



CITY OF LAKE ELSINORE

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

Multiple Species Habitat Conservation Plan (MSHCP)

PROPERTY OWNER INITIATED APPLICATION

For MSHCP Consistency Determination

City of Lake Elsinore
Planning Division
130 S. Main Street
Lake Elsinore, CA 92530
(951)674-3124
(951)479-1419 fax

If any part of the proposed project lies within a MSHCP Criteria Cell, then this application will serve to initiate the Lake Elsinore Acquisition Process (LEAP). If not in a Criteria Cell, this application will serve to provide information regarding MSHCP "Plan Wide Requirements". Whether the proposed project is within a Criteria Cell, or not, a full consistency determination is required as part of project approval.

NOTE: This application is required on all projects, including grading permits.
The exceptions are one Single-Family Home, or other projects not requiring a discretionary action.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

CHECK ONE AS APPROPRIATE:

- Parcel Maps, Design Review, Conditional Use Permits
- Tract Maps, Specific Plans, General Plan Amendments
- Other

CASE NUMBER(s): Diamond Specific Plan No. 2009-01 and East Lake Specific Plan No. 93-3 Amendment No. 9

DATE: November 17, 2009

Applicant's Name: JICP-CP Diamond Development, LLC E-Mail: jpomeroy@civicpartners.com

Mailing Address: 7777 Center Avenue, Suite 300

<u>Huntington Beach</u>	<u>California</u>	<u>92467</u>
<i>City</i>	<i>State</i>	<i>ZIP</i>

Daytime Phone No: (714) 230-8000 Fax No: (714) 230-8010

Property Owner's Name: JICP-CP Diamond Development, LLC E-Mail: jpomeroy@civicpartners.com

Mailing Address: 7777 Center Avenue, Suite 300

<u>Huntington Beach</u>	<u>California</u>	<u>92467</u>
<i>City</i>	<i>State</i>	<i>ZIP</i>

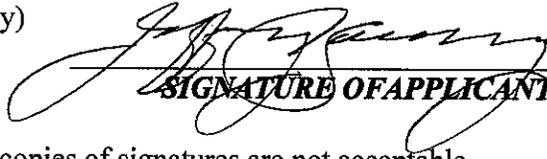
MSHCP CONSISTENCY DETERMINATION APPLICATION

Daytime Phone No: (714) 230-8000

Fax No: (714) 230-8010

JIC-CP Diamond Development, LLC (Jeffrey Pomeroy)

PRINTED NAME OF APPLICANT

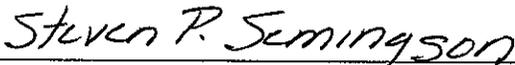

SIGNATURE OF APPLICANT

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.

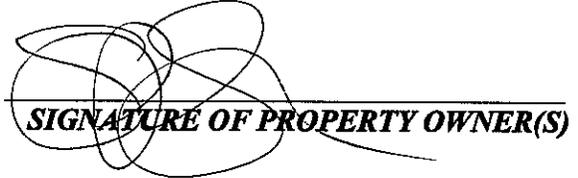
AUTHORITY FOR THIS APPLICATION IS HEREBY GIVEN:

I certify that I am/we are the record owner(s) or authorized agent and that the information filed is true and correct to the best of my knowledge. An authorized agent must submit a letter from the owner(s) indicating authority to sign the application on the owner's behalf. I further authorize, pursuant to Government Code Section 65105, that planning agency personnel may enter upon the subject property and make examinations and surveys, provided that, the entry, examination, and survey do not interfere with the use of the land.

All signatures must be originals ("wet-signed"). Photocopies of signatures are not acceptable.



PRINTED NAME OF PROPERTY OWNER(S)


SIGNATURE OF PROPERTY OWNER(S)

PRINTED NAME OF PROPERTY OWNER(S)

SIGNATURE OF PROPERTY OWNER(S)

If the subject property is owned by persons who have not signed as owners above, attach a separate sheet that references the application case number and lists the printed names and signatures of all persons having an interest in the property.

Related Permit(s) or Development Application Case Number(s) *(If applicable)*:

N/A

A full consistency determination must include all of the information as described below. It will likely be necessary to submit separate pages or attach appropriate documents and technical studies. All information must be submitted both in hardcopy, and in an electronic digital format on a CD.

Assessor's Parcel Number(s) (APNs): 363-150-006; 363-161-012, -029, -030, -031, -032, -033, -034, -035, -037; 365-280-022; 371-030-035; 373-210-014, -016, -019, -020, -021, -023, -026, -027, -030, -037, -038, -039, -040, -041, -042, and -043

Enter the APNs in the MSHCP Report Generator found at the website below, and include a copy of the report print-out. <http://www.rctlma.org/gis/rciprepgen.html>

If applicable, identify the MSHCP Conservation Criteria cell(s) covering the above referenced APN's: The study area is within Criteria Cells 4743 and 4846 (within Subunit 3 of the Elsinore Area Plan). In addition, the study area is also located within the East Lake Specific Plan (ELSP) which was approved for development in 1993, prior to the adoption of the MSHCP. Because the ELSP was not originally part of the MSHCP, the City worked in concert with Vandermost Consulting, Riverside Conservation Authority (RCA), and the Wildlife Agencies (USFWS and CDFG) to approve an agreement to preserve a 770-acre area within the ELSP (referred to herein as the "Back Basin 770 Agreement") to meet their Reserve Assembly requirements. Thus, the conservation requirements for the Back Basin are being met under the Back Basin 770 Agreement. It should be noted that although a small portion of the study area is located within the 770-acre Preservation Areas for the Back Basin (at the San Jacinto River's outlet into Lake Elsinore), the proposed project was designed to completely avoid the Preservation Areas.

