EVERGREEN COMMERCIAL DEVELOPMENT PROJECT
Planning Application No. 2021-34
Tentative Parcel Map (TPM) Nos. 38195 and 38281
Conditional Use Permit (CUP) Nos. 2021-09, 2021-10, 2021-11, 2021-12
Commercial Design Review (CDR) No. 2021-17
Public Convenience & Necessity (PCN) Nos. 2021-01 and 2021-02
Uniform Sign Program (SIGN) No. 2021-35

ENVIRONMENTAL REVIEW NO. 2021-05
FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION
STATE CLEARINGHOUSE NO. 2022090133

Prepared By:
CITY OF LAKE ELSINORE
130 South Main Street
Lake Elsinore, CA 92530

Applicant:
EVERGREEN DEVCO, INC
2390 E. CAMELBACK ROAD, SUITE 410
PHOENIX, AZ 85106

Environmental Consultant:
Sagecrest Planning+Environmental
27128 Paseo Espada, Suite #1524
San Juan Capistrano, CA 92675

April 2023

Table of Contents

1. Introduction

Although not required by the California Environmental Quality Act (CEQA), the City of Lake Elsinore has prepared the following responses to significant environmental comments received on the Evergreen Commercial Development Project Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND). The Responses to Comments and Errata, which are included in this document, together with the Draft IS/MND, Draft IS/MND appendices, and the Mitigation Monitoring and Reporting Program (MMRP), comprise the Final IS/MND for use by the City of Lake Elsinore in its review and consideration of the Evergreen Commercial Development Project. All public comments regarding the Draft IS/MND are included for consideration by the City.

This document is organized into two sections:

- **Section 1**—Introduction.
- **Section 2**—Responses to Written Comments and Errata. Provides a list of the agencies, organizations, and individuals who commented on the Draft IS/MND. Copies of all of the letters received regarding the Draft IS/MND and responses thereto are included in this section.

  In response to comments, minor clarifying revisions were made to the Draft IS/MND and the following two appendices:

  > Appendix B - *Evergreen Commercial Development Project – Biological Resources Technical Report,* ESA, July 2022, revised March 2023
  >
  > Appendix B-1 - *Evergreen Commercial Development Project – Aquatic Resources Delineation Report,* ESA, August 2022, revised March 2023

  Both the errata to the Draft IS/MND and revised appendices are included in this section.

  These revisions do not constitute "substantial revisions" of the IS/MND, and all revised mitigation measures described herein are equal to or more effective than the previous version of the mitigation measure included in the IS/MND circulated for public comment. Therefore, recirculation of the IS/MND was not required.

The **Final IS/MND** includes the following contents:

- Draft IS/MND and appendices dated September 2022 (provided under separate cover)
- Responses to Written Comments and Errata (Section 2 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

2. Response to Comments and Errata

EVERGREEN COMMERCIAL DEVELOPMENT PROJECT
Planning Application No.2021-34
Tentative Parcel Map No. 38195 and 38281
Conditional Use Permit (CUP) No. 2021-10, 2021-11 and 2021-12
Commercial Design Review (CDR) No. 2021-17
Public Convenience and Necessity (PCN) No. 2021-01 and 2021-02
Uniform Sign Program (SIGN) No. 2021-25

Response to Comments/Errata

DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Prepared for:

The City Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

Contact: Damaris Abraham, Planning Manager

Applicant:

Evergreen Devco, Inc.
2390 E. Camelback Road, Suite 410
Phienix, AZ 85106

Prepared By:

SAGECREST
PLANNING + ENVIRONMENTAL

27128 Paseo Espada, Suite #1524
San Juan Capistrano, CA 92675
(949) 996-7243
Contact: Kelly Ribuffo, Project Manager

March 2023

This page intentionally left blank.

TABLE OF CONTENTS

1. INTRODUCTION

A Draft Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed Evergreen Commercial Development Project (Proposed Project) and made available for public comment for a 30-day public review period from September 12, 2022 through October 12, 2022. Three comment letters were received on the document that were considered by the Lead Agency before it acted on the Proposed Project.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15074(b) (14 CCR 15074(b)), before approving the Proposed Project, the City of Lake Elsinore, as the lead agency under CEQA, will consider the MND with any comments received during this public review period. Specifically, Section 15074(b) of the CEQA Guidelines (14 CCR 15074(b)) states the following:

"Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis."

Pursuant to CEQA Guidelines Section 15073.5 – Recirculation of a Negative Declaration Prior to Adoption…

(a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.

(b) A "substantial revision" of the negative declaration shall mean:

(1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or

(2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

(c) Recirculation is not required under the following circumstances:

(1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.

(2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.

(3) Measures or conditions of project approval are added after circulation of the

negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

(4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

Responses to the comments and revisions to the Draft IS/MND contained herein do not meet any of the circumstances in 15073.5(b), therefore, recirculation of the Draft IS/MND is not required.

2. RESPONSES TO COMMENTS

The agencies that provided substantive written comments on the environmental issues addressed within the IS/MND are listed in Table 1. Although CEQA (California Public Resources Code, Section 21000 et seq.) and the CEQA Guidelines (14 CCR 15000 et seq.) do not explicitly require a lead agency to provide written responses to comments received on a proposed IS/MND, the lead agency may do so voluntarily. A copy of each letter with bracketed comment numbers on the right margin is followed by the response for each comment as indexed in the letter. Comment letters and specific comments are given letters and numbers for reference purposes.

Table 1 – Organizations, Persons, and Public Agencies that Commented on the IS/MND

Comment Letter	Commenting Organization, Person, or Public Agency	Date
A	County of Riverside Department of Health	September 15, 2022
B	California Department of Fish and Wildlife, Inland Deserts Region	October 7, 2022
C	Riverside County Flood Control District	October 11, 2022

a) **Comment Letter A – County of Riverside Department of Environmental Health**

County of Riverside
DEPARTMENT OF ENVIRONMENTAL HEALTH
P.O. BOX 7909 ● RIVERSIDE, CA 92513-7909
JEFF JOHNSON, DIRECTOR

September 15, 2022

City of Lake Elsinore
Attn: Community Development Department/Damaris Abraham
130 S. Main Street
Lake Elsinore CA 92530

SUBJECT: EVERGREEN DEVELOPMENT PROJECT
PA2021-013 TPM38124 IDR2021-01

Dear Ms. Abraham:

The City of Lake Elsinore Community Development Department is responsible for implementing the requirements of CEQA[1] for planning projects within their jurisdiction. To ensure compliance with CEQA[2], City of Lake Elsinore Planners distribute projects to the appropriate Agencies/Departments for review by staff with the specific knowledge and experience to evaluate projects for compliance with State and Local laws/regulations specific to their department and areas of expertise.

Proper review of proposed projects by appropriate staff ensures compliance with state and ` laws and regulations as well as provides protection for the citizens of Riverside County and the environment from potential adverse effects of a project.

Based on the project description, Department of Environmental Health (DEH) has the following comments:

REVIEW FEES
Please refer to the attached "Environmental Health Review Fees" Tier chart for the appropriate fees. A minimum initial deposit will be required to conduct reviews. Additional fees may be

[1] The California Environmental Quality Act (CEQA) CCR Title 14 15065 is a statute that requires state and local agencies to determine whether a project may have a significant effect on the environment.

[2] A project is an activity which must receive some discretionary approval (meaning that the agency has the authority to deny the requested permit or approval) from a government agency which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

required depending on time spent on the project. These fees will need to be collected prior to this Department issuing a final project comments letter.

WATER AND WASTEWATER:
DEH will request information to evaluate a project's water source and method of sewage disposal. Information should be included in exhibits so that DEH can provide further comments as to what will be required for the project.

ENVIRONMENTAL CLEANUPS PROGRAM (ECP)
ECP conducts environmental reviews on planning projects to ensure that existing site conditions will not negatively affect human health or the environment. The intent of the environmental reviews is: to determine if there are potential sources of environmental and/or human exposures associated with the project, identify the significance of potential adverse effects from the contaminants, and evaluate the adequacy of mitigation measures for minimizing exposures and potential adverse effects from existing contamination and/or hazardous substance handling.

HAZARDOUS MATERIALS MANAGEMENT BRANCH (HMMB)
HMMB will review projects to determine if hazardous materials are being handled and will provide further comments as part of the review process as it relates to the project.

DISTRICT ENVIRONMENTAL SERVICES (DES)
DES will review and provide comments on projects that include the following:

- Food Facilities
- Pools/Spas/Water Features
- Facilities that sell tobacco

LOCAL ENFORCEMENT AGENCY (LEA)
LEA will review and provide comments on projects the following projects:

- Landfills, transfer stations, composting sites, and other specific solid waste activities
- Facilities that handle medical waste
- Body art facilities

Should you have any questions regarding this letter, please contact me at (951) 955-8980.

Sincerely,
Kristine Kim, Supervising REHS
County of Riverside, Department of Environmental Health
Environmental Protection and Oversight Division
3880 North Lemon Street, Suite 200
Riverside, CA 92501

County of Riverside
DEPARTMENT OF ENVIRONMENTAL HEALTH
P.O. BOX 7909 ● RIVERSIDE, CA 92513-7909
JEFF JOHNSON, DIRECTOR

Environmental Health Review Fees
(Planning Case Transmittals for Contracted Cities)

DESCRIPTION	FEE
Tier 1 - Water and Sewer verification review • Will Serve Letter • Onsite Wastewater Treatment Systems • Advance Treatment Units • Solis Percolation Report • Issuance of a SAN 53 and/or Comments Letter • Wells Average time 3 hours for review	$597.00
Tier 2 - Phase I Environmental Site Assessment (ESA) review or additional report reviews, • Review of items aforementioned in Tier 1 Average time 7 hours for review	$1393.00
Tier 3 - Phase II Environmental Site Assessment (ESA) review and additional report reviews, • Review of items aforementioned in Tier 1 and Tier 2 Average time 10 hours for review	$1990.00

NOTES TO FEE SCHEDULE:

- The fees noted in the fee schedule are minimum fees to be paid at the time of application filing to cover the average Department cost of review. Should actual costs exceed the amount of the fee, the applicant will be billed for additional costs. Services are charged at a rate of $199/hour.
- An hourly rate of $199 shall be charged for other development-related fees which may be required, but are not necessarily limited to, well, and septic system fees.
- An application shall be filled with the Planning Department of the Contracted city prior to submitting any items listed above to this Department for Review. Please provide a copy of the Planning Case transmittal to this Department.

Rev 07/01/22

Response to Comment Letter A – Riverside County Department of Environmental Health

The comments are acknowleged. The Applicant/Developer will apply for all applicable permits and pay all required fees for construction of the Proposed Project. This comment does not question the content or conclusions of the IS/MND. No additional response is required.

b) **Comment Letter B – California Department of Fish and Wildlife, Inland Desert Region**

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

October 7, 2022

Damaris Abraham, Planning Manager
City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530
dabraham@lake-elsinore.org

Subject: Mitigated Negative Declaration
Evergreen Commercial Development Project
State Clearinghouse No. 2022090133

Dear Damaris Abraham:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the City of Lake Elsinore (City) for the Evergreen Commercial Development Project (Project) for Evergreen Devco, Inc. (Project Applicant/Proponent) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802.). Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

CDFW issued Natural Community Conservation Plan approval and take authorization in 2004 for the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP), as per Section 2800, et seq., of the California Fish and Game Code. The MSHCP established a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. The City of Lake Elsinore is a permittee to the MSHCP and is responsible for implementation of the MSHCP and its associated Implementation Agreement. CDFW is providing the following comments as they relate to the Project's consistency with the MSHCP and CEQA.

PROJECT DESCRIPTION SUMMARY

Project Location

The Project site comprises approximately 8.86 acres in the City of Lake Elsinore within Riverside County, California, in Section 31, Township 5 South, Range 4 West, of the U.S. Geological Survey (USGS) 7.5" Lake Elsinore, California topographic quadrangle map. The Project is located northeast of Cambern Avenue, southeast of Central Avenue, northwest of 3rd Street, and southwest of Conard Avenue. The Project is located within Assessor's Parcel Numbers (APN) 377-020-014, 377-020-016, 377-020-017, 377-020-018, and 377-020-019.

B-1

Project Description

The proposed Project would consist of the construction of 57,254 square foot (1.31 acres) commercial center, composed of a grocery store, several restaurants, gas station and attached convenience store, and a drive through car wash on approximately 8.863 acres. In addition, 1.29 acres of landscaping would be installed, and 5.69 acres would be designated as paved areas for parking and circulation within the Project Site. Other Project activities would include on-site stormwater management improvements, lighting, walls and fencing, and a security gate for the emergency vehicle access at Allan Street.

The Project also would require the approval of Tentative Parcel Map (TPM) No. 38195 and TPM No. 38281 to subdivide the existing five lots into five lots with different sizes as well as approval for several conditional use permits.

COMMENTS AND RECOMMENDATIONS

To assist the City of Lake Elsinore in adequately mitigating the Project's potentially significant impacts to biological resources, CDFW offers the comments and recommendations presented below, and in Attachment 1 "Mitigation Monitoring and Reporting Program" for consideration by the City of Lake Elsinore prior to adoption of the MND for the Project.

Western Riverside County Multiple Species Habitat Conservation Plan

Western Riverside MSHCP Implementation:

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. B-2

The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. To be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the MSHCP, the Permits, and the Implementing Agreement. The City of Lake Elsinore the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. To demonstrate consistency with the MSHCP, as part of the CEQA review, per City Resolution Number 3162 Sections 3-5, the City shall ensure the Project implements the following:

1. Pays Local Development Mitigation Fees and other relevant fees as set forth in Section 8.5 of the MSHCP.

2. Demonstrates compliance with: 1) the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, set forth in Section 6.1.2 of the MSHCP; 2) the Urban/Wildlands Interface Guidelines as set forth in Section 6.1.4 of the MSHCP; 3) the policies set forth in Section 6.3.2 and associated vegetation survey requirements identified in Section 6.3.1; and 4) the Best Management Practices and the siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP.

The MSHCP identifies that the California Department of Fish and Wildlife and the U. S. Fish and Wildlife Service (collectively known as the Wildlife Agencies) shall be notified in advance of approval of public and private projects for the identified MSHCP activities which includes the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.11 of the MSHCP). Additionally, the City's MSHCP Implementation Resolution Number 3162 Sections 3-5 states that the City "shall be required to comply with the procedures set forth in the MSHCP Implementation Policy"

and “no project requiring a discretionary, or certain ministerial permits or approvals that could have adverse impacts to species covered under the MSHCP shall be approved by the City, unless the project is consistent with the MSHCP”. CDFW requests that to demonstrate compliance with the MSHCP, the City complete MSHCP implementation prior to adoption of the MND for the Project. B-2

Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools

The MSHCP Protection of Species Associated with Riparian/Riverine and Vernal Pool Resources, Section 6.1.2, indicates that if avoidance of onsite impacts to Section 6.1.2 resources is not feasible, then the impacts should be identified and mitigated for through a Determination of Biologically Equivalent or Superior Preservation (DBESP) process prior to or in parallel to CEQA. The assessment of Riparian/Riverine and Vernal Pool Resources should include mapping of riparian/riverine areas and vernal pools, species composition, topography/hydrology, and soil analysis which may be completed during the CEQA process (Section 6.1.2 of the MSHCP). If the mapping noted above identifies suitable Habitat for the species listed in the MSHCP and the proposed project design does not incorporate avoidance of the identified Habitat, focused surveys for those species shall be conducted, and avoidance and minimization measures implemented in accordance with the species-specific objectives for those species. The MSHCP identifies that the Wildlife Agencies **shall** be notified in advance of approval of public or private projects of draft determinations for the biologically equivalent or superior determination findings associated with the Protection of Wetland Habitats and Species policies presented in Section 6.1.2 of the MSHCP (MSHCP Section 6.11). As required by MSHCP, completion of the DBESP process prior to adoption of the environmental document ensures that the project is consistent with the MSHCP and provides public disclosure and transparency during the CEQA process by identifying the project impacts and mitigation for wetland habitat, a requirement of CEQA Guidelines, §§ 15071, subds. (a)-(e). B-3

The MND and accompanying General Biological Resource Assessment (located in Appendix C) indicate that 0.26 acres of riparian/riverine or vernal pool resources are located with the proposed Project area. CDFW appreciates the analysis of impacts provided within the MND and General Biological Resource Assessment. However, the MSHCP implementation process is not complete because a DBESP has not been prepared, and has not been submitted to the Wildlife Agencies for review and response, to determine if the mitigation proposed for the impacts to riparian/riverine resources is biologically equivalent or superior preservation to avoidance. It is not appropriate for the City to adopt the MND until the DBESP is complete because the City is required to notify the Wildlife Agencies in advance of approval of public and private projects for identified MSHCP activities, such as completion of the DBESP for the riparian/riverine policy. CDFW requests that to demonstrate implementation of the MSHCP, the City of Lake Elsinore complete the DBESP process and once the DBESP is complete, revise the Biological Mitigation Measure 1 (MM BIO 1) and update with the mitigation measures identified in the DBESP. In addition, the proposed mitigation should identify

mitigation options within the Western Riverside County MSHCP to ensure riparian/riverine resources are replaced within the plan area. CDFW recommends revising MM BIO 1 in the MND per the edits below (edits are in ~~strikethrough~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".:

B-3

MM Bio 1: ~~Mitigation for the permanent removal of 0.10 acre (469 linear feet) of potential other waters of the U.S. and State subject to Sections 404 and 401 of the CWA, and 0.26 acre (469 linear feet) of potential CDFW streams and associated vegetation subject to CFGC Code Section 1600, and MSHCP riparian/riverine areas (inclusive of the 0.09 acre of scale broom scrub [a CDFW sensitive natural community]) will be addressed through the purchase of credits from the Soquel Canyon Mitigation Bank, or other agency-approved mitigation bank or inlieu fee program, at a minimum of 1:1 impact-to-replacement ratio. BIO-1 applies only to Phase 2 of the proposed project as the sensitive natural community and MSHCP riparian/riverine habitat only occurs in the southern portion of the project site.~~ **As identified in the** DBESP report, as described in Section 6.1.2 of the MSHCP, **the** proposed impacts **are [update with numbers] of acres**, and **the** proposed mitigation sufficient to offset impacts on scale broom scrub and MSHCP riparian/riverine areas **is** [**Update with DBESP results and findings**]

Lake and Streambed Alteration Program

B-4

Based on review of material submitted with the MND and review of aerial photography the Project has the potential to impact of fish and wildlife resources subject to Fish and Game Code section 1600 et seq. Depending on how the Project is designed and constructed, it is likely that the Project applicant will need to notify CDFW per Fish and Game Code section 1602. To ensure compliance with Fish and Game Code section 1602 CDFW recommends that the County condition the MND to include a mitigation measure for consultation with CDFW to determine if Fish and Game Code section 1600 et seq. resources may occur within the proposed Project alignment. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources.

CDFW may suggest ways to modify the project that would eliminate or reduce harmful impacts to fish and wildlife resources.

B-4

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code, § 21065). To facilitate issuance of an LSA Agreement, if necessary, the MND should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to https://www.wildlife.ca.gov/Conservation/LSA/Forms.

CDFW recommends the inclusion of the following measure in the MND per the edits below (edits are in **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".:

MM Bio XX: **Prior to the City's issuance of a grading permit for the Project site and prior to the start of Project activities**, **the Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources. The applicant shall either receive a Streambed Alteration Agreement or written documentation from CDFW that a Streamed Alteration Agreement is not needed.**

Nesting Birds

B-5

It is the Project proponent's responsibility to avoid Take of all nesting birds. Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. These regulations apply anytime nests or eggs exist on the Project site.

The timing of the nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have observed that changing climate conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting.

The duration of a pair to build a nest and incubate eggs varies considerably, therefore, CDFW recommends surveying for nesting behavior and/or nests and construction within three days prior to start of Project construction.

B-5

CDFW strongly suggests the City evaluate the direct, indirect, and cumulative impacts to nesting birds, before approval and certification of the MND. Appropriate analysis would include conducting focused nesting bird surveys throughout the project site. To address the above issues and help the Project applicant avoid unlawfully taking of nests and eggs, CDFW requests the City revise the following mitigation measures included from the MND, as per below (edits are in ~~strikethrough~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".

> MM BIO-2: Nesting Bird Survey. ~~If construction~~ **Prior to start of site preparation activities** (**ground disturbance**, **construction activities**, **and/or removal of trees and vegetation**) ~~is scheduled to commence during the avian nesting season (February 1–August 31)~~, a qualified biologist ~~should~~ **shall** conduct a nesting bird survey within 3 days of the anticipated initial construction (clearing and grubbing of potential nesting vegetation) start date to identify any active nests within 500 feet of the project site. **The Project Applicant shall adhere to the following prior to the issuance of grading permits:**
>
> 1. **Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.**
>
> 2. **Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.**
>
> If an active nest is detected, a suitable avoidance buffer will be established by the **Designated Biologist** ~~**biologist**~~ in the field **based on their best professional judgement and experience.** Construction activities will remain

outside of the buffer until a ~~qualified biologist~~ **Designated Biologist** determines that the nest is no longer active ~~(e.g., chicks have fledged)~~ **(i.e., the juveniles are surviving independent from the nest).** Appropriate buffers distances generally include up to 300 feet for passerine species and up to 500 feet for raptors; however, these may be reduced at the discretion of the biologist, depending on the site-specific factors, such as the location of the nest, species tolerance to human presence, and the types of construction-related noises, vibrations, and human activities that would occur. **The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. The onsite qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished.**

B-5

If initial construction (clearing and grubbing) temporarily ceases for a period greater than 7 days, and activities expect to recommence during the avian nesting season, the project site (including surrounding 500 feet) will be resurveyed. ~~Following the initial construction (clearing and grubbing), if there is no longer suitable habitat for nesting birds within the project area, a nesting bird survey shall no longer be required.~~ **Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to City for mitigation monitoring compliance record keeping.**

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

B-6

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

B-7

CONCLUSION

CDFW appreciates the opportunity to comment on the MND for the Evergreen Commercial Development Project, State Clearinghouse No. 2022090133 to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. CDFW recommends that the City of Lake Elsinore addresses CDFW's comments and concerns, which includes completion of the DBESP, prior to adoption of the MND for the Project.

Questions regarding this letter or further coordination should be directed to Katrina Rehrer, Environmental Scientist, at katrina.rehrer@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Kim Freeburn
84F92FFEEFD24C8...

Kim Freeburn,
Environmental Program Manager

ec: **California Department of Fish and Wildlife**
Heather Pert, Senior Environmental Scientist Supervisory
Heather.Pert@wildlife.ca.gov

U.S. Fish and Wildlife Service
Karin Cleary-Rose
Karin_Cleary-Rose@fws.gov

Western Riverside County Regional Conservation Authority
Tricia Campbell
tcampbell@rctc.org

State Clearinghouse

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

ATTACHMENTS

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during Project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party for implementing the mitigation measure. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigationmeasure will be implemented. The Responsible Party column identifies the person oragency that is primarily responsible for implementing the mitigation measure.

Biological (BIO) Mitigation Measures (MM)	Implementation Schedule	Responsible Party
MM Bio 1: As identified in the DBESP report, as described in Section 6.1.2 of the MSHCP, the proposed impacts are [update with numbers] of acres, and the proposed mitigation sufficient to offset impacts on scale broom scrub and MSHCP riparian/riverine areas is [Update with DBESP results and findings]	Prior to start of Project activities	City of Lake Elsinore
MM BIO-2: Nesting Bird Survey. Prior to start of site preparation activities (ground disturbance, construction activities, and/or removal of trees and vegetation), a qualified biologist shall conduct a nesting bird survey within 3 days of the anticipated initial construction (clearing and grubbing of potential nesting vegetation) start date to identify any active nests within 500 feet of the project site. The Project Applicant shall adhere to the following prior to the issuance of grading permits: 1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. If an active nest is detected, a suitable avoidance buffer will be established by the Designated Biologist in the field based on their best professional judgement and experience. Construction activities will remain outside of the buffer until a Designated Biologist determines that the nest is no longer active (i.e., the juveniles are surviving independent from the nest). Appropriate buffers distances generally include up to 300 feet for passerine species and up to 500 feet for raptors; however, these may be reduced at the discretion of the biologist, depending on the site-specific factors, such as the location of the nest, species tolerance to human presence, and the types of construction-related noises, vibrations, and human activities that would occur. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. The onsite qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. If initial construction (clearing and grubbing) temporarily ceases for a period greater than 7 days, and activities expect to recommence during the avian nesting season, the project site		

(including surrounding 500 feet) will be resurveyed. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to City for mitigation monitoring compliance record keeping.		
MM Bio XX: Prior to the City's issuance of a grading permit for the Project site and prior to the start of Project activities, the Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources. The applicant shall either receive a Streambed Alteration Agreement or written documentation from CDFW that a Streamed Alteration Agreement is not needed.	Prior to start of Project activities	Project Proponent

Response to Comment Letter B – California Department of Fish and Wildlife (CDFW), Inland Deserts Region

NOTE: Throughout the following responses, Appendix B of the Final Draft Initial Study/Mitigated Negative Declaration for the Proposed Project (*Evergreen Commercial Development Project – Biological Resources Technical Report,* ESA, July 2022, revised March 2023) is referred to as **Appendix B**, and Appendix B-1 of the IS/MND (*Evergreen Commercial Development Project – Aquatic Resources Delineation Report,* ESA, August 2022, revised March 2023) is referred to as **Appendix B-1**.

