

March 30, 2015



John Gamble  
32040 Riverside Drive  
Lake Elsinore, CA 92530

RE: Biological Resources and Jurisdictional Delineation for the Wake Rider Beach Resort Project, located in the City of Lake Elsinore, Riverside County, California.

Dear Mr. Gamble:

This letter report summarizes our findings of biological resources and U.S. Army Corps of Engineers (Corps), Santa Ana Regional Board (Regional Board), and California Department of Fish and Wildlife (CDFW) jurisdiction for the Wake Rider Beach Resort Project site, Assessor's Parcel Number (APN) 381-030-005.

The Wake Rider Beach Resort property is a 5.18 acre long, narrow lot located east of Grand Avenue, north of Serena Way, south of Hill Street, and bounded on the northwest by Lake Elsinore (Figures 1 and 2). The site is depicted on the *Alberhill* USGS 7.5-minute topographic map at approximately 33°39'41.50" North, 117°22'37.07" West.

The proposed Wake Rider Beach Resort consists of the construction of a commercial mixed-use lakeside resort. The project includes an approximate 4,100 square foot retail/office building, three hotel buildings totaling approximately 51,088 square feet, an approximate 7,395 square foot restaurant building, and 2,415 square feet of outdoor patio dining areas. The proposed project also includes 2,332 square foot floating dock extending into Lake Elsinore, approximately 167 parking stalls, access roads, and associated appurtenances.

Permanent and temporary impacts will result from grading and construction activities. Temporary impacts will be limited by locating staging areas and construction access areas within the proposed areas of permanent impacts. Areas of temporary impact will be returned to pre-project conditions following grading and construction activities.

## **Methodology**

Prior to the site visit, HES conducted a literature search and reviewed aerial photographs and topographic maps of the project location and surrounding areas. Due to the urban development in the surrounding uses, a three-mile radius around the project site was used to query the California Natural Diversity Database (CNDDB). In addition, the United States Fish and Wildlife Service (USFWS) County Endangered Species Lists and CNPS's rare plant lists were reviewed to obtain

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species information for the project area. In addition, the project location was reviewed and studied for information that would aid in determining the potential for wetlands; permanent, intermittent or ephemeral drainages; and the resources and project impacts associated with the wetland, riparian, or streambed resources on-site.

Project plans, topographic maps and satellite imaging, soil maps and a Geographic Information System (Global Mapper) were examined to establish an accurate project location, project description, potential drainages, wetlands, vegetation, watershed, soils, and surrounding land uses.

On February 24, 2014, HES examined the project site to conduct a habitat assessment and determine the extent of waters of the United States and CDFW jurisdiction present on the site. During the site visit for the habitat assessment, the site was surveyed by slowly walking in a series of random transects to provide visual coverage. Vegetation and wildlife species observed were recorded as field observations were made. Habitat areas with the potential to be wetlands were evaluated for the presence of the three parameters required to be identified as wetlands under the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1987)*, and the *Arid West Interim Regional Supplement* to the 1987 Wetland Delineation. Signs of inundation, vegetation type changes, presence of water, and a definable bed were used to delineate the jurisdictional areas.

## Results

The Wake Rider Beach Resort site consists of a 5.18 acre lakefront site that has been filled on the southern portion of the site. Three habitat communities have been identified on the proposed project site: disturbed non-native vegetation dominant, disturbed black willow series dominant vegetation, and open water habitat (Figure 3 and Table 1).

<p style="text-align: center;"><b>Table 1</b> Plant Communities APN 381-030-005 Lake Elsinore, California</p>	
<b>Plant Community</b>	<b>Area</b>
Disturbed Non-Native	4.44
Disturbed Black Willow Series	0.16
Open Water	0.58
<b>Total</b>	<b>5.18</b>

The project site is predominately characterized as disturbed land dominated by non-native vegetation. Disturbed lands include areas that have been graded, repeatedly cleared for fire protection, or used for purposes that prevent natural revegetation, such as dirt parking lots and old home sites. The shoreline of the lake located within the northeastern portion of the property has been disturbed by regular disking and grazing. Plant species observed within the disturbed areas include rip-gut brome (*Bromus diandrus*), soft brome (*Bromus mollis*), red brome (*Bromus madritensis rubens*), Bermuda grass (*Cyanodon dactylon*), wild oat (*Avena fatua*), foxtail barley (*Hordeum murinum*), filaree (*Erodium cicutarium*), short-pod mustard (*Hirschfeldia incana*), fiddleneck (*Amsinckia menziesii*), horseweed (*Conyza canadensis*), yellow sweet clover (*Melilotus officinalis*), western ragweed (*Ambrosia psilostachya*), black willow (*Salix gooddingii*) sprigs, mule fat (*Baccharis salicifolia*) sprigs, and salt cedar (*Tamarix ramosissima*).