Written project description: The Diamond Specific Plan project proposes a mixed-use development reflecting the objectives of the City's General Plan's Ball Park District. Mixed uses will include commercial, office, educational, entertainment, and residential uses.

Describe unique biological features (i.e. washes, streams, oak trees, juniper trees, and rock outcroppings) and quantify anticipated impacts resulting from development of the site: Two sensitive plant species, smooth tarplant and little mousetail, were observed on-site. Impacts will occur to approximately 11,420 smooth tarplant plants covering 1.38 acres (94.4 percent) of the approximately 12,100 individuals on-site by the proposed development. Impacts would occur to all of the approximately 100 little mousetail plants on-site (which were found along the edges of a 0.07-acre seasonal pond). In addition, implementation of the proposed project would result in permanent impacts to 0.33 acre of Riparian/Riverine habitat.

Explain the proposed project in relation to any Cores and Linkages, Area Plan Subunits, and Cell Groups. Include discussion of MSHCP goals for these areas and how the proposed project meets them. The western border of the study area lies within the Proposed Extension of Existing Core 3 of the MSHCP. In addition, a small portion of the northwesternmost corner of the study area, which currently exists as an active commercial development, lies within Proposed Linkage 8 of the MSHCP. Proposed Linkage 8 follows the San Jacinto River, which is immediately adjacent to the west of the study area. The study area is within the Back Basin 770 Agreement area, with a small portion of the study area being within the 770-acre Preservation Areas for the Back Basin. However, the project was designed to completely avoid the Preservation Areas. Thus, the Back Basin conservation requirements are being met pursuant to the Back Basin 770 Agreement; therefore, the proposed project is consistent with the MSHCP reserve assembly directives.

Explain how the proposed project design incorporates or complies with the Conservation Criteria within the affected cells? Include discussion of MSHCP goals for these Cells and how the proposed project meets them. The conservation requirements for Criteria Cells 4743 and 4846 are being met under the East Lake Specific

MSHCP CONSISTENCY DETERMINATION APPLICATION

Plan 770-Acre Preservation agreement for the Lake Elsinore Back Basin. The study area is within the Back Basin 770 Agreement area with a small portion of the study area being within the 770-acre Preservation Areas for the Back Basin. However, the project was designed to completely avoid the Preservation Areas.; therefore, the proposed project is consistent with the MSHCP reserve assembly directives.

Does the proposed project include any conservation of land to be donated to the MSHCP? If so, where and how much? Does the proposed project include any open space preservation? If so, where and how much? The proposed project does not include conservation land to be donated to the MSHCP, but will include an approximately 0.91-acre mitigation area for smooth tarplant to be preserved along the western boundary of the study area. The project has been designed to place the smooth tarplant mitigation areas adjacent to Preservation Areas along the San Jacinto River and Lake Elsinore, thus consolidating resources to be conserved whereby long-term protection is facilitated.

Does any part of the proposed project involve a Covered Activity as described in Section 7.0 *Covered Activities/Allowable Uses*? If so, please explain and include a detailed description of how the project will incorporate the required elements, including but not limited to, “siting and design” and maintenance requirements. Note that all Section 7.0 processing requirements apply.

N/A

How will the proposed project implement the requirements for the *Protection of Riverine/Riparian Areas and Vernal Pools* as set forth in Section 6.1.2 of the MSHCP (pages 620 through 6-27)? Include habitat assessment. If suitable habitat is present, further focused surveys are required, and results should be included in this submittal. Impacts should be avoided, but if this is not feasible, then discussion of practicable alternative that minimizes direct and indirect impacts to the maximum extent practicable shall be included. All unavoidable impacts shall be mitigated such that the lost functions and values as they relate to MSHCP Covered Species are replaced and set forth under a Determination of Biologically Equivalent or Superior Alternative (DBESP). If a DBESP is required, it should be included with this submittal. Is mapping required per Section 6.3.1?

Riparian/Riverine areas were mapped on-site, as described in Section 3.5 of the attached DBESP. Approximately 0.33 acre of Riparian/Riverine habitat would be impacted by the proposed project, as shown in Figure 11, Impact to Riparian/Riverine Features of the attached DBESP. Mitigation for impacts to Riparian/Riverine areas are discussed in Section 5.0 of the attached DBESP.

How will the proposed project implement the requirements for the *Protection of Narrow Endemic Plant Species* as set forth in Section 6.1.3 of the MSHCP (pages 6-12 through 6-41)? All habitat assessments, as well as focused surveys as required, shall be included with this submittal. For all surveys conducted, an explanation of survey methodology shall also be included, as well as map depicting location(s) if applicable per Section 6.3.1. A habitat and focused sensitive plant species survey was conducted, as described in Section 2.2 of the attached DBESP. No Narrow Endemic Plant Species were observed on-site.

MSHCP CONSISTENCY DETERMINATION APPLICATION

How will the proposed project implement the requirements for the *Additional Survey Needs and Procedures* as set forth in Section 6.3.2 of the MSHCP (pages 6-63 through 6-71)? All habitat assessments, as well as focused surveys as required, shall be included with this submittal. For all surveys conducted, an explanation of survey methodology shall also be included, as well as a map depicting location(s) if applicable per Section 6.3.1.

The study area is within the Criteria Area Species Survey Area and Burrowing Owl Survey Area. Surveys were conducted for these species, as described in Section 2.2 of the attached DBESP. Smooth tarplant and little mousetail were observed on-site. Approximately 11,420 smooth tarplant plants covering 1.38 acres (94.4 percent) and approximately 100 little mousetail plants, found along the edges of an approximately 0.07-acre seasonal pond, would be impacted by the proposed development, as shown in Figure 10, Impacts to Sensitive Plants of the attached DBESP. Mitigation for impacts to sensitive plants are discussed in Section 5.0 of the attached DBESP. No burrowing owls were observed on-site.