Response to Comment B-1

This comment has correctly summarized the Project Description as presented in the IS/MND and corresponding entitlement application with the City of Lake Elsinore. This comment does not question the content or conclusions of the IS/MND and no further response is required.

Response to Comment B-2

The comment is acknowledged. The City of Lake Elsinore is a permittee to the MSHCP and is responsible for implementation of the MSHCP and its associated Implementation Agreement. The Proposed Project shall comply with all applicable codes, laws, ordinances, and regulations to minimize or avoid adverse effects to state and federally listed animals, or species proposed for listing to the greatest extent practical.

Appendix B demonstrates that the Project is consistent with MSHCP Consistency Analysis reporting requirements. The Proposed Project is not situated within a survey area for narrow endemic plant species, criteria area plant species, burrowing owl, amphibians or Delhi sands flower-loving fly, and does not provide habitat for species identified as "not adequately conserved." Therefore, through payment of development fees and the implementation of appropriate best management practices (BMPs), the project would be consistent with MSHCP Section 6.1.3, Protection of Narrow Endemic Plant Species, Section 6.3.2, Additional Survey Needs and Procedures, Information on Other Species, Section 7.4.2, Conditionally Compatible Uses, and Section 7.5.3, Construction Guidelines and Appendix C. The project is also not situated within public/quasi-public land (PQP Land) or a criteria cell/cell group, and is not subject to Section 3.2.1, Public/Quasi-Public Land, Section 6.1.4, Guidelines Pertaining to the Urban/Wildlands Interface, or the Habitat Evaluation and Acquisition Negotiation Strategy (HANS)/ Joint Project/Acquisition Review (JPR) processes.

The Proposed Project will result in the complete removal/modification of approximately 0.52 acre/469 linear feet of MSHCP riparian/riverine areas within the southern portion of the project site. On-site mitigation is not feasible; therefore, mitigation shall be met through the purchase of mitigation credits either from the Riverpark Mitigation Bank or Barry Jones Wetland Mitigation Bank. If credits are obtained via the Riverpark Mitigation Bank, they will either be purchased at an impact-to-replacement ratio of 1.5:1 for re-establishment (i.e., 0.78 acre), or 1:1 for both re-

establishment and rehabilitation (i.e., 0.52 acres of re-establishment and 0.52 acres of rehabilitation, for a total of 1.04 acres), or 3:1 for only rehabilitation (i.e., 1.56 acres). If credits are obtained via the Barry Jones Wetland Mitigation Bank, they will be purchased at an impact-to-replacement ratio of 4:1 for preservation (i.e., 2.08 acres). Indirect effects to MSHCP riparian/riverine areas, downstream of the project site may occur, as well; however, implementation of the BMPs identified in Section 7.5.3, Construction Guidelines, and Appendix C of the MSHCP will ensure that indirect impacts to downstream MSHCP riparian/riverine areas would be avoided, or sufficiently minimized.

Although the project would result in the removal/modification of approximately 0.52 acre/469 linear feet of MSHCP riparian/riverine areas, the purchase of mitigation credits would result in the replacement of MSHCP riparian/riverine areas that are biologically equivalent or superior to those that are currently present within the project site, and the implementation of appropriate BMPs would prevent indirect impacts to MSHCP riparian/riverine areas downstream of the project site.

Since the conclusion of IS/MND public comment period, the Applicant has submitted a separate draft MSHCP consistency analysis report, in conjunction with a Determination of Biologically Equivalent or Superior Preservation (DBESP) report, to CDFW for review (*Evergreen Commercial Development Project, Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis Report and Determination of Biologically Equivalent or Superior Preservation*, Environmental Science Associates, October 2022, revised March 2023).

The report is consistent with the summary provided above in this Response to Comment B-2. The report does not indicate that any new, avoidable significant effects have been identified, or that any project revisions must be added. Further, the report does not indicate any new mitigation measures or project revisions are required to reduce potential effects to less than significant. As such, the report does not indicate a "substantial revision" of the IS/MND is required, and therefore, recirculation of the IS/MND is not required.

As requested by CDFW, the MSHCP review will be completed prior to adoption of the environmental document. For the Proposed Project, final determination of entitlement approval and IS/MND adoption will be made by the Lake Elsinore City Council.

Response to Comment B-3

The comment is acknowledged. Since the conclusion of the NOI public comment period, the Applicant has submitted the draft DBESP report to CDFW and USFWS for review. The DBESP process will be completed prior to adoption of the environmental document to ensure that the Proposed Project is consistent with the MSHCP and to provide public disclosure and transparency during the CEQA process by identifying the project impacts and mitigation for wetland habitat, a requirement of CEQA Guidelines, §§ 15071, subds. (a)-(e). For the Proposed Project, final determination of entitlement approval and IS/MND adoption will be made by the Lake Elsinore City Council.

During the initial site investigation (March 3, 2022), the boundaries of the FGC Section 1600 resources and MSHCP riparian/riverine areas within Drainage 1 were verified and assessed, as summarized in Section 2.3.3 of Appendix B (Biological Resources Report) and further described in Appendix B-1 (Aquatic Resources Delineation Report). This initial delineation identified 0.26 acre/469 linear feet of FGC Section 1600 resources within the project site. However, the follow-on delineation conducted by the Wildlife Agencies (CDFW and USFWS) on January 12, 2023, resulted in the inclusion of adjacent floodplain areas and an increase in the FGC Section 1600 resources and MSHCP riparian/riverine areas to 0.52 acre/469 linear feet, as shown in Figure 5b of Appendix B.

In response to subsequent consultation with CDFW and the updated aquatic delineation, **Mitigation Measure MM BIO-1** has been revised to provide additional specificity and clarification regarding the impacted jurisdictional waters, proposed mitigation bank locations, and the ratio of mitigation credits to be purchased.

> "Mitigation for the permanent removal of 0.10 acre (469 linear feet) of potential other waters of the U.S. and State subject to Sections 404 and 401 of the CWA, and ~~0.26~~ 0.52 acre (469 linear feet) of potential CDFW streams and associated vegetation subject to CFGC Code Section 1600, and MSHCP riparian/riverine areas (inclusive of the 0.09 acre of scale broom scrub [a CDFW sensitive natural community]) will be addressed through the purchase of credits, either from the Riverpark ~~Soquel Canyon~~ Mitigation Bank or Barry Jones Wetland Mitigation Bank~~, or other agency approved mitigation bank or in-lieu fee program, at a minimum of 1:1 impact to replacement ratio~~.
>
> Riverpark Mitigation Bank: If mitigation credits are purchased from the Riverpark Mitigation Bank, they will either be purchased as re-establishment or rehabilitation. If re-establishment is available, credits will be purchased at a 1.5:1 replacement ratio (i.e., 0.78 acres of mitigation). If both re-establishment and rehabilitation is available, credits will be purchased at a 1:1 replacement ratio for both credit options (i.e., 0.52 acres of re-establishment and 0.52 acres of rehabilitation, for a total of 1.04 acres of mitigation). If re-establishment is not available at the time of purchase, credits will be purchased at a 3:1 replacement ratio for rehabilitation credits alone (i.e, 1.56 acres).
>
> Barry Jones Wetland Mitigation Bank: If mitigation credits are purchased from the Barry Jones Wetland Mitigation Bank, they will be purchased as preservation, at a 4:1 replacement ratio (i.e., 2.08 acres of mitigation).
>
> BIO-1 applies only to Phase 2 of the proposed project as the sensitive natural community and MSHCP riparian/riverine habitat only occurs in the southern portion of the project site. A DBESP report, as described in Section 6.1.2 of the MSHCP, has been ~~will be~~ prepared and ~~will~~ details the existing conditions, proposed impacts, and

proposed mitigation sufficient to offset impacts on ~~scale broom scrub and~~ MSHCP riparian/riverine areas (inclusive of scale broom scrub)."

The revised language of **MM BIO-1** replaces the previously proposed mitigation measure with equal or more effective measure pursuant to Section 15074.1. Therefore, these revisions do not require recirculation of the IS/MND.

The Project-specific Mitigation Monitoring and Reporting Program (MMRP) will incorporate the revised language for Project-specific mitigation measure **MM BIO-1** as identified above.

Response to Comment B-4

The comment is acknowledged.

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources.

According to the findings in Appendices B and B-1 (as revised) of the Draft IS/MND, potential Fish and Game Code Section 1600 resources and MSHCP riparian/riverine areas within the Project Site are calculated at 0.52 acre/469 linear feet in area. Therefore, the Applicant/Developer will be required to notify CDFW to determine whether an LSA Agreement is required for the Proposed Project.

Notification of CDFW pursuant to Fish and Game Code Section 1602 is a matter of compliance with state regulations and does not constitute Project-specific mitigation. Rather than revise the IS/MND to include a new mitigation measure, the City will include the following laguage as a **Condition of Approval** for the Proposed Project, to be included in the final resolution for consideration by the Lake Elsinore City Coucil:

> "Prior to the City's issuance of a grading permit for the Project site and prior to the start of Project activities, if required the Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources. If required, the applicant shall either receive a Streambed Alteration Agreement or written documentation from CDFW that a Streamed Alteration Agreement is not needed."

Response to Comment B-5

The comment is acknowledged. In deference to CDFW's observations regarding climate change and the potential effects on the timing and duration of avian nesting seasons, **Mitigation Measure MM BIO-2** has been revised to ensure compliance with all applicable local, state, and federal regulations.

> "Prior to start of site preparation activities (ground disturbance, construction activities, and/or removal of trees and vegetation) ~~If construction is scheduled to commence during the avian nesting season (February 1 – August 31)~~, a qualified biologist shall conduct a nesting bird survey within 3 ~~7~~ days of the anticipated initial construction (clearing and grubbing of potential nesting vegetation) start date to identify any active nests within 500 feet of the project site. The Project Applicant shall adhere to the following prior to the issuance of grading permits:
>
> 1) Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.
>
> 2) Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.
>
> If an active nest is detected, a suitable avoidance buffer will be established by the Designated B~~b~~iologist in the field based on their best professional judgement and experience. Construction activities will remain outside of the buffer until a Designated ~~qualified~~ Biologist determines that the nest is no longer active (i.e., the juveniles are surviving independent from the nest ~~e.g. chicks have fledged~~). Appropriate buffers distances generally include up to 300 feet for passerine species and up to 500 feet for raptors; however, these may be reduced at the discretion of the biologist, depending on the site-specific factors, such as the location of the nest, species tolerance to human presence, and the types of construction-related noises, vibrations, and human activities that would occur. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to

determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. The onsite qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished.

If initial construction (clearing and grubbing) temporarily ceases for a period greater than 7 days, and activities expect to recommence during the avian nesting season, the project site (including surrounding 500 feet) will be resurveyed. ~~Following the initial construction (clearing and grubbing), if there is no longer suitable habitat for nesting birds within the project area, a nesting bird survey shall no longer be required.~~ Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping."

The revised language of **MM BIO-2** replaces the previously proposed mitigation measure with equal or more effective measure pursuant to Section 15074.1. Therefore, these revisions do not require recirculation of the IS/MND.

The Project-specific MMRP will incorporate the revised language for Project-specific mitigation measure MM **BIO-2** as identified above.

Response to Comment B-6

The comment is acknowledged. No special-status plant species were detected within the Project Site during the focused special-status plant survey. Two special-status wildlife species, Cooper's hawk (*Accipiter cooperii*) and burrowing owl (*Athene cunicularia*), were identified as having a moderate potential to occur on-site. However, the native habitat on-site to support these species is limited. One sensitive natural community, scale broom scrub, occurs within the drainage (Drainage 1) on the project site and encompasses 0.09 acre. Therefore, applicable habitat and natural communities will be reported to the California Natural Diversity Database (CNNDB).

Response to Comment B-7

The comment is acknowledged. The Applicant/Developer shall pay all required environmental document filing fees at the time the Notice of Determination for the Proposed Project is filed with the Riverside County Clerk Recorder.

c) **Comment Letter C – Riverside County Flood Control District**

JASON E. UHLEY
General Manager-Chief Engineer

1995 MARKET STREET
RIVERSIDE, CA 92501
951.955.1200
951.788.9965 FAX
www.rcflood.org
245924

RIVERSIDE COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

October 11, 2022

City of Lake Elsinore
130 South Main Street
Lake Elsinore, CA 92530

Attention: Mr. Damaris Abraham

Re: PA 2021-34, TPMs 38195 and 38281, CUPs 2021-09, 2021-10, 2021-11 and 2021-12, APNs 377-020-014, 377-020-016, 377-020-017, 377-020-018 and 377-020-019

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District's review is based on the above-referenced project transmittal, received September 12, 2022. The District has not reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

☐ This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.

☐ This project involves District proposed Master Drainage Plan facilities, namely, _____. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

☒ If this project proposes channels, storm drains 36 inches or larger in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility. The District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There

shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

☐ This project is located within the limits of the District's Area Drainage Plan for which drainage fees have been adopted. If the project is proposing to create additional impervious surface area, applicable fees should be paid (in accordance with the Rules and Regulations for Administration of Area Drainage Plans) to the Flood Control District or City prior to issuance of grading or building permits. Fees to be paid should be at the rate in effect at the time of issuance of the actual permit.

☒ An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, Third Street Channel, Stage 3. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.

☐ The District's previous comments are still valid.

GENERAL INFORMATION

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,

Amy McNeill

AMY MCNEILL
Engineering Project Manager

ec: Riverside County Planning Department
Attn: Timothy Wheeler

EM:jss

Response to Comment Letter C – Riverside County Flood Control District

The comments are acknowleged. The Applicant/Developer will apply for all applicable permits and pay all required fees for construction of the Proposed Project, including an encroachment permit for any construction related activities within the Third Street Channel, Stage 3 right-of-way. This comment does not question the content or conclusions of the IS/MND. No additional response is required.

3. REVISIONS TO THE IS/MND AND ERRATA

In response to comments, minor clarifying revisions were made to the Draft IS/MND and Appendices B and B-1. As noted above, these revisions do not constitute "substantial revisions" of the IS/MND, and all revised mitigation measures described herein are equal to or more effective than the previous version of the mitigation measure included in the IS/MND circulated for public comment. Therefore, recirculation of the IS/MND is not required.

Revisions to Appendix B (*Evergreen Commercial Development Project – Biological Resources Technical Report,* ESA, July 2022, revised March 2023):

- ES-1, Executive Summary

  References to FGC Section 1600 resources and mitigation measures have been revised to clarify the area of streams and associated vegetation from 0.26 to 0.52 acres and specifically cite the Riverpark Mitigation Bank and Barry Jones Canyon Mitigation Bank.

- Page 2-6, Streams and Associated Vegetation and MSHCP Riparian/Riverine Areas

  A description of the CDFW and USWS follow-on delineation conducted on January 23, 2023 has been added.

- Page 4-7, Section 4.4.2. CDFW Streams and Associated Vegetation

  This section has been revised to reflect the updated description of FGC Section 1600 resources.

- Page 4-9, Figure 5b

  Figure 5b has been revised to reflect the updated information in Section 4.4.2 regarding the description of FGC Section 1600 resources.

- Page 5-3 and 5-6, Critical Habitat

  Issue 2, Issue 3, and Issue 6 have been revised to clarify the area of streams and associated vegetation from 0.26 to 0.52 acres and specifically cite the Riverpark Mitigation Bank and Barry Jones Canyon Mitigation Bank.

- Pages 5-6 and 5-7, Avoidance, Minimization, and Mitigation Measures

  In response to Comments B-3 and B-5, recommended mitigation measure language has

been clarified as follows:

"**Mitigation Measure BIO-1:** Mitigation for the permanent removal of 0.10 acre (469 linear feet) of potential other waters of the U.S. and State subject to Sections 404 and 401 of the CWA, and ~~0.26~~ 0.52 acre (469 linear feet) of potential CDFW streams and associated vegetation subject to CFGC Code Section 1600, and MSHCP riparian/riverine areas (inclusive of the 0.09 acre of scale broom scrub [a CDFW sensitive natural community]) will be addressed through the purchase of credits, either from the Riverpark ~~Soquel Canyon~~ Mitigation Bank or Barry Jones Wetland Mitigation Bank~~, or other agency approved mitigation bank or in lieu fee program, at a minimum of 1:1 impact to replacement ratio~~.

Riverpark Mitigation Bank: If mitigation credits are purchased from the Riverpark Mitigation Bank, they will either be purchased as re-establishment or rehabilitation. If re-establishment is available, credits will be purchased at a 1.5:1 replacement ratio (i.e., 0.78 acres of mitigation). If both re-establishment and rehabilitation is available, credits will be purchased at a 1:1 replacement ratio for both credit options (i.e., 0.52 acres of re-establishment and 0.52 acres of rehabilitation, for a total of 1.04 acres of mitigation). If re-establishment is not available at the time of purchase, credits will be purchased at a 3:1 replacement ratio for rehabilitation credits alone (i.e, 1.56 acres).

Barry Jones Wetland Mitigation Bank: If mitigation credits are purchased from the Barry Jones Wetland Mitigation Bank, they will be purchased as preservation, at a 4:1 replacement ratio (i.e., 2.08 acres of mitigation).

BIO-1 applies only to Phase 2 of the proposed project as the sensitive natural community and MSHCP riparian/riverine habitat only occurs in the southern portion of the project site. A DBESP report, as described in Section 6.1.2 of the MSHCP, has been ~~will be~~ prepared and ~~will~~ details the existing conditions, proposed impacts, and proposed mitigation sufficient to offset impacts on ~~scale broom scrub and~~ MSHCP riparian/riverine areas (inclusive of scale broom scrub)."

"**Mitigation Measure BIO-2:** Prior to start of site preparation activities (ground disturbance, construction activities, and/or removal of trees and vegetation) ~~If construction is scheduled to commence during the avian nesting season (February 1 – August 31)~~, a qualified biologist shall conduct a nesting bird survey within 3 ~~7~~ days of the anticipated initial construction (clearing and grubbing of potential nesting vegetation) start date to identify any active nests within 500 feet of the project site. The Project Applicant shall adhere to the following prior to the issuance of grading permits:

1) Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird

surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.

2) Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.

If an active nest is detected, a suitable avoidance buffer will be established by the Designated B~~b~~iologist in the field based on their best professional judgement and experience. Construction activities will remain outside of the buffer until a Designated ~~qualified~~ Biologist determines that the nest is no longer active (i.e., the juveniles are surviving independent from the nest ~~e.g. chicks have fledged~~). Appropriate buffers distances generally include up to 300 feet for passerine species and up to 500 feet for raptors; however, these may be reduced at the discretion of the biologist, depending on the site-specific factors, such as the location of the nest, species tolerance to human presence, and the types of construction-related noises, vibrations, and human activities that would occur. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. The onsite qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished.

If initial construction (clearing and grubbing) temporarily ceases for a period greater than 7 days, and activities expect to recommence during the avian nesting season, the project site (including surrounding 500 feet) will be resurveyed. ~~Following the initial construction (clearing and grubbing), if there is no longer suitable habitat for nesting birds within the project area, a nesting bird survey shall no longer be required.~~ Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping."

- Minor typos and scrivener's errors that do not affect the meaning of the text have been clarified throughout the document.

Revisions to Appendix B-1 (*Evergreen Commercial Development Project – Aquatic Resources Delineation Report,* ESA, August 2022, revised March 2023):

- Pages 11 and 13

  "Figure 2.4 – MSHCP Riparian/Riverine Areas" has been removed.

- Pages 24 and 25

  Sections 4.2.3 and 4.2.4 have been combined into one section, "Section 4.2.3 CDFW Streams and Associated Vegetation and MSHCP Riparian/Riverine Areas". A description of the CDFW and USWS follow-on delineation conducted on January 23, 2023 has been added.

- Page 28, Figure 5-2

  "Figure 5-2 – Features Potential Subject to Fish and Game Code Section 1600 et seq. and MSHCP Riparian/Riverine Areas" has been revised to reflect the update survey results in Section 4.2.3.

- Pages 30 and 31

  Sections 5.4 and 5.5 have been combined into one section, "Section 5.4 CDFW Streams and Associated Vegetation and MSHCP Riparian/Riverine Areas". A description of the conclusions of the CDFW and USWS follow-on delineation conducted on January 23, 2023 has been added.

- Page 31, Conclusion

  Section 5.6 has been renumbered as "Section 5.5. Conclusion". Section has been revised to clarify the area of streams and associated vegetation from 0.26 to 0.52 acres for consistency with the results of the follow-on delineation.

- Minor typos and scrivener's errors that do not affect the meaning of the text have been clarified throughout the document.

Revisions to the Draft IS/MND:

The following revisions corresponding to those made in Appendices B and B-1 were made:

- Page 9, Technical Studies

  References for Appendices B and B-1 have been clarified to reflect the date of the revised reports:

  "Appendix B – *Evergreen Commercial Development Project – Biological Resources Technical Report,* ESA, July 2022, revised March 2023"

  "Appendix B-1 - *Evergreen Commercial Development Project – Aquatic Resources Delineation Report,* ESA, August 2022, revised March 2023"

- Page 57, Section IV. Biological Resources

  References for Appendices B and B-1 have been clarified to reflect the date of the revised reports:

  "A Habitat Assessment and Consistency Analysis was completed to determine potential impacts to biological resources associated with the development of the Proposed Project (Appendix B – *Evergreen Commercial Development Project Biological Resources Technical Report,* ESA, July 2022, revised March 2023). An Aquatic Resources Delineation Report was prepared to determine acreages of impact for regulatory compliance for the Proposed Project (Appendix B-1 - *Evergreen Commercial Development Project – Aquatic Resources Delineation Report,* ESA, August 2022, revised March 2023)."

- Pages 59 to 60

  In response to Comment B-3, the following clarification has been made to the language of Mitigation Measure MM BIO-1:

  "**MM BIO-1:** Mitigation for the permanent removal of 0.10 acre (469 linear feet) of potential other waters of the U.S. and State subject to Sections 404 and 401 of the CWA, and ~~0.26~~ 0.52 acre (469 linear feet) of potential CDFW streams and associated vegetation subject to CFGC Code Section 1600, and MSHCP riparian/riverine areas (inclusive of the 0.09 acre of scale broom scrub [a CDFW sensitive natural community]) will be addressed through the purchase of credits, either from the Riverpark ~~Soquel Canyon~~ Mitigation Bank or Barry Jones Wetland Mitigation Bank~~, or other agency~~

~~approved mitigation bank or in lieu fee program, at a minimum of 1:1 impact to replacement ratio~~.

Riverpark Mitigation Bank: If mitigation credits are purchased from the Riverpark Mitigation Bank, they will either be purchased as re-establishment or rehabilitation. If re-establishment is available, credits will be purchased at a 1.5:1 replacement ratio (i.e., 0.78 acres of mitigation). If both re-establishment and rehabilitation is available, credits will be purchased at a 1:1 replacement ratio for both credit options (i.e., 0.52 acres of re-establishment and 0.52 acres of rehabilitation, for a total of 1.04 acres of mitigation). If re-establishment is not available at the time of purchase, credits will be purchased at a 3:1 replacement ratio for rehabilitation credits alone (i.e, 1.56 acres).

Barry Jones Wetland Mitigation Bank: If mitigation credits are purchased from the Barry Jones Wetland Mitigation Bank, they will be purchased as preservation, at a 4:1 replacement ratio (i.e., 2.08 acres of mitigation).

BIO-1 applies only to Phase 2 of the proposed project as the sensitive natural community and MSHCP riparian/riverine habitat only occurs in the southern portion of the project site. A DBESP report, as described in Section 6.1.2 of the MSHCP, has been ~~will be~~ prepared and ~~will~~ details the existing conditions, proposed impacts, and proposed mitigation sufficient to offset impacts on ~~scale broom scrub and~~ MSHCP riparian/riverine areas (inclusive of scale broom scrub)."

- Page 61

In response to Comment B-5, the following clarification has been made to the language of Mitigation Measure MM BIO-2:

"**MM BIO-2:** Prior to start of site preparation activities (ground disturbance, construction activities, and/or removal of trees and vegetation) ~~If construction is scheduled to commence during the avian nesting season (February 1 – August 31)~~, a qualified biologist shall conduct a nesting bird survey within 3 ~~7~~ days of the anticipated initial construction (clearing and grubbing of potential nesting vegetation) start date to identify any active nests within 500 feet of the project site. The Project Applicant shall adhere to the following prior to the issuance of grading permits:

1) Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.

2) Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.

If an active nest is detected, a suitable avoidance buffer will be established by the Designated B~~b~~iologist in the field based on their best professional judgement and experience. Construction activities will remain outside of the buffer until a Designated ~~qualified~~ Biologist determines that the nest is no longer active (i.e., the juveniles are surviving independent from the nest ~~e.g. chicks have fledged~~). Appropriate buffers distances generally include up to 300 feet for passerine species and up to 500 feet for raptors; however, these may be reduced at the discretion of the biologist, depending on the site-specific factors, such as the location of the nest, species tolerance to human presence, and the types of construction-related noises, vibrations, and human activities that would occur. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. The onsite qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished.

If initial construction (clearing and grubbing) temporarily ceases for a period greater than 7 days, and activities expect to recommence during the avian nesting season, the project site (including surrounding 500 feet) will be resurveyed. ~~Following the initial construction (clearing and grubbing), if there is no longer suitable habitat for nesting birds within the project area, a nesting bird survey shall no longer be required.~~ Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping."

