

## INFORMATION SUMMARY



- A. Report Date: February 8<sup>th</sup>, 2019
- B. Report Title: MSHCP General Habitat Assessment/Consistency Analysis, and Regulatory Constraints Assessment for the 7.25-Acre Duke Perry Street & Barrett Avenue Project Site, City of Perris, California.
- C. Case #: N/A
- D. APN#: 302-60-011, 302-060-026, 302-060-030, and 302-060-031.
- E. Project Location: USGS 7.5' series Perris Quadrangle, Riverside County, Township 4 South, Range 3 West, Section 6, South of Perry Street and East of Barrett Avenue as shown in Attachments A, *Study Area Map*.
- F. Applicant: Duke Reality  
300 Spectrum Center Drive  
Suite 1450  
Irvine, CA 92618
- G. MOU Principal: Cadre Environmental  
701 Palomar Airport Road, Suite 300  
Carlsbad, CA. 92011  
Contact: Ruben S. Ramirez, Jr. (949) 300-0212  
USFWS permit #TE780566-14, CDFW permit #002243
- H. Date of Surveys: October 2<sup>nd</sup>, 2018 and February 7<sup>th</sup>, 2019.
- I. Summary: The 7.25-acre project site and 3.62-acre offsite impact area are dominated by disturbed, developed and ornamental landscaping vegetation communities as shown in Attachment B, *MSHCP Relationship Map*, Attachment C, *Biological Resources Map*, and Attachments D to F, *Current Project Site and Offsite Photographs*.
- The project site and offsite impact area are located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Mead Valley Area Plan. The project site and offsite impact area are not located within an MSHCP criteria area, group, or linkage area. Therefore, a Habitat Evaluation and Acquisition

Negotiation Strategy (HANS) and Joint Project Review (JPR) will not be required.

The MSHCP has determined that all of the sensitive species potentially occurring on and offsite have been adequately covered (MSHCP Table 2-2 Species Considered for Conservation Under the MSHCP Since 1999, 2004). However, additional surveys may be required for narrow endemic plants, criteria area species, and specific wildlife species if suitable habitat is documented onsite and/or if the property is located within a predetermined “Survey Area” (MSHCP 2004).

The project site and offsite impact area are not located within a predetermined Survey Area for narrow endemic or criteria area plant species. (RCA GIS Data Downloads 2018). No additional surveys are required.

The project site and offsite impact area are not located within a predetermined Survey Area for amphibians or mammals (RCA GIS Data Downloads 2018). No additional surveys are required.

The project site and offsite impact area occur completely within a predetermined Survey Area for the burrowing owl. No suitable burrowing owl burrows potentially utilized for refugia and/or nesting were documented within and/or adjacent to the project site or offsite impact area. No additional surveys are warranted. Regardless, a 30-day burrowing owl preconstruction survey will be required immediately prior to the initiation of construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP.

No MSHCP riparian, riverine or vernal pool resources (Section 6.1.2) were documented within or immediately adjacent to the project site or offsite impact area. Development of a MSHCP Determination of Biological Equivalent or Superior Preservation (DBESP) will not be required.

No suitable habitat for the least Bell’s vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*) or western yellow-billed cuckoo (*Coccyzus americanus*) was detected within or adjacent to the project site or offsite impact area. No additional surveys are warranted.

No features regulated by the Santa Ana Regional Water Quality Control Board, California Department of Fish and Wildlife and United States Army Corps of Engineers were documented within or immediately adjacent to the project site or offsite impact area. No regulatory permits will need to be acquired.

## **SUBJECT**

### **MSHCP General Habitat Assessment/Consistency Analysis, and Regulatory Constraints Assessment for the 7.25-Acre Duke Perry Street & Barrett Avenue Project Site including 3.62-acre Offsite Impact Area, City of Perris, California.**

This report presents the findings of a Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) general biological habitat assessment and consistency analysis for the 7.25-acre project site (“Project Site”) located within the City of Perris, California. Specifically, the Project Site is located within APN’s 302-60-011, 302-060-026, 302-060-030, and 302-060-031. The proposed project also includes 3.62 acres of offsite impacts (“offsite impact area”) associated with road improvements to Indian Avenue, Perry Street, Barrett Avenue, and utility connections extending southwest to Indian Avenue and east to Perris Boulevard.

The purpose of this study, conducted by Cadre Environmental, is to document the existing biological resources, identify general vegetation types, and assess the potential biological and regulatory constraints and impacts associated with the proposed development within the Project Site and offsite impact area as outlined by the Western Riverside County MSHCP, Attachments A, *Study Area Map*, B, *MSHCP Relationship Map*, C, *Biological Resources Map*, and D to F, *Current Project Site and Offsite Photographs*.

The Project Site extends southeast from the Perry Street/Barrett Avenue intersection and is located on the U.S. Geological Survey (USGS) 7.5’ series Perris Quadrangle, Township 4 South, Range 3 West, Section 6. Specifically, the Project Site and offsite impact area are located within the Western Riverside County MSHCP Mead Valley Plan Area and are not located within a MSHCP Criteria Cell, Group, or Linkage Area.

This report incorporates the findings of an extensive literature review, compilation of existing documentation, and field reconnaissance conducted on October 2<sup>nd</sup>, 2018 and February 7<sup>th</sup>, 2019. This documentation is consistent with accepted scientific and technical standards, the requirements of the United States Fish and Wildlife Service (USFWS), and the California Department of Fish and Wildlife (CDFW). When appropriate, general biological resources are described in summary form in an effort to provide the reader with adequate background information. However, the report focuses on documenting those resources considered to be significant and/or sensitive as outlined by the California Environmental Quality Act (CEQA) and the Western Riverside County MSHCP.

The following report provides a summary of topographic features, soils and habitats observed onsite. Onsite resources were also analyzed to determine which if any are subject to the United States Army Corps of Engineers (USACE) jurisdiction pursuant to Section 404 of the Clean Water Act, CDFW jurisdiction pursuant to Division 2, Chapter 6, Section 1600 of the Fish and Game Code, the Santa Ana Regional Water Quality Control

Board (RWQCB) 401 certification/Waste Discharge Requirements (WDR's), and MSHCP jurisdiction pursuant to section 6.1.2 (MSHCP 2004).

Accordingly, this report provides an overview of potential USACE, RWQCB, CDFW, MSHCP riparian/riverine/vernal pool jurisdictional resources and a habitat assessment for species that may require additional focused surveys as outlined by the MSHCP.

## **METHODS OF STUDY**

### **APPROACH**

Prior to visiting the Project Site and offsite impact area, a review of all available and relevant data on the biological characteristics, sensitive habitats, and species potentially present on or adjacent to the assessment areas was conducted. Additionally, aerial photography, and USGS topographic map were examined. After reviewing the available information, Cadre Environmental conducted an initial physical site assessment of the Project Site on October 2<sup>nd</sup>, 2018 and assessment of the offsite impact area on February 7<sup>th</sup>, 2019.

