximately \$800 per unit to \$1,600 per unit depending on development density (County Ordinance 810.2). Payment of the mitigation fee and compliance with the requirements of Section 6.0 of the MSHCP are intended to provide full mitigation under CEQA, NEPA, CESA, and FESA for impacts to the species and habitats covered by the MSHCP pursuant to agreements with the USFWS, the CDFG, and/or any other appropriate participating regulatory agencies and as set forth in the IA for the MSHCP.

SECTION 4: METHODS

4.1 - WESTERN RIVERSIDE COUNTY MSHCP CONSISTENCY ANALYSIS

The Project Site was reviewed to determine consistency with the MSHCP. Geographic Information System (GIS) software was utilized to map the Project Site in relation to MSHCP areas including: Criteria Cells (core habitat and wildlife movement corridors); Narrow Endemic Plants and Criteria Area Species Survey Areas for plant, bird, mammal, and amphibian species; and survey requirements for inadequately covered species. The Riverside County Integrated Project (RCIP) Conservation Summary Report Generator was queried to determine habitat assessment and potential survey requirements for the Project Site (Appendix A).

The MSHCP also requires that an assessment be completed of the potentially significant effects of the project on riparian/riverine areas and vernal pools. According to the MSHCP, the documentation for the assessment shall include mapping and a description of the functions and values of the mapped areas with respect to the species listed in Section 6.1.2, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools.

4.2 - LITERATURE REVIEW

Prior to the field visit, a literature review was conducted of the environmental setting of the Project Site. Literature reviewed includes the United States Department of Agriculture (USDA 1971) Soil Survey for the Project Site, the California Natural Diversity Database (CNDDB 2006), and literature detailing the habitat requirements of the BUOW.

4.3 - PLANT COMMUNITIES

Plant communities were mapped using 7.5-minute USGS topographic base maps and aerial photography. The plant communities within the Project Site were classified according to CDFG's List of Terrestrial Natural Communities (2003) and cross-referenced to descriptions provided in Holland's *Preliminary Descriptions of the Terrestrial Natural Communities of California* (1986 and 1992 update). The CDFG does not currently have a narrative description of the vegetation communities; therefore, the descriptions provided are according to Holland.

4.4 - JURISDICTIONAL AREAS

Aerial photography was reviewed prior to conducting general surveys. The photographs were used to locate and inspect any potential natural drainage features and water bodies that may be considered

under the jurisdiction of either USACE and/or CDFG. In general, surface drainage features indicated as blue-line streams on USGS maps that are observed or expected to exhibit evidence of flow are considered potentially subject to state and federal regulatory authority as “waters.” The property was evaluated for any jurisdictional drainage features during the habitat assessment.

4.5 - FIELD INVESTIGATION

MBA biologist Mikael Romich assessed the Project Site on January 4 and November 13, 2006. Weather conditions during the survey included sunny skies with temperatures in the mid 60° F (degrees Fahrenheit) and mid 70° F. The entire Project Site was surveyed to assess the presence of suitable habitat for BUOW. Parameters assessed included soil conditions, presence of indicator species, slope, aspect and hydrology.

4.5.1 - Plants

Common plant species observed during the field survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Unusual and less familiar plants were identified in the laboratory using taxonomical guides. A list of all species observed on the Project Site was compiled from the survey data (Appendix B). Taxonomic nomenclature used in this study follows the California Native Plant Society (CNPS 2005). In this report, scientific names are provided immediately following common names of plant species (first reference only).

4.5.2 - Wildlife

Wildlife species detected during field surveys by sight, calls, tracks, scat, or other sign were recorded during surveys in a field notebook. Field guides were used to assist with identification of species during surveys and included Stebbins (1996) for amphibians and reptiles, Altig et al. (undated) for tadpoles, the Sibley Field Guide to Birds of Western North America (2003) for birds, and Burt and Grossenheider (1980) for mammals. Although common names of wildlife species are fairly well standardized, scientific names are used in this report and are provided in Appendix B for reference.

SECTION 5: EXISTING CONDITIONS

5.1 - ENVIRONMENTAL SETTING

The Project Site has a relatively flat topography with an elevation ranging between 1,542 to 1562 feet above mean sea level. The San Jacinto USGS topographic quadrangle shows no blue-line stream on the Project Site. There are two residences that occur on the project site, as well as a abandoned dairy farm and an active cattle farm.

The north and eastern portions of the Project Area appear to be under agriculture (watermelon) but were recently disked and are dominated by bare ground during the habitat assessment. The southwestern portion of the Project Area has not been recently plowed and supported ruderal vegetation. Areas within the cattle farm are also classified as ruderal.

5.2 - SOILS

Exhibit 5 presents the soils that are located inside the Project Site. The soils on the Project Site are dominated by the Dello Series (DrA and DnB) and the Grangeville Series (GoB and GwA). Dello soils are somewhat poorly drained to poorly drained, typical to alluvial fans and flood plains, and have developed in alluvium consisting mainly of granitic material. Grangeville soils are moderately well-drained to poorly drained, typical to alluvial fans and flood plains, and have developed in alluvium consisting mainly of granitic material. These are not listed as sensitive soils by the MSHCP.