Does the project have any Vegetation Mapping requirements as set forth in Section 6.3.1 of the MSHCP? If so, how will they be addressed?

Refer to Figure 4, Plant Communities of the attached Biological Resources Assessment for vegetation map.

How will the proposed project commit to implement the *Urban/Wildlands Interface Guidelines* as set forth in Section 6.1.4 of the MSHCP (pages 6-42 through 6-46)? If applicable, the City is required to impose a condition ensuring compliance with these guidelines.

The proposed project will incorporate design features and best management practices to minimize indirect impacts related to urban edge effects, as discussed in Section 5.2 of the attached DBESP.

How will the proposed project comply with the *Fuels Management Guidelines* as set forth in Section 6.4 of the MSHCP (pages 6-72 through 6-73)? If applicable, the City is required to impose a condition ensuring compliance with these guidelines.

Fuel modification measures will be incorporated into the development plan.

If you need additional information about the MSHCP, please refer to <http://www.rctlma.org/mshcp/index.html>

Other information that should be included in the MSHCP submittal, both in hardcopy and electronic format (CD), is listed below:

- Aerial Photographic Image (TIFF format) of the subject property(ies) (delineated) and surrounding vicinity
- Exhibits and associated photographs that clearly represent the project area
- Site Plan/Tentative Tract or Parcel Maps (minimum size 11" x 17"; TIFF image of map)
Also, one of the following data formats (linework and annotation) -
 - Shape File
 - Microstation CAD File
 - Autodesk Auto CAD File
- Grading Permit
Conceptual or preliminary Grading Plan (TIFF image of plan). Include contours as well as a Digital Elevation Model (DEM) in one of the following data formats.
 - Shape File
 - Microstation CAD File
 - Autodesk Auto CAD File
- Building Permits and Site Preps
- All biological resource technical reports/surveys supporting the discussions above.

Number of Copies

The City recommends first submitting one (1) complete package to include all of the above information. The City will review the information provided, and request revisions or additional information as needed. If the project lies within a Criteria Cell, and requires a Joint Project Review (JPR) with the Regional Conservation Authority (RCA), four (4) additional copies will be required once the submittal is deemed complete.

Deposit for Review and Processing Fees¹

MSHCP Submittal Within Criteria Cell (s)...Requires Joint Project Review (JPR):

- \$1,500 deposit for City (check made payable to City of Lake Elsinore), plus
- \$1,500 deposit for RCA (check made payable to RCA)

MSHCP Submittal Outside of any Criteria Cell(s) ...No JPR required:

- \$800 deposit for City (check made payable to City of Lake Elsinore)

¹ These amounts are an estimated cost for review only, and depending upon the complexity of the project, additional money may be requested. All review fees are for cost recovery purposes. Should review and processing not require the full amount, a refund of the unused amount will be given. Should review and processing exceed the \$1,500 amount, additional fees may be requested. Please also note, review fees do not include MSHCP mitigation fees; Mitigation fees are separate and are determined based on impacted acreage.



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Executive Director

February 12, 2009

Carole Donahoe, AICP
City of Lake Elsinore
130 South Main Street
Lake Elsinore, California 92530

Dear Ms. Donahoe:

Please find the following JPR attached:

JPR 09-07-20-01. The Local Identifier is LEAP 2009-02; The Diamond Specific Plan. The JPR file attached includes the following:

- RCA JPR Review Form
- Exhibit A, Vicinity Map with MSHCP Schematic Cores and Linkages
- Exhibit B, Criteria Area Cells with MSHCP Vegetation and Project Location
- Exhibit C, Criteria Area Cells with Aerial Photograph and Proposed Project Impacts
- Regional Map.

Thank you,

Stephanie Standerfer
Western Riverside County Regional Conservation Authority

cc: Doreen Stadtlander
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009

Leslie MacNair
California Dept. of Fish and Game
3602 Inland Empire Blvd. #C220
Ontario, California 91764

3403 10th Street, Suite 320
Riverside, California 92501

P.O. Box 1667
Riverside, California 92502-1667

Phone: (951) 955-9700
Fax: (951) 955-8873
www.wrc-rca.org



RCA Joint Project Review (JPR)

JPR #: 09-07-20-01

Date: 2/12/10

Project Information

Permittee: City of Lake Elsinore
 Case Information: LEAP 2009-02; The Diamond Specific Plan
 Site Acreage: 87.2 Acres
 Portion of Site Proposed for MSHCP Conservation Area: 0.68 acres on site

Criteria Consistency Review

Consistency Conclusion: The project is consistent with both the Criteria and other Plan requirements.

Data:

Applicable Core/Linkage: Proposed Extension of Existing Core 3 and Proposed Linkage 8

Area Plan: Elsinore

APN	Sub-Unit	Cell Group	Cell
363-150-006	SU 3 – Elsinore	Independent	4743
363-161-012			4846
363-161-029			
363-161-030			
363-161-031			
363-161-032			
363-161-033			
363-161-034			
363-161-035			
363-161-037			
365-280-022			
371-030-035			
373-210-014			
373-210-016			
373-210-019			
373-210-020			
373-210-021			
373-210-023			
373-210-026			
373-210-027			
373-210-030			
373-210-037			
373-210-038			
373-210-039			
373-210-040			
373-210-041			
373-210-042			
373-210-043			



RCA Joint Project Review (JPR)

JPR #: 09-07-20-01

Date: 2/12/10

Comments:

- a. Proposed Extension of Existing Core 3 (Lake Elsinore Soils) consists of two blocks of land extending from the southern border of Existing Core E (Lake Elsinore). The northern portion of the proposed extension is also connected to Proposed Linkage 8. Proposed Extension of Existing Core 3 conserves soils of the Traver series, which is important to the maintenance of several species of Narrow Endemic Plants. The northern portion of the extension also provides for movement of species along the lower San Jacinto River to Proposed Linkage 8.
- b. Proposed Linkage 8 (Sedco Hills/Wildomar) is composed largely of upland Habitat in the Sedco Hills and Wildomar area. This Linkage is a major component of one of the two main east–west connections between Core Areas in Lake Mathews/Estelle Mountain, Alberhill, and the Cleveland National Forest in the western portion of the MSHCP Plan Area and Core Areas in French Valley, Johnson Ranch, Diamond Valley Lake, and San Jacinto Mountains in the eastern portion of the MSHCP Plan Area. This Linkage provides Live-In Habitat for over 50 pairs of coastal California gnatcatcher, as well as a connection to other key populations of gnatcatcher known to occur in Alberhill, North Peak, and the Ramsgate area.
- c. A portion of the western edge of the project is located in Cell 4846. Conservation within Cell 4846 will contribute to assembly of Proposed Extension of Existing Core 3. Conservation within this Cell will focus on grassland habitat associated with the San Jacinto River. Areas conserved within this Cell will be connected to grassland habitat proposed for conservation in Cell 4845 to the west, 4743 to the north and 4937 to the south. Conservation within this Cell will range from 65% to 75% of the Cell, focusing in the western portion of the Cell.
- d. A portion of the western edge of the property is also located in Cell 4743. Conservation within this Cell will contribute to assembly of Proposed Extension of Existing Core 3 and Proposed Linkage 8. Conservation within this Cell will focus on riparian scrub, woodland, forest, and grassland habitat associated with the San Jacinto River. Areas conserved within this Cell will be connected to riparian scrub, woodland, and forest habitat proposed for conservation in Cell 4646 to the north, to grassland habitat proposed for conservation in Cell 4742 to the west, and 4846 to the south. Conservation within this Cell will range from 45% to 55% of the Cell, focusing in the southern and northeastern portions of the Cell.
- e. The proposed Diamond Specific Plan project will include a mixed-use development featuring commercial, office, educational, entertainment, and residential uses adjacent to the existing baseball stadium. Most of the project site is disturbed by regular disking. There are small areas of riparian scrub habitats on site, as well as areas supporting smooth tarplant and little mousetail. Based on the GIS data received from the Permittee, the project proposes 0.68 acre of Conservation on the site related to the avoidance and mitigation of the smooth tarplant. The location of this on-site mitigation area is located within the area also contemplated for Conservation related to Extension of Existing Core 3; areas conserved are located along the San Jacinto River outlet channel. In addition to the 0.68 acre conserved



RCA Joint Project Review (JPR)

JPR #: 09-07-20-01

Date: 2/12/10

on site, the project proposes to mitigate for smooth tarplant directly off site on 0.67 acre. Therefore, a total of 1.35 acres, including on- and off-site areas, will be contributed to the MSHCP Reserve. The project is located in the Back Basin area, and is subject to the Back Basin Agreement with the Wildlife Agencies related to Reserve Assembly, which lays out an alternative conservation plan. Therefore, since the project has conserved an area along the outlet channel, which contributes to Extension of Existing Core 3, and as long as the reserve assembly requirements of the Back Basin area are being met through the Back Basin Agreement, the project site does not conflict with the Reserve Assembly requirements of the MSHCP.

Other Plan Requirements

Data:

Section 6.1.2 – Was Riparian/Riverine/Vernal Pool Mapping or Information Provided?

Yes. The JPR materials indicate that there are riparian/riverine areas on the project site. There are no vernal pools and fairy shrimp habitat on the project site.

Section 6.1.3 – Was Narrow Endemic Plant Species Survey Information Provided?

Yes. The project site is located within a Narrow Endemic Plant Species Survey Area (NEPSSA) for Munz's onion, San Diego ambrosia, many-stemmed dudleya, spreading navarretia, California Orcutt grass, Hammitt's clay-cress, and Wright's trichocoronis.

Section 6.3.2 – Was Additional Survey Information Provided?

Yes. The project site is located in a Criteria Area Species Survey Area (CASSA) for San Jacinto Valley crownscale, Parish's brittle scale, Davidson's salt scale, thread-leaved brodiaea, round-leaved filaree, smooth tarplant, Coulter's goldfields, and little mouse tail. Additionally, the site is located in an Additional Survey Area for burrowing owl.

Section 6.1.4 – Was Information Pertaining to Urban/Wildland Interface Guidelines Provided?

Yes. The property is located near Conservation Areas.

Comments:

- a. Section 6.1.2: PCR Services Corporation (PCR) conducted a biological assessment and Determination of Biologically Equivalent or Superior Preservation (DBESP) (dated November 17, 2009) for the project site. PCR reports that there are 1.84 acres of riparian/riverine resources on site, based on their Biological Resources Assessment (Appendix A of the DBESP), dated November 17, 2009 (refer to Figure 7 of the



RCA Joint Project Review (JPR)