As required by the MSHCP, and during the initial property assessment process, all Project Site and offsite impact area APN's were searched using the Regional Conservation Authority (RCA) Geographic Information System (GIS) database to determine if the property falls within a "Criteria Area" and if additional surveys for narrow endemic/criteria area plant species or wildlife not adequately covered by the MSHCP may be required. An in-house GIS analysis was also conducted to determine the properties relationship to MSHCP designated Criteria Areas and survey areas.

During the initial and updated survey, the Project Site and offsite impact area's habitat was characterized, preliminary vegetative communities and primary topographic features potentially subject to USACE/CDFW/RWQCB jurisdiction mapped, and the potential to support sensitive species as required by the guidelines of the MSHCP evaluated. Data, which contain digital images derived from aerial photography with orthographic projection properties, were used in conjunction with Cadre Environmental's in-house GIS database as an important base layer to identify vegetation communities, drainage features, and USFWS designated critical habitat boundaries. Vegetation communities were then "ground-truthed" during field observations to obtain characteristic descriptions.

### **LITERATURE REVIEW**

The studies were initiated with a review of relevant literature on the biological resources of the Project Site, offsite impact area and vicinity. The MSHCP list of covered species potentially occurring onsite was also examined (MSHCP Table 2-2 Species Considered for Conservation Under the MSHCP Since 1999, 2004). In addition, federal register listings, protocols, and species data provided by USFWS were reviewed in conjunction with anticipated federally listed species potentially occurring at the Project Site and offsite

impact area. The California Natural Diversity Database (CNDDDB),<sup>1</sup> a review of the California Native Plant Society sixth inventory (Tibor 2001), and Roberts et al. (2004) were also reviewed for pertinent information regarding the location of known occurrences of sensitive species in the vicinity of the assessment area. In addition, numerous regional floral and faunal field guides were utilized in the identification of species and suitable habitats. Documents consulted regarding potential onsite biological conditions are listed in the references section at the end of this report.

## **FIELD INVESTIGATION**

The Project Site was initially surveyed on October 2<sup>nd</sup>, 2018 and the offsite impact area was assessed on February 7<sup>th</sup>, 2019. The surveys included complete coverage of the Project Site and offsite impact area, with special attention focused toward sensitive species or those habitats potentially supporting sensitive flora or fauna that would be essential to efficiently implementing the terms and conditions of the Western Riverside County MSHCP, and features potentially subject to USACE, CDFW, RWQCB and MSHCP jurisdiction. Aerial photography of the Project Site, offsite impact area and vicinity were utilized to accurately locate and survey the assessment areas. General plant communities were preliminarily mapped directly on the aerial photo using visible landmarks in the field, which are depicted in Attachment C, *Biological Resources Map*. Representative photographs of the Project Site and offsite impact area's natural resources were taken during the field surveys (Attachment D to F, *Current Project Site and Offsite Photographs*).

### **Plant Community/Habitat Classification and Mapping**

Plant communities were preliminarily mapped with the aid of an aerial photograph using the MSHCP uncollapsed vegetation communities classification system when appropriate. When a vegetation community could not be accurately characterized using this information, an updated community classification code was developed to more accurately represent onsite habitat types.

### **General Plant Inventory**

All plants observed during the survey efforts were either identified in the field or collected and later identified using taxonomic keys. Plant taxonomy and nomenclatural changes follow Baldwin et al. (2012) or the Jepson Flora Project (2015). Common names used in this report generally follow Roberts et al. (2004) or Baldwin et al. (2012). Scientific names are included only at the first mention of a species; thereafter, common names alone are used.

---

<sup>1</sup> California Natural Diversity Data Base, Department of Fish and Wildlife. February 2019. Natural Heritage Program: RareFind, Perris Quadrangle.

## **General Wildlife Inventory**

General wildlife surveys were not conducted during the general biological habitat assessments. However, animals identified during the reconnaissance surveys by sight, call, tracks, nests, scat, remains, or other signs were recorded in field notes. All wildlife was identified in the field with the aid of binoculars and taxonomic keys (if applicable). Vertebrate taxonomy followed in this report is according to the Center of North American Herpetology (2019) for amphibians and reptiles, the American Ornithologists' Union (1998 and supplemental) for birds, and Bradley et al. (2014) for mammals. Scientific names are used during the first mention of a species; common names only are used in the remainder of the text (if applicable).

## **Burrowing Owl Habitat Assessment**

The Project Site and offsite impact area occur within a MSHCP burrowing owl survey area and a habitat assessment for the species was conducted to ensure compliance with MSHCP guidelines for the species.

In accordance with the updated MSHCP Burrowing Owl Survey Instructions (2006), survey protocol consists of two steps, Step I – Habitat Assessment and Step II – Locating Burrows and Burrowing Owls. Each step is briefly outlined below, followed by the methodology.

The habitat assessments were conducted during weather that is conducive to observing owls outside their burrows. The surveys were not conducted during rain, high winds (> 20 mph), dense fog, or temperatures over 90 °F.

Step 1 of the MSHCP habitat assessment for burrowing owl consists of a walking surveys to determine if suitable habitat is present on site. Upon arrival during each of the assessment surveys, Cadre Environmental utilized binoculars to scan all potential suitable habitats on and adjacent to the Project Site and offsite impact area, including perch locations, to ascertain owl presence.

Focused burrow surveys that include documentation of appropriately sized natural burrows or suitable man-made structures that may be utilized by burrowing owl was conducted throughout the Project Site and offsite impact area concurrent with the general habitat assessments.

## **Regional Connectivity/Wildlife Movement Corridor Assessment**

The analysis of wildlife movement corridors associated with the Project Site, offsite impact area and its immediate vicinity is based on information compiled from literature, analysis of the aerial photograph, and direct observations made in the field during the site visits.

A literature review was conducted that included documents on island biogeography (studies of fragmented and isolated habitat “islands”), reports on wildlife home range sizes and migration patterns, and studies on wildlife dispersal. Wildlife movement studies conducted in southern California were also reviewed. Use of field-verified digital aerial data, in conjunction with the GIS database, allowed proper identification of vegetation communities and drainage features. This information was crucial to assessing the relationship of the property to large open space areas in the immediate vicinity and was also evaluated in terms of connectivity and habitat linkages. Relative to corridor issues, the discussions in this report are intended to focus on wildlife movement associated with the property and the immediate vicinity.

## **EXISTING CONDITIONS**

The Project Site and offsite impact area are characterized as flat disturbed, developed and ornamental landscaping vegetation with little to no topographic relief.

## **SOILS**

The Soil Survey of Western Riverside Area has classified the Project Site as Exeter sandy loam, deep, 0 to 2 percent slopes (EpA), Hanford course sandy loam, 0 to 2 percent slopes (HcA), and Pachappa fine sandy loam, 0 to 2 percent slopes (PaA). All soils documented within the Project Site and offsite impact area are characterized as being well drained (drainage class). This is consistent with conditions observed onsite and lack of inundation documented during a review of historical aerials for years of above average rainfall.