5.3 - PLANT COMMUNITIES

The Project Site contains four main plant community types: ruderal, agriculture, developed, ornamental, and stock pond. (Exhibit 6)

5.3.1 - Ruderal

The ruderal plant community on the Project Site is dominated by weedy vegetation that is typically associated with a past disturbance. The disturbances creating ruderal areas are typically a result of anthropogenic impacts and, in this situation, would be attributed to dairy farm and cattle activities. The ruderal plant community is dominated by black mustard (*Brassica nigra*), annual burrweed (*Ambrosia acanthicarpa*), and Russian thistle (*Salsola tragus*) in the abandoned dairy farm. Bare ground was dominant in the active cattle farm.

5.3.2 - Agriculture (Disked)

A large portion of the Project Site appears to be in active agriculture. Although the has been recently disked, there were remnant watermelon plants observed. Currently, this portion of the site is dominated by bare ground.

5.3.3 - Developed

Developed areas occur on the Project Site in the form of abandoned dairy farm infrastructure and several buildings associated with two single family residences. These areas are mostly void of vegetation.

5.3.4 - Ornamental

There is some ornamental landscaping that is associated with the single family residence that occurs on the Project Site. The plants observed include large California sycamore (*Platanus racemosa*) trees, as well as several pine (*Pinus* species) trees. These may provide nesting opportunities for raptor species.

5.3.5 - Stock Pond

One small stock pond is present in the southeastern portion of the project site. This carries flows from the active cattle farm. The water appeared highly contaminated with cattle manure and had an unbearable odor. This was not considered as fairy shrimp habitat due to the extreme contamination.

5.4 - NESTING BIRDS

Avian nesting habitat occurs in the southwestern portion of the Project Site. The ornamental landscaping provides pine and sycamore trees that may provide nesting opportunities for several raptor species observed during the habitat assessment, including American kestrel (*Falco sparverius*) and red-tailed hawk (*Buteo jamaicensis*). Other species not detected that may breed on the Project Site include loggerhead shrike (*Lanius ludovicianus*), Cooper's hawk (*Accipiter cooperii*), and California horned lark (*Eremophila alpestris actia*).

Exhibit 5: Soils Map

Exhibit 6: Vegetation Map

SECTION 6: WESTERN RIVERSIDE COUNTY MSHCP CONSISTENCY ANALYSIS

6.1 - MSHCP REQUIREMENTS

The proposed Project Site is located in the San Jacinto Area Plan but is not within a Criteria Cell (see Exhibit 7). A HANS review is not required. The closest Criteria Cell (2893) of the MSHCP occurs approximately 0.25 mile to the east and will not be affected by project activities.

The MSHCP also establishes habitat assessment survey requirements for certain plant, bird, mammal, and amphibian species. The project is within the survey area for BUOW. The proposed project is not within a Narrow Endemic Plant Species survey area or a Criteria Area Species survey area for plants, mammals, or amphibians.

6.1.1 - Urban/Wildlands Interface Guidelines

According to the MSHCP, the Urban/Wildlands Interface Guidelines are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area (MSHCP, p 6-42). The proposed Project Site is not within a Criteria Cell and is not adjacent to existing proposed MSHCP Conservation Areas. The MSHCP Urban/Wildlife Interface Guidelines will, therefore, not be required for the proposed project.

6.2 - HABITAT ASSESSMENT

6.2.1 - Burrowing Owl

The entire Project Site is included in the MSHCP habitat assessment area for BUOW. Due to their decline in the state of California over the past 30 years, the BUOW is a state species of concern. It occurs in grasslands, lowland scrub, agricultural lands (particularly rangelands), and some artificial, open areas as a year-long resident. The BUOW may also use golf courses, cemeteries, road allowances within cities, airports, vacant lots in residential areas and university campuses, fairgrounds, abandoned buildings, and irrigation ditches. As a critical habitat feature need, they require rodent or other fossorial burrows for roosting and nesting cover, with the preferred burrow being the California ground squirrel (*Spermophilus beecheyi*). They may also use pipes, culverts, and nest boxes where burrows are scarce. One burrow is typically selected for use as the nest; however, satellite burrows are usually found within the defended territory.

Exhibit 7: MSHCP Areas Map

The agricultural areas do not contain suitable BUOW nesting habitat since no burrows are present. No burrows were observed in the ruderal areas but debris piles could provide suitable cover for BUOW. The active cattle farm provided some burrows suitable for nesting. During the survey, no BUOW or BUOW sign was observed onsite. However, since BUOW are known to occur in the vicinity, that the cattle farm provides suitable habitat, and the condition of the site could change, a focused BUOW survey is recommended. This survey includes four site visits conducted between March 1 and August 31.