JPR #: 09-07-20-01

Date: 2/12/10

DBESP). The 1.84 acres is composed of three specific areas: 0.4 acre of riparian habitat of tamarisk/willow scrub associated with the San Jacinto outlet; 1.0 acre of barren lakebed; and 0.44 acre of ephemeral riverine drainages. PCR reports that essentially all of the 0.4 acre tamarisk/willow scrub area will be avoided by the project, as well as the 1.0 acre of barren lakebed. The willow scrub habitat associated with the 0.4 acre of tamarisk/willow scrub is reported by PCR to be too dense and shrubby to support suitable habitat for riparian bird species; therefore, no focused surveys were conducted. The project will permanently impact the remaining 0.44 acre of riverine resources associated with the three drainages on site. Per Figure 7 of the DBESP, the three drainages are identified as DF1, DF2, and DF3. All three drainage features convey stormwater from off-site and on-site sources into the San Jacinto River outlet, and ultimately to Lake Elsinore, both of which are located within the MSHCP Conservation Area. Each drainage feature provides some level of sediment transport and nutrient sources to Lake Elsinore. DF3 (0.23 acre) contains a small amount of wetland species within its bed, which provides attributes such as: a small amount of habitat, limited flood storage, velocity dissipation, sediment trapping, nutrient retention, and toxicant trapping. The DBESP prepared by PCR discusses the mitigation to the 0.44 acre of riverine features on Page 32. PCR proposes a ration of at least 1:1 for credits into an established mitigation bank and/or in-lieu fee program. PCR states in the DBESP “[t]he main hydrologic function of these three drainages within the study area is the transport of water, most of which is nuisance urban runoff. Although the on-site drainages provide some limited ecological functions (i.e., limited sediment transport, transport of nutrients and aquatic chemicals to downstream waters, seasonal flood storage, flood flow attenuation, toxicant trapping, and velocity dissipation), off-site mitigation within a more extensive Riparian/Riverine ecosystem, such as enhancement of the San Jacinto River, would provide these ecological functions at a greater magnitude and higher quality, as well as wildlife habitat that supports species listed in Section 6.1.2 of the MSHCP. Furthermore, the enhanced habitat would allow for greater nutrient and toxicant trapping, which would be beneficial to Lake Elsinore....” In addition to the drainages on site, the project site also encompasses 11.0 acres of land that is under the 1,265-foot elevation contour. As stated in a memorandum dated February 10, 2010, the proponent will mitigate for the 11.0 acres of impact to the lake riverine areas by one or more of the following: “Purchase of credits into an agency-approved off-site mitigation bank or in-lieu fee program (e.g., San Jacinto River invasive removal project through the Santa Ana Watershed Authority) at a mitigation ratio of 0.25:1; Conserve land (off-site) within the same jurisdictional elevation (i.e., below 1265’ in elevation) within the Back Basin; Tamarisk removal from City-owned lands within the Back Basin at a minimum mitigation ratio of 0.25:1; Invasive species removal from areas within the Back Basin within the CDFG 1256’ jurisdictional elevation of Lake Elsinore at a minimum mitigation ratio of 0.25:1.” The Permittee shall ensure prior to authorizing any ground disturbance that the mitigation for the drainages listed above, as well as the mitigation options provided for the 1,265-foot elevational impacts, have been implemented. Payment or acquisition of mitigation credits shall be within the San Jacinto River, preferably within close proximity to Lake Elsinore and shall focus on flood storage, flood flow attenuation, velocity dissipation, nutrient retention and transport, sediment trapping and transport, toxicant trapping, and wildlife habitat. PCR’s Biological Resources Assessment indicates there are nine seasonal pools on site. PCR determined that hydrology and plant indicator species were

present, but since the site does not support appropriate vernal pool soils, none of the seasonal ponds met the definition of vernal pools. Additionally, PCR reviewed historic aerial photographs from 1971, 1994, 2002, 2005, 2005, 2006, and 2008, and no evidence of vernal pools were evident on site. Fairy shrimp surveys were conducted by PCR from December 10, 2008, to March 31, 2009, and a dry season survey was conducted on June 2, 2009, in all of the nine seasonal ponds. No listed fairy shrimp were identified during either of these survey efforts. Based on the information provided by PCR, and with the acquisition of off-site mitigation focusing on the enhancement and improvement to the San Jacinto River in close proximity to Lake Elsinore, the project demonstrates compliance with Section 6.1.2 of the MSHCP.

- b. Section 6.1.3: The project site is located within a NEPSSA for Munz's onion, San Diego ambrosia, many-stemmed dudleya, spreading navarretia, California Orcutt grass, Hammitt's clay-cress, and Wright's trichocoronis. The project site was surveyed by PCR on May 21, 2009, and July 1, 2009, for suitable habitat for these NEPSSA plants, as reported in their Biological Resources Assessment, dated November 17, 2009. PCR reports that none of the NEPSSA plant species were observed on site. The project demonstrates compliance with Section 6.1.3.
- c. Section 6.3.2: The project site is located in a CASSA for San Jacinto Valley crownscale, Parish's brittlescale, Davidson's saltscale, thread-leaved brodiaea, round-leaved filaree, smooth tarplant, Coulter's goldfields, and little mousetail. The project site was surveyed by PCR on May 21, 2009, and July 1, 2009, for suitable habitat for these CASSA plants as reported in their Biological Resources Assessment, dated November 17, 2009. Of these CASSA species, two species were identified on site—smooth tarplant and little mousetail. PCR reported positively identifying over 12,100 smooth tarplant within the project site. Over 100 little mousetail plants were also identified on site. The little mousetail was identified within Seasonal Pond 9 (see Figure 9 of the Biological Resources Assessment). The project will impact approximately 94% of the smooth tarplant on site, and will impact 100% of the little mousetail on site; therefore, a DBESP (dated November 17, 2009) was prepared by PCR (see Figure 10 of the DBESP).
- d. Section 6.3.2 Smooth Tarplant: The project aims to collect smooth tarplant seeds from the site that will be impacted by the proposed development. PCR prepared a Smooth Tarplant Mitigation Maintenance and Monitoring Plan (MMMP) dated December 23, 2009. As a result of the DBESP being reviewed by the Wildlife Agencies and the comments they provided, the project proponent proposed modifications to the DBESP related to the smooth tarplant, which is documented in a memorandum dated February 10, 2010. Per the Smooth Tarplant MMMP, the collected seeds will be used to reseed the on-site and off-site mitigation areas, which will total 1.35 acres (see Figure 1 of the memorandum). Since smooth tarplant is typically found in disturbed and disced areas, it is expected the smooth tarplant will respond well to the reseeded and repopulate the mitigation areas successfully. The modifications to the project, as stated in the memorandum, have the smooth tarplant linear mitigation area along the north-western boundary of the site adjacent to the San Jacinto River outlet channel, and an approximate 11-foot trail will flank the mitigation area and the project's buildings. The new location of the smooth tarplant mitigation area adjacent to the river, instead of being in between the trail and buildings, should be conducive to