- Page 63

As a result of revisions to Appendices B and B-1, the following paragraph was clarified to reflect updated information:

"With respect to the Proposed Project's consistency with MSHCP Section 6.1.2 (Protection

of Species Associated with Riparian/Riverine Areas and Vernal Pools), the removal of approximately ~~0.26~~ 0.52 acre (469 linear feet) of potential MSHCP riparian/riverine areas would be considered potentially significant (Figure 5b of Appendix B). However, incorporation of **Mitigation Measure BIO-1** (purchase of mitigation credits at Soquel Canyon Mitigation Bank; applicable only during Phase 2 of the Proposed Project), the payment of development fees, and the implementation of appropriate Best Management Practices outlined in MSHCP would ensure that the project is consistent with the provisions of the MSHCP."

- Page 153, VI. References

  References for Appendices B and B-1 have been updated to reflect the date of the revised reports:

  "Appendix B – *Evergreen Commercial Development Project – Biological Resources Technical Report,* ESA, July 2022, revised March 2023"

  "Appendix B-1 - *Evergreen Commercial Development Project – Aquatic Resources Delineation Report,* ESA, August 2022, revised March 2023"

No additional revisions to the Draft IS/MND were required based upon: (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of IS/MND publication; and/or (3) typographical errors.

4. ATTACHMENT A – *Evergreen Commercial Development Project – Biological Resources Technical Report,* ESA, July 2022, revised March 2023

EVERGREEN COMMERCIAL DEVELOPMENT PROJECT

Biological Resources Technical Report

Prepared for
Karen Levitt Ortiz
Evergreen Devco, Inc.
2390 East Camelback Road, Suite 410
Phoenix, AZ 85016

July 2022; Revised March 2023

EVERGREEN COMMERCIAL DEVELOPMENT PROJECT

Biological Resources Technical Report

Prepared for
Karen Levitt Ortiz
Evergreen Devco, Inc.
2390 East Camelback Road, Suite 410
Phoenix, AZ 85016

July 2022; Revised March 2023

420 Exchange
Suite 260
Irvine, CA 92602
949.753.7001
esassoc.com

Bend	Oakland	San Diego
Camarillo	Orlando	San Francisco
Delray Beach	Pasadena	Santa Monica
Destin	Petaluma	Sarasota
Irvine	Portland	Seattle
Los Angeles	Sacramento	Tampa

D202200263.00

OUR COMMITMENT TO SUSTAINABILITY | ESA helps a variety of public and private sector clients plan and prepare for climate change and emerging regulations that limit GHG emissions. ESA is a registered assessor with the California Climate Action Registry, a Climate Leader, and founding reporter for the Climate Registry. ESA is also a corporate member of the U.S. Green Building Council and the Business Council on Climate Change (BC3). Internally, ESA has adopted a Sustainability Vision and Policy Statement and a plan to reduce waste and energy within our operations. This document was produced using recycled paper.

TABLE OF CONTENTS

Biological Resources Technical Report

Page

List of Figures

List of Tables

Appendices

EXECUTIVE SUMMARY

The proposed Evergreen Commercial Development Project is located in a moderately developed portion of the City of Lake Elsinore in western Riverside County. The project site is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), and lies within the Elsinore Area Plan of the MSHCP. The natural communities and land cover types within the project site primarily consist of disturbed/developed areas, with patches of non-native grasses and forbs, river red gum groves, and scale broom scrub.

No special-status plant species were detected during the focused special-status plant survey. Two special-status wildlife species, Cooper's hawk (*Accipiter cooperii*) and burrowing owl (*Athene cunicularia*), were identified as having a moderate potential to occur on-site. However, the native habitat on-site to support these species is limited. The removal of 1.00 acre of river red gum groves, 0.11 acre of non-native grasses and forbs, and 7.68 acres of disturbed/developed habitat is not expected to threaten regional populations and would therefore not be significant. The project site does not occur within or immediately adjacent to critical habitat.

One sensitive natural community, scale broom scrub, occurs within the drainage (Drainage 1) on the project site and encompasses 0.09 acre. Approximately 0.10 acre (469 linear feet) of potential other waters of the U.S. and State, and 0.52 acre (469 linear feet) of streams and associated vegetation are potentially subject to regulation under Division 2, Chapter 6, Section 1600 et seq. of the California Fish and Game Code (CFGC) and MSHCP riparian/riverine areas and will be impacted by the project. These resources are surrounded by residential and commercial development and persist as fragmented remnants, separated from other resources, and therefore provide limited function; however, impacts to these resources would be considered potentially significant. Incorporation of Mitigation Measure BIO-1 (purchase of mitigation credits either from the Riverpark Mitigation Bank or Barry Jones Wetland Mitigation Bank) would reduce impacts to sensitive natural communities, MSHCP riparian/riverine areas, and aquatic resources to a less-than-significant level. Mitigation Measure BIO-1 applies only to Phase 2 of the proposed project as the sensitive natural communities, MSHCP riparian/riverine areas, and aquatic resources only occur in the southern portion of the project site.

Wildlife migration corridors do not occur within the project site. Thus, no impact to wildlife movement and/or nursery sites is expected as a result of project activities. The proposed project may result in the disturbance of nesting birds (passerine and raptors) protected by the Migratory Bird Treaty Act and CFGC 3503, 3503.5, and 3513. Impacts to nesting birds would be potentially significant. Incorporation of Mitigation Measure BIO-2 (nesting bird survey) would reduce impacts to nesting birds to a less-than-significant level.

The project site does not support regulated palm trees protected under Lake Elsinore Municipal Code, Chapter 5.116, Significant Palm Trees, and no other such local policies or ordinances apply to the project site; therefore, there would be no conflict with local policies or ordinances as a result of project activities.

The proposed project would be consistent with the MSHCP with incorporation of Mitigation Measure BIO-1 (which applies only to Phase 2 of the proposed project), the payment of development fees, and the adherence to Best Management Practices outlined in MSHCP Appendix C (Dudek 2003).

CHAPTER 1
Introduction

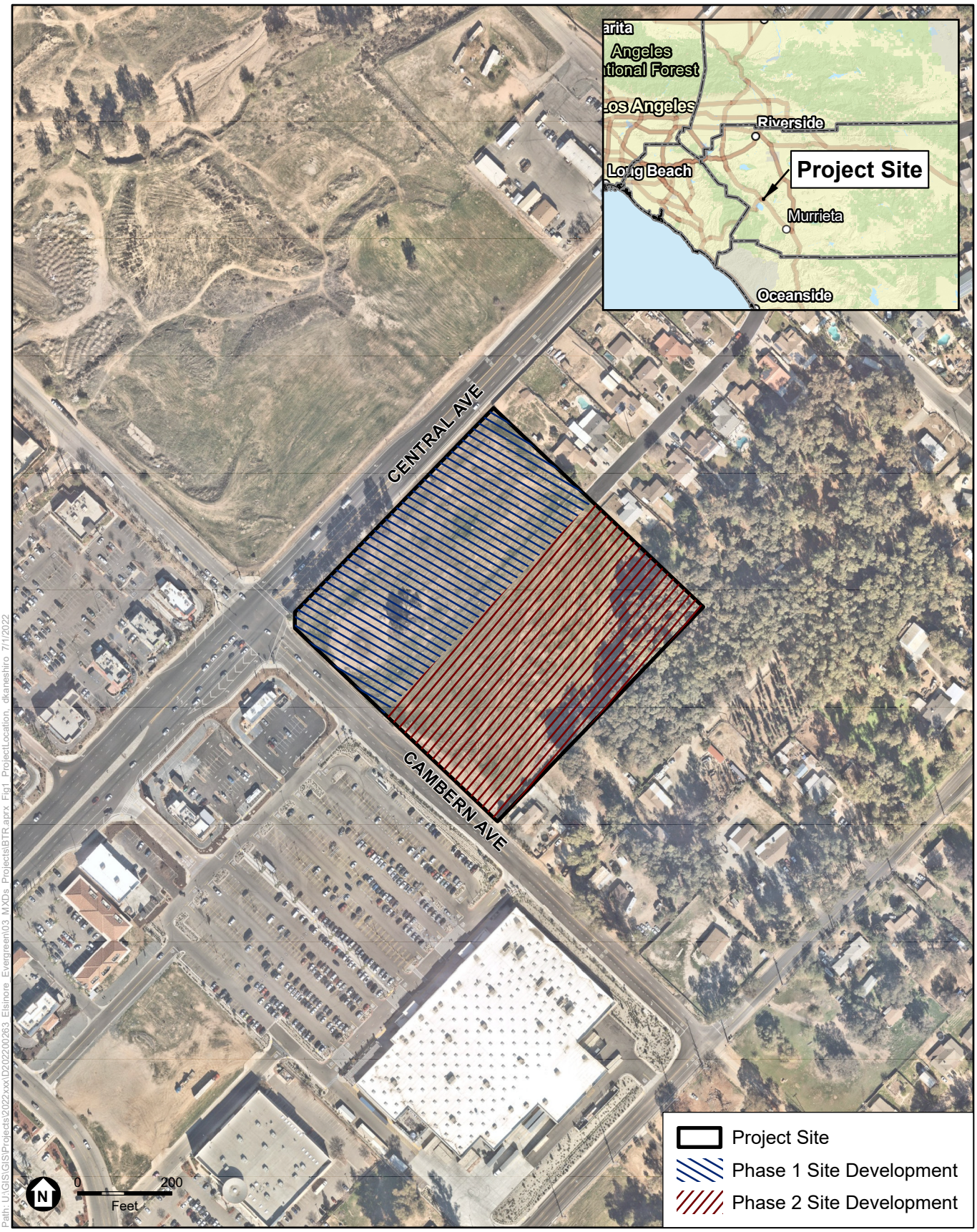
1.1 Project Location and Background

Environmental Science Associates (ESA) conducted a biological resources assessment of the Evergreen Commercial Development Project (proposed project) located at the southeast corner of Central Avenue (California State Route 74) and Cambern Avenue (project site) in the City of Lake Elsinore, Riverside County, California. The project site encompasses five parcels, including Assessor's Parcel Numbers (APNs) 377-020-014, 377-020-016, 377-020-017, 377-020-018, and 377-020-019, totaling 8.87 acres (**Figure 1, Project Location**). The project site is within Section 31, Township 5 South and Range 4 West, in the Lake Elsinore, California, 7.5-minute U.S. Geological Survey (USGS) quadrangle.

1.2 Project Description

The proposed project would involve the development of multiple commercial buildings and associated parking (**Figure 2, Site Plan**). Staging for the project would remain entirely within the project site. Project activities would occur in two phases, would involve approximately 4 months of grading and site preparation, and would last between 1.5 and 2 years to complete construction of the buildings and parking lots. Phase 1 of the project would take place in the northern half of the project site, which is disturbed and supports limited biological resources. Phase 2 would occur in the southern half of the project site, which supports a limited amount of fragmented aquatic resources.

The proposed project consists of applications for a Tentative Parcel Map (TPM) No. 38195, TPM No. 38281, a Conditional Use Permit (CUP) No. 2021-09, CUP No. 2021-10, CUP No. 2021-11, CUP No. 2021-12, and a Commercial Design Review (CDR) No. 2021-17, Public Convenience & Necessity (PCN) No. 2021-01, PCN No. 2021-02, and Uniform Sign Program (SIGN) No. 2021-35, which collectively are being processed under Planning Application (PA) No. 2021-34.

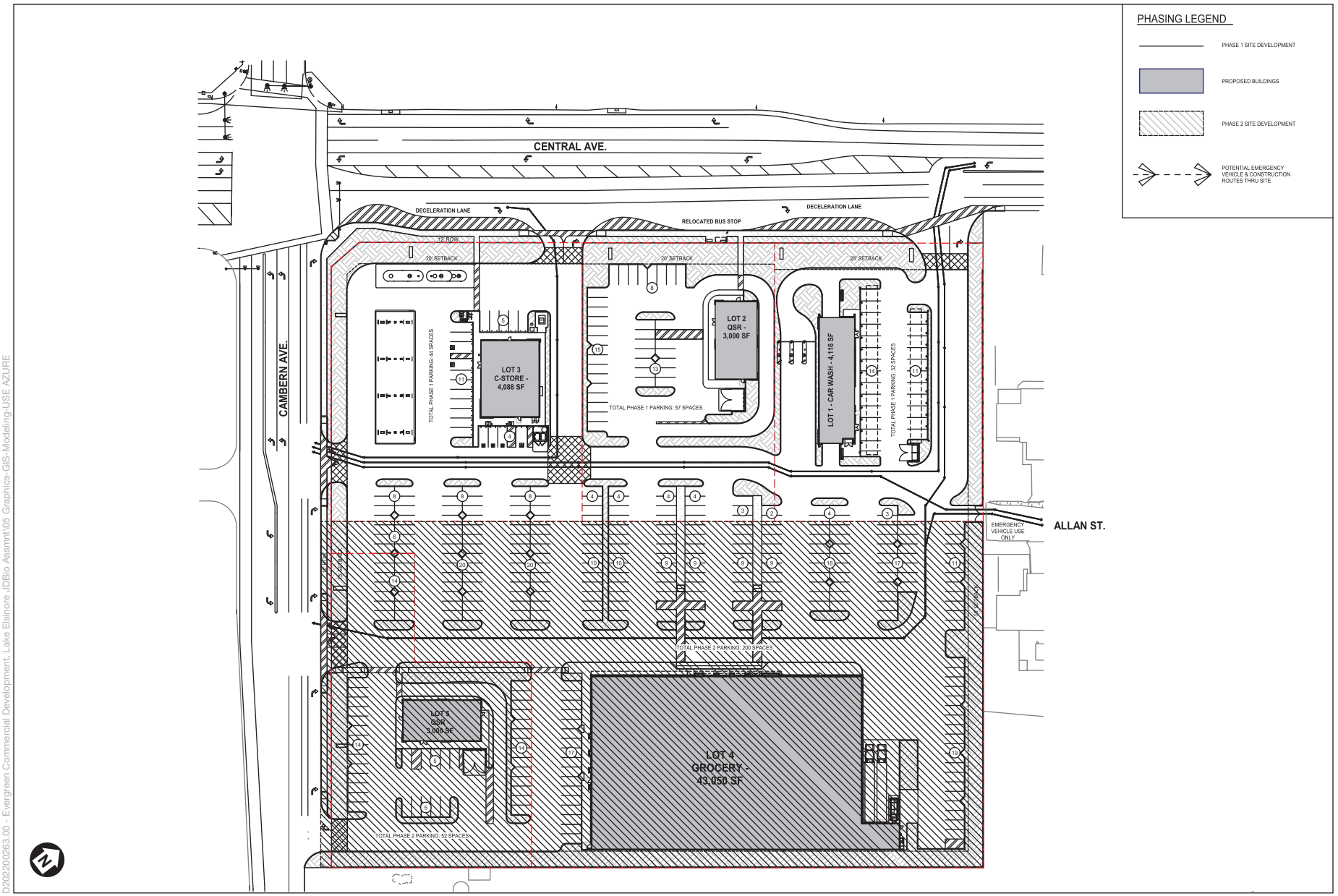


SOURCE: Nearmap, 2022; ESA, 2022

Evergreen Commercial Development Project

Figure 1
Project Location

ESA



SOURCE: BRR Architecture, Inc., 2022

Evergreen Commercial Development Project

Figure 2
Site Plan

ESA

1.2.1 Tentative Parcel Maps

Evergreen Devco, Inc., the Applicant, proposes to subdivide the existing site into five total lots via TPM No. 38195 and TPM No. 38281 as shown in **Table 1, Lot Summary**.

TABLE 1
LOT SUMMARY

Lot Number	Gross Acreage	Net Acreage
1	1.30	1.19
2	1.20	1.10
3	1.65	1.42
4	3.60	3.59
5	1.13	1.03
Total	**8.88 (+/- 8.63)**	**8.33 (+/- 8.32)**

1.2.2 Development Proposal

The Applicant proposes to construct the following improvements in two phases as shown in **Table 2, Development Summary**.

Phase 1

Lot 1: A 4,116-square foot (SF) drive-thru car wash building, 25 self-service vacuum stations, 7 parking spaces, and two (2) monument signs on 1.19 net acres.

Lot 2: A 3,000 SF quick-service restaurant building, 57 parking spaces, and one (1) monument sign on 1.10 net acres.

Lot 3: A 4,088 SF service station with convenience store, fuel canopy with eight (8) pumps, two (2) underground storage tanks (USTs), 43 parking spaces, and two (2) monument signs on 1.42 net acres.

Phase 2

Lot 4: A 43,050 SF grocery store and 184 parking spaces on 3.59 net acres.

Lot 5: A 3,000 SF quick-service restaurant building, 52 parking spaces, and two (2) monument signs on 1.03 net acres.

Pursuant to the C-2 zoning requirements, the project would be subject to a CUP No. 2021-09 for the 4,116 SF Car Wash on Lot 1, CUP No. 2021-10 for the 3,000 SF Quick-service Restaurant with a drive-through lane on Lot 2, CUP No. 2021-11 and PCN No. 2021-01 for the gas station and the 4,088 SF convenience store with concurrent sale of beer and wine for off-site consumption (Type 20 ABC) on Lot 3, PCN No. 2021-02 for the 43,050 SF grocery store for the sale of beer, wine, and distilled spirits for off-site consumption (Type 21 and 86 ABC) on Lot 4, and CUP No. 2021-12 for the 3,000 SF Quick-service Restaurant with a drive-through lane on Lot 5.

TABLE 2
DEVELOPMENT SUMMARY

Proposed Lot Number	Proposed Gross Acres	Proposed Net Acres	Proposed Development *(Conceptual)*	Proposed FAR
Phase 1				
1	1.30	1.19	• Car wash (4,116 SF) • 25 self-serve vacuum stations • 7 parking spaces • Two monument signs • Trash enclosure • Site lighting	.0797
2	1.20	1.10	• Quick-service restaurant (3,000 SF) • 57 parking spaces • Monument sign • Site lighting • Trash enclosure	.0629
3	1.65	1.42	• Service station with convenience store (4,088 SF) • Fuel canopy with 8 pump islands • 43 parking spaces • Two USTs • Two monument signs • Site lighting • Trash enclosure	.0659
Phase 2				
4	3.60	3.59	• Grocery store (43,050 SF) • 184 parking spaces • Site lighting • Trash enclosure	.2756
5	1.13	1.03	• Quick-service restaurant (3,000 SF) • 52 parking spaces • Two monument signs • Site lighting • Trash enclosure	.0672

1.2.3 Signage

The uniform sign program (SIGN No. 2021-35) for the Project intended to create an integrated framework for all signage within the center to allow for business branding and identification while complementing the character of the center via architectural compatibility. The sign program includes proposed freestanding signs, a blueprint for building/wall signage, and all other types of contemplated signage that would be allowed in the center. The larger Center identification signs situated at the primary driveway entrances into the center will feature the grocery anchor tenant prominently with panels for the other prospective 4 tenants within the center. The sign program is also proposing a 6’ tall freestanding monument sign for each remaining outparcel featuring a single business name/logo with consistent base and sign structure to match the rest of the signs architectural theme.

1.2.4 Street Improvements

Off-site street improvements within the public right-of-way on Central Avenue and Cambern Avenue, along the project site's frontages, would conform with the City's roadway design standards. Two-way vehicular driveways are proposed from Central Avenue into Lots 1 and 3, and from Cambern Avenue into Lots 3 and 5. An emergency vehicle only access is also proposed from Allan Street, a residential street to the east, into Lot 1. All vehicular driveways are proposed to be served by dedicated right turn only lanes traveling northbound and eastbound, and by median left turn lanes traveling southbound and westbound. Pedestrian access to the site will be provided by new sidewalks along both street frontages. A future Riverside Transit Agency (RTA) bus shelter is anticipated along eastbound Central Avenue adjacent to Lot 2.

1.2.5 Parking

The Project Site would include a total of 368 vehicular parking spaces between all five lots, which exceeds the City's parking requirement of 286 spaces based on the proposed mixed of uses for the project. Parking space total includes the 25 self-service vacuum stations on Lot 1. ADA accessible parking spaces will be provided throughout the project site in accordance with California Building Code (CBC) requirements. Shared access easements shall link all five lots to allow for seamless use of the shared parking lot by visitors to the project site arriving from both Central Avenue and Cambern Avenue.

1.2.6 Additional Site Improvements

The proposed project includes approximately 56,360 SF of landscaping, which is 15.56% landscape coverage. Landscaping would be provided in the setbacks areas along the perimeter of the project site, between the operational areas of each pad tenant, and interspersed throughout the shared parking lot. Paved areas for parking and circulation would cover 247,767 SF, or 68.64% of the project site. The entire site would include on-site stormwater management improvements, area lighting, walls and fencing, and a security gate for the emergency vehicle access at Allan Street. Site improvements will be completed in two phases consistent with the phasing plan for project buildout.

1.2.7 Grading

The project site is generally flat and has already been cleared of most vegetation. Building pads will need to be overexcavated, recompacted and filled prior to construction. Precise grading is anticipated to require 51,000 cubic yards (CY) of exported soils and 60,000 CY of imported soils, for a total of 9,000 CY of net import fill soils. The maximum grading cut depth will be 10.7 feet, with a maximum fill depth of 1 foot.

1.2.8 Operation

Operation of the overall project site would be 24-hours per day, seven (7) days per week. Individual hours of operation will be determined by each pad tenant but are anticipated to concentrate within conventional business hours. The proposed convenience store would be single-story and include restrooms and retail space. The proposed gas station would entail eight (8) fuel

pumps, servicing up to 16 vehicles at one time. The two quick-service restaurants include drive-thru queuing lanes in addition to on-site parking spaces. The carwash includes a drive-thru queuing area and self-service vacuum stations for customers. The grocery store includes a parking lot for customers and staff as well as loading dock area for delivery vehicles on the east side of the building.

This page intentionally left blank

CHAPTER 2
Methodology

2.1 Biological Study Area

The biological study area consists of the 8.87-acre project site, which encompasses five parcels, including APNs 377-020-014, 377-020-016, 377-020-017, 377-020-018, and 377-020-019.

2.2 Existing Literature and Database Review

ESA reviewed previous environmental documentation and publications related to biological and aquatic resources that occur on-site, and conducted queries of available resource inventory databases to analyze the potential for sensitive resources to occur within or immediately adjacent to the project site. The literature and database review included the following sources:

- *Preliminary Habitat Assessment APN 377-020-014, 377-020-016, 377-020-017, 377-020-018, 377-020-019* (Gonzales 2022a)
- *Preliminary Delineation of Waters of the United States, Department of Fish and Wildlife, Regional Water Quality Control Board, and 6.1.2 MSHCP Western Riverside County Jurisdictional Habitats for APN 377-020-014, 377-020-016, 377-020-017, 377-020-018, 377-020-019* (Gonzales 2022b)
- California Department of Fish and Wildlife (CDFW) *California Natural Diversity Data Base* (CNDDB) (CDFW 2022a). The database was queried for special-status species records in the Lake Elsinore USGS 7.5-minute quadrangle and eight surrounding quadrangles, including Alberhill, Lake Mathews, Murrieta, Perris, Romoland, Sitton Peak, Steele Peak, and Wildomar to provide background information on species within the project vicinity (i.e., within an approximate 5-mile radius).
- *Sensitive Natural Communities* (CDFW 2022b).
- *BIOS Habitat Connectivity Viewer* (CDFW 2022c).
- *Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2022). The database was queried for special-status species records in the Lake Elsinore USGS 7.5-minute quadrangle and eight surrounding quadrangles, including Alberhill, Lake Mathews, Murrieta, Perris, Romoland, Sitton Peak, Steele Peak, and Wildomar.
- *Arid West Supplement to the 1987 Wetlands Delineation Manual* (USACE 2008a).
- *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (USACE 2008b).
- *Field Indicators of Hydric Soils in the United States, Version 7.0* (NRCS 2010).
- *Natural Resources Conservation Service (NRCS) Web Soil Survey* (NRCS 2022).

- *Agricultural Applied Climate Information System (AgACIS)* (USDA 2022).
- U.S. Fish and Wildlife Service (USFWS) *Critical Habitat Portal* (USFWS 2022a).
- *Information for Planning and Consultation* (IPaC) (USFWS 2022b).
- *National Wetlands Inventory* (USFWS 2022c).

2.2.1 Regional Connectivity, Wildlife Movement, and Habitat Linkages

Pursuant to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Sections 6.1.1 through 6.1.5, ESA conducted an analysis of wildlife habitat linkages as they pertain to a review of the urban/wildlands interface. The analysis of wildlife habitat linkages associated with the project site and its immediate vicinity is based on information compiled from literature; MSHCP mapped habitat linkages (Figure 3-2, *Schematic Cores and Linkages Map* in the MSHCP [2004]); analysis of the Criteria Area conservation language as it relates to habitat cores and linkages; analysis of aerial photographs; and direct observations (including sign, tracks and physical movement barriers, including recent development) made in the field during the biological survey. The discussions in this report are intended to focus on wildlife movement associated with the project site and the immediate vicinity.

2.3 Field Survey

2.3.1 Biological Resources and Existing Conditions

A general biological site investigation and a focused special-status plant survey were conducted by ESA biologists Daryl Koutnik and Robert Sweet on March 3, 2022. The biologists conducted the survey by walking the project site to map existing vegetation and assess the potential for special-status plants and wildlife to occur. The vegetation mapping and focused rare plant survey efforts were conducted pursuant to *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW 2018), with the exception of mapping CDFW sensitive communities; a Combined Rapid Assessment and Relevé form was not completed when determining the presence of and/or boundaries of sensitive communities. However, a visual inspection of species composition was deemed sufficient by the surveying biologists to accurately describe each community. In addition, an aquatic resource delineation was conducted at the same time as the general biological site investigation.