## **PLANT COMMUNITY/HABITAT CLASSIFICATION**

### **Disturbed**

The majority of the Project Site is disturbed or dominated by ruderal species. Those areas currently include London rockets (*Sisymbrium irio*), Russian thistle (*Kali tragus*), stink-net (*Oncosiphon piluliferum*), puncture vine (*Tribulus terrestris*), salt-heliotrope (*Heliotropium curassavicum*), tumble pigweed (*Amaranthus albus*), Rancher’s fireweed (*Amsinckia menziesii* var. *intermedia*), annual sunflower (*Helianthus annuus*), horseweed (*Erigeron canadensis*), black mustard (*Brassica nigra*), and tocalote (*Centaurea melitensis*).

Disturbed habitat is also located within the offsite impact area immediately adjacent to the existing developed roads and proposed utility lines extending east of the Project Site to Perris Boulevard and southwest to Indian Avenue. Ruderal species documented within these regions of the offsite impact areas are consistent with those documented onsite as listed above.

## **Developed**

Developed regions documented within the offsite impact area include the paved reaches of Indian Avenue, Perry Street and Barrett Avenue.

## **Ornamental Landscaping**

Ornamental landscaping is primarily located along the southern and eastern Project Site boundaries. Dominate species include Eucalyptus trees (*Eucalyptus* sp.), Peruvian pepper tree (*Schinus molle*), pine trees (*Pinus* sp.), and palo verde (*Parkinsonia* sp.) occurs within the northern region of the Project Site.

Representative distribution and photographs of these habitat types are illustrated in Attachment C, *Biological Resources Map* and Attachment D to F, *Current Project Site and Offsite Photographs*.

## **WILDLIFE POPULATIONS**

General wildlife species documented onsite or within the vicinity during the site visits include red-tailed hawk (*Buteo jamaicensis*), mourning dove (*Zenaida macroura*), American crow (*Corvus brachyrhynchos*), Say's phoebe (*Sayornis saya*), European starling (*Sturnus vulgaris*), and house finch (*Haemorhous mexicanus*).

## **REGIONAL CONNECTIVITY/WILDLIFE MOVEMENT**

### **Overview**

Wildlife corridors link together areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated “islands” of wildlife habitat. In the absence of habitat linkages that allow movement to adjoining open space areas, various studies have concluded that some wildlife species, especially the larger and more mobile mammals, will not likely persist over time in fragmented or isolated habitat areas because they prohibit the infusion of new individuals and genetic information (MacArthur and Wilson 1967, Soule 1987, Harris and Gallagher 1989, Bennett 1990). Corridors effectively act as links between different populations of a species. A group of smaller populations (termed “demes”) linked together via a system of corridors is termed a “metapopulation.” The long-term health of each deme within the metapopulation is dependent upon its size and the frequency of interchange of individuals (immigration vs. emigration). The smaller the deme, the more important immigration becomes, because prolonged inbreeding with the same individuals can reduce genetic variability. Immigrant individuals that move into the deme from adjoining demes mate with individuals and supply that deme with new genes and gene combinations that increases overall genetic diversity. An increase in a

population's genetic variability is generally associated with an increase in a population's health.

Corridors mitigate the effects of habitat fragmentation by (1) allowing animals to move between remaining habitats, which allows depleted populations to be replenished and promotes genetic diversity; (2) providing escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events (such as fires or disease) will result in population or local species extinction; and (3) serving as travel routes for individual animals as they move within their home ranges in search of food, water, mates, and other needs (Noss 1983, Fahrig and Merriam 1985, Simberloff and Cox 1987, Harris and Gallagher 1989). Wildlife movement activities usually fall into one of three movement categories: (1) dispersal (e.g., juvenile animals from natal areas, individuals extending range distributions); (2) seasonal migration; and (3) movements related to home range activities (foraging for food or water, defending territories, searching for mates, breeding areas, or cover). A number of terms have been used in various wildlife movement studies, such as "wildlife corridor", "travel route", "habitat linkage", and "wildlife crossing" to refer to areas in which wildlife moves from one area to another. To clarify the meaning of these terms and facilitate the discussion on wildlife movement in this study, these terms are defined as follows:

**Travel Route:** A landscape feature (such as a ridge line, drainage, canyon, or riparian strip) within a larger natural habitat area that is used frequently by animals to facilitate movement and provide access to necessary resources (e.g., water, food, cover, den sites). The travel route is generally preferred because it provides the least amount of topographic resistance in moving from one area to another; it contains adequate food, water, and/or cover while moving between habitat areas; and provides a relatively direct link between target habitat areas.

**Wildlife Corridor:** A piece of habitat, usually linear in nature, that connects two or more habitat patches that would otherwise be fragmented or isolated from one another. Wildlife corridors are usually bounded by urban land areas or other areas unsuitable for wildlife. The corridor generally contains suitable cover, food, and/or water to support species and facilitate movement while in the corridor. Larger, landscape-level corridors (often referred to as "habitat or landscape linkages") can provide both transitory and resident habitat for a variety of species.

**Wildlife Crossing:** A small, narrow area, relatively short in length and generally constricted in nature, that allows wildlife to pass under or through an obstacle or barrier that otherwise hinders or prevents movement. Crossings typically are manmade and include culverts, underpasses, drainage pipes, and tunnels to provide access across or under roads,

highways, pipelines, or other physical obstacles. These are often “choke points” along a movement corridor.

### **Wildlife Movement within the Project Site**

The Project Site and offsite impact area are not located adjacent to extensive native open space habitats and do not represent wildlife travel routes, crossings or regional movement corridors between large open space habitats. The Project Site and offsite impact areas are not located within an MSHCP designated core, extension of existing core, non-contiguous habitat block, constrained linkage, or linkage area.

## **SENSITIVE BIOLOGICAL RESOURCES**

### **OVERVIEW OF CLASSIFICATIONS**

The following discussion describes the plant and wildlife species present, or potentially present, within the property boundaries, that have been afforded special recognition by federal, state, or local resource conservation agencies and organizations, principally due to the species’ declining or limited population sizes, usually resulting from habitat loss. Also discussed are habitats that are unique, of relatively limited distribution, or of particular value to wildlife. Protected sensitive species are classified by either state or federal resource management agencies, or both, as threatened or endangered under provisions of the state and federal Endangered Species Acts. Vulnerable or “at-risk” species that are proposed for listing as threatened or endangered are categorized administratively as “candidates” by the USFWS. The CDFW uses various terminology and classifications to describe vulnerable species. There are additional sensitive species classifications applicable in California. These are described below.

Sensitive biological resources are habitats or individual species that have special recognition by federal, state, or local conservation agencies and organizations as endangered, threatened, or rare. The CDFW, the USFWS, and special groups like the California Native Plant Society (CNPS) maintain watch lists of such resources. For the purpose of this assessment, sources used to determine the sensitive status of biological resources are:

**Plants:** USFWS (2018), CDFW (2018d, 2018e), CNDDDB (2018a), and CNPS (Skinner and Pavlik 1994).

**Wildlife:** California Wildlife Habitat Relationships Database System (CWHRDS 1991), USFWS (2018), CDFW (2018b, 2018c), CNDDDB (2018a).