successful restoration as the soils are suitable for smooth tarplant and the location provides an upland buffer to the river channel. Implementation, monitoring, and maintenance shall be done in accordance with the Smooth Tarplant MMMP referenced above. The City of Lake Elsinore is responsible for ensuring the Smooth Tarplant MMMP, and any modifications documented in the memorandum, gets implemented as part of the project approval. Since the City shall be responsible for success criteria being met for the smooth tarplant, and since the on- and off-site mitigation area for the smooth tarplant will be protected in the long term, and managed for this species, the project demonstrates consistency related to CASSA plants with Section 6.3.2 of the MSHCP.

- e. Section 6.3.2 Little Mousetail: As stated above, the project will impact 100% of the little mousetail found on the project site. The project proponent will be responsible for implementing a relocation program as outlined in the Little Mousetail MMMP prepared by PCR, dated December 23, 2009, which accompanies the DBESP. The little mousetail is proposed to be translocated by removing the topsoil inoculum from the project site and transplanted to prepared receptor sites on the off-site mitigation parcel (see Figure 5 of Little Mousetail MMMP). The receptor site is also a mitigation site for vernal pools and has soils associated with suitable little mousetail habitat. Implementation, monitoring, and maintenance shall be done in accordance with the Little Mousetail MMMP referenced herein. Since the City of Lake Elsinore shall be responsible for success criteria being met for the little mousetail, and since the on- and off-site mitigation sites for the little mousetail will be protected in the long term, and managed for this species, the project demonstrates consistency related to CASSA plants with Section 6.3.2 of the MSHCP.
- f. Section 6.3.2: Additionally, the site is located in an Additional Survey Area for burrowing owl. PCR conducted a habitat assessment for burrowing owl on December 10, 2008. Suitable burrows and habitat were identified on site. Focused surveys for burrowing owls were therefore conducted by PCR on March 4, 18, 25, and 31, 2009. No owls or their sign was observed by PCR during their focused survey efforts. The project demonstrates consistency related to burrowing owl with Section 6.3.2 of the MSHCP.
- g. Section 6.1.4: To preserve the integrity of areas on and adjacent to the project site which are Conservation Areas, the guidelines contained in Section 6.1.4 related to controlling adverse effects for development adjacent to the MSHCP Conservation Area should be considered by the Permittee in their actions relative to the project. Specifically, the Permittee should include as project conditions of approval the following measures:
 - i. Incorporate measures to control the quantity and quality of runoff from the site entering the MSHCP Conservation Area. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into MSHCP Conservation Areas. According to the report, the proposed tower site will not generate any changes in existing runoff into the area and a stormwater pollution prevention plan will be prepared for construction of the site.
 - ii. Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts such as manure, which are potentially toxic or may adversely affect wildlife species, habitat or water quality shall incorporate measures to ensure that application of such chemicals does

not result in discharge to the MSHCP Conservation Area. The greatest risk is from landscaping fertilization overspray and run-off. According to the report, only propane will be held on site during operations and will be contained within a pressurized tank within the fenced area.

- iii. Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased. According to the report, the site will include a motion-activated security light that will include a down-shielded design to minimize spillage.
- iv. Proposed noise generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. According to the report, the only noise will be generated by the HVAC system located on the prefabricated shelter. The noise generated will be minimal.
- v. Consider the invasive, non-native plant species listed in *Table 6-2* of the MSHCP in approving landscape plans to avoid the use of invasive species for the portions of the project that are adjacent to the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography and other features. According to the report, the site will have no landscaping.
- vi. Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping into the MSHCP Conservation Areas. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage, and/or appropriate mechanisms. According to the report, the site will be fenced and will not interfere with wildlife movement.
- vii. Manufactured slopes associated with the proposed site development shall not extend into the MSHCP Conservation Area. The site will only require minimal grading and no manufactured slopes are anticipated.