All incidental visual observations of flora and fauna, including sign (i.e., presence of scat), as well as any audible detections were noted during the site investigation and considered when assessing potential for special-status species to occur. All native and non-native natural communities and land cover types were mapped based on current existing conditions, and then digitized on aerial maps using Geographic Information System software (i.e., ArcGIS). Most descriptions of vegetation were characterized in the field in accordance with *A Manual of California Vegetation* (Manual) (Sawyer et al. 2009); however, others were based on dominant species or notable features when a vegetation alliance listed in the Manual was not appropriate. A detailed description of each natural community and land cover type is provided in Section 4.3, Sensitive Biological Resources.

2.3.2 Sensitive Natural Communities and Special-Status Plants and Wildlife

ESA assessed the potential for sensitive biological resources to occur within the project site.

Sensitive Natural Communities

Sensitive natural communities and habitats are defined by the CDFW as those natural communities that have a reduced range and/or are imperiled as a result of residential and commercial development, agriculture, energy production and mining, or an influx of invasive and other problematic species. Vegetation communities are evaluated using NatureServe's Heritage Methodology (NatureServe 2022), which is based on the knowledge of range and distribution of a specific vegetation type and the proportion of occurrences that are of good ecological integrity. The communities and habitats are evaluated at both global (natural range within and outside of California [G]) and subnational (state level for California [S]) status ranks, each ranked from 1 ("critically imperiled" or very rare and threatened) to 5 (demonstrably secure). Natural communities and habitats with state ranks of S1–S3 are considered sensitive and may require review when environmental impacts are evaluated. When a community is given a rank of NR, this indicates that it has not yet been ranked under NatureServe (CDFW 2022a).

Special-Status Plants and Wildlife

Special-status plants and wildlife are defined as those that, because of their recognized rarity or vulnerability to various forms of habitat loss or population decline, are considered by federal, state, or other agencies to be under threat from human-associated developments. Some of these species receive specific protection that is defined by federal or state endangered species legislation and others have been designated as special-status on the basis of adopted local policies (e.g., city and county) or the educated opinion of various resource interest groups (e.g., Western Bat Working Group [WBWG]). Special-status wildlife is defined as any of the following:

- Plant and wildlife species that are listed or proposed for listing as threatened or endangered, or are candidates for possible future listing as threatened or endangered, under the federal Endangered Species Act (FESA) or the California Endangered Species Act (CESA).
- Plant and wildlife species that meet the definitions of rare or endangered under California Environmental Quality Act (CEQA) Guidelines Section 15380.
- Wildlife designated by CDFW as species of special concern (SSC), included on the Watch List, or considered "Special Animals."
- Wildlife fully protected in California (California Fish and Game Code [CFGC] Sections 3511, 4700, 5050, and 5515).
- Plants considered by the California Native Plant Society (CNPS) to be rare, threatened, or endangered (California Rare Plant Rank [CRPR] 1A, 1B, 2A, and 2B plants) in California.
- Plants listed by the CNPS as plants for which more information is needed to determine their status and plants of limited distribution (CRPR 3 and 4 plants).
- Plants listed as rare under the California Native Plant Protection Act (CFGC 1900 et seq.).
- Bird species protected by the Migratory Bird Treaty Act (MBTA).

- Eagles protected by the Bald and Golden Eagle Protection Act (BGEPA)
- Bat species considered priority by the WBWG.

2.3.3 Aquatic Resources

ESA assessed the potential for aquatic resources to occur within the project site.

Aquatic Resources

The project site was assessed for its potential to support jurisdictional areas based on the presence of definable channels (bed and bank), ordinary flow (Ordinary High Water Mark [OHWM]), hydrology, vegetation communities, and riparian/riverine areas that 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 CFGC, the Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the Clean Water Act and Section 13260 of the California Water Code (i.e., the Porter-Cologne Water Quality Control Act), and riparian/riverine areas pursuant to Section 6.1.2 of the MSHCP (MSHCP 2004).

Other Waters of the U.S.

Other waters of the U.S. refer to those hydric features that are regulated by the Clean Water Act but are not wetlands (33 CFR 328.4). These features extend to the OHWM, defined in 33 CFR 328.3 as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; or the presence of litter and debris. In the Arid West region of the United States, waters are variable and include ephemeral/intermittent and perennial channel forms. The most problematic ordinary high-water delineations are associated with the commonly occurring ephemeral/intermittent channel forms that dominate the Arid West landscape" (USACE 2008b). Delineation methods for "other waters of the U.S." were completed in accordance with *A Field Guide to the Identification of the Ordinary High Water Mark in the Arid West Region of the Western United States* (USACE 2008b).

According to the most recent guidance provided in the Navigable Waters Protection Rule Vacatur, adopted on January 5, 2022, the USACE and Environmental Protection Agency (EPA) have reverted to the pre-2015 definition of "waters of the United States" and now take jurisdiction over the following:

1. Traditional navigable waters (TNWs), which is defined as all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
2. Wetlands adjacent to TNW, including adjacent wetlands that do not have a continuous surface connection to TNW.
3. Non-navigable tributaries of TNW that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months).

4. Wetlands adjacent to non-navigable tributaries as defined above, that have a continuous surface connection to such tributaries (e.g., they are not separated by uplands, a berm, dike, or similar feature).

The EPA and the USACE decide jurisdiction over the following waters, based on a fact-specific analysis to determine if there is a significant nexus, as described below, to a TNW.

1. Non-navigable tributaries that are not relatively permanent.
2. Wetlands adjacent to non-navigable tributaries that are not relatively permanent.
3. Wetlands that are adjacent to but do not directly abut a relatively permanent non-navigable tributary.

The EPA and the USACE generally do not assert jurisdiction over the following features:

1. Swales or erosional features (e.g., gullies, small washes characterized by low-volume, infrequent, or short-duration flow).
2. Ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water.

Other Waters of the State

Other waters of the state, when they overlap with waters of the U.S., are those that are regulated under Section 401 of the Clean Water Act and are delineated using the same methodology as waters of the U.S. However, these waters are not subject to determining a nexus to a TNW. In the absence of waters of the U.S., waters may be regulated under the Porter-Cologne Water Quality Control Act if project activities, discharges, or proposed activities or discharges could affect surface, coastal, or ground waters. The permit requested by the applicant and issued by the RWQCB is either a Water Quality Certification in the presence of waters of the U.S. or a Waste Discharge Requirement (WDR) in the absence of waters of the U.S.

Most projects involving water bodies or drainages that display a "bed and bank" (i.e., OHWM) are regulated by the RWQCB, the principal state agency overseeing water quality at the local/regional level.

Streams and Associated Vegetation and MSHCP Riparian/Riverine Areas

Pursuant to Division 2, Chapter 6, Section 1600 et seq. of the CFGC, CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife (streams and associated vegetation). A notification of a Lake or Streambed Alteration Agreement (LSAA) must be submitted to CDFW for "any activity that may substantially change the bed, channel, or bank of any river, stream, or lake." In addition, CDFW has authority, under the CFGC, over wetland and riparian habitats associated with lakes and streams. The CDFW reviews proposed actions and, if necessary, submits to the applicant a draft Streambed Alteration Agreement (SAA) that includes measures to protect affected fish and wildlife resources. The final SAA is mutually agreed upon by CDFW and the applicant.

Pursuant to MSHCP Section 6.1.2, Protection of Species Associated with Riparian Areas and Vernal Pools, the potential effect of proposed project activities occurring within the MSHCP must be assessed regarding any and all impacts to riparian/riverine areas. Riparian/riverine areas include "those that contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to, or which depend upon soil moisture from a nearby water source; or areas with freshwater flow during all or a portion of the year" (Dudek 2003).

Potentially jurisdictional CDFW streams and associated vegetation, and MSHCP riparian/riverine areas, are generally determined by establishing the area within the top of bank (TOB), defined as the furthest break in slope or change in substrate, from the bed of the channel, prior to reaching adjacent upland areas (assuming the absence of riparian vegetation), and/or extent of riparian/wetland vegetation.

The CDFW and USFWS (Wildlife Agencies) also conducted a follow-on delineation on January 12, 2023, using the survey methodology described below:

> Impacts to fish and wildlife resources were determined by U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife, hereafter referred to jointly as the Wildlife Agencies, through review of materials and information provided by applicant, review of aerial photography, observance of physical indicators of riparian/riverine resources (identified during the Wildlife Agencies' site visit to the project area in January 2023), and review of geographic information system (GIS) data. Initial identification of riparian/riverine resources within the Project area was completed by the Wildlife Agencies via desktop review of Applicant-generated GIS shapefiles and review of aerial photography. This exercise entailed comparing the extent of Permittee mapped areas with evidence of riparian/riverine resources apparent on aerial photography, for example, areas devoid of vegetation, changes in coloration, and obvious differences in vegetation type adjacent to channel areas.
>
> Following this desktop analysis, a site visit to areas displaying signs of riparian/riverine resources were conducted by Wildlife Agencies to refine and/or ground-truth the extent of riparian/riverine resources. Field verification of riparian/riverine resources was accomplished via observation of indicators of flow to determine bed, bank, and channel, for example, plant community and distribution, sediment sorting and composition, accumulations of deposited debris or debris wracked against vegetation, scouring, and incision. Following the completion of field site assessments, Wildlife Agencies adjusted the extent of Permittee-generated GIS shapefiles to encompass the total area within which riparian/riverine resources was observed.
>
> Desktop GIS analysis was next completed by Wildlife Agencies to calculate the total acreage of impacts to Wildlife Agencies-mapped riparian/riverine resources (achieved via intersection of CDFW's total mapped stream area with Permittee's development area footprint) (K. Rehrer, CDFW representative, pers. comm., February 15, 2023).

CHAPTER 3
Regulatory Framework

This section provides a summary of the federal, state, and local environmental regulations that govern the biological resources applicable to the project site. This section also provides a summary of other state and local environmental guidelines or listings that evaluate the rarity of species or the habitats they depend on.

3.1 Federal Regulations

3.1.1 Federal Endangered Species Act

The United States Congress passed the FESA in 1973 to protect those species that are endangered or threatened with extinction. FESA is intended to operate in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend. FESA prohibits the "take" of endangered or threatened wildlife species. "Take" is defined to include harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting wildlife species or any attempt to engage in such conduct (FESA Section 3 [(3)(19)]). Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns (50 Code of Federal Regulations [CFR] Section 17.3). "Harass" is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns (50 CFR Section 17.3). Actions that result in take can result in civil or criminal penalties.

Section 7 of the FESA requires federal agencies, in consultation with and assistance from the Secretary of the Interior or the Secretary of Commerce, as appropriate, to ensure that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species. The USFWS and National Marine Fisheries Service (NMFS) share responsibilities for administering the FESA. Regulations governing interagency cooperation under Section 7 are found in CCR Title 50, Part 402. Section 7 is triggered when a federal permit or other authorization is considered by a federal agency, or the project receives federal funding. The need for federal regulatory permits (i.e., Clean Water Act [CWA] Section 404 permit issued by the USACE) provides a "federal nexus" by which a Section 7 consultation can occur. This statute imposes the obligation on federal agencies to ensure that their actions (such as issuing federal CWA permits) are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its designated critical habitat. This obligation is enforced through the procedural requirement that agencies, such as the USACE, initiate consultation with USFWS on any actions that may affect a threatened or endangered species. The USFWS will determine the

proposed action is not likely to adversely affect threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species, or a Biological Opinion issued at the conclusion of consultation will include a statement authorizing "take" (to harass, harm, pursue, hunt, wound, kill, etc.) that may occur incidental to an otherwise legal activity.

Section 9 lists those actions that are prohibited under the FESA. Although take of a listed species is prohibited, it is allowed when it is incidental to an otherwise legal activity. Section 9 prohibits take of listed species of fish, wildlife, and plants without special exemption. The definition of "harm" includes significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns related to breeding, feeding, or shelter. "Harass" is defined as actions that create the likelihood of injury to listed species by disrupting normal behavioral patterns related to breeding, feeding, and shelter significantly.

Section 10 provides a means whereby a non-federal action with the potential to result in take of a listed species can be allowed under an incidental take permit which may be issued once a Habitat Conservation Plan (HCP) is approved. Application procedures are found at 50 CFR 13 and 17 for species under the jurisdiction of USFWS and 50 CFR 217, 220, and 222 for species under the jurisdiction of NMFS.

In addition, a local regulatory program established by the MSHCP and associated governing documents provides for regional conservation of many species while also allowing limited impacts to biological resources in association with planned development. The MSHCP establishes an alternative pathway to the Section 10 and Section 7 procedures by which local projects in the Plan Area may receive both State and federal incidental take authorization for species identified as "covered" and "conditionally covered", based on compliance with relevant conditions set forth in the plan. Further details about the regional MSHCP and its provisions for incidental take coverage are discussed in Section 3.3.1 below.

3.1.2 Migratory Bird Treaty Act

The MBTA generally prohibits the killing, possessing, or trading of migratory birds, bird parts, eggs, and nests, except as provided by the statute. The MBTA authorizes the Secretary of the Interior to regulate the taking of migratory birds. It further provides that it is unlawful, except as permitted by regulations, "to pursue, take, or kill any migratory bird, or any part, nest or egg of any such bird…" (16 United States Code [USC] 703).

The MBTA, first enacted in 1916, prohibits any person, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention…for the protection of migratory birds…or any part, nest, or egg of any such bird" (16 U.S. Code 703).

3.1.3 Clean Water Act

Pursuant to Section 404 of the CWA, the USACE is authorized to regulate any activity that would result in the discharge of dredged or fill material into waters of the United States, which include those waters listed in 33 CFR Part 328 (Definitions). USACE, with oversight by the U.S. EPA, has the principal authority to issue CWA Section 404 Permits.

Pursuant to Section 401 of the CWA, the RWQCB certifies that any discharge into jurisdictional waters of the United States will comply with state water quality standards. The RWQCB has the principal authority to issue a CWA Section 401 water quality certification or waiver.

3.1.4 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act was originally enacted in 1940 as the Bald Eagle Protection Act to protect bald eagles, and was later amended to include golden eagles. The Act prohibits the taking, possession, or commerce in bald and golden eagles, parts, feathers, nests, or eggs with limited exceptions. Take is defined as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb", and includes both direct taking of individuals and take due to disturbance. "Disturb" is defined as:

> "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to any eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior."[1]

The definition of "disturb" is further defined by USFWS as follows:

> "In addition to immediate impacts, this definition also covers impacts that result from human-caused alterations initiated around a previously used nest site during a time when eagles are not present, if, upon the eagles return, such alterations agitate or bother an eagle to a degree that injures an eagle or substantially interferes with normal breeding, feeding, or sheltering." [2]

Bald and golden eagles may not be taken for any purpose unless a permit is issued prior to the taking. Activities which can be authorized by permit include scientific collection/research, exhibition, tribal religious, depredation, falconry, and the taking of inactive eagle nests, which interfere with resource development or recovery operations. Currently, USFWS has a permitting process proposed for other activities that would allow disturbance to eagles or take of an eagle nest where their location poses a risk to human or eagle safety.

1 *50 CFR 22.3*

2 *USFWS. 2007.* National Bald Eagle Management Guidelines

3.2 State Regulations

3.2.1 California Fish and Game Code

The CFGC regulates the taking or possession of birds, mammals, fish, amphibians, and reptiles, as well as natural resources such as wetlands and waters of the state. It includes the CESA (Sections 2050–2115) and Streambed Alteration Agreement regulations (Sections 1600–1616). These sections are described further below.

CFGC Sections 1600–1616

Pursuant to Section 1600 et seq. of the CFGC, the CDFW (formerly California Department of Fish and Game) regulates activities of an applicant's project that would substantially alter the flow, bed, channel, or banks of streams or lakes, unless certain conditions outlined by CDFW are met by the applicant. The limits of CDFW jurisdiction are defined in CFGC Section 1600 et seq. as the "bed, channel, or bank of any river, stream,[3] or lake designated by CDFW in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit."[4] However, in practice, CDFW usually extends its jurisdictional limit and assertion to the top of a bank of a stream, the bank of a lake, or outer edge of the riparian vegetation, whichever is wider.

California Endangered Species Act (CFGC Section 2050 et seq.)

CESA establishes the policy of the state to conserve, protect, restore, and enhance threatened or endangered species and their habitats. CESA mandates that state agencies should not approve projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. There are no state agency consultation procedures under CESA. For projects that would affect a listed species under both CESA and FESA, compliance with FESA would satisfy CESA if CDFW determines that the federal incidental take authorization is "consistent" with CESA under CFGC Section 2080.1. For projects that would result in take of a species listed under the CESA only, the project operator would have to apply for a take permit under Section 2081(b).

In addition, a local regulatory program established by the MSHCP and associated governing documents provides for regional conservation of many species while also allowing limited impacts to biological resources in association with planned development. The MSHCP establishes an alternative pathway to the Section 2080.1 and Section 2081(b) procedures by which local projects in the Plan Area may receive both State and federal incidental take authorization for species identified as "covered" and "conditionally covered", based on compliance with relevant conditions set forth in the plan. Further details about the regional MSHCP and its provisions for incidental take coverage are discussed in Section 3.3.1 below.

[3] Title 14 California Code of Regulations (CCR) 1.72 defines a stream as "a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation."

[4] This also includes the habitat upon which they depend for continued viability (CFGC Division 5, Chapter 1, Section 45, and Division 2, Chapter 1, Section 711.2[a]).

CFGC Sections 2080 and 2081

Section 2080 of the CFGC states that "No person shall import into this state [California], 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 [State Fish and Game Commission] determines to be an endangered species or threatened species, or attempt any of those acts, except as otherwise provided in this chapter, or the Native Plant Protection Act, or the California Desert Native Plants Act." Pursuant to Section 2081, CDFW may authorize individuals or public agencies to import, export, take, or possess state-listed endangered, threatened, or candidate species. These otherwise prohibited acts may be authorized through Incidental Take permits or Memoranda of Understanding if the take is incidental to an otherwise lawful activity, impacts of the authorized take are minimized and fully mitigated, the permit is consistent with any regulations adopted pursuant to any recovery plan for the species, and the project operator ensures adequate funding to implement the measures required by CDFW, which makes this determination based on available scientific information and considers the ability of the species to survive and reproduce.

Since the MSHCP provides coverage for take of some State-listed species, there would not be a need for an additional 2081 permit process unless a project does not comply with MSHCP requirements and may result in take of a State-listed species or if a State-listed species not covered by the MSHCP were to result in take. Further details about the regional MSHCP are discussed in Section 3.3.1 below.

CFGC Sections 3503, 3503.5, and 3513

Sections 3503, 3503.5, and 3513 of the CFGC prohibit the taking, possessing, or destroying of any birds of prey; the taking or possessing of any migratory nongame bird; the taking, possessing, or needlessly destroying of the nest or eggs of any raptors or nongame birds; or the taking of any nongame bird pursuant to CFGC Section 3800. CFGC Section 3513 adopts the federal migratory bird take provisions under the MBTA that prohibit the intentional take or possession of birds designated by the MBTA as migratory nongame birds except as allowed by federal rules and regulations pursuant to the MBTA.

3.2.2 California Environmental Quality Act Guidelines, Section 15380

Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines Section 15380(b) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definition in FESA and the section of the CFGC dealing with rare or endangered plants or animals. This section was included in CEQA primarily to deal with situations in which a public agency is reviewing a project that may have a significant effect on, for example, a species that has not been listed by either USFWS or CDFW but otherwise has some status as a special-status species. Thus, CEQA provides an agency with the ability to protect a species from the potential impacts of a project until the respective government agencies have an opportunity to designate the species as protected, if warranted. CEQA also calls for the protection of other locally or regionally significant resources,

including natural communities. CEQA calls for an assessment of whether any such resources would be affected and requires findings of significance if there would be substantial losses. Natural communities listed by CNDDB as sensitive are considered by CDFW to be significant resources and fall under the State CEQA Guidelines for addressing impacts. Local planning documents such as General Plans often identify these resources as well.

3.2.3 California Water Quality Control Act (Porter-Cologne California Water Code Section 13260)

The State Water Resources Control Board (SWRCB) and the RWQCB (together "Boards") are the principal State agencies with primary responsibility for the coordination and control of water quality. The Boards regulate activities pursuant to Section 401(a)(1) of the federal CWA as well as the Porter Cologne Water Quality Control Act (Porter-Cologne) (Water Code Section 13260). Section 401 of the CWA specifies that certification from the State is required for any applicant requesting a federal license or permit to conduct any activity including but not limited to the construction or operation of facilities that may result in any discharge into navigable waters. The certification shall originate from the State in which the discharge originates or will originate, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable water at the point where the discharge originates or will originate. Any such discharge will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the CWA.

Under Porter-Cologne, the Legislature declared that the "State must be prepared to exercise its full power and jurisdiction to protect the quality of the waters in the State from degradation..." (California Water Code Section 13000). Porter-Cologne grants the Boards the authority to implement and enforce the water quality laws, regulations, policies and plans to protect the groundwater and surface waters of the State. It is important to note that enforcement of the State's water quality requirements is not solely the purview of the Boards and their staff. Other agencies (e.g., CDFW) have the ability to enforce certain water quality provisions in state law.

3.3 Regional or Local Regulations

3.3.1 Western Riverside County MSHCP

Per CFGC Sections 2800–2840, the Natural Community Conservation Planning (NCCP) Act (the Act), authorized the preparation of NCCPs to protect natural communities and species while allowing a reasonable amount of economic development.

The MSHCP, adopted by the County of Riverside on June 17, 2003, serves as a HCP pursuant to the Act and pursuant to Section 10 (a)(1)(B) of the FESA. The Implementation Agreement (IA) sets forth the implementation requirements for the MSHCP as well as procedures and minimization measures related to take of habitats and species considered for conservation. Implementation of the MSHCP authorizes participating jurisdictions to "take" specified plant and wildlife species within the MSHCP Plan Area. In addition, the wildlife agencies, namely USFWS and CDFW, allow take of habitat or individual species outside of the MSHCP Conservation Area in exchange for the assembly and management of a coordinated MSHCP Conservation Area. The assembly and long-term management of the MSHCP Conservation Area is the responsibility of

the Riverside County, Federal, and State governments; Cities within the western portion of Riverside County; and private and public entities that conduct activities which would potentially impact the habitats and species considered for conservation under the MSHCP.

This page intentionally left blank

CHAPTER 4
Existing Conditions

The proposed project is located in a moderately developed portion of the City of Lake Elsinore in western Riverside County within the San Jacinto Valley watershed. Regional geographic features around the area include Lake Elsinore and the Cleveland National Forest to the southwest, Canyon Lake to the east, and scattered pockets of development in all directions. The project site is located within the Western Riverside County MSHCP, and lies within the Elsinore Area Plan of the MSHCP.

4.1 Soils

The Soil Survey of Western Riverside Area identified two soil series mapped within the boundary of the project site, which are described below (NRCS 2022). The extent and locations of these soils on the project site are shown in **Figure 3, Soils**.

Arbuckle gravelly loam, 2 to 9 percent slopes, dry MLRA 19: Soils in this series are well-drained on alluvial fans. These soils developed in alluvium derived from igneous, metamorphic, and sedimentary rock. This is not a hydric soil.

Garretson gravelly very fine sandy loam, 2 to 8 percent slopes: Soils in this series are well-drained soils on alluvial fans. These soils developed in alluvium derived from metasedimentary rock. This is not a hydric soil.