**Habitats:** CNDDDB (2018a), CDFW (2018f).

## Federal Protection and Classifications

The Federal Endangered Species Act of 1973 (FESA) defines an endangered species as “any species that is in danger of extinction throughout all or a significant portion of its range.” Threatened species are defined as “any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” Under provisions of Section 9(a)(1)(B) of the FESA, it is unlawful to “take” any listed species. “Take” is defined as follows in Section 3(18) of the FESA: “...harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Further, the USFWS, through regulation, has interpreted the terms “harm” and “harass” to include certain types of habitat modification as forms of a “take.” These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species. In a case where a property owner seeks permission from a federal agency for an action that could affect a federally listed plant and animal species, the property owner and agency are required to consult with the USFWS. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants. Recently, the USFWS instituted changes in the listing status of former candidate species. Former C1 (candidate) species are now simply referred to as candidate species and represent the only candidates for listing. Former C2 species (for which the USFWS had insufficient evidence to warrant listing at this time) and C3 species (either extinct, no longer a valid taxon, or more abundant than was formerly believed) are no longer considered as candidate species. Therefore, these species are no longer maintained in list form by the USFWS, nor are they formally protected. However, some USFWS field offices have issued memoranda stating that former C2 species are henceforth to be considered Federal Species of Concern. This term is employed in this document, but carries no official protections. All references to federally protected species in this report (whether listed, proposed for listing, or a candidate) include the most current published status or candidate category to which each species has been assigned by the USFWS.

For purposes of this assessment, the following acronyms are used for federal status species:

FE	Federal Endangered
FT	Federal Threatened
FPE	Federal Proposed Endangered
FPT	Federal Proposed Threatened
FC	Federal Candidate for Listing

## State of California Protection and Classifications

The California Endangered Species Act (CESA) defines an endangered species as “...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which

is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease.” The State defines a threatened species as “...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species.” Candidate species are defined as “...a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list.” Candidate species may be afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike the federal FESA, the CESA does not include listing provisions for invertebrate species.

Article 3, sections 2080 through 2085 of the CESA addresses the taking of threatened or endangered species by stating “no person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts, except as otherwise provided...” Under the CESA, “take” is defined as “...hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” Exceptions authorized by the state to allow “take” require “...permits or memorandums of understanding...” and can be authorized for “...endangered species, threatened species, or candidate species for scientific, educational, or management purposes.” Sections 1901 and 1913 of the California Fish and Game Code provide that notification is required prior to disturbance.

Additionally, some sensitive mammals and birds are protected by the State as Fully Protected Mammals or Fully Protected Birds, as described in the California Fish and Game Code, sections 4700 and 3511, respectively. California Species of Special Concern (“special” animals and plants) listings include special status species, including all state and federal protected and candidate taxa, Bureau of Land Management and U.S. Forest Service sensitive species, species considered to be declining or rare by the CNPS or National Audubon Society, and a selection of species that are considered to be under population stress but are not formally proposed for listing. This list is primarily a working document for the CDFW CNDDDB project. Informally listed taxa are not protected per se, but warrant consideration in the preparation of biotic assessments. For some species, the CNDDDB is only concerned with specific portions of the life history, such as roosts, rookeries, or nest sites.

For the purposes of this assessment, the following acronyms are used for state status species:

SE	State Endangered
ST	State Threatened
SCE	State Candidate Endangered
SCT	State Candidate Threatened
SFP	State Fully Protected
SP	State Protected
SR	State Rare
SSC	California Species of Special Concern
SWL	California Watch List

### California Native Plant Society

The CNPS is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in the state. This organization has compiled an inventory comprised of the information focusing upon geographic distribution and qualitative characterization of rare, threatened, or endangered vascular plant species of California (Tibor 2001). The list serves as the candidate list for listing as threatened and endangered by the CDFW. The CNPS has developed five categories of rarity (California Rare Plant Rank [CRPR]):

CRPR 1A	Presumed extinct in California
CRPR 1B	Rare, threatened, or endangered in California and elsewhere
CRPR 2	Rare, threatened, or endangered in California, but more common elsewhere
CRPR 3	Plants about which we need more information – a review list
CRPR 4	Species of limited distribution in California (i.e., naturally rare in the wild), but whose existence does not appear to be susceptible to threat

As stated by the CNPS:

Threat Rank is an extension added onto the California Rare Plant Rank and designates the level of endangerment by a 1 to 3 ranking with 1 being the most endangered and 3 being the least endangered. A Threat Rank is present for all California Rare Plant Rank 1B, 2, 4, and the majority of California Rare Plant Rank 3. California Rare Plant Rank 4 plants are seldom assigned a Threat Rank of 0.1, as they generally have large enough populations to not have significant threats to their continued existence in California; however, certain conditions exist to make the plant a species of concern and hence be assigned a California Rare Plant Rank. In addition, all California Rare Plant Rank 1A

(presumed extinct in California), and some California Rare Plant Rank 3 (need more information) plants, which lack threat information, do not have a Threat Rank extension (CNPS 2012).

0.1	Seriously threatened in California (over 80 percent of occurrences threatened/high degree and immediacy of threat)
0.2	Fairly threatened in California (20-80 percent occurrences threatened/moderate degree and immediacy of threat)
0.3	Not very threatened in California (<20 percent of occurrences threatened/low degree and immediacy of threat or no current threats known)

## POTENTIALLY SENSITIVE SPECIES/RESOURCES

Determinations of MSHCP sensitive species that could potentially occur on the Project Site are based on one or both of the following: (1) a record reported in the CNDDDB or CNPS inventory and; (2) the Project Site is within the known distribution of a species and contains suitable habitat or species documented onsite.

### Sensitive Plant Communities

As stated by CDFG:

*“One purpose of the vegetation classification is to assist in determining the level of rarity and imperilment of vegetation types. Ranking of alliances according to their degree of imperilment (as measured by rarity, trends, and threats) follows NatureServe’s Heritage Methodology, in which all alliances are listed with a G (global) and S (state) rank. For alliances with State ranks of S1-S3, all associations within them are also considered to be highly imperiled” (CDFG 2012)*

No sensitive plant communities were documented within the Project Site or offsite impact area. However, the project applicant shall pay MSHCP Local Development Mitigation fees as established and implemented by the City of Perris (**BIO-MM1**, MSHCP Local Development Mitigation Fee).

### Sensitive Plant Species

The MSHCP has determined that all of the sensitive species potentially occurring onsite have been adequately covered (MSHCP Table 2-2 Species Considered for Conservation Under the MSHCP Since 1999, 2004). However, additional surveys may be required for narrow endemic plants and/or criteria area species if suitable habitat is documented

onsite and/or if the property is located within a predetermined “Survey Area” (MSHCP 2004).