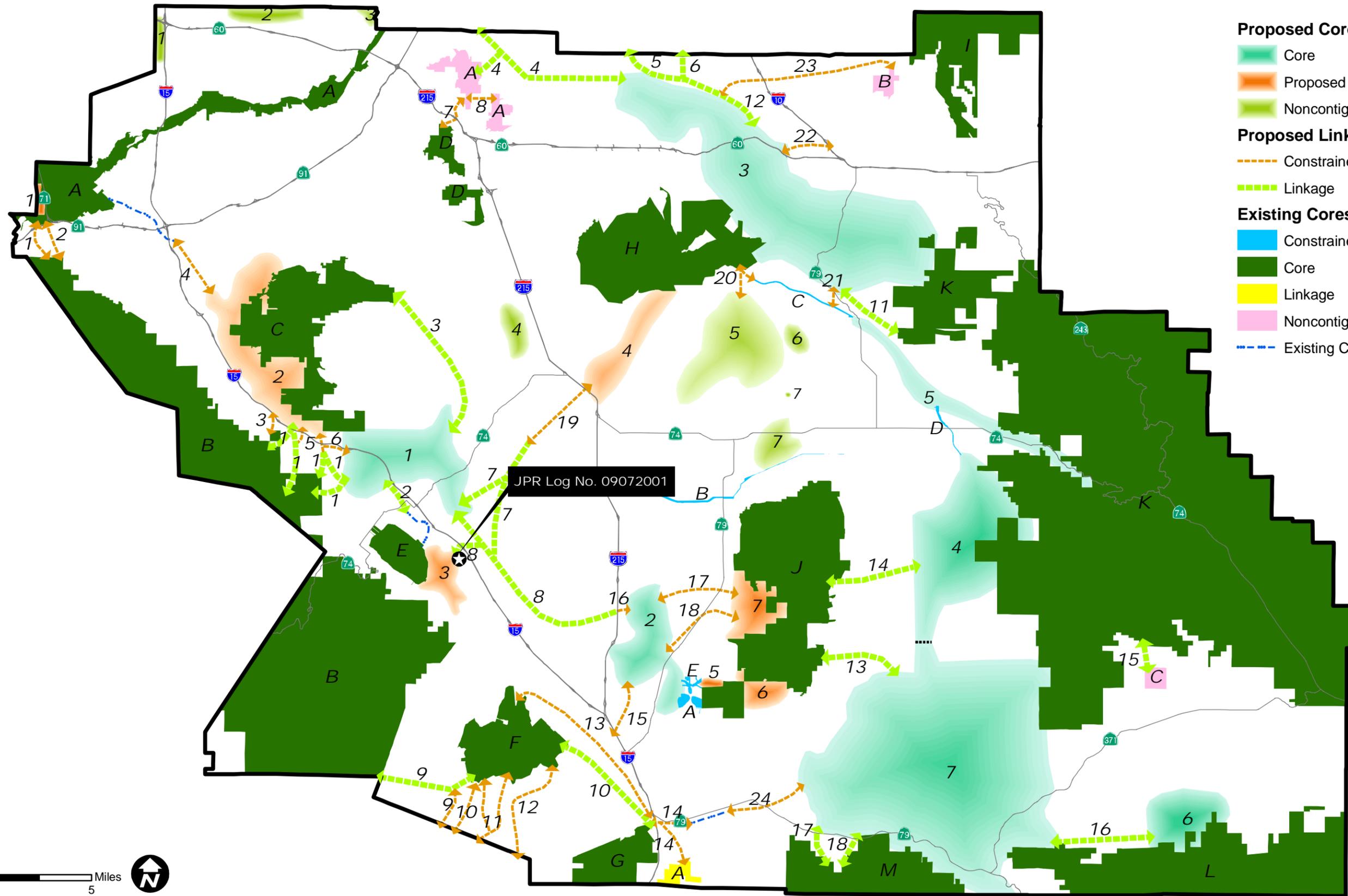


RCA Joint Project Review (JPR)

JPR #: 09-07-20-01

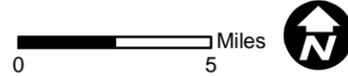
Date: 2/12/10

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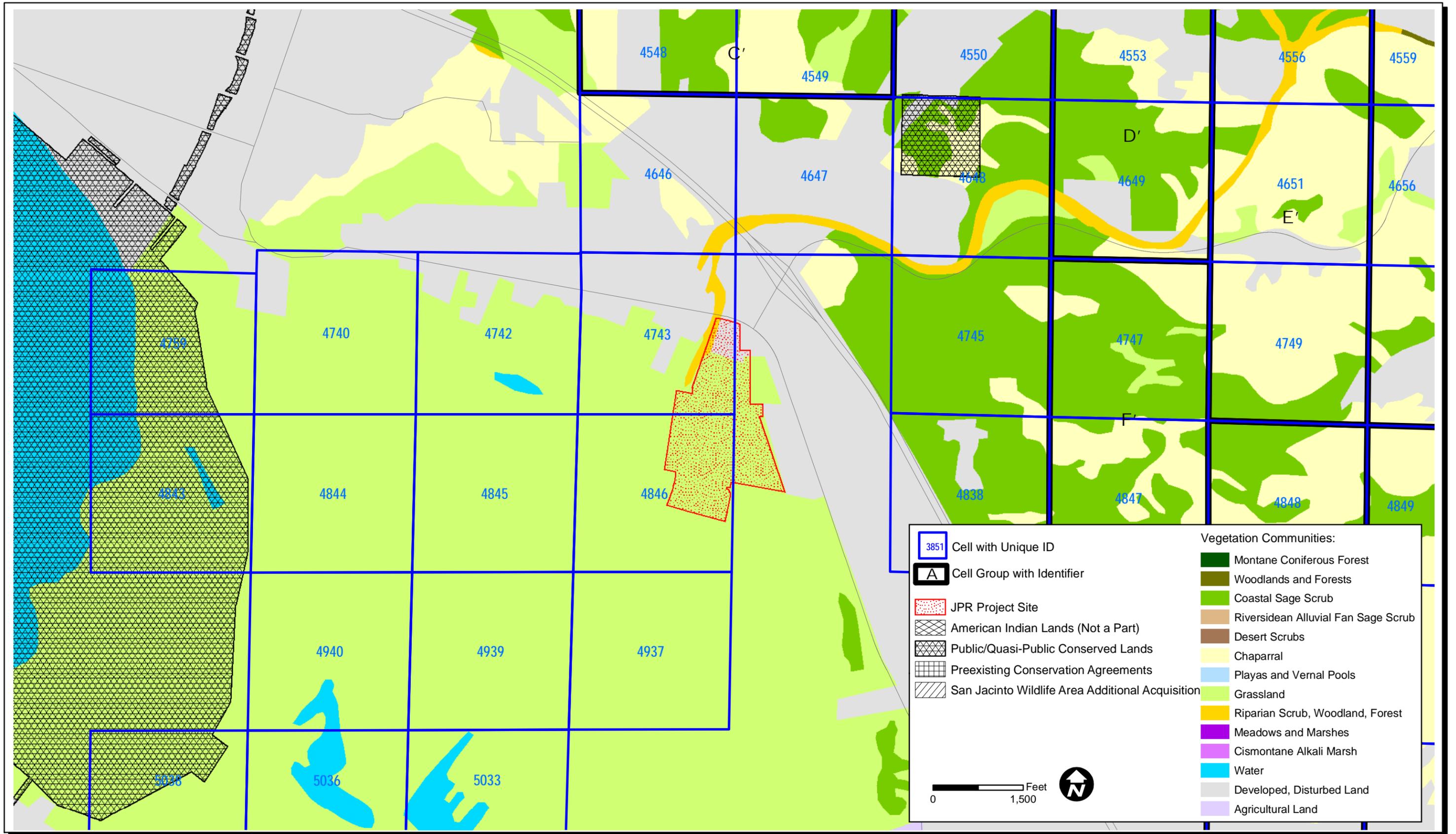
- Proposed Cores & Habitat Blocks:**
- Core
 - Proposed Extension of Existing Cores
 - Noncontiguous Habitat Block
- Proposed Linkages:**
- Constrained Linkage
 - Linkage
- Existing Cores & Linkages:**
- Constrained Linkage
 - Core
 - Linkage
 - Noncontiguous Habitat Block
 - Existing Channel