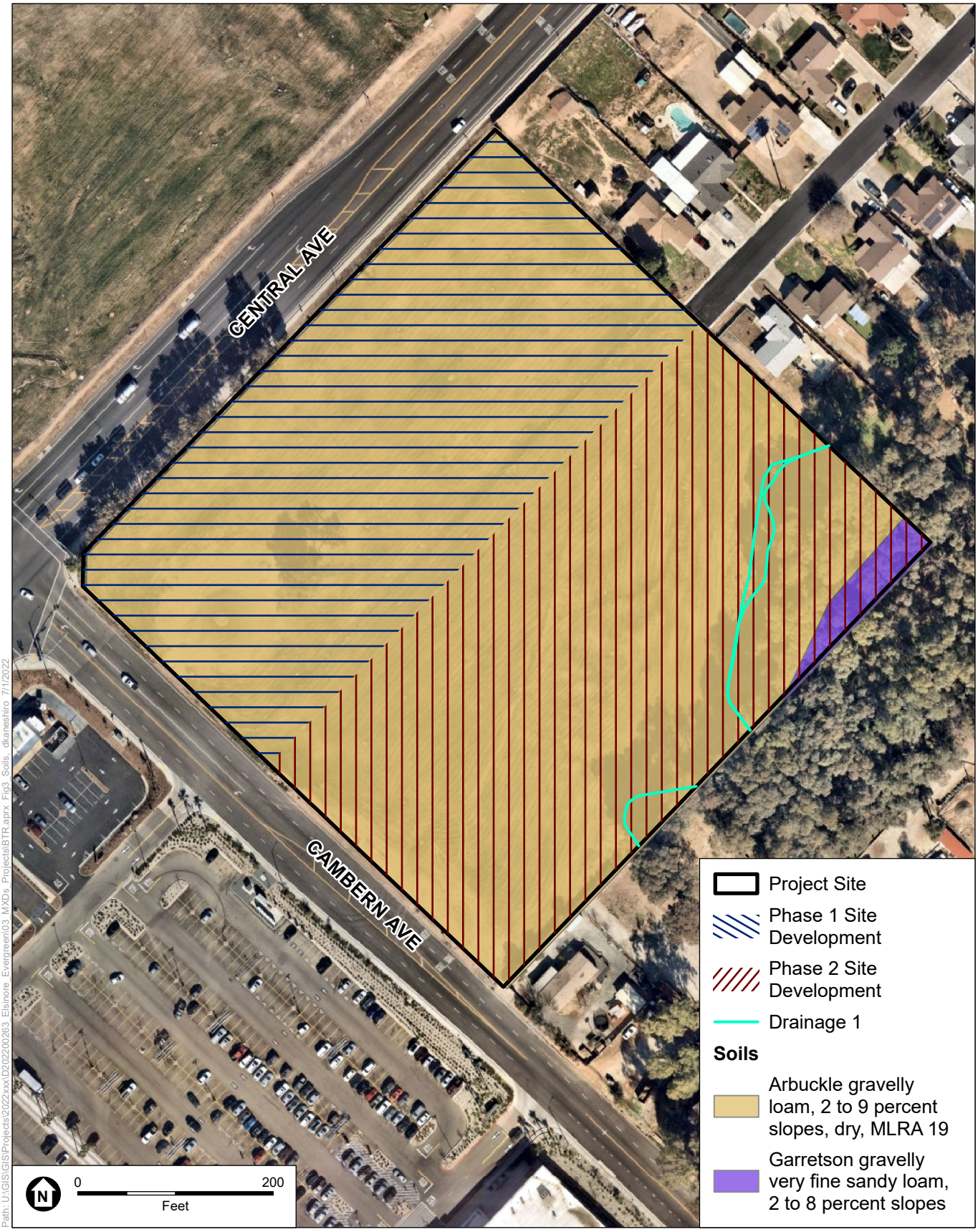
4.2 Natural Communities and Land Cover Types

The natural communities and land cover types are depicted in **Figure 4, Natural Communities and Land Cover Types**, and a summary of acreages within the project site are presented below in **Table 3, Natural Communities and Land Cover Types**.

TABLE 3
NATURAL COMMUNITIES AND LAND COVER TYPES

Natural Communities and Land Cover Types	Project Site (acres)
Non-Native Grasses and Forbs	0.11
River Red Gum Groves	1.00
Scale Broom Scrub	0.09
Disturbed/Developed	7.68
Total	**8.87***

* Total may differ from sum of individual numbers due to rounding.



SOURCE: Nearmap, 2022; ESA, 2022

Evergreen Commercial Development Project

Figure 3
Soils

SOURCE: Nearmap, 2022; ESA, 2022

Evergreen Commercial Development Project

Figure 4
Natural Communities and Land Cover Types

ESA

4.2.1 Non-Native Grasses and Forbs

Non-native grasses occur in the eastern central portion of the project site, along the western bank of the non-vegetated portion of the on-site drainage (referred to in this report as Drainage 1). Vegetation in this community consists of a mixture of non-native grasses and forbs such as slender oat (*Avena barbata*), red brome (*Bromus rubens*), white stemmed filaree (*Erodium brachycarpum*), coastal heron's bill (*E. cicutarium*), and foxtail barley (*Hordeum murinum*). The non-native golden crownbeard (*Verbesina encelioides*) is the only subshrub in this community.

4.2.2 River Red Gum Groves

River red gum groves occur along the southeast (along Drainage 1) and as a landscape row in the northwest project site boundaries, with one isolated cluster in the western portion of the project site. Vegetation in this community consists of a tree canopy dominated by river red gum (*Eucalyptus camaldulensis*) with an understory comprising various grasses and forbs, such as common bedstraw (*Galium aparine*), common chickweed (*Stellaria media*), coastal heron's bill, field bindweed (*Convolvulus arvensis*), blue dicks (*Dichelostemma capitatum*), fringed twinevine (*Funastrum cynanchoides*), and slender oat.

4.2.3 Scale Broom Scrub (*Lepidospartum squamatum* Alliance)

Scale broom scrub occurs within the eastern portion of the project site, along the western bank of Drainage 1. This community is characterized by a dense shrub layer, dominated by scale broom (*Lepidospartum squamatum*) and interspersed with various other shrub species, such as California sagebrush (*Artemisia californica*) and mulefat (*Baccharis salicifolia*). The density of the shrub growth appears to have precluded the development of a mature understory; however, herbaceous species observed along the margins of the community include fiddleneck (*Amsinckia menziesii*) and longstem buckwheat (*Eriogonum elongatum*).

4.2.4 Disturbed/Developed

Disturbed conditions occur throughout much of the project site, west of Drainage 1. Based on review of aerial imagery and existing conditions, it appears that this area is routinely disked or otherwise disturbed for brush clearance purposes. Vegetation in this area consists primarily of herbaceous species such as fiddleneck, shortpod mustard (*Hirschfeldia incana*), pineapple weed (*Matricaria discoidea*), slender keel fruit (*Tropidocarpum gracile*), white-stemmed filaree, and coastal heron's bill. The western project site boundary extends partially into Cambern Avenue, which is developed and devoid of vegetation.

4.3 Sensitive Biological Resources

4.3.1 Special-Status Species

Based on the literature review and field reconnaissance, special-status species were evaluated for their potential to occur within the project site or immediate vicinity, using the following definitions:

- **Present:** Species was observed or detected during project-specific biological surveys.

- **High Potential:** Species identified in the literature search and/or known to occur in the region and suitable habitat is present on the project site. These species are generally common and/or widespread in the project area and vicinity.
- **Moderate Potential:** Species identified in the literature search and/or known to occur in the region and suitable habitat is present within the project site. These species are generally less common and/or widespread than species considered to have "high" potential to occur.
- **Low Potential:** Species identified in the literature search or known to occur in the region, but the habitat on site is of low or marginal quality and/or the project site occurs outside the species known geographic or elevational range. Distance to nearest known occurrence and the age of last reported local occurrence are also considered.
- **Absent/Not Expected:** Species known to occur in the region, but deemed absent because the project site is outside their known range or elevation, suitable habitat is lacking on the site, or the species was not observed during focused surveys and would have been conspicuous if present.

Based on the database search results, a list of potentially occurring special-status species was developed and evaluated for the project site. Special-status species with potential to occur were defined as those species whose geographic and elevational range include the project site and that require habitat similar to habitat present within the project site or immediate vicinity.

Special-Status Plants

Special-status plant species include federal and state endangered and threatened species (or candidate); state rare; CNPS ranked species (California Rare Plant Rank [CRPR] 1A, 1B, 2A, and 2B, as jointly determined by CNPS and CDFW); species covered under an adopted NCCP and/or HCP; and species qualifying under State CEQA Guidelines Section 15380 (d).

Of the 73 special-status plant species considered for their potential to occur within the project site, none of these species are expected to occur because the project site lacks suitable habitat and/or is outside of the known elevation range for these species to support these species. Additionally, the project site is not located within the MSHCP Narrow Endemic Plant Species Survey Area as defined by Section 6.1.3 of the MSHCP. Furthermore, a focused special-status plant survey was conducted concurrently with the general biological site investigation that took place on March 3, 2022, and no special-status plant species were detected during the focused special-status plant survey. Species evaluated for potential to occur are summarized in **Appendix A**, *Special-Status Plant Species*.

Special-Status Wildlife

Special-status wildlife species include federal and state endangered and threatened species (or candidate), state fully protected, CDFW Special Animals List, state wildlife species of special concern (SSC), species covered under an adopted NCCP and/or HCP, and species qualifying under State CEQA Guidelines Section 15380 (d).

Of the 17 special-status wildlife species considered for their potential to occur within the project site, 11 species are not expected to occur and 4 species were assessed as having low potential to occur because the project site lacks suitable habitat and/or is outside of the known range to

support these species. Additionally, the project site is not located within the Amphibian Survey Area, Burrowing Owl Survey Area, or Mammal Survey Area as defined by Section 6.3.2 of the MSHCP. No special-status wildlife species were detected during the site investigation. Species evaluated for potential to occur are summarized in **Appendix B**, *Special-Status Wildlife Species*.

Two special-status wildlife species, Cooper's hawk (*Accipiter cooperii*) and burrowing owl (*Athene cunicularia*), were identified as having a moderate potential to occur on-site. However, the native habitat on-site to support these species is limited. For the Cooper's hawk, there is limited suitable nesting habitat within the eucalyptus grove and foraging habitat within the non-native grasses and forbs on-site. The non-native grasses and forbs also provide suitable nesting and foraging habitat for the burrowing owl. However, these habitats are highly disturbed and neither species were observed during the biological surveys. No additional surveys are required as both of these species are adequately conserved under the MSHCP.

4.3.2 Sensitive Natural Communities

Sensitive natural communities are designated as such by various resource agencies, such as the CDFW, or in local policies and regulations. These communities are generally considered to have important functions or values for wildlife and/or are recognized as declining in extent or distribution and may be considered threatened enough to warrant some level of protection. Sensitive natural communities include those that are identified in the CDFW *Sensitive Natural Communities* (CDFW 2022b). The CDFW state rank denotes the rarity and endangerment of a vegetation type within the state as described below, with S1 through S3 considered to be a sensitive natural community by CDFW.

State Conservation Rank

S1 = Critically Imperiled – At very high risk of extirpation due to very restricted range, very few populations or occurrences, very steep declines, severe threats, or other factors.

S2 = Imperiled – At high risk of extirpation due to restricted range, few populations or occurrences, steep declines, severe threats, or other factors.

S3 = Vulnerable – At moderate risk of extirpation due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors.

S4 = Apparently Secure – At a fairly low risk of extirpation due to an extensive range and/or many populations or occurrences, but with possible cause for some concern as a result of local recent declines, threats, or other factors.

S5 = Secure - At very low or no risk of extirpation due to a very extensive range, abundant populations or occurrences, with little to no concern from declines or threats.

One sensitive natural community, *Lepidospartum squamatum* Alliance (scale broom scrub), occurs within the project site and encompasses 0.09 acre (Figure 4). The scale broom scrub and the drainage (Drainage 1) occur within the project site are both entirely surrounded by residential and commercial development and persist as fragmented remnants, separated from other resources, and therefore provide limited function. The drainage and its associated vegetation may support avian nesting, for example, but they are not expected to function as a wildlife corridor, or support

other ecosystem processes that accompany functional floodplain communities, where scale broom scrub is typically found. However, this community holds a state rank of S3 and is considered a CDFW sensitive community.

4.3.3 Critical Habitat

The project site does not occur within or immediately adjacent to critical habitat.

4.4 Aquatic Resources

Aquatic resources are depicted in **Figure 5a, Aquatic Resources (U.S. and State) within the Project Site**, and **Figure 5b, Features Potentially Subject to Fish and Game Code Section 1600 et seq. and MSHCP Riparian/Riverine Areas**, and a brief discussion regarding the results of the site inspection is provided below. A more detailed discussion of the aquatic resources found on-site can be found in the *Aquatic Resources Delineation Report* (ESA 2022a), under separate cover.

4.4.1 Waters of the U.S. and State

The limits of potential waters of the U.S. and State were based on the presence of OHWM indicators, such as a clear, natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; and/or the presence of litter and debris. Based on these indicators, it was determined that approximately 0.10 acre (469 linear feet) may meet the criteria for waters of the State. While conducting the site inspection, ESA biologists also assessed downstream connectivity of Drainage 1 to determine whether the feature provides a significant nexus to a TNW, and determined that the feature exits the eastern project site boundary and continues downstream for approximately 400 linear feet, before entering a city (Lake Elsinore) storm drain. Unless otherwise demonstrated, it is assumed that this city storm drain exhibits connectivity to a TNW/tributary to a TNW, such as Lake Elsinore and/or Temescal Creek. Therefore, the 0.10 acre (469 linear feet) may also meet criteria for waters of the U.S. No wetlands occur on-site.

4.4.2 CDFW Streams and Associated Vegetation and MSHCP Riparian/Riverine Areas

During the initial site investigation (March 3, 2022), the boundaries of the FGC Section 1600 resources and MSHCP riparian/riverine areas within Drainage 1 were verified and assessed, as stated above in Section 2.3.3. This initial delineation identified 0.26 acre/469 linear feet of FGC Section 1600 resources within the project site. However, the follow-on delineation conducted by the Wildlife Agencies on January 12, 2023, resulted in the inclusion of adjacent floodplain areas and an increase in the FGC Section 1600 resources and riparian/riverine areas to 0.52 acre/469 linear feet, as shown in Figure 5b.

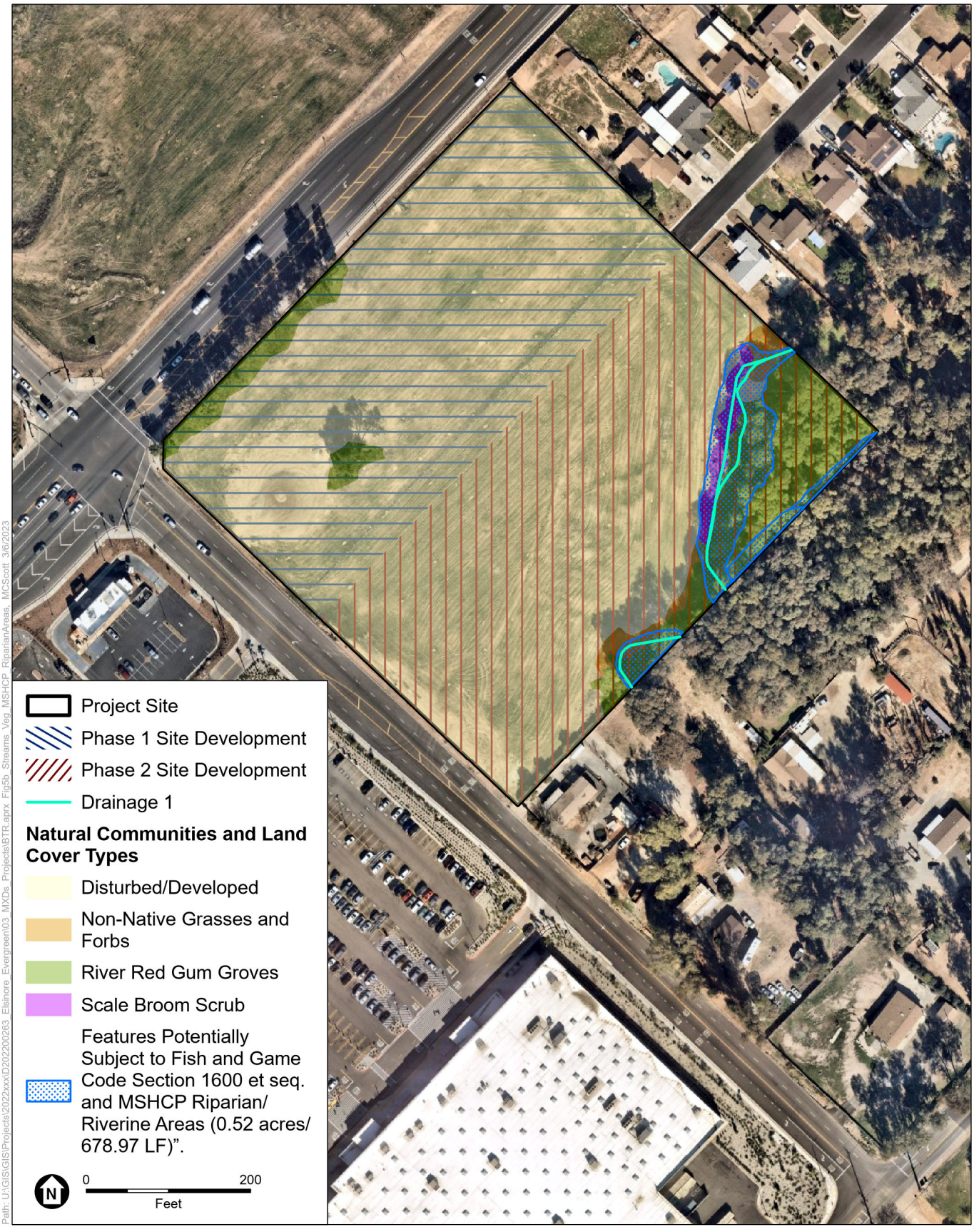
Path: U:\GIS\GIS\Projects\2022xxxx\D2022000263 Elsinore Evergreen\03 MXDs Projects\BTR aprx Fig5a AquaticResources within SurveyArea WOTUS WOTS dkaneshiro 7/1/2022

SOURCE: Nearmap, 2022; ESA, 2022

Evergreen Commercial Development Project

Figure 5a
Aquatic Resources (U.S. and State) within the Project Site

ESA



SOURCE: Nearmap, 2022; ESA, 2022

Evergreen Commercial Development Project

Figure 5b
Features Potentially Subject to
Fish and Game Code Section 1600 et seq.
and MSHCP Riparian/Riverine Areas

ESA

4.5 Regional Connectivity, Wildlife Movement, and Habitat Linkages

Wildlife habitat linkages are areas which link otherwise isolated blocks of habitat to allow wide-ranging animals to travel, genetic exchange to occur and to allow plants and animals to move in response to environmental changes and natural disasters. Wildlife habitat linkages also allow populations of threatened species to be replenished from other areas via the metapopulation theory (Hilty et al. 2006).

Wildlife habitat linkages 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 natural disasters, 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 linkages are landscape features that connect and link habitat patches or habitat cores with each other. They serve a similar purpose in that they are areas that allow for animal movement, but they may not have all the resources a particular species needs to complete its life cycle.

As identified in Figure 3-2, *Schematic Cores and Linkages Map*, of the MSHCP, wildlife migration corridors do not occur within the project site. Additionally, the project site is situated in a developed portion of the city, and Drainage 1 has been heavily modified both upstream and downstream from the project site; as a result, the available habitat is not expected to be used for wildlife migration or dispersal, to any significant degree.

4.6 Regulated Trees

Chapter 5.116, Significant Palm Trees, of the Lake Elsinore Municipal Code regulates the removal, destruction, and relocation of significant palms of five specific species (*Butia capitata, Phoenix canariensis, Phoenix reclinata, Phoenix roebelenii*, and *Washingtonia filifera*) and two palm genera (*Chamaerops* and *Trachycarpus*) that exceed 5 feet in height. No palm trees were identified within the project site. There are no other local policies or ordinances for the protection of other tree species that apply to the project site.

CHAPTER 5
Project Impacts and Avoidance, Minimization, and Mitigation

5.1 Approach to the Analysis

This section describes the potential effects of the proposed project on biological resources that may occur as a result of project implementation. Direct, indirect, temporary, and/or permanent effects to biological resources may occur as a result of project implementation, as defined below:

- **Direct Effects:** Any alteration, disturbance, or destruction of biological resources that would result from project-related activities is considered a direct effect. Examples include loss of individual species and/or their associated plant communities, diversion of surface water flows, and encroachment into wetlands. Under FESA, direct effects are defined as the immediate effects of a project on a species or its habitat, including construction noise disturbance, sedimentation, or habitat loss.
- **Indirect Effects:** Biological resources may also be affected in an indirect manner as a result of project-related activities. Under FESA, indirect effects are defined as those effects that are caused by, or would result from, a proposed project but occur later in time and are reasonably certain to occur [50 C.F.R. §402-02]. An example of indirect effects may include irrigation runoff from a developed area into surrounding natural vegetation. Indirect effects could also include increased wildfire frequency as a result of power line failures.
- **Temporary Effects:** Any effects to biological resources that are considered reversible can be viewed as temporary. Examples include the generation of fugitive dust during construction activities.
- **Permanent Effects:** All effects that result in the irreversible removal of biological resources are considered permanent. Examples include constructing a building or permanent road on an area with native vegetation, such that the native vegetation is permanently removed and replaced with a developed structure.

A project is generally considered to have a significant effect if it proposes or results in any of the effects or conditions described in the significance thresholds discussed below, absent specific evidence to the contrary. Conversely, if a project does not propose or result in any of the following effects or conditions, it would generally not be considered to have a significant effect on biological resources, absent specific evidence of such an effect. These significance thresholds are taken from Appendix G of the State CEQA Guidelines.

5.2 Thresholds of Significance

Based on CEQA Guidelines Appendix G, the project would result in a significant impact on biological resources if it would:

1. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
2. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal) through direct removal, filling, hydrological interruption, or other means.
4. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
6. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

5.3 Impacts Analysis

Issue 1: Would the proposed project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Special-Status Plants

Special-status plants were not identified within the project site during the focused special-status plant survey and, according to Section 6.1.3, Protection of Narrow Endemic Plant Species, and 6.3.2, Additional Survey Needs and Procedures, of the MSHCP, the project site does not fall within a required survey area for special-status plants with potential to occur (Dudek 2003). Therefore, with participation in the MSHCP (the City of Lake Elsinore is an MSHCP permittee), impacts to special-status plants would be considered less than significant.

Special-Status Wildlife

Although two special-status wildlife species, Cooper's hawk and burrowing owl, were identified as having a moderate potential to occur on-site (as described in Section 4.3.1 and Appendix B), the native habitat on-site to support these species is limited. The removal of 1.00 acre of river red gum groves, 0.11 acre of non-native grasses and forbs, 7.68 acres of disturbed/developed habitat is not expected to threaten regional populations and would therefore not be significant. The project site is not located in the Amphibian Survey Area, Burrowing Owl Survey Area, or

Mammal Survey Area as defined by Section 6.3.2 of the MSHCP; therefore, further ensuring these impacts are not significant, any potential project impacts to wildlife habitat that might occur would be addressed through participation in the MSHCP.

Critical Habitat

The project site does not occur within or immediately adjacent to critical habitat for any special-status plant or wildlife species; therefore, there would be no impacts to critical habitat as a result of project activities.

Issue 2: Would the proposed project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Scale broom scrub is a sensitive community that is present on-site and will be impacted by the project (Figure 4). The removal of approximately 0.09 acre of scale broom scrub would be considered potentially significant. However, incorporation of Mitigation Measure BIO-1 (purchase of mitigation credits either at Riverpark Mitigation Bank or Barry Jones Wetland Mitigation Bank) would reduce impacts to MSHCP riparian/riverine areas and CDFW sensitive natural communities to a less-than-significant level. Mitigation Measure BIO-1 applies only to Phase 2 of the proposed project as the sensitive community only occurs in the southern portion of the project site. A Determination of Biologically Equivalent or Superior Preservation (DBESP) report, as described in Section 6.1.2 of the MSHCP, was prepared for the project and details the existing conditions, proposed Impacts, and proposed mitigation sufficient to offset impacts on scale broom scrub and MSHCP riparian/riverine areas. A more detailed discussion can be found in the *Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis and Determination of Biologically Equivalent or Superior Preservation* (ESA 2022b), under separate cover.

Issue 3: Would the proposed project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal) through direct removal, filling, hydrological interruption, or other means?

No wetlands occur on-site and therefore there will be no impacts to state or federally protected wetlands.

Approximately 0.10 acre (469 linear feet) of potential other waters of the U.S. and State, and 0.52 acre (469 linear feet) of streams and associated vegetation are potentially subject to regulation under Division 2, Chapter 6, Section 1600 et seq. of the CFGC and will be impacted by the project (Figures 5a and 5b). Additionally, these areas also constitute MSHCP riparian/riverine areas. Impacts to these aquatic resources would be considered potentially significant. However, incorporation of Mitigation Measure BIO-1 (purchase of mitigation credits either at Riverpark Mitigation Bank or Barry Jones Wetland Mitigation Bank) would reduce impacts to aquatic resources to a less-than-significant level. Mitigation Measure BIO-1 applies only to Phase 2 of the proposed project as the waters of the U.S. and State only occur in the southern portion of the project site.

Issue 4: Would the proposed project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Wildlife Movement

As identified in Figure 3-2, *Schematic Cores and Linkages Map*, of the MSHCP, wildlife migration corridors do not occur within the project site. Additionally, the project site is situated in a developed portion of the city, and Drainage 1 has been heavily modified both upstream and downstream from the project site. As a result, the available habitat is not expected to be used for wildlife migration or dispersal, to any significant degree. Thus, no impact to wildlife movement and/or nursery sites is expected as a result of project activities.

Nesting Birds

The proposed project may result in the disturbance of nesting birds (passerine and raptors) protected by the MBTA and CFGC 3503, 3503.5, and 3513. Impacts to nesting birds would be potentially significant. Incorporation of Mitigation Measure BIO-2 (nesting bird survey) would reduce impacts to nesting birds to a less-than-significant level.

Issue 5: Would the proposed project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Chapter 5.116, Significant Palm Trees, of the Lake Elsinore Municipal Code regulates the removal, destruction, and relocation of significant palms of five specific species (*Butia capitata, Phoenix canariensis, Phoenix reclinata, Phoenix roebelenii*, and *Washingtonia filifera*) and two palm genera (*Chamaerops* and *Trachycarpus*) that exceed 5 feet in height. No palm trees were identified within the project site, and no other such local policies or ordinances apply to the project site; therefore, there would be no conflict with local policies or ordinances as a result of project activities.