The Project Site and offsite impact area are not located within a predetermined Survey Area for MSHCP narrow endemic or criteria area plant species. (RCA GIS Data Downloads 2018). No additional surveys are required.

### **Oak Tree Protection and Management**

No oak trees were documented within or adjacent to the Project Site or offsite impact area.

### **Sensitive Wildlife Species**

The MSHCP has determined that all of the sensitive species potentially occurring onsite have been adequately covered (MSHCP Table 2-2 Species Considered for Conservation Under the MSHCP Since 1999, 2004). However, additional surveys may be required for criteria area species and specific wildlife species if suitable habitat is documented onsite and/or if the property is located within a predetermined “Survey Area” (MSHCP 2004).

The Project Site and offsite impact area do not occur within a predetermined Survey Area for amphibians or mammals (RCA GIS Data Downloads 2018). No additional surveys are required.

No suitable habitat for the least Bell’s vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*) or western yellow-billed cuckoo (*Coccyzus americanus*) was detected within or adjacent to the Project Site or offsite impact area. No additional surveys are warranted.

The Project Site and offsite impact area occur completely within a predetermined Survey Area for the burrowing owl. No suitable burrowing owl burrows potentially utilized for refugia and/or nesting were documented within and/or adjacent to the Project Site and offsite impact area. No additional surveys are warranted. Regardless, a 30-day burrowing owl preconstruction survey will be required immediately prior to the initiation of construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP (**BIO-MM2**, MSHCP 30-Day Burrowing Owl Preconstruction Surveys).

The Project Site and offsite impact areas fall within the Stephens’ kangaroo rat (*Dipodomys stephensi*, SKR) Fee Area outlined in the Riverside County SKR Habitat Conservation Plan (HCP). The project applicant shall pay the fees pursuant to County Ordinance 663.10 for the SKR HCP Fee Assessment Area as established and implemented by the County of Riverside. (**BIO-MM3**, SKR Fee Area)

### **Nesting Bird Habitat**

The ornamental trees documented onsite represent potential habitat for nesting bird and raptor species. Potential direct/indirect impacts to regulated nesting birds or raptors will require compliance with the federal Migratory Bird Treaty Act (MBTA) (**BIO-MM4**, Federal Migratory Bird Treaty Act).

### **MSHCP Riparian, Riverine, Vernal Pool Resources**

No MSHCP riparian, riverine or vernal pool resources (Section 6.1.2) were documented within or immediately adjacent to the Project Site or offsite impact area. Development of a MSHCP Determination of Biological Equivalent or Superior Preservation (DBESP) will not be required.

### **Jurisdictional Resources**

No features regulated by the Santa Ana Regional Water Quality Control Board, California Department of Fish and Wildlife and United States Army Corps of Engineers were documented within or immediately adjacent to the Project Site or offsite impact area. No regulatory permits will need to be acquired.

## **SUMMARY OF CONSISTENCY WITH MSHCP POLICIES**

The purpose of this report is to document the existing biological resources, identify general vegetation types, and assess the potential biological and regulatory constraints and impacts associated with the proposed development within the Project Site and offsite impact area as outlined by the Western Riverside County MSHCP. Specifically, the report is intended to assist the City of Perris during project review and compliance with MSHCP and regulatory requirements. The following sections summarize the Project Site's relationship to MSHCP criteria areas and MSHCP compliance guidelines.

### **CRITERIA AREAS**

The 7.25-acre Project Site and 3.62-acre offsite impact area are located within the Western Riverside County MSHCP Mead Valley Plan Area and are not located within a Criteria Area and no onsite conservation is required or proposed. The Project Site and offsite impact area are not located within an MSHCP criteria area, group, or linkage area. Therefore, a Habitat Evaluation and Acquisition Negotiation Strategy (HANS) and Joint Project Review (JPR) will not be required.

The following outline summarizes the MSHCP conservation goals respective of MSHCP regulated resources.

### **CRITERIA AREA SPECIES SURVEY AREA**

The Project Site and offsite impact area are not located within a predetermined Survey Area for MSHCP criteria area plant species (RCA GIS Data Downloads 2018). No additional surveys are required.

The project is consistent with MSHCP Section 6.3.2.

### **NARROW ENDEMIC PLANT SPECIES SURVEY AREA**

The Project Site and offsite impact area are not located within a predetermined Survey Area for MSHCP narrow endemic plant species (RCA GIS Data Downloads 2018). No additional surveys are required.

The project is consistent with MSHCP Section 6.1.3

### **AMPHIBIAN SPECIES SURVEY AREA**

The Project Site and offsite impact area are not located within the Amphibian Species Survey Area (RCA GIS Data Downloads 2018). No additional surveys are required.

The project is consistent with MSHCP Section 6.3.2.

### **MAMMAL SPECIES SURVEY AREA**

The Project Site and offsite impact area are not located within the Mammal Species Survey Area (RCA GIS Data Downloads 2018). No additional surveys are required.

The project is consistent with MSHCP Section 6.3.2.

### **BURROWING OWL SURVEY AREA**

The Project Site and offsite impact area occur completely within a predetermined Survey Area for the burrowing owl. No suitable burrowing owl burrows potentially utilized for refugia and/or nesting were documented within and/or adjacent to the Project Site or offsite impact area. No additional surveys are warranted. Regardless, a 30-day burrowing owl preconstruction survey will be required immediately prior to the initiation of construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP.

Following submittal, review and approval of the burrowing owl 30-day preconstruction survey report by the City of Perris and compliance with all species-specific conservation goals, if detected within or adjacent to the Project Site or offsite impact area, the project will be consistent with MSHCP Section 6.3.2.

## **MSHCP RIPARIAN/RIVERINE AREAS AND VERNAL POOLS**

No MSHCP riparian, riverine or vernal pool resources (Section 6.1.2) were documented within or immediately adjacent to the Project Site or offsite impact area. Development of a MSHCP DBESP will not be required.

The project is consistent with MSHCP Section 6.1.2.

## **URBAN/WILDLANDS INTERFACE**

The MSHCP Urban/Wildlands Interface guidelines presented in Section 6.1.4 are intended to address indirect effects associated with locating commercial, mixed uses and residential developments in proximity to a MSHCP Conservation Area. The Project Site and offsite impact area are not located adjacent to an existing or proposed MSHCP Conservation Area. No mitigation proposed or required.

The project is consistent with MSHCP Section 6.1.4.

## **FUELS MANAGEMENT**

The fuels management guidelines presented in Section 6.4 of the MSHCP are intended to address brush management activities around new development within or adjacent to MSHCP Conservation Areas. The Project Site and offsite impact area are not located adjacent to an existing or proposed MSHCP Conservation Area. No mitigation proposed or required.

The project is consistent with MSHCP Section 6.4.

## **MITIGATION MEASURES**

Implementation of Mitigation Measures BIO-MM1 through BIO-MM4 would reduce all potential significant unavoidable impacts on biological resources below a level of significance, thereby ensuring compliance with CEQA and MSHCP guidelines.