Black willow series vegetation occurs in small patches along the northwest property boundary. Plant species observed include black willow (*Salix gooddingii*) and mule fat (*Baccharis salicifolia*). The black willow series vegetation has been extensively disturbed.

Open water habitat is present at the northeast end of the property. The amount of open water present varies with the water level in Lake Elsinore.

The CNDDDB indicated that two sensitive species, the western snowy plover (*Charadrius alexandrinus nivosus*) and least Bell's vireo (*Vireo bellii pusillus*) have been reported in the vicinity of the project site. During the site visit, the property was evaluated to determine if these species or suitable habitat for these species may be present on, or adjacent to, the proposed project site. Suitable nesting habitat for the western snowy plover is not available in the vicinity of the project site. Western snowy plovers are likely to occur only as accidental visitors during migration. The proposed project will not adversely affect the western snowy plover. No suitable habitat for least Bell's vireo is located within the project site. The patches of black willow series habitat located along the northwestern property boundary is too disturbed to provide adequate habitat for this species. The proposed project will not adversely affect the least Bell's vireo.

During site visit, the water level in Lake Elsinore was approximately 1251-feet amsl. The area between the toe of the fill (1256-feet amsl) and the waterline is predominantly wetland. The ordinary high water mark (OHWM) for the lake is located at 1,255-feet amsl. This is the lake elevation when the lake flow leaves the lake and enters the Temescal watershed.

The extent of waters of the U.S. (WUS), Corps and Regional Board jurisdiction, was determined by the highest point the lake can reach before the water level starts to spill into the Temescal watershed. This point has been identified at a lake elevation of 1,255 feet amsl. WUS totals approximately 1.73 acres (Figure 4 and Table 2). The extent of CDFW jurisdiction was determined by identifying the bed, bank or channel of the lake and the drip line of any associated riparian vegetation. The 1,255-foot amsl point was determined to be the top of the bank for the lake. California Department of Fish and Wildlife jurisdiction totals approximately 1.73 acres and includes 0.58 acre of open water, 0.16 acre of black willow series habitat, and 0.99 acre of disturbed non-native habitat. (Figure 5 and Table 2).

<b>Table 2</b> Jurisdictional Areas APN 381-030-005 Lake Elsinore, California			
<b>Wetland</b>	<b>Acres</b>	<b>WUS</b>	<b>CDFW</b>
Open water	0.58	0.58	0.58
Disturbed Non-Native	0.99	0.99	0.99
Black Willow Series Habitat	0.16	0.16	0.16
<b>Total</b>	<b>1.73</b>	<b>1.73</b>	<b>1.73</b>

## Project Impacts

### Habitat

The proposed Wake Rider Beach Resort project would permanently impact approximately 3.16 acres of disturbed non-native vegetation dominant lands. In addition, approximately 0.01 acre of disturbed non-native vegetation will be temporarily impacted. Total impacts from the proposed project will be 3.17 acres of disturbed non-native vegetation dominant habitat (Figure 3). All black willow series habitat and open water habitat will be avoided.

### Impacts to Nesting Birds

The project site contains habitat for migratory nesting birds and raptors within the black willow series vegetation located along the northwestern project boundary. If vegetation removal or ground-disturbing activities will occur between February 1 and August 31, a preconstruction nesting bird survey will need to be performed.

### Jurisdictional Waters

Construction of the beach access road and the placement of the floating dock will result in approximately 0.05 acre of permanent impacts and approximately 0.01 acre of temporary impacts to Corps and Regional Board jurisdictional WUS and CDFW jurisdiction (Figures 4 and 5). CDFW jurisdictional areas to be permanently impacted include 0.05 acre of disturbed non-native habitat. Construction of the proposed beach access road would also result in approximately 0.01 acre of temporary impacts to disturbed non-native habitat.

### Western Riverside County Multiple Species Conservation Plan (MSHCP) Requirements

The proposed project site is within the Elsinore Area Plan. The proposed project site is not located within a proposed Criteria Area.

### *Section 6.1.2 – Species Associated with Riparian/Riverine Habitat and Vernal Pools*

The project site is located along the shoreline of Lake Elsinore. The shoreline of the lake located

within the northeastern portion of the property has been disturbed by regular disking and grazing. Open water habitat is present at the northeast end of the property. Riparian habitat found within the project site consists of patches of black willow (*Salix gooddingii*) and mulefat (*Baccharis salicifolia*) located along the northwestern project boundary. All black willow series habitat and open water habitat will be avoided.