Issue 6: Would the proposed project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project site is located within the Western Riverside County MSHCP, and lies within the Elsinore Area Plan of the MSHCP. However, the project site is not located within a MSHCP Criteria Area, which is comprised of individual Cells or Cell Groups identified to guide assembly of Additional Reserve Lands for the MSHCP Conservation Area. The local jurisdictions participating in the MSHCP, such as the City of Lake Elsinore, are collectively responsible for assembling approximately 97,000 acres of land for the MSHCP Conservation Area. Local acquisition of lands for the MSHCP Conservation Area are purchased by the Western Riverside County Regional Conservation Authority (RCA) from willing sellers using the Habitat Evaluation and Acquisition Negotiation Strategy (HANS) process, or other processes, such as the Joint Project/Acquisition Review (JPR) process during which the RCA and appropriate Permittee staff (i.e., City of Lake Elsinore) shall jointly review development applications that are within a Criteria Area and are submitted to a Permittee for consideration). However, since the project site

is not located within a MSHCP Criteria Area and is therefore not subject to the HANS process or the JPR process, the proposed project would not conflict with MSHCP Reserve Assembly goals.

The project's consistency with the MSHCP is summarized below. A more detailed discussion can be found in the *Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis and Determination of Biologically Equivalent or Superior Preservation* (ESA 2022b), under separate cover.

The project site is not within any wildlife migration corridors identified in MSHCP Figure 3-2, *Schematic Cores and Linkages Map*.

With respect to the proposed project's consistency with MSHCP Section 6.1.2 (Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools), the removal of approximately 0.52 acre (469 linear feet) of potential MSHCP riparian/riverine areas would be considered potentially significant (Figure 5b). However, incorporation of Mitigation Measure BIO-1 (purchase of mitigation credits; applicable only during Phase 2 of the proposed project), the payment of development fees, and the implementation of appropriate Best Management Practices outlined in MSHCP Appendix C (Dudek 2003) would ensure that the project is consistent with the provisions of the MSHCP.

With respect to the proposed project's consistency with MSHCP Section 6.1.3 (Protection of Narrow Endemic Plant Species) and Section 6.3.2 (Additional Survey Needs and Procedures), as stated throughout the document, the project is not located within a Narrow Endemic Plant Species Survey Area as defined by Section 6.1.3, or Amphibian Survey Area, Burrowing Owl Survey Area, or Mammal Survey Area as defined by Section 6.3.2 of the MSHCP. Therefore, impacts to wildlife habitat would be covered through payment of the MSHCP development fees.

Section 6.1.4 of the MSHCP specifies that certain guidelines should be implemented for proposed projects located adjacent to or connected with existing conservation lands/lands described for conservation within the MSHCP Conservation Area; these include Public/Quasi-Public Land (PQP) Lands and conserved portions of the Criteria Area. The various guidelines include the management of site drainage/runoff and toxics/pollutants, grading, lighting, noise, invasive plant species, and wildlife barriers, to ensure that pre-project conditions are maintained during and following the completion of construction, to the degree feasible. The proposed project is not situated within, adjacent to, or connected with PQP Lands, or the Criteria Area; therefore, Section 6.1.4 of the MSHCP does not apply to this project, which would be consistent.

Therefore, as summarized above, the proposed project would be consistent with the MSHCP.

5.4 Avoidance, Minimization, and Mitigation Measures

To minimize and avoid significant impacts to sensitive biological resources as a result of proposed project implementation, the following mitigation measures are recommended.

Measure to Mitigate Potentially Significant Impacts to Sensitive Natural Communities and MSHCP Riparian/Riverine Habitat

Mitigation Measure BIO-1: Mitigation for the permanent removal of 0.10 acre (469 linear feet) of potential other waters of the U.S. and State subject to Sections 404 and 401 of the CWA, and 0.52 acre (469 linear feet) of potential CDFW streams and associated vegetation subject to CFGC Code Section 1600, and MSHCP riparian/riverine areas (inclusive of the 0.09 acre of scale broom scrub [a CDFW sensitive natural community]) will be addressed through the purchase of credits, either from the Riverpark Mitigation Bank or Barry Jones Wetland Mitigation Bank.

Riverpark Mitigation Bank: If mitigation credits are purchased from the Riverpark Mitigation Bank, they will either be purchased as re-establishment or rehabilitation. If re-establishment is available, credits will be purchased at a 1.5:1 replacement ratio (i.e., 0.78 acres of mitigation). If both re-establishment and rehabilitation is available, credits will be purchased at a 1:1 replacement ratio for both credit options (i.e., 0.52 acres of re-establishment and 0.52 acres of rehabilitation, for a total of 1.04 acres of mitigation). If re-establishment is not available at the time of purchase, credits will be purchased at a 3:1 replacement ratio for rehabilitation credits alone (i.e, 1.56 acres).

Barry Jones Wetland Mitigation Bank: If mitigation credits are purchased from the Barry Jones Wetland Mitigation Bank, they will be purchased as preservation, at a 4:1 replacement ratio (i.e., 2.08 acres of mitigation).

BIO-1 applies only to Phase 2 of the proposed project as the sensitive natural community and MSHCP riparian/riverine habitat only occurs in the southern portion of the project site. A DBESP report, as described in Section 6.1.2 of the MSHCP, has been prepared and details the existing conditions, proposed impacts, and proposed mitigation sufficient to offset impacts on MSHCP riparian/riverine areas (inclusive of scale broom scrub).

Measure to Mitigate Potentially Significant Impacts to Nesting Birds

Mitigation Measure BIO-2: Prior to start of site preparation activities (ground disturbance, construction activities, and/or removal of trees and vegetation), a qualified biologist shall conduct a nesting bird survey within 3 days of the anticipated initial construction (clearing and grubbing of potential nesting vegetation) start date to identify any active nests within 500 feet of the project site. The Project Applicant shall adhere to the following prior to the issuance of grading permits:

1) Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success;

determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.

2) Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.

If an active nest is detected, a suitable avoidance buffer will be established by the Designated Biologist in the field based on their best professional judgement and experience. Construction activities will remain outside of the buffer until a Designated Biologist determines that the nest is no longer active (i.e., the juveniles are surviving independent from the nest). Appropriate buffers distances generally include up to 300 feet for passerine species and up to 500 feet for raptors; however, these may be reduced at the discretion of the biologist, depending on the site-specific factors, such as the location of the nest, species tolerance to human presence, and the types of construction-related noises, vibrations, and human activities that would occur. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. The onsite qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished.

If initial construction (clearing and grubbing) temporarily ceases for a period greater than 7 days, and activities expect to recommence during the avian nesting season, the project site (including surrounding 500 feet) will be resurveyed. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.

5.5 Cumulative Impacts

Cumulative impacts are defined as the direct and indirect effects of a proposed project which, when considered alone, would not be deemed a substantial impact, but when considered in addition to the impacts of related projects in the area, would be considered significant. “Related projects” refers to past, present, and reasonably foreseeable probable future projects, which would have similar impacts to the proposed project. CEQA deems a cumulative impact analysis to be adequate if a list of “related projects” is included in the EIR or the proposed project is consistent with an adopted general, specific, master, or comparable programmatic plan (Section 15130(b)(1)(B)). CEQA also states that no further cumulative impact analysis is necessary for impacts of a proposed project consistent with an adopted general, specific, master, or comparable programmatic plan [Section 15130(d)].

As discussed above, the project site consists of mostly disturbed/developed areas with patches of river red gum groves, non-native grasses and forbs, and scale broom scrub, and is surrounded primarily by a moderately developed portion of the City of Lake Elsinore. Phase 2 of the proposed project would impact Drainage 1, which includes a sensitive natural community; potential USACE, RWQCB, and CDFW jurisdiction; and MSHCP riparian/riverine areas. However, all impacts would be fully mitigated (as outlined in Section 5.4, Avoidance, Minimization, and Mitigation Measures). As such, there would be no cumulatively considerable impacts to biological resources. Similarly, any related project that may occur in the area in the future would be required, through the CEQA review and permit issuance processes, to mitigate their respective impacts upon biological resources to less than significant levels. Furthermore, the MSHCP addresses cumulative impacts for western Riverside County. The MSHCP identifies areas for long-term conservation and management. As such, with MSHCP compliance, cumulative impacts of proposed projects within authorized take lands within the MSHCP are minimized through the conservation of land. Therefore, implementation of the proposed project, in conjunction with other past, present, or reasonably foreseeable future projects, would not result in a significant cumulative impact related to biological resources.

CHAPTER 6
References Cited

CDFW (California Department of Fish and Wildlife). 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*.

CDFW. 2022a. *California Natural Diversity Data Base (CNDDB)*. https://www.wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed March 22, 2022.

CDFW. 2022b. *Sensitive Natural Communities*. Sacramento, CA: CDFW, Natural Heritage Division, 2021. https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities. Accessed March 22, 2022.

CDFW. 2022c. *BIOS Habitat Connectivity Viewer*. https://apps.wildlife.ca.gov/bios/?bookmark=648. Accessed June 27, 2022.

CNPS (California Native Plant Society). 2022. *Inventory of Rare and Endangered Vascular Plants of California*. http://rareplants.cnps.org/. Accessed March 22, 2022.

Dudek (Dudek & Associates). 2003. *Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)*. Final MSHCP, Volumes I and II. Prepared for County of Riverside Transportation and Lands Management Agency, Prepared by Dudek & Associates, Inc. Approved June 17, 2003

Environmental Laboratory. 1987. *U.S. Army Corps of Engineers Wetland Delineation Manual*. Prepared for the U.S. Army Corps of Engineers.

ESA (Environmental Science Associates). 2022a. *Proposed Commercial Development – Aquatic Resources Delineation Report*. Prepared for the Evergreen Devco, Inc. July 2022, Revised March 2023.

ESA. 2022b. *Proposed Commercial Development – Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis and Determination of Biologically Equivalent or Superior Preservation*. Prepared for the Evergreen Devco, Inc. July 2022.

Fahrig, L. and Merriam, G. 1985. *Habitat Patch Connectivity and Population Survival*. Ecology 66(6): 1762-1768.

Google Earth Pro. 2022. *Aerial Imagery*. Accessed June 24, 2022.

Gonzales Environmental (Gonzales Environmental Consulting, LLC). 2022a. *Habitat Assessment APN 377-020-014, 377-020-016, 377-020-017, 377-020-018, 377-020-019 in the City of Elsinore, Riverside County; USGS 7.5-minute Lake Elsinore Topographic Quadrangle Map in Section 30 and Partial Section 31 of Township 5 South, Range 4 West*. May 6, 2021; Revised January 28, 2022.

Gonzales Environmental. 2022b. *Delineation of Waters of the United States, Department of Fish and Wildlife, Regional Water Quality Control Board, and 6.1.2 MSHCP Western Riverside County Jurisdictional Habitats for APN 377-020-014, 377-020-016, 377-020-017, 377-020-018, 377-020-019 in the City of Elsinore, Riverside County; USGS 7.5-minute Lake Elsinore Topographic Quadrangle Map in Section 30 and Partial Section 31 of Township 5 South, Range 4 West*. January 28, 2022.

Harris, Larry D., and P.B. Gallagher. New initiatives for wildlife conservation: the need for movement corridors. *In Defense of Wildlife: Preserving Communities and Corridors.* Washington, D.C.: Defenders of Wildlife, 1989.

Hilty, J., W. Lidicker, Jr., and Merenlender, A. 2006. Corridor Ecology: The Science and Practice of Linking Landscapes for Biodiversity Conservation. Island Press, Washington, D.C.

NatureServe. 2022. *NatureServe*. https://www.natureserve.org/

Noss, R. F. 1983. A Regional Landscape Approach to Maintain Diversity. BioScience 33(11): 700-706.

NRCS (Natural Resources Conservation Service). 2010. *Field Indicators of Hydric Soils in the United States, Version 7.0*. U.S. Department of Agriculture, NRCS.

NRCS. 2022. *NRCS Web Soil Survey*. http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed March 22, 2022.

Rehrer, K. 2023. Personal communication from K. Rehrer (CDFW) to ESA regarding site visit conducted on January 12, 2023. February 15, 2023.

Sawyer, J.O., T. Keeler-Wolf, and J.M. Evens. 2009. *A Manual of California Vegetation, Second Edition*. California Native Plant Society, Sacramento, CA. 1300 pp.

Simberloff, D., Cox, J. 1987. *Consequences and Costs of Conservation Corridors.* Conservation Biology 1: 63-71.

USACE (U.S. Army Corps of Engineers). 2008a. *Arid West Supplement to the 1987 Wetlands Delineation Manual*.

USACE. 2008b. *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States*.

USDA (U.S. Department of Agriculture). 2022. *Agricultural Applied Climate Information System (AgACIS)*. http://agacis.rcc-acis.org/?fips=06071. Accessed March 22, 2022.

USFWS (U.S. Fish and Wildlife Service). 2022a. *Critical Habitat Portal*. https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77: Accessed March 22, 2022.

USFWS. 2022b. *Information for Planning and Consultation* (IPaC). https://ecos.fws.gov/ipac/location/index. Accessed on June 27, 2022.

USFWS. 2022c. *National Wetland Inventory*. https://www.fws.gov/wetlands/data/Mapper.html. Accessed March 22, 2022.

Appendix A
Special-Status Plant Species

ESA

APPENDIX A: SPECIAL-STATUS PLANT SPECIES

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
BRYOPHYTES (MOSSES)				
Bryaceae **(Moss Family)**				
California screw moss *Tortula californica*	Federal: None State: S2 Local: 1B.2	N/A	Chenopod scrub, Valley and foothill grassland; grows within sandy soils. Elevation range extends from 10-1,640 meters.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
MARCHANTIOPHYTA (LIVERWORTS)				
Sphaerocarpaceae **(Bottle Liverwort Family)**				
Campbell's liverwort *Geothallus tuberosus*	Federal: None State: None Local: 1B.1	N/A	Coastal scrub (mesic), vernal pools. Elevation range extends from 10-600 meters. Found in Riverside and San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
bottle liverwort *Sphaerocarpos drewei*	Federal: None State: None Local: 1B.1	N/A	Chaparral, coastal scrub; grows within openings. Elevation range extends from 90-600 meters. Found in Riverside and San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
ASCOMYCOTA (LICHENS)				
CALICIACEAE **(Calicium Family)**				
woven-spored lichen *Texosporium sancti-jacobi*	Federal: None State: None Local: 3	N/A	Chaparral; openings, on soil, small mammal pellets, dead twigs, and on *Selaginella* spp. Elevation range extends from 60-660 meters. Found in Los Angeles, Riverside, San Diego, San Luis Obispo, Santa Barbara, Ventura counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
ASPLENIACEAE **(Spleenwort Family)**				
western spleenwort *Asplenium vespertinum*	Federal: None State: S3.2 Local: 4.2	Feb.-Jun.	Rocky, chaparral, cismontane woodland, coastal scrub. Elevation range extends from 180-1,000 meters. Found in Los Angeles, Riverside, San Diego, Orange, San Bernardino, Ventura counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
GYMNOSPERMS				
Cupressaceae **(Cypress Family)**				
Tecate cypress *Hesperocyparis forbesii*	Federal: None State: None Local: 1B.1	N/A	Clay, gabbroic or metavolcanic soils associated with closed-cone coniferous forest and chaparral. Elevation range extends from 80-1,500 meters. Found in Riverside, Orange, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
ANGIOSPERMS (DICOTYLEDONS)				
Apiaceae **(Carrot Family)**				
San Diego button-celery *Eryngium aristulatum* var. *parishii*	Federal: FE State: CE Local: 1B.1 MSHCP	Apr.-Jun	Coastal scrub, valley and foothill grassland, vernal pools; grows within San Diego mesa hardpan, claypan vernal pools, southern interior basalt flow vernal pools. Elevation range extends from 20-620 meters. Found in San Diego and Riverside.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Asteraceae **(Sunflower Family)**				
alkali marsh aster *Almutaster pauciflorus*	Federal: None State: None Local: 2B.2	Jun.-Oct.	Meadows and seeps; alkaline. Elevation range extends from 240-800 meters. Found in Inyo, Kern, Riverside, San Bernardino counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
San Diego ambrosia *Ambrosia pumila*	Federal: Endangered State: None Local: 1B.1 MSHCP	Apr.-Oct.	Chaparral, coastal scrub, valley and foothill grassland, vernal pools; often disturbed areas, sometimes alkaline, clay, sandy. Elevation range extends from 20-415 meters. Found in Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
smooth tarplant *Centromadia pungens* ssp. *laevis*	Federal: None State: None Local: 1B.1 MSCHP(d)	Apr.-Sep.	Valley and foothill grasslands with poorly drained alkaline soil conditions at low elevations. Elevation range extends from 0-640 meters. Found in Riverside, San Bernardino, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
paniculate tarplant *Deinandra paniculata*	Federal: None State: None Local: 4.2	Apr.-Nov.	Generally vernally mesic; coastal scrub; valley and foothill grassland; vernal pools. Elevation range extends from 25-940 meters. Found in Orange, Riverside, San Diego, San Bernardino, Santa Barbara counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
graceful tarplant *Holocarpha virgata* ssp. *elongata*	Federal: None State: None Local: 4.2 MSHCP(e)	May-Nov.	Chaparral; cismontane woodland; coastal scrub; valley and foothill woodland. Elevation range extends from 60-1,100 meters. Found in Orange, Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Coulter's goldfields *Lasthenia glabrata* ssp. *coulteri*	Federal: None State: None Local: 1B.1 MSHCP (d)	Feb.-Jun.	Salt-marsh, playas, vernal-pools, coastal; usually occurs in wetlands but occasionally in non-wetlands. Elevation range extends from 1-1,220 meters. Found in Orange, Riverside, Ventura, San Diego, and possibly Los Angeles, Kern and San Bernardino counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
small-flowered microseris *Microseris douglasii* ssp. *platycarpha*	Federal: None State: None Local: 4.2	Mar.-May	Clay soils in cismontane woodland; coastal scrub; valley and foothill grassland; vernal pools. Elevation range extends from 15-1,070 meters. Found in Los Angeles, Orange, San Diego, Riverside counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
white rabbit-tobacco *Pseudognaphalium leucocephalum*	Federal: None State: None Local: 2B.2	Jul.-Dec.	sandy, gravelly, Chaparral, Cismontane woodland, Coastal scrub, Riparian woodland. Elevation range extends from 0-2,100 meters. Found in Los Angeles, Riverside, Orange, San Diego, Ventura counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
San Bernardino aster *Symphyotrichum defoliatum*	Federal: None State: None Local: 1B.2	Jul.-Nov.	Near ditches, springs, and streams; cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic) Elevation range extends from 2-2,040 meters. Found in Los Angeles, Kern, Imperial, Riverside, San Bernardino, Orange, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Wright's trichocoronis *Trichocoronis wrightii* var. *wrightii*	Federal: None State: None Local: 2B.1 MSHCP(b)	May-Sept.	Meadows and seeps, marshes and swamps, riparian scrub, vernal. Elevation range extends from 5-435 meters. Found in Riverside County.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
San Diego County viguiera *Viguiera laciniata*	Federal: None State: None Local: 4.2	Feb.-Jun.	Chaparral, coastal scrub; grows along slopes and ridgelines. Elevation range extends from 60-750 meters.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
La Purisima Viguiera *Viguiera purisimae*	Federal: None State: None Local: 2B.3	Apr.-Sep.	Coastal bluff scrub, chaparral; Elevation range extends from 365-425 meters. Found in Orange County.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Boraginaceae **(Borage Family)**				
Douglas' fiddleneck *Amsinckia douglasiana*	Federal: None State: None Local: 4.2	Mar.-May	Valley and foothill grassland, oak woodland; grows on substrate composed of Monterey shale within arid habitats. Elevation range extends from 0-1,950 meters.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Palmer's grapplinghook *Harpagonella palmeri*	Federal: None State: None Local: 4.2 MSHCP	Mar.-May	Variety of southern California plant communities including sage scrub; clay soils. Elevation range extends from 20-955 meters. Found in Los Angeles, Orange, Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Santiago Peak phacelia *Phacelia keckii*	Federal: None State: None Local: 1B.3 MSHCP	May-Jun.	Within openings in closed-cone coniferous forest and chaparral; occasionally found along streams. Elevation range extends from 545-1,600 meters. Found in Orange and Riverside counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Brassicaceae **(Cabbage Family)**				
Payton's jewel-flower *Caulanthus simulans*	Federal: None State: None Local: 4.2 MSHCP	Feb.-Jun.	Chaparral, coastal scrub; sandy, granitic. Elevation range extends from 90-2,200 meters. Found in Riverside and San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Robinson's pepper-grass *Lepidium virginicum* var. *robinsonii*	Federal: None State: None Local: 4.3	Jan.-Jul.	Chaparral and coastal scrub. Elevation range extends from 1-885 meters. Found in Los Angeles, Orange, Riverside, San Bernardino, San Diego, Ventura counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Hammitt's clay-cress *Sibaropsis hammittii*	Federal: None State: None Local: 1B.2 MSHCP(b)	Mar.-Apr.	Chaparral (openings), valley and foothill grassland; clay. Elevation range extends from 730-1,065 meters. Found in Riverside and San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Chenopodiaceae **(Goosefoot Family)**				
San Jacinto Valley crownscale *Atriplex coronata* var. *notatior*	Federal: FE State: None Local: 1B.1 MSHCP(d)	Apr.-Aug.	Alkaline flats, playas, valley and foothill grassland, vernal pools. Elevation range extends from 370-488 meters. Found in Riverside and Kern counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Parish's brittlescale *Atriplex parishii*	Federal: None State: None Local: 1B.1 MSHCP(d)	Jun.-Oct.	Shadscale scrub, alkali sinks, freshwater wetlands, wetland-riparian; playas, vernal pools. Elevation range extends from 25-1,900 meters. Found in Orange, Riverside, San Diego, and possibly Los Angeles and San Bernardino counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Davidson's saltscale *Atriplex serenana* var. *davidsonii*	Federal: None State: None Local: 1B.2 MSHCP(d)	Apr.-Oct.	Coastal sage scrub, wetland-riparian; coastal. Elevation range extends from 10-200 meters. Found in Orange, Riverside, San Diego, and possibly Los Angeles and San Bernardino counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Convolvulaceae **(Morning-glory Family)**				
small-flowered morning-glory *Convolvulus simulans*	Federal: None State: None Local: 4.2 MSHCP	Mar.-Jul.	Clay soils, serpentinite seeps; openings in chaparral; coastal sage scrub; valley and foothill grassland. Elevation range extends from 0-305 meters. Found in Kern, Los Angeles, Riverside, Orange, San Diego, Santa Barbara counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Crassulaceae **(Stonecrop Family)**				
many-stemmed dudleya *Dudleya multicaulis*	Federal: None State: None Local: 1B.2 MSHCP(b)	Apr.-Jul.	Chaparral, coastal scrub, valley and foothill grassland often on clay soils. Elevation range extends from 15-790 meters. Found in Los Angeles, Orange, Riverside, San Bernardino, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
sticky dudleya *Dudleya viscida*	Federal: None State: None Local: 1B.2 MSHCP(f)	May-Jun.	Chaparral, coastal sage scrub; coastal. Elevation range extends from 10-550 meters. Found in Orange, Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Ericaceae **(Heather Family)**				
rainbow manzanita *Arctostaphylos rainbowensis*	Federal: None State: None Local: 1B.1	Dec.-Mar.	Chaparral (rocky). Elevation range extends from 205-670 meters. Found in Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
summer holly *Comarostaphylis diversifolia* ssp. *diversifolia*	Federal: None State: None Local: 1B.2	Apr.-Jun.	Chaparral, cismontane woodland, mixed chaparral; sometimes found in burned areas. Elevation range extends from 30-790 meters. Found in Orange, Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Fabaceae **(Legume Family)**				
pride-of-California *Lathyrus splendens*	Federal: None State: None Local: 4.3	Mar.-Jun.	Chaparral. Elevation range extends from 200-1,525 meters. Found in Los Angeles, Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Fagaceae **(Oak Family)**				
Engelmann oak *Quercus engelmannii*	Federal: None State: None Local: 4.2 MSHCP	Mar.-Jun.	Cismontane woodland, chaparral, riparian woodland, valley and foothill grassland. Elevation range extends from 50-1,300 meters.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Juglandaceae **(Walnut Family)**				
Southern California black walnut *Juglans californica*	Federal: None State: None Local: 4.2	Mar.-Aug.	Chaparral, cismontane woodland, coastal scrub, riparian woodland; alluvial. Elevation range extends from 50-900 meters. Found in Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, Ventura counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Lamiaceae **(Mint Family)**				
San Miguel savory *Clinopodium chandleri*	Federal: None State: None Local: 1B.2 MSHCP	Mar.-Jul.	Chaparral, cismontane woodland, coastal scrub, riparian woodland, valley and foothill grassland. Grows within rocky, gabbroic, or metavolcanic soils. Elevation range extends from 120-1,075 meters. Found in Orange, Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
heart-leaved pitcher sage *Lepechinia cardiophylla*	Federal: None State: None Local: 1B.2 MSHCP(d)	Apr.-Jul.	Closed-cone coniferous forest, chaparral, cismontane woodland. Elevation range extends from 520-1,370 meters. Found in Orange, Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
intermediate monardella *Monardella hypoleuca ssp. intermedia*	Federal: None State: None Local: 1B.3	Apr.-Sep.	Chaparral, cismontane woodland, lower montane, occasionally coniferous forest; generally grows on steep hillsides with dense brush. Elevation range extends from 400-1,250 meters. Found in Riverside, Orange, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Hall's monardella *Monardella macrantha* ssp. *hallii*	Federal: None State: None Local: 1B.3 MSHCP	Jun.-Oct.	Broadleafed upland forest, chaparral, cismontane woodland, lower montane coniferous forest, valley and foothill grassland. Elevation range extends from 730-2,195 meters. Found in Los Angeles, Orange, Riverside, San Bernardino, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
southern mountains skullcap *Scutellaria bolanderi* ssp. *austromontana*	Federal: None State: None Local: 1B.2	Jun.-Aug.	Chaparral, cismontane woodland, lower montane coniferous forest; typically grows in gravelly soil on moist embankments of montane creeks. Elevation range extends from 425-2,000 meters. Found in Los Angeles, Riverside, San Diego, possibly San Bernardino counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Limnanthaceae **(Meadowfoam Family)**				
Parish's meadowfoam *Limnanthes alba ssp. parishii*	Federal: None State: SE Local: 1B.2 MSHCP	Apr.-Jun.	Yellow pine forests, freshwater wetlands, wetland-riparian; meadows, vernal pools. Elevation range extends from 600-2,000 meters. Found in Riverside and San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Malvaceae **(Mallow Family)**				
California ayenia *Ayenia compacta*	Federal: None State: None Local: 2.3	Mar.-Apr.	Creosote bush scrub, washes. Elevation range extends from 150-1,095 meters. Found in Riverside, San Bernardino, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Nyctaginaceae **(Four O'clock Family)**				
chaparral sand-verbena *Abronia villosa* var. *aurita*	Federal: None State: None Local: 1B.1	Jan.-Sep.	Chaparral, coastal scrub, and desert dunes/sandy areas. Elevation range extends from 0-1,600 meters. Found in Los Angeles, Riverside, San Diego, San Bernardino, possibly Orange counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Papaveraceae **(Poppy Family)**				
Coulter's matilija poppy *Romneya coulteri*	Federal: None State: None Local: 4.2 MSHCP(e)	Mar.-Jul.	Dry washes and canyons in sage scrub and chaparral. Elevation range extends from 0-1,200 meters. Found in Los Angeles, Orange, Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Phrymaceae **(Lopseed Family)**				
Cleveland's bush monkeyflower *Diplacus clevelandii*	Federal: None State: None Local: 4.2 MSHCP(f)	Apr.-Jul.	Chaparral, cismontane woodland, lower montane coniferous forest; grows within disturbed gravelly areas, such as long roadside. Elevation range extends from 450-2,000 meters.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Palomar monkeyflower *Eythranthe diffusus*	Federal: None State: None Local: 4.3 MSHCP	Apr.-Jun.	Chaparral, lower montane coniferous forest. Grows in sandy or gravelly areas. Elevation range extends from 1,220-1,830 meters.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Picrodendraceae **(Bitter Tree Family)**				
Parry's tetracoccus *Tetracoccus dioicus*	Federal: None State: None Local: 1B.2	Apr.-May	Low growing chamise chaparral; prefers Las Posas soils. Elevation range extends from 165-1,000 meters. Found in Orange, Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Polemoniaceae **(Phlox Family)**				
serpentine collomia *Collomia diversifolia*	Federal: None State: None Local: 4.3	May-Jun.	Chaparral, cismontane woodland; sometimes gravelly, rocky, serpentinite. Elevation range extends from 200-600 meters. Found in Orange County.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
spreading navarretia *Navarretia fossalis*	Federal: FT State: None Local: 1B.1 MSHCP(b)	Apr.-Jun.	Coastal sage scrub, wetland-riparian; occurs almost always under natural conditions in wetlands. Elevation range extends from 30-655 meters. Found in Los Angeles, Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
prostrate vernal pool navarretia *Navarretia prostrata*	Federal: None State: None Local: 1B.1	Apr.-Jul	Coastal sage scrub, wetland-riparian; occurs almost always under natural conditions in wetlands. Elevation range extends from 15-1,210 meters. Found in Los Angeles, Orange, Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Polygalaceae **(Milkwort Family)**				
Fish's milkwort *Polygala cornuta* var. *fishiae*	Federal: None State: None Local: 4.3 MSHCP (e)	May-Aug.	Cismontane woodland, riparian woodland, chaparral; typically grows among oaks along ridges and scree slopes and is often found along streams. Elevation range extends from 100-1,000 meters.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Polygonaceae **(Buckwheat Family)**				
peninsular spineflower *Chorizanthe leptotheca*	Federal: None State: None Local: 4.2	May-Aug.	Sand or gravel; Elevation range extends from 600 (300) -1,600 meters. Found in Kern, Los Angeles, Riverside, San Bernardino, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Parry's spineflower *Chorizanthe parryi* var. *parryi*	Federal: None State: None Local: 1B.1	Apr.-Jun.	Openings/clearings in coastal or desert sage scrub, chaparral or interface; dry slopes or flat ground; sandy soils. Elevation range extends from 275-1,220 meters. Found in Los Angeles, Riverside, San Bernardino counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
long-spined spineflower *Chorizanthe polygonoides* var. *longispina*	Federal: None State: None Local: 1B.2 MSHCP	Apr.-Jul.	Primarily associated with clay soils but also found on sandy or gravelly soils within open areas of chaparral, sage scrub, or needlegrass grassland. Elevation range extends from 30-1,530 meters. Found in Orange, Riverside, Santa Barbara, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
slender-horned spineflower *Dodecahema leptoceras*	Federal: FE State: SE Local: 1B.1	Apr.-Jun.	Scrub and chaparral in sandy soils and alluvial fans. Elevation range extends from 200-760 meters. Found in Los Angeles, Riverside, San Bernardino counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Ranunculaceae **(Buttercup Family)**				
little mousetail *Myosurus minimus* ssp. *apus*	Federal: None State: None Local: 3.1 MSHCP(d)	Mar.-Jun.	Associated with vernal pools and inundated grassland habitats. Elevation range extends from 20-640 meters. Found in Alameda, Riverside, San Bernardino, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Rosaceae **(Rose Family)**				
mesa horkelia *Horkelia cuneata* var. *puberula*	Federal: None State: None Local: 1B.1	Feb.-Jul. (uncommonly Sep.)	Chaparral (maritime), cismontane woodland, coastal scrub/sandy or gravelly. Elevation range extends from 70-810 meters. Found in Los Angeles, Orange, San Bernardino, San Diego, Ventura, possibly Riverside counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
ANGIOSPERMS (MONOCOTYLEDONS)				
Alismataceae **(Water-Plaintain Family)**				
Sanford's arrowhead *Sagittaria sanfordii*	Federal: None State: None Local: 1B.2	May-Oct.	Marshes and swamps. Elevation range extends from 0-650 meters. Found in Orange, San Bernardino, Ventura counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Alliaceae (Liliaceae) **(Onion Family-Lily Family)**				
Yucaipa onion *Allium marvinii*	Federal: None State: None Local: 1B.2	Apr.-May	Chaparral; clay, openings. Elevation range extends from 760-1,065 meters. Found in Orange, Riverside, San Bernardino, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Munz's onion *Allium munzii*	Federal: FE State: ST Local: 1B.1 MSHCP(b)	Mar.-May	Chaparral, cismontane woodland, coastal scrub, pinyon and juniper woodland, valley and foothill grassland communities; clay soils. Elevation range extends from 297-1,070 meters. Found in Riverside County.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Cyperaceae **(Sedge Family)**				
Buxbaum's sedge *Carex buxbaumii*	Federal: None State: None Local: 4.2	Mar.-Aug.	Bogs, fends, meadows, seeps, marshes, and swamps. Elevation range extends from 3-3,000 meters.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Juncaceae **(Juncus)**				
southwestern spiny rush *Juncus acutus* ssp. *leopoldii*	Federal: None State: None Local: 4.2	Mar.-Jun.	Mesic soils in coastal dunes; alkaline seeps in meadows; coastal salt marshes and swamps. Elevation range extends from 3-900 meters. Found in Los Angeles, Orange, San Diego, Ventura counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Santa Lucia dwarf rush *Juncus luciensis*	Federal: None State: None Local: 4.2	Apr.-Jul.	Chaparral. Great Basin scrub, Lower montane coniferous forest, Meadows and seeps, Vernal pools. Elevation range extends from 300-2,040 meters. Found in Riverside and San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Liliaceae **(Lily Family)**				
Catalina mariposa lily *Calochortus catalinae*	Federal: None State: None Local: 4.2	Feb-Jun.	Chaparral, Cismontane woodland, Coastal scrub, Valley and foothill grassland. Typically found in heavy soils within openings. Elevation range extends from 15-700 meters. Found in Los Angele, Orange, Santa Barbara, San Bernardino, Ventura counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
intermediate mariposa lily *Calochortus weedii var. intermedius*	Federal: None State: None Local: 1B.2 MSHCP	May-Jul.	Coastal scrub, chaparral, valley and foothill grassland on rocky soil and rocky outcrops. Elevation range extends from 105-855 meters. Found in Los Angeles, Orange, Riverside, San Bernardino counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
ocellated Humboldt lily *Lilium humboldtii ssp. ocellatum*	Federal: None State: None Local: 4.2 *MSHCP** USFS	Mar.-Jul.	Chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, riparian woodland, openings. Elevation range extends from 30-1,800 meters. Found in Los Angeles, San Bernardino, Riverside, Orange, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
lemon lily *Lilium parryi*	Federal: None State: None Local: 1B.2	Jul.-Aug.	Red fir forest, yellow pine forest, wetland-riparian; riparian meadows; usually occurs in wetlands, but occasionally found in non-wetlands. Elevation range extends from 1,220-2,745 meters. Found in Los Angeles, Riverside, San Bernardino, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Poaceae **(True Grass Family)**				
vernal barley *Hordeum intercedens*	Federal: None State: None Local: 3.2 MSHCP	Mar.-Jun.	Coastal dunes, coastal scrub, valley and foothill grassland (saline flats and depressions), vernal pools. Elevation range extends from 5-1,000 meters. Found in Los Angeles, Orange, Riverside, San Diego, Ventura counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
California Orcutt grass *Orcuttia californica*	Federal: FE State: SE Local: 1B.1 MSHCP (b)	Apr.-Aug.	Vernal pools. Elevation range extends from 15-660 meters. Found in Los Angeles, Riverside, San Diego, Ventura counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Ruscaceae **(Ruscus Family)**				
chaparral nolina *Nolina cismontana*	Federal: None State: None Local: 1B.2	May-Jul.	Xeric Diegan sage scrubs, open chaparral, coastal scrub; generally grows within sandstone and shale substrates and occasionally within gabbro. Elevation range extends from 140-1,275 meters. Found in Orange, Riverside, San Diego, Ventura counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Flowering Period**	**Preferred Habitat/Known Elevation and Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Themidaceae **(Butcher's-Broom Family)**				
thread-leaved brodiaea *Brodiaea filifolia*	Federal: FT State: CE Local: 1B.1	Mar.-Jun.	Clay soils in coastal scrub, valley and foothill grassland, cismontane woodland, and vernal pools. Elevation range extends from 25-1,120 meters. Found in Los Angeles, Orange, Riverside, San Diego, San Bernardino counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Santa Rosa basalt brodiaea *Brodiaea santarosae*	Federal: None State: None Local: 1B.2	May-Jul.	Valley and foothill grassland; basaltic. Elevation range extends from 565-1,045 meters. Found in Riverside, San Diego counties.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.