### **BIO-MM 1 MSHCP Local Development Mitigation Fee**

The project applicant shall pay MSHCP Local Development Mitigation fees as established and implemented by the City of Perris.

### **BIO-MM 2 MSHCP Focused Survey and 30-Day Burrowing Owl Preconstruction Surveys**

A 30-day burrowing owl preconstruction survey will be conducted immediately prior to the initiation of ground-disturbing construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP. The survey will be

conducted in compliance with both MSHCP and CDFW guidelines (MSHCP 2006, CDFW 2012). A report of the findings prepared by a qualified biologist shall be submitted to the City of Perris prior to any permit or approval for ground disturbing activities.

If burrowing owls are detected onsite during the 30-day preconstruction survey, during the breeding season (February 1<sup>st</sup> to August 31<sup>st</sup>) then construction activities shall be limited to beyond 300 feet of the active burrows until a qualified biologist has confirmed that nesting efforts are completed or not initiated. In addition to monitoring breeding activity, if construction is proposed to be initiated during the breeding season or active relocation is proposed, a burrowing owl mitigation plan will be developed based on the County of Riverside Environmental Programs Division, CDFW and USFWS requirements for the relocation of individuals to the Lake Mathews Preserve.

### **BIO-MM 3 SKR Fee Area**

The Project Site and offsite impact area fall within the SKR Fee Area outlined in the Riverside County SKR HCP. The project applicant shall pay the fees pursuant to County Ordinance 663.10 for the SKR HCP Fee Assessment Area as established and implemented by the County of Riverside.

### **BIO-MM 4 Federal Migratory Bird Treaty Act**

Mitigation for potential direct/indirect impacts to common and MSHCP covered sensitive bird and raptor species will require compliance with the federal MBTA. Construction outside the nesting season between September 16<sup>th</sup> and January 31<sup>st</sup> do not require pre-removal nesting bird surveys. If construction is proposed between February 1<sup>st</sup> and September 15<sup>th</sup>, a qualified biologist must conduct a nesting bird survey(s) no more than fourteen (14) days prior to initiation of grading to document the presence or absence of nesting birds within or directly adjacent (100 feet) to the Project Site and offsite impact area.

The survey(s) would focus on identifying any bird or raptor nests that would be directly or indirectly affected by construction activities. If active nests are documented, species-specific measures shall be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of a nest shall be deterred until the young birds have fledged. A minimum exclusion buffer of 100 feet shall be maintained during construction, depending on the species and location. The perimeter of the nest setback zone shall be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by a qualified biologist verifying that no active nests are present, or that the young have fledged, shall be submitted to the City of Perris prior to initiation of grading in the nest-setback zone. The qualified biologist shall serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. A report of the findings prepared

by a qualified biologist shall be submitted to the City of Perris prior to construction that has the potential to disturb any active nests during the nesting season.

Any nest permanently vacated for the season would not warrant protection pursuant to the MBTA.

## **REFERENCES**

- American Ornithologist Union (AOU). 1998. Check-list of North American Birds. 7th ed. American Ornithologists' Union, Washington, DC.
- Bradley, R.D., Ammerman, L.K., Baker, R.J., Bradley, L.C., Cook, J.A., Dowler, R.C., Jones, C., Schmidly, D.F., Stangl, F.B., Van Den Bussche, R.A., and Wursig, N. 2014. Revised Checklist of North American Mammals North of Mexico, 2014. Occasional Papers. Museum of Texas Tech University, Number 327
- Baldwin, B. G., D. H. Goldman, D.J. Keil, R. Patterson, T.J. Rosatti, and D.H. Wilken, editors. 2012. The Jepson manual: Vascular plants of California, second edition. University of California Press, Berkeley.
- Cadre Environmental. 2018. MSHCP General Habitat Assessment/Consistency Analysis, and Regulatory Constraints Assessment for the 7.25-Acre Duke Perry Street & Barrett Avenue Project Site, City of Perris, California.
- California Department of Fish and Wildlife (CDFW), Natural Diversity Data Base (CNDDDB). 2018a. Sensitive Element Record Search for the Perris Quadrangle. California Department of Fish and Wildlife. Sacramento, California. Accessed February 2019.
- California Department of Fish and Wildlife (CDFW). 2018b. Special Animals. Natural Heritage Division, Natural Diversity Data Base.
- California Department of Fish and Wildlife (CDFW). 2018c. State and Federally Listed Endangered and Threatened Animals of California. Natural Heritage Division, Natural Diversity Data Base.
- California Department of Fish and Wildlife (CDFW). 2018d. Endangered, Threatened, and Rare Plants of California. Natural Heritage Division, Natural Diversity Data Base.
- California Department of Fish and Wildlife (CDFW). 2018e. Special Vascular Plants, Bryophytes, and Lichens. Natural Heritage Division, Natural Diversity Data Base.
- California Department of Fish and Wildlife (CDFW). 2018f. California Sensitive Natural Communities, [www.wildlife.ca.gov/Data/VegCAMP/Naturalcommunities#sensitive](http://www.wildlife.ca.gov/Data/VegCAMP/Naturalcommunities#sensitive) natural communities. Accessed October 2018.
- California Department of Fish and Game. 2012. Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency.
- Center for North American Herpetology (CNAH). 2019. - <http://www.cnah.org/>. February 2019.

County of Riverside. 2006. Burrowing Owl Survey Instructions – Western Riverside Multiple Species Habitat Conservation Plan Area.

Riverside County Integrated Project (RCIP) Multiple Species Habitat Conservation Plan (MSHCP), March 2004.

Roberts, F. M., Jr., S. D. White, A. C. Sanders, D. E. Bramlet, and S. Boyd. 2004. The vascular plants of western Riverside County, California: an annotated checklist. F.M. Roberts Publications, San Luis Rey, California, USA.

Simberloff, D. and J. Cox. 1987. Consequences and cost of conservation corridors. *Conservation Biology* 1:63-71.

Tibor, D. [ed.]. 2001. California Native Plant Society. Inventory of Rare and Endangered Plants of California. California Native Plant Society, Special Publication Number 1, Sixth Edition.

United States Department of Agriculture. 2019. Custom Soil Resources Report for Western Riverside Area, California. Natural Resources Conservation Service.