No depressions or areas where water would pool were observed within the project site. No vernal pools occur on the project site and there is no suitable habitat for fairy shrimp to occur. Further, none of the riparian/riverine species listed in Section 6.1.2 of the MSHCP or habitat for these species were found within the project site.

Approximately 0.06 acres of disturbed non-native vegetation habitat associated with the lake will be impacted. This habitat is considered a riparian/riverine area, as defined by Section 6.1.2 of the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP), Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, which defines riparian/riverine areas as "... lands which contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens which occur close to or depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year" (MSHCP 2003). Although the project would result in impacts to Riparian/Riverine Areas, as defined by the MSHCP, the disturbed, non-native habitat to be impacted does not provide suitable habitat for covered species. No further surveys are required.

#### *Section 6.1.3 - Sensitive Plant Species*

The project site is not within the MSHCP Narrow Endemic Plant Species (NEPS) or Criteria Area Species (CAS) survey areas. There were no rare plants found within the project area and there is no suitable habitat for rare plants.

#### *Section 6.1.4 - 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. The project site is not within the vicinity of a conservation area and the Urban/Wildlife Interface Guidelines are not applicable.

#### *Additional Surveys and Procedures*

The MSHCP establishes habitat assessment requirements for certain species of plants, birds, mammals, and amphibians. The project is not within an MSHCP species survey area.

## Recommendations

The Wake Rider Beach Resort project design has implemented avoidance of black willow series habitat and open water habitat. By doing so, the proposed project will avoid impacting habitat with the potential to support habitat for covered species. Therefore, the proposed project is considered consistent with the MSHCP and will not require additional surveys or the preparation of a Determination of Biologically Equivalent or Superior Preservation (DBESP).

The proposed project site does contain suitable habitat for nesting birds protected by the Migratory Bird Treaty Act and the California Fish and Wildlife Code requires the implementation of the following measures to avoid impacts to nesting birds.

- If construction, including clearing, grubbing, and grading, is scheduled to occur between February 1 and September 15, a survey for nesting birds shall be conducted.
- The survey shall be conducted no more than three days before clearing of vegetation is scheduled to begin.
- If nesting birds are encountered or suspected, active nests shall be protected by an appropriately sized buffer set around the nest location.
- The size of the buffer will depend on the species of nesting bird, and shall be determined by the project biologist in consultation with representatives of the wildlife agencies.
- The location of the buffer will be noted on project plans.
- The perimeter of the buffer shall be delineated with orange vinyl construction barrier fencing.
- The project biologist shall monitor the buffer twice a week, until the young have fledged or the nest is no longer active. Incursions into the buffer, or other disturbance of the nest, shall be reported to the wildlife agencies immediately.
- The buffer shall not be disturbed until the project biologist has determined that the young have fledged or the nest is no longer active.

If mitigated as recommended, the proposed Wake Rider Beach Resort project is not forecast to have significant adverse effects on sensitive biological resources.

If you have any questions about this letter report, please feel free to contact me at (909) 772-9009 with any further questions.

Thank you.

Juan Jose Hernandez

Principal Biologist  
Hernandez Environmental Services  
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Enclosures:

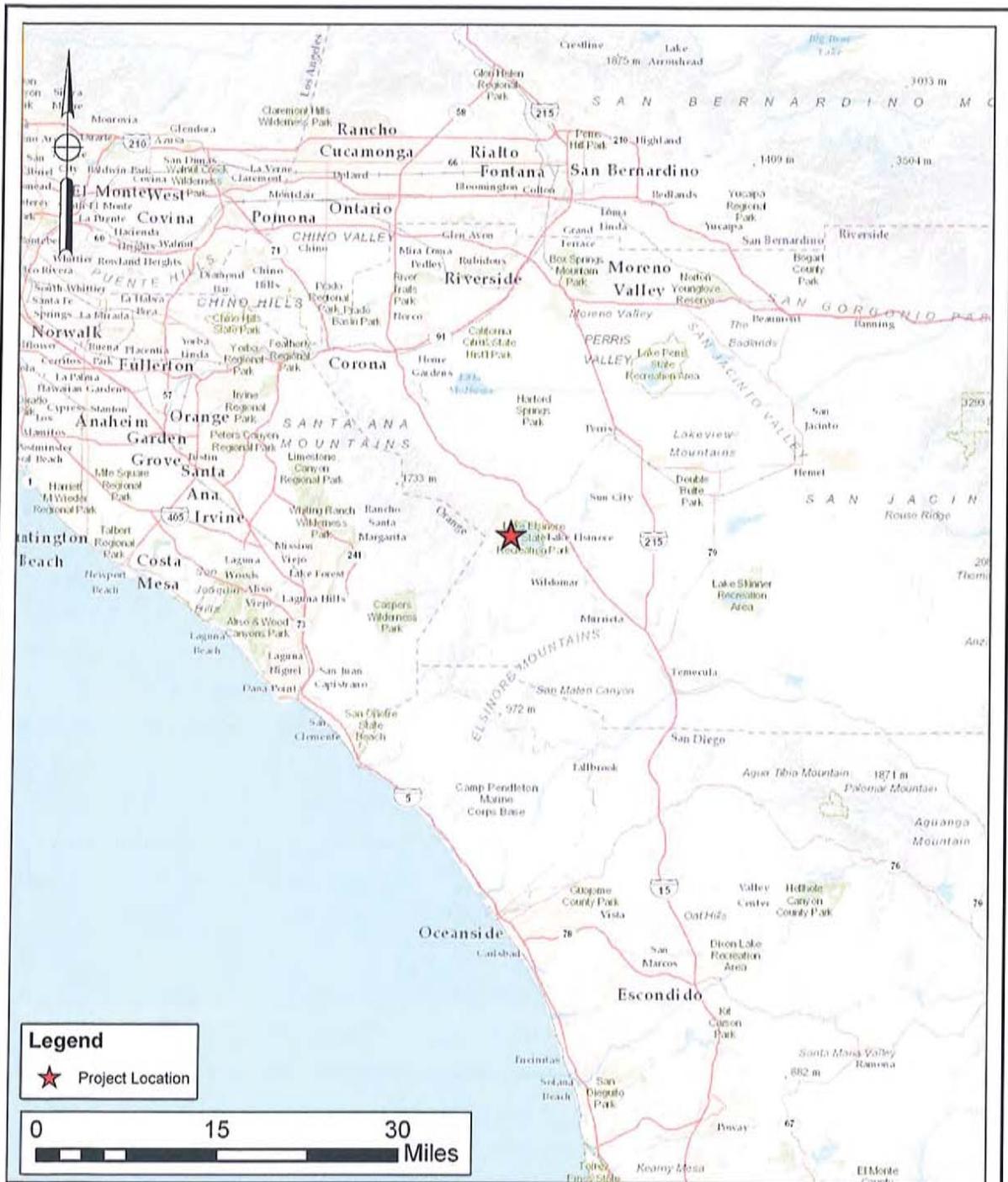
Figure 1 – Project Vicinity Map

Figure 2 – Project Location Map

Figure 3 – Habitat Impacts Map

Figure 4 – Water of the U.S. Impacts Map

Figure 5 – CDFW Impacts Map



**Figure 1**  
**Study Area Locale**  
 Wake Rider Park  
 APN 381-040-005  
 Lake Elsinore, California





**Figure 2**

**Location of Study Area**

Wake Rider Park  
 APN 381-040-005

Lake Elsinore, California





**Figure 3**  
 Habitat Impacts Map  
 Wake Rider Beach Park  
 Lake Elsinore, Riverside County, CA

**Legend**

**1.67 Acres of Permanent Impacts** (1.44 Acres Disturbed Non-Native, 0.15 Acre Unvegetated Sandy, and 0.08 Acre Open Water)

**0.10 Acre of Temporary Impacts** (0.03 Acre Unvegetated Sandy and 0.07 Acre of Disturbed, Non-Native Habitat)

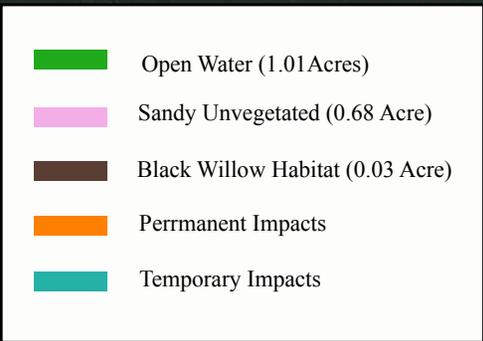




**Figure 4**  
 Waters of the US Impacts  
 Wake Rider Beach Park  
 Lake Elsinore, Riverside County, CA

- Legend**
- Waters of the US (1.72 Acres)
  - 0.23 Acre of Permanent Impacts to Water of the US
  - 0.02 Acre of Temporary Impacts to Water of the US





**Figure 5**  
 CDFW Impacts Map  
 Wake Rider Beach Park  
 Lake Elsinore, Riverside County, CA

**Legend**