[1] Sensitivity Status

Federal

FE *Federally Endangered*
FT *Federally Threatened*
FC *Federal Candidate*
FPE *Federally Proposed as Endangered*
FPT *Federally Proposed as Threatened*
FPD *Federally Proposed for Delisting*

State

SE *State Listed as Endangered*
ST *State Listed as Threatened*
SCE *State Candidate for Endangered*
SCT *State Candidate for Threatened*
SR *State Rare*

Local

CRPR *California Rare Plant Ranks:*

California Rare Plant Rank 1A Plants presumed extirpated in California and either rare or extinct elsewhere
California Rare Plant Rank 1B Plants rare, threatened, or endangered in California and elsewhere
California Rare Plant Rank 2A Plants presumed extirpated in California but common elsewhere
California Rare Plant Rank 2B Plants rare, threatened, or endangered in California, but common elsewhere
California Rare Plant Rank 3 Plants about which more information is needed, a review list
California Rare Plant Rank 4 Plants of limited distribution, a watch list

Threat Code extensions and their meanings:

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

MSHCP *Western Riverside County Multiple Species Habitat Conservation Plan covered species*
MSHCP (a) *Surveys may be required as part of wetlands mapping per MSHCP Section 6.1.2.*
MSHCP (b) *Surveys may be required within Narrow Endemic Plant Species survey area per MSHCP Section 6.1.3.*
MSHCP (c) *Surveys may be required per MSHCP Section 6.3.2.*
MSHCP (d) *Surveys may be required within Criteria Area per MSHCP Section 6.3.2.*
MSHCP (e) *These Covered Species will be considered to be Covered Species Adequately Conserved when conservation requirements identified in species-specific conservation objectives have been met per MSHCP Section 9.0 (Table 9-3).*
MSHCP (f) *These Covered Species will be considered to be Covered Species Adequately Conserved when a Memorandum of Understanding is executed with the Forest Service that addresses management for these species on Forest Service Land per MSHCP Table 9-3.*

[2] Sources for Preferred Habitat:

California Native Plant Society. 2022. CNPS Rare Plant Inventory. Available online at: https://rareplants.cnps.org/. Accessed on June 28, 2022.
Calflora. 2022. Information on Wild California Plants. Available online at: https://www.calflora.org/. Accessed on June 28, 2022.
CDFW. 2022. California Natural Diversity Database (CNDDB). RareFind, Version 5.0 (Commercial Subscription). Sacramento, California: CDFW, Biogeographic Data Branch. Available online at: https://www.wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed on June 28, 2022.
Source: ESA, 2022.

Appendix B
Special-Status Wildlife Species

ESA

APPENDIX B: SPECIAL-STATUS WILDLIFE SPECIES

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Preferred Habitat/Known Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Invertebrates			
Order Anostraca (fairy shrimp) **Crustacea**			
Riverside fairy shrimp *Streptocephalus woottoni*	Federal: FE State: None Local: (MSHCP) WS	Endemic to western Riverside, Orange and San Diego Counties in areas of tectonic swales/earth slump basins in grassland and coastal sage scrub. Inhabit seasonally astatic pools filled by winter/spring rains greater than 12 inches in depth. Hatch in warm water later in the season. Typically observed January through March.	**Not Expected.** No evidence of ponding was observed for vernal pools and the soil survey data did not reveal the presence of clay lenses or other soils typical of vernal pools. Past ponding within the drainage occurred from a fallen eucalyptus tree blocking water flow.
Order Coleoptera (beetles) ***Insecta***			
Senile tiger beetle *Cicindela senilis frosti*	Federal: None State: None Local: None	Inhabits marine shoreline, from Central California coast south to salt marshes of San Diego. Also found at Lake Elsinore.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Order Lepidoptera (butterflies & moths) ***Insecta***			
Quino checkerspot butterfly *Euphydryas editha quino*	Federal: FE State: None Local: None	Sunny openings within native and non-native grasslands, coastal sage scrub, open chaparral, and other open plant community types with rocky outcroppings, cryptogrammic crusts, and presence of host plant species (*Plantago erecta*, *P. insularis*, and *Castilleja exserta*) and nectar sources. Hills and mesas near the coast.	**Not Expected.** The project site is highly disturbed due to previous grading and on-going weed abatement activities, which have removed the majority of vegetation on-site. No suitable host plants occur on the project site. Additionally, no focused surveys are required as this species is adequately conserved under the MSHCP.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Preferred Habitat/Known Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
AMPHIBIANS			
Spadefoot Toads ***Scaphiopodidae***			
western spadefoot *Spea hammondii*	Federal: None State: SSC Local: (MSHCP) AC	Mixed woodland, grasslands, chaparral, sandy washes, lowlands, river floodplains, alluvial fans, playas, alkali flats, foothills, and mountains. Prefers washes and other sandy areas with patches of brush and rocks. Rain pools or shallow temporary pools, which do not contain bullfrogs, fish, or crayfish are necessary for breeding. Perennial plants necessary for its major food-termites.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
REPTILES			
Spiny Lizards ***Phrynosomatidae***			
coast horned lizard *Phrynosoma blainvillii*	Federal: None State: SSC Local: (MSHCP) AC	Prefers sandy riparian and sage scrub habitats but also occurs in valley-foothill hardwood, conifer, pine-cypress, juniper and annual grassland habitats below 6,000 feet, open country, especially sandy areas, washes, flood plains, and windblown deposits. Requires open areas for sunning, bushes and loose soil for cover and abundant supply of harvester ants.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat. No sandy soils or harvester ants observed.
Whiptails & Relatives ***Teiidae***			
orange-throated whiptail *Aspidoscelis hyperythra*	Federal: None State: WL Local: (MSHCP) AC	Species requires intact habitat within chaparral, cismontane woodland, and coastal scrub plant communities. Prefers washes and other sandy areas with patches of brush and rocks. Perennial plants necessary for its major food-termites.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat. No sandy soils or termites observed.
Boas ***Boidae***			
coastal rosy boa *Lichanura trivirgata rosafusca*	Federal: None State: None Local: None	Rocky areas of chaparral and coastal sage scrub habitats. Attracted to water sources such as permanent and intermittent streams, but does not require permanent water.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat. Drainage is ephemeral and no rocky habitats within or near project site.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Preferred Habitat/Known Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Vipers ***Viperiidae***			
red-diamond rattlesnake *Crotalus ruber*	Federal: None State: SSC Local: (MSHCP) AC	Known to occur in chaparral, Mojavean desert scrub, and Sonoran desert scrub communities. Occurs in rocky areas and dense vegetation. Needs rodent burrows, cracks in rocks, or surface cover objects.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat. No scrub communities or dense vegetation present.
BIRDS			
Hawks, Kites, Harriers, & Eagles ***Accipitridae***			
Cooper's hawk *Accipiter cooperii*	Federal: None State: WL Local: (MSHCP) AC	Inhabits cismontane woodland, riparian forest, riparian woodland, upper montane coniferous forest, or other forest habitats near water. Nests and forages near open water or in riparian vegetation.	**Moderate Potential.** Limited suitable nesting habitat within the eucalyptus grove and foraging habitat within the non-native grasses and forbs occur on-site. However, these habitats are highly disturbed and this species was not observed during the biological surveys. No additional surveys are required as the species is adequately conserved under the MSHCP.
white-tailed kite *Elanus leucurus*	Federal: None State: FP Local: (MSHCP) AC	Rolling foothills and valley margins with scattered oaks and river bottomlands or marshes nest to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
True Owls ***Strigidae***			
burrowing owl *Athene cunicularia*	Federal: BCC State: SSC Local: (MSHCP) AS	Inhabits coastal prairie, coastal scrub, Great Basin scrub, Mojavean desert scrub, Sonoran desert scrub, annual and perennial grasslands, bare ground, and disturbed habitats characterized by low-growing vegetation. A subterranean nester dependent upon burrowing mammals, particularly the California ground squirrel.	**Moderate Potential.** Suitable habitat occurs within the non-native grasses and forbs on-site. However, this species was not observed during the biological surveys, and no additional surveys are required as the species is adequately conserved under the MSHCP.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Preferred Habitat/Known Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Vireos ***Vireonidae***			
least Bell's vireo *Vireo bellii pusillus*	Federal: FE State: SE, SSC Local: (MSHCP) WS	Known to occur in riparian forest, scrub, and woodland habitats. Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2,000 feet. Highly territorial and nests primarily in willow, mule fat, or mesquite habitats.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Gnatcatchers ***Polioptilidae***			
coastal California gnatcatcher *Polioptila californica californica*	Federal: FT State: SSC Local: (MSHCP) AC	Species is an obligate, permanent resident of coastal sage scrub habitats dominated by California sagebrush and flat-topped buckwheat, mainly on cismontane slopes below 1,500 feet in elevation. Low coastal sage scrub in arid washes, on mesas and slopes.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Sparrows ***Passerellidae***			
southern California rufous-crowned sparrow *Aimophila ruficeps canescens*	Federal: None State: WL Local: (MSHCP) AC	Known to frequent relatively steep, often rocky hillsides with grass and forb species. Resident in southern California coastal sage scrub and mixed chaparral habitats.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
Bell's sparrow *Artemisiospiza belli belli*	Federal: None State: WL Local: (MSHCP) AC	Inhabits large, unfragmented blocks of coastal sage scrub, southern mixed chaparral habitats.	**Not Expected.** This species is not expected to occur within the project site due to lack of suitable habitat.
MAMMALS			
Rabbits & Hares ***Leporidae***			
San Diego black-tailed jackrabbit *Lepus californicus bennettii*	Federal: None State: SSC Local: None	Inhabits open grasslands, agricultural fields, and sparse coastal scrub where they occur primarily in arid regions with short grass.	**Low Potential.** Limited suitable habitat within the non-native grasses and forbs occurs on-site. However, the habitat is highly disturbed and this species was not observed during the biological surveys. No additional surveys are required as the species is adequately conserved under the MSHCP.

Common Name ***Scientific Name***	**Sensitivity Status[1]**	**Preferred Habitat/Known Distribution[2]**	**Presence/Potential to Occur Within Biological Project Site**
Kangaroo rats, Pocket mice, & Kangaroo mice ***Heteromyidae***			
Stephens' kangaroo rat *Dipodomys stephensi*	Federal: FE State: ST Local: (MSHCP) AC	Inhabits annual and perennial grassland habitats, but may occur in coastal scrub or sagebrush with sparse canopy cover, or in disturbed areas. Known to occur in sparse perennial vegetation with firm soil, "neither hard nor sandy."	**Low Potential.** Limited suitable habitat within the non-native grasses and forbs occurs on-site. However, the habitat is highly disturbed and this species was not observed during the biological surveys. No additional surveys are required as the species is adequately conserved under the MSHCP (the project site is within the SKR fee area).

[1] Sensitivity Status

Federal (USFWS)

BGEPA	*Bald and Golden Eagle Protection Act*
FE	*Federally Endangered*
FT	*Federally Threatened*
FPE	*Federally Proposed as Endangered*
FPT	*Federally Proposed as Threatened*

State

FP	*Fully Protected*
SE	*State Endangered*
ST	*State Threatened*
SCE	*State Candidate as Endangered*
SCT	*State Candidate as Threatened*
SSC	*State Species of Special Concern*
WL	*Watch List*
WBWG	*Western Bat Working Group Regional Priority Matrix Species*

Local

Western Riverside County MSHCP (MSHCP)

- WS = Wetland Species under the MSHCP – additional surveys may be required as part of wetlands mapping per the MSHCP
- AS = Additional surveys may be required for these species within locations shown on survey maps as described in *Section 6.3.2* of the MSHCP.
- AC = Adequately Conserved Species under the MSHCP

[2] Sources for Preferred Habitat:

CDFW. 2022a. California Natural Diversity Database (CNDDB). RareFind, Version 5.0 (Commercial Subscription). Sacramento, California: CDFW, Biogeographic Data Branch. Available online at: https://www.wildlife.ca.gov/Data/CNDDB/Maps-and-Data. Accessed on June 28, 2022.

CDFW. 2022b. California Wildlife Habitat Relationships. Available online at: https://wildlife.ca.gov/Data/CWHR/Life-History-and-Range. Accessed on June 28, 2022.

Source: ESA, 2022.

5. ATTACHMENT B - ***Evergreen Commercial Development Project – Aquatic Resources Delineation Report,*** **ESA, August 2022, revised March 2023**

EVERGREEN COMMERCIAL DEVELOPMENT PROJECT

Aquatic Resources Delineation Report

Prepared for
Karen Levitt Ortiz
Evergreen Devco, Inc.
2390 East Camelback Road, Suite 410
Phoenix, AZ 85016

August 2022; Revised March 2023

ESA

EVERGREEN COMMERCIAL DEVELOPMENT PROJECT

Aquatic Resources Delineation Report

Prepared for
Karen Levitt Ortiz
Evergreen Devco, Inc.
2390 East Camelback Road, Suite 410
Phoenix, AZ 85016

August 2022; Revised March 2023

420 Exchange
Suite 260
Irvine, CA 92602
949.753.7001
esassoc.com

Bend	Orlando	San Jose
Camarillo	Pasadena	Santa Monica
Delray Beach	Petaluma	Sarasota
Destin	Portland	Seattle
Irvine	Sacramento	Tampa
Los Angeles	San Diego	
Oakland	San Francisco	

D202200263.00

OUR COMMITMENT TO SUSTAINABILITY | ESA helps a variety of public and private sector clients plan and prepare for climate change and emerging regulations that limit GHG emissions. ESA is a registered assessor with the California Climate Action Registry, a Climate Leader, and founding reporter for the Climate Registry. ESA is also a corporate member of the U.S. Green Building Council and the Business Council on Climate Change (BC3). Internally, ESA has adopted a Sustainability Vision and Policy Statement and a plan to reduce waste and energy within our operations. This document was produced using recycled paper.

TABLE OF CONTENTS

Evergreen Commercial Development Project Aquatic Resources Delineation Report

Page

List of Figures

List of Tables

Appendices

EXECUTIVE SUMMARY

At the request of Evergreen Devco, Inc. (Evergreen), Environmental Science Associates (ESA) conducted a site investigation for the Evergreen Commercial Development Project (project) at the property located at the southeast corner of Central Avenue and Cambern Avenue (project site), in Lake Elsinore, California. The purpose of the site investigation was to identify and delineate a potential water of the U.S and State (Drainage 1) on the project site in accordance with *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (USACE 2008b) to support any necessary permits from the regulatory agencies.