**ATTACHMENTS**

**A - Study Area Map**

**B - MSHCP Relationship Map**

**C - Biological Resources Map**

**D - Current Project Site Photographs**

**E - Current Project Site Photographs**

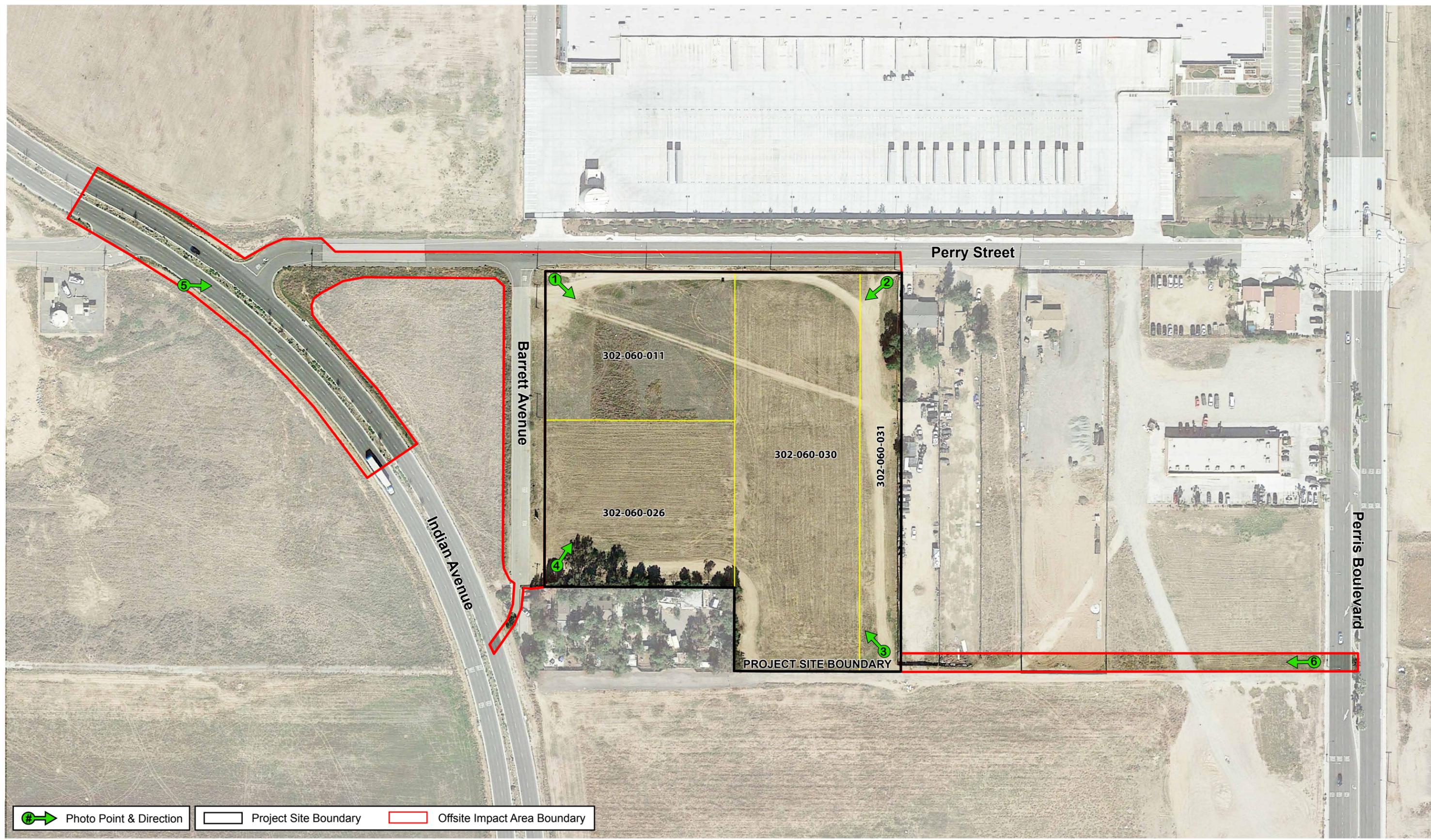
**F - Current Offsite Photographs**

**Certification**

*“I hereby certify that the statements furnished above and in the attached exhibits 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”*

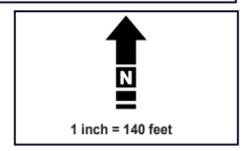
Author:  Date: February 8<sup>th</sup>, 2019

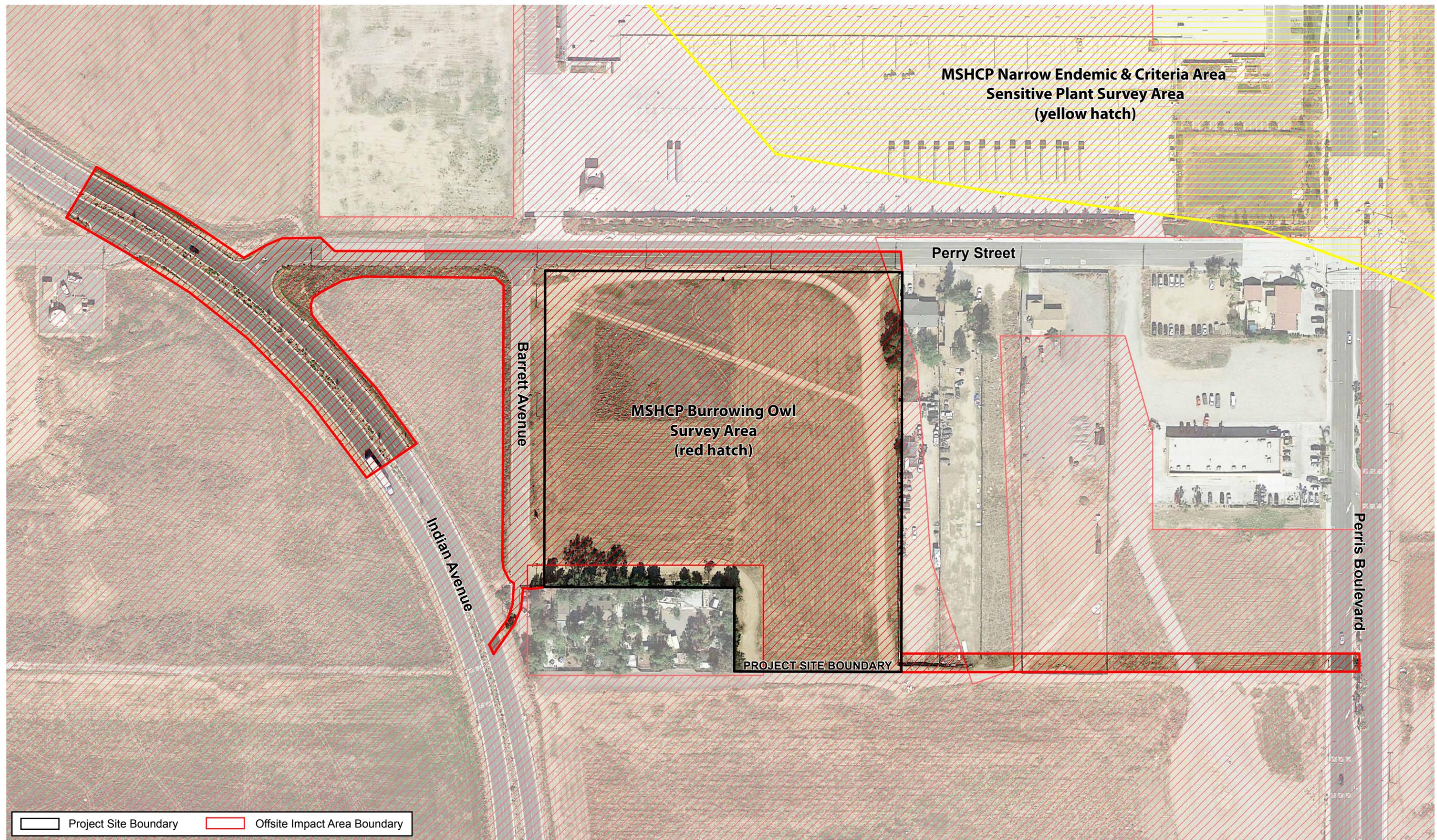
Fieldwork Performed by:  Date: February 8<sup>th</sup>, 2019