JPR Log No. 09072001



JPR Log No. 09072001
Vicinity Map with MSHCP Schematic Cores and Linkages

EXHIBIT
A

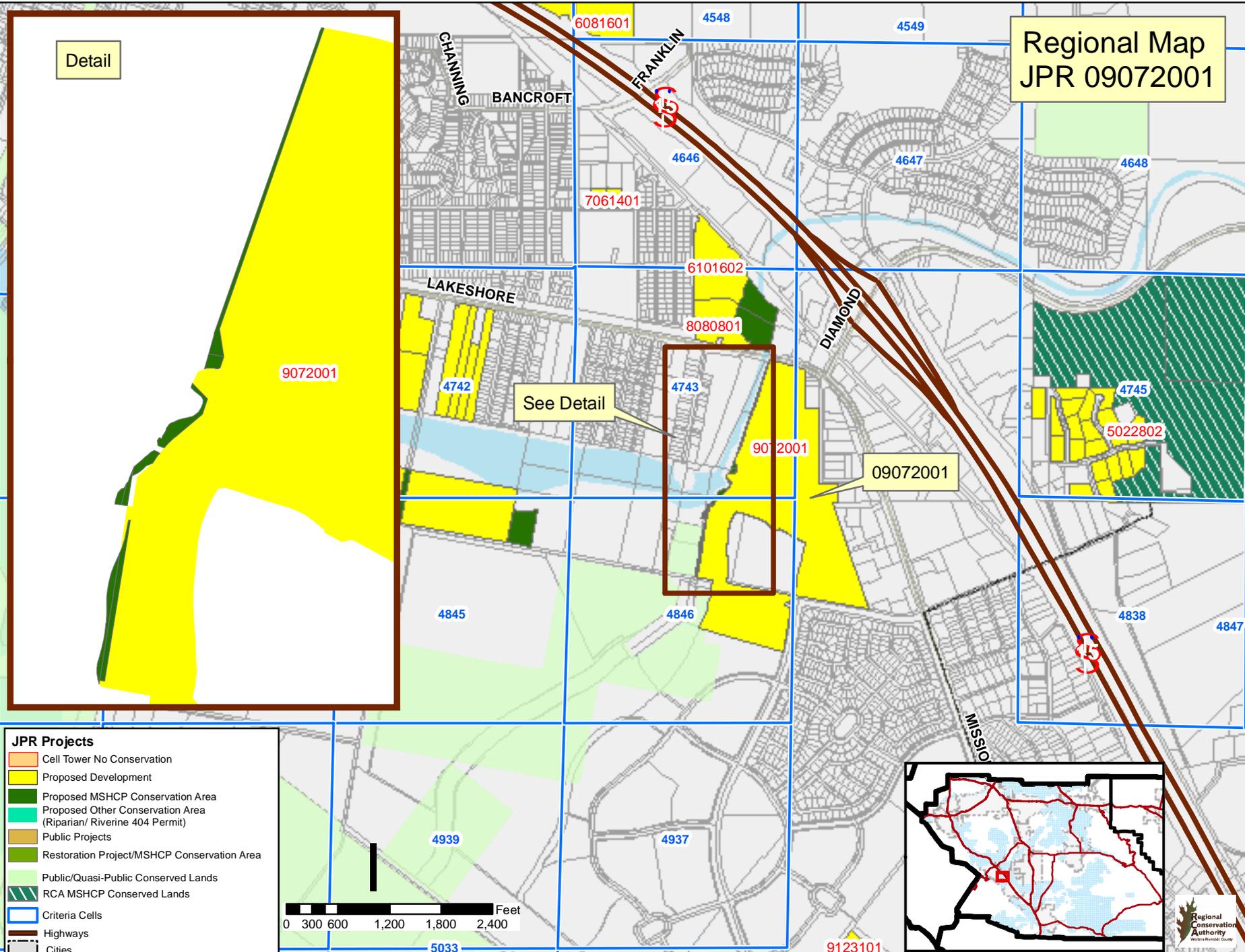


JPR Log No. 09072001
Criteria Area Cells with MSHCP Vegetation and Project Location



Regional Map JPR 09072001

Detail



JPR Projects

- Cell Tower No Conservation
- Proposed Development
- Proposed MSHCP Conservation Area
- Proposed Other Conservation Area (Riparian/ Riverine 404 Permit)
- Public Projects
- Restoration Project/MSHCP Conservation Area
- Public/Quasi-Public Conserved Lands
- RCA MSHCP Conserved Lands
- Criteria Cells
- Highways
- Cities