6.2.2 - Jurisdictional Drainages and Riparian/Riverine Areas

USACE and CDFG jurisdictional waters are not present on the Project Site. The topography of the Site is flat and no drainage features were observed during the Site assessment. No riparian/riverine habitat exists on the Project Site.

6.2.3 - Vernal Pool Habitat/Fairy Shrimp Habitat

No vernal pools were observed during the habitat assessment. The site does not contain soils highly suitable to vernal pool formation and they are not expected to occur. The only area where water was observed to pond was at the stock pond. However, it appeared highly contaminated from run-off associated with the cattle farm. It appeared so shallow and disturbed, that it was determined not to be fairy shrimp habitat.

6.2.4 - Narrow Endemic Plant Species

Although Riverside County's Conservation Summary Report Generator didn't identify the need to assess the habitat for Narrow Endemic Plant Species, the City of San Jacinto specifically requested that it be addressed in this report. Since an assessment for Narrow Endemic Plant Species is not required for this site, the permits under the MSHCP would cover all impacts to these plant species regardless of their presence or absence. The project site does not provide typically suitable Narrow Endemic Plant Species habitat due to the lack of vernal pools and the disturbed nature of the site from agricultural activities.

SECTION 7: RECOMMENDATIONS

7.1 - BURROWING OWL

Portions of the Project Site provide suitable habitat for the BUOW and a focused survey is recommended. This survey includes four site visits conducted between March 1 and August 31. Under the MSHCP, if three or more pair of BUOW are identified during the focused survey at least 90 percent of the area with long-term conservation value and burrowing owl pairs will be conserved onsite. If it is determined that the 90 percent threshold cannot be met, the Permittee(s) must make a determination of biologically equivalent or superior preservation (DBESP).

SECTION 8: CONCLUSIONS

A habitat assessment and MSHCP consistency analysis was conducted for a 65.2-acre project site in the City of San Jacinto, Riverside County. The project site is not within a MSHCP criteria cell and a HANS review is not required.

The only habitat assessment requirement for the Project Site, pursuant to the MSHCP, was BUOW. Suitable BUOW habitat was observed on the project site and a focused BUOW survey is recommended. If the focused survey is positive, additional actions/mitigation may be required pursuant to the MSHCP, Fish and Game Code, and the MBTA.

The City of San Jacinto requested that Narrow Endemic Plants be addressed, although any impacts would be covered by the MSHCP permit. The project site does not provide typically suitable Narrow Endemic Plant Species habitat due to the lack of vernal pools and the disturbed nature of the site from agricultural activities.

No jurisdictional drainages, riparian/riverine habitat or fairy shrimp habitat occur on the Project Site. There is suitable nesting bird habitat on the Project Site and vegetation removal should occur outside the avian breeding season (February-July). If vegetation clearance and/or tree removal occurs during this time frame, a preconstruction nesting bird survey should be conducted.


With payment of the MSHCP mitigation fees, SKR HCP mitigation fees, and BUOW focused survey, the project will be fully consistent with the required course of action under the Western Riverside County MSHCP.

**SECTION 9:
CERTIFICATION**

I hereby certify that the statements furnished above and in the attached exhibits present 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 16, 2006

Signed: _____


Mikael Romich, Project Manager

SECTION 10: REFERENCES

- California Department of Fish and Game (CDFG). 2003 (July). *State and Federally Listed Endangered, Threatened, and Rare Plants of California*. The Resources Agency State of California, Department of Fish and Game, Natural Heritage Division, Natural Diversity Data Base. Sacramento, California.
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Appendix A: RCIP Conservation Summary Report

Appendix B: Floral and Faunal Compendia

Floral Compendium

Asteraceae

Ambrosia acanthicarpa
Heterotheca grandiflora

Brassicaceae

**Brassica nigra*

Chenopodiaceae

**Salsola damascena*

Pinaceae

Pinus species

Platanaceae

Platanus racemosa

Sunflower Family

annual burweed
telegraph weed

Mustard Family

black mustard

Goosefoot Family

Russian thistle

Pine Family

Pine species

Plane Tree Family

California sycamore

* non-native species

Faunal Compendia

Birds

Accipitridae

Accipiter cooperii
Buteo jamaicensis

Columbidae

Zenaida macroura

Corvidae

Corvus corax

Falconidae

Falco sparverius

Fringillidae

Agelaius phoeniceus
Carpodacus mexicanus
Dendroica coronata
Euphagus cyanocephalus
Zonotrichia leucophrys

Sturnidae

Sturnus vulgaris

Tyrannidae

Sayornis nigricans
Sayornis saya

Hawks

Cooper's hawk
red-tailed hawk

Pigeons and Doves

mourning dove

Crows, Ravens

common raven

Falcons

American kestrel

Finches, Blackbirds

red-winged blackbird
house finch
yellow-rumped warbler
Brewer's blackbird
white-crowned sparrow

Starlings

European starling

Flycatchers

black Phoebe
Say's phoebe

Appendix C: Site Photographs

Appendix D: Riverside County Attachments