**Attachment A - Study Area Map**

*MSHCP General Habitat Assessment/Consistency Analysis  
 Duke Perry Street & Barrett Avenue Project Site, City of Perris*



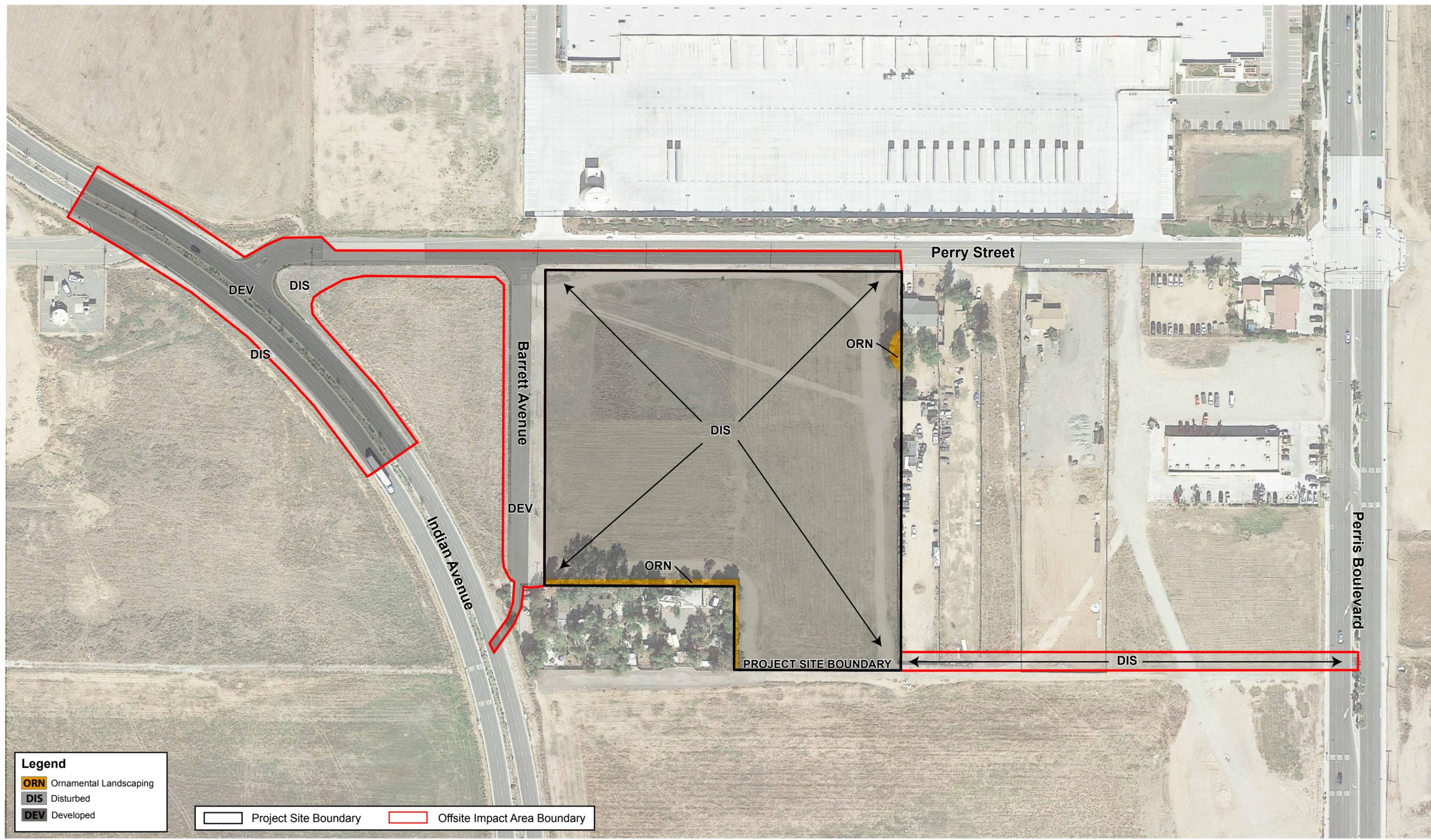


**Attachment B - MSHCP Relationship Map**

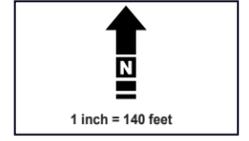
MSHCP General Habitat Assessment/Consistency Analysis  
Duke Perry Street & Barrett Avenue Project Site, City of Perris



1 inch = 140 feet



**Attachment C - Biological Resources Map**  
 MSHCP General Habitat Assessment/Consistency Analysis  
 Duke Perry Street & Barrett Avenue Project Site, City of Perris





PHOTOGRAPH 1 - Southeast view of Project Site from northwest corner near Perry Street/Barrett Avenue intersection. The Project Site is primarily devoid of vegetation or dominated by disturbed ruderal habitat.



PHOTOGRAPH 2 - Southwest view of Project Site from northeast corner adjacent to Perry Street.

*Refer to Attachment A for Photographic Key Map*

**Attachment D - Current Project Site Photographs**

*MSHCP General Habitat Assessment/Consistency Analysis  
Duke Perry Street & Barrett Avenue Project Site, City of Perris*





PHOTOGRAPH 3 - Northwest view of Project Site from southeast corner. The majority of the Project Site is currently devoid of vegetation.



PHOTOGRAPH 4 - Northeast view of Project Site from southwest corner adjacent to Barrett Avenue. The majority of the Project Site is currently devoid of vegetation.

*Refer to Attachment A for Photographic Key Map*

**Attachment E - Current Project Site Photographs**

*MSHCP General Habitat Assessment/Consistency Analysis  
Duke Perry Street & Barrett Avenue Project Site, City of Perris*





PHOTOGRAPH 5 - Eastward view of disturbed/developed offsite impact area from Indian Avenue toward Project Site.



PHOTOGRAPH 6 - Westward view of disturbed offsite impact area from Perris Boulevard.

*Refer to Attachment A for Photographic Key Map*

**Attachment F - Current Offsite Photographs**

*MSHCP General Habitat Assessment/Consistency Analysis  
Duke Perry Street & Barrett Avenue Project Site, City of Perris*