Based on the results of the aquatic resources delineation and the jurisdictional analysis, Drainage 1, an ephemeral stream, may be subject to the regulatory jurisdiction of the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the federal Clean Water Act (CWA). The Santa Ana Regional Water Quality Control Board (RWQCB) may also assert jurisdiction over Drainage 1 as a water of the State pursuant to Section 401 of the federal CWA, the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (State Wetlands Procedures), and the Porter Cologne Water Quality Control Act. Additionally, Drainage 1 along with associated vegetation may be subject to regulation by California Department of Fish and Wildlife (CDFW) under Fish and Game Code (FGC) Section 1600 et seq. Finally, Drainage 1 may also be subject to regulation under the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Section 6.1.2, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools.

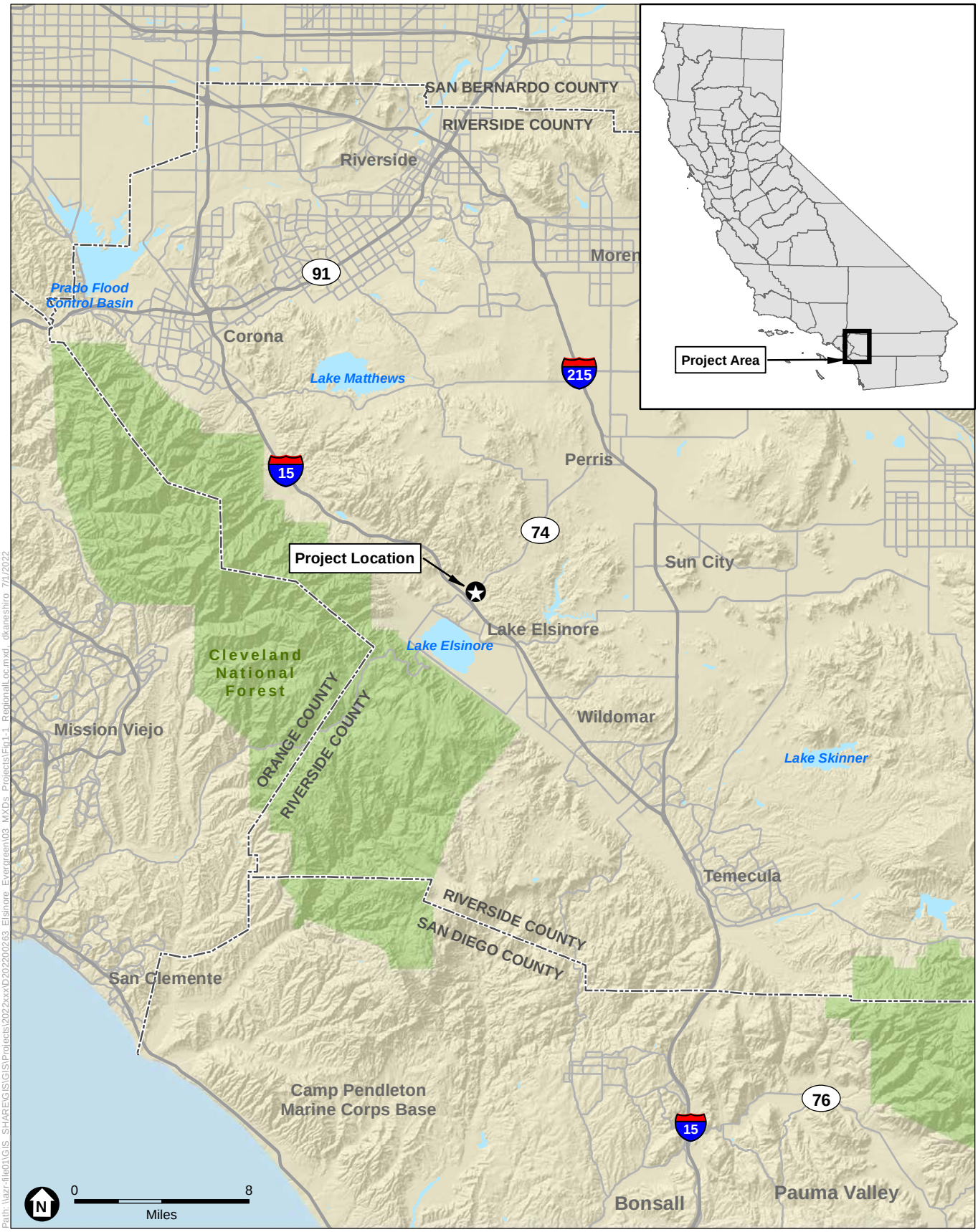
This page intentionally left blank

CHAPTER 1
Introduction

At the request of Evergreen Devco, Inc. (Evergreen), Environmental Science Associates (ESA) conducted a site investigation for the Evergreen Commercial Development Project (project) at the property located at the southeast corner of Central Avenue and Cambern Avenue (project site), in Lake Elsinore, California (**Figure 1-1, Regional Location**). The proposed project would involve the development of multiple commercial buildings and associated parking. Staging for the project would remain entirely within the project site. Project activities would occur in two phases, would involve approximately 4 months of grading and site preparation, and would last between 1.5 and 2 years to complete construction of the buildings and parking lots. Phase 1 of the project would take place in the northern half of the project site, which is disturbed and supports limited biological resources. Phase 2 would occur in the southern half of the project site, which supports aquatic resources.

The site investigation conducted by ESA was to identify and delineate a potential water of the U.S and State (Drainage 1) on the project site that may be subject to the regulatory jurisdiction of the U.S. Army Corps of Engineers (USACE) pursuant to Section 404 of the federal Clean Water Act (CWA); Santa Ana Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the federal CWA, the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State (State Wetlands Procedures), and the Porter Cologne Water Quality Control Act; California Department of Fish and Wildlife (CDFW) pursuant to Sections 1600 et seq. of the California Fish and Game Code (FGC); and/or features subject to the MSHCP pursuant to Section 6.1.2, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Dudek 2003).

The delineation was conducted in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual (Environmental Laboratory 1987) and *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0)* (USACE 2008a). Delineation of potential non-wetland waters of the U.S., as determined by the presence of an ordinary high water mark (OHWM), was based on the guidance in *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (USACE 2008b). The results from this report will be used to support any necessary permits from the regulatory agencies.



SOURCE: ESRI

Evergreen Commercial Development Project

Figure 1-1
Regional Location

ESA

1.1 Survey Location

The project site is located at the southeast corner of Central Avenue (California State Route 74) and Cambern Avenue in the City of Lake Elsinore, Riverside County, California. The project site encompasses five parcels: Assessor's Parcel Numbers (APNs) 377-020-014, 377-020-016, 377-020-017, 377-020-018, and 377-020-019, totaling 8.87 acres (**Figure 1-2, Project Location**). The project site is within Section 31, Township 5 South and Range 4 West, in the Lake Elsinore, California, 7.5-minute U.S. Geological Survey (USGS) quadrangle (**Figure 1-3, USGS Topographic Map**).

1.1.1 Directions to the Survey Area

From the USACE Riverside Field Office location at 1451 Research Park Drive, head north on Research Park Drive toward Columbia Avenue and turn left. Continue for 0.9 mile and turn left on Iowa Avenue. Continue for 1.3 miles before turning right onto Blaine Street and follow the signs for the entrance to CA-60 E/I-215 S toward San Diego/Indio. Continue on CA-60 E/I-215 S for 3.8 miles and then use the right 2 lanes to take I-215 S toward San Diego for 11 miles. Take exit 18 for D Street and then turn right onto W San Jacinto Avenue and then quickly left onto S C Street. Continue on S C Street for 0.3 mile before turning right onto CA-74 W/W 4th Street for 9 miles. Turn left onto Cambern Avenue and survey area is located on the left.

1.2 Contact Information

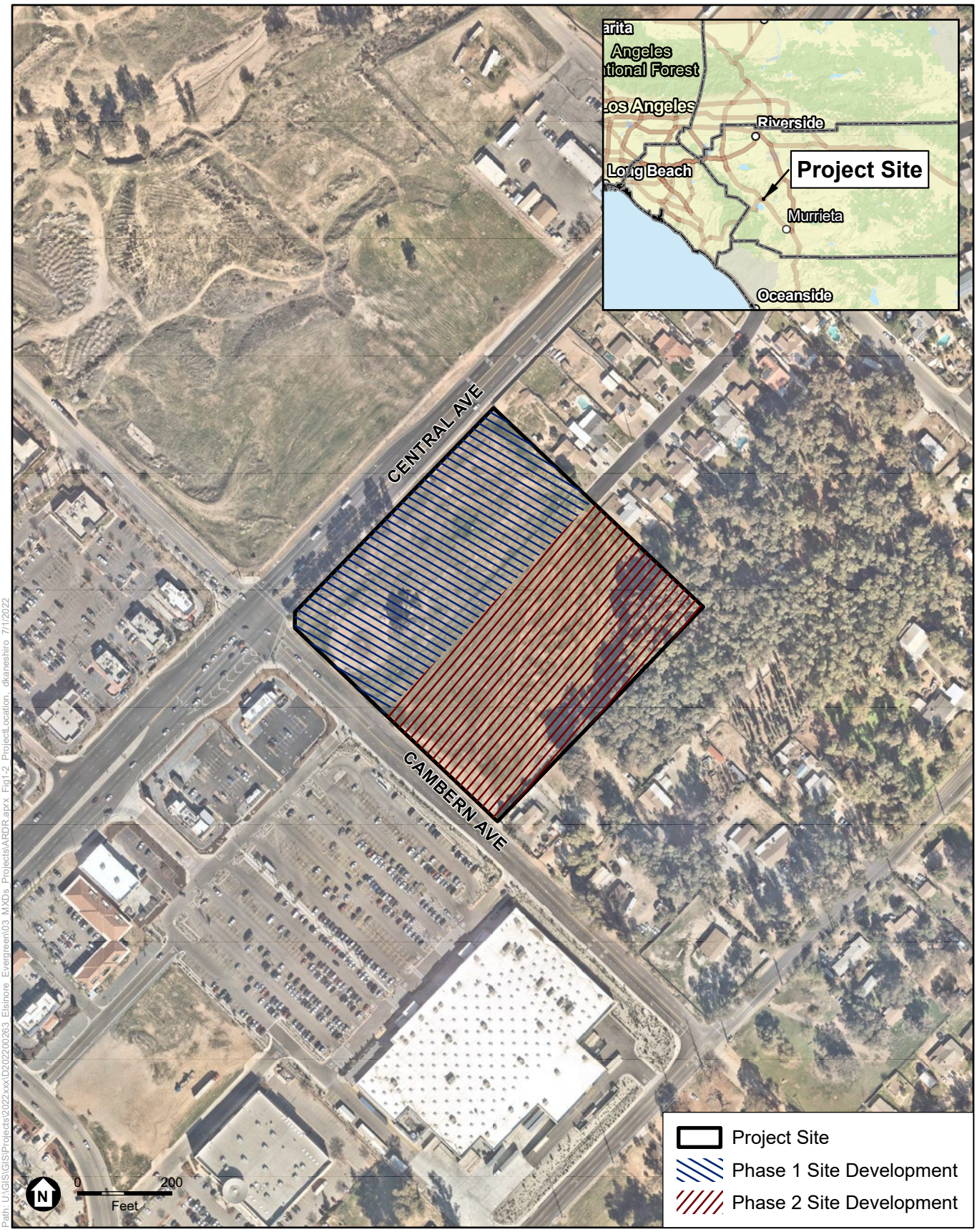
1.2.1 Applicant and Property Owner

Karen Levitt Ortiz
Evergreen Devco, Inc.
2390 East Camelback Road, Suite 410
Phoenix, AZ 85016

1.2.2 Delineators

Robert Sweet
Environmental Science Associates
770 Paseo Camarillo #310
Camarillo, CA 93010
(213) 599-4300
rsweet@esassoc.com

Daryl Koutnik
Environmental Science Associates
16755 Von Karman Avenue, Suite 200
Irvine, CA 92606
(949) 753-7001
dkoutnik@esassoc.com



SOURCE: Nearmap, 2022; ESA, 2022

Evergreen Commercial Development Project

Figure 1-2
Project Location

ESA

Path: U:\GIS\GIS\Projects\2022xxx\D2022000263 Elsinore Evergreen\03 MXDs ProjectsARDR.aprx Fig1-3 Topo. dkaneshiro 7/1/2022

SOURCE: USGS 7.5" Topoquad
Lake Elsinore; ESA, 2022

Evergreen Commercial Development Project

Figure 1-3
USGS Topographic Map

ESA

This page intentionally left blank

CHAPTER 2
Existing Conditions

2.1 Aquatic Resources Delineation Survey Area

The 8.87-acre aquatic resources delineation survey area (survey area) encompasses the project site, which includes five parcels: APNs 377-020-014, 377-020-016, 377-020-017, 377-020-018, and 377-020-019.

2.2 Vegetation Communities and Land Cover Types

The natural communities and land cover types are depicted in **Figure 2-1, Natural Communities and Land Cover Types**, and a summary of acreages within the survey area are presented below in **Table 2-1, Natural Communities and Land Cover Types**.

TABLE 2-1
NATURAL COMMUNITIES AND LAND COVER TYPES

Natural Communities and Land Cover Types	Project Site (acres)
Non-Native Grasses and Forbs	0.11
River Red Gum Groves	1.00
Scalebroom Scrub	0.09
Disturbed/Developed	7.68
Total*	**8.87**

* Total may differ from sum of individual numbers due to rounding.

2.2.1 Non-Native Grasses and Forbs

Non-native grasses occur in the eastern central portion of the project site, along the western bank of the non-vegetated portion of Drainage 1. Vegetation in this community consists of a mixture of non-native grasses and forbs such as slender oat (*Avena barbata*), red brome (*Bromus rubens*), white stemmed filaree (*Erodium brachycarpum*), coastal heron's bill (*E. cicutarium*), and foxtail barley (*Hordeum murinum*). The non-native golden crownbeard (*Verbesina encelioides*) is the only subshrub in this community.

SOURCE: Nearmap, 2022; ESA, 2022

Evergreen Commercial Development Project

Figure 2-1
Natural Communities and Land Cover Types

ESA

2.2.2 River Red Gum Groves

River red gum groves occur along the southeast (along Drainage 1) and as a landscape row in the northwest project site boundaries, with one isolated cluster in the western portion of the project site. Vegetation in this community consists of a tree canopy dominated by river red gum (*Eucalyptus camaldulensis*) with an understory comprising various grasses and forbs, such as common bedstraw (*Galium aparine*), common chickweed (*Stellaria media*), coastal heron's bill, field bindweed (*Convolvulus arvensis*), blue dicks (*Dichelostemma capitatum*), fringed twinevine (*Funastrum cynanchoides*), and slender oat.

2.2.3 Scale Broom Scrub (*Lepidospartum squamatum* Alliance)

Scale broom scrub occurs within the eastern portion of the project site, along the western bank of Drainage 1. This community is characterized by a dense shrub layer, dominated by scale broom (*Lepidospartum squamatum*) and interspersed with various other shrub species, such as California sagebrush (*Artemisia* californica) and mulefat (*Baccharis salicifolia*). The density of the shrub growth appears to have precluded the development of a mature understory; however, herbaceous species observed along the margins of the community include fiddleneck (*Amsinckia menziesii*) and longstem buckwheat (*Eriogonum elongatum*).

2.2.4 Disturbed/Developed

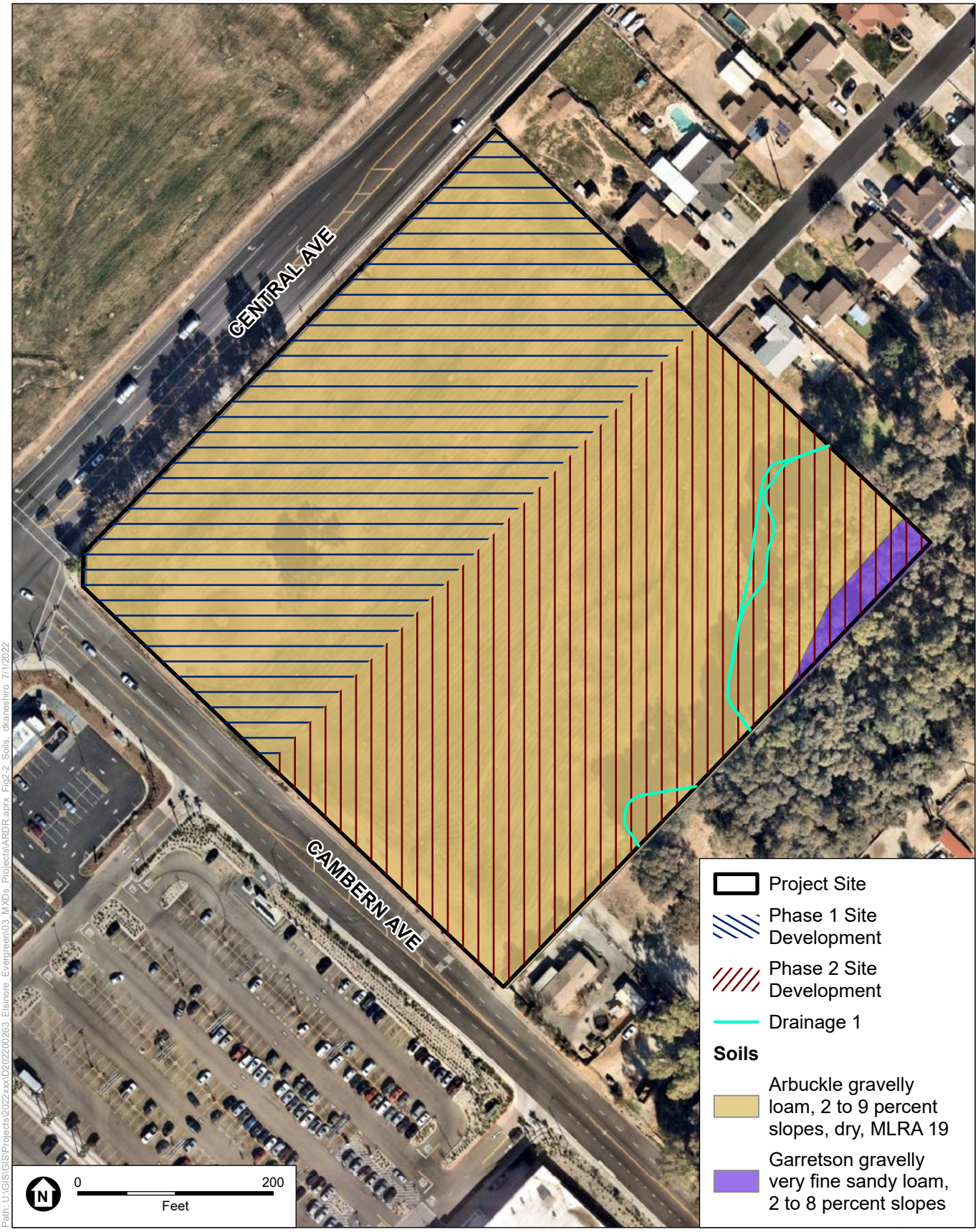
Disturbed conditions occur throughout much of the project site, west of Drainage 1. Based on review of aerial imagery and existing conditions, it appears that this area is routinely disked or otherwise disturbed for brush clearance purposes. Vegetation in this area consists primarily of herbaceous species such as fiddleneck, shortpod mustard (*Hirschfeldia incana*), pineapple weed (*Matricaria discoidea*), slender keel fruit (*Tropidocarpum gracile*), white-stemmed filaree, and coastal heron's bill. The western project site boundary extends partially into Cambern Avenue, which is developed and devoid of vegetation.

2.3 Soils

Soils mapped by United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Web Soil Survey (NRCS 2022) within the survey area are shown in **Figure 2-2, Soils,** and described below.

2.3.1 Arbuckle gravelly loam, 2 to 9 percent slopes, dry, MLRA 19

This soil map unit is located in major land resource area (MLRA) 19 and contains soils resulting from alluvium derived from igneous, metamorphic, and sedimentary rock. Arbuckle soils are found in fan remnants and have slopes of 2 to 9 percent. This soil is well-drained with moderately high permeability and moderate (about 6.7 inches) water capacity. This soil type is classified as prime farmland if irrigated and is not listed by the NRCS as a hydric soil in Riverside County.



SOURCE: Nearmap, 2022; ESA, 2022

Evergreen Commercial Development Project

Figure 2-2
Soils

ESA

2.3.2 Garretson gravelly very fine sandy loam, 2 to 8 percent slopes

This soil map unit contains soils resulting from alluvium derived from metasedimentary rock. Garretson soils are found in alluvial fans and have slopes of 2 to 8 percent. This soil is well-drained with moderately high to high permeability and moderate (about 7.4 inches) water capacity. This soil type is classified as prime farmland if irrigated and is not listed by the NRCS as a hydric soil in Riverside County.

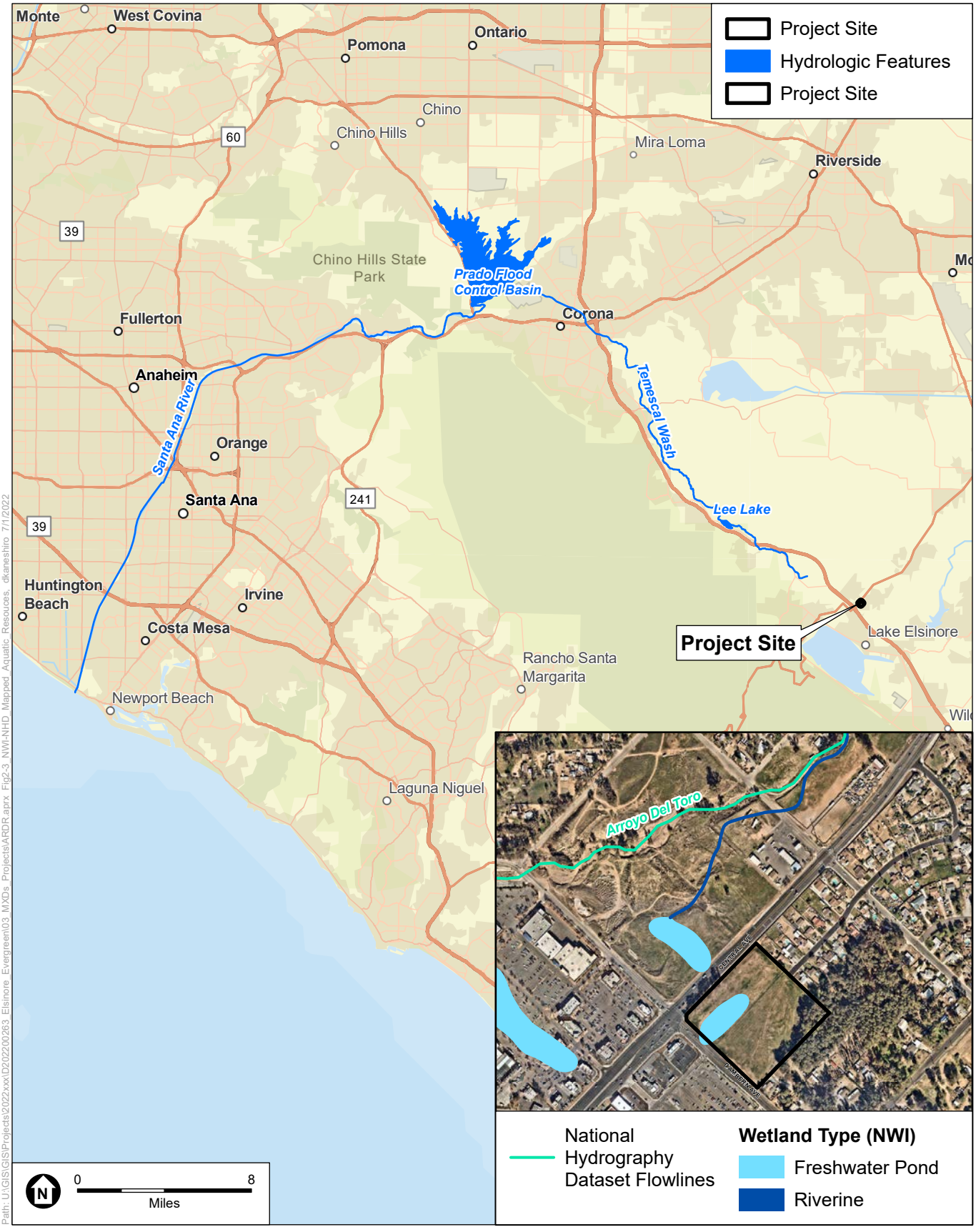
2.4 Hydrology

The survey area is identified by USGS as being located within the Santa Ana watershed (USGS Hydrologic Unit Code 18070203). Overall site hydrology drains to the south/southeast towards Drainage 1. Drainage 1 flows east offsite into a city storm drain. Riverside County Flood Control and Water Conservation District identifies the storm drain as being connected to the Third Street Channel that runs along Third Street and drains to the Lake Elsinore Outlet Channel near the Third Street/Pasadena Street intersection (Riverside County 2022). The Lake Elsinore Outlet Channel is shown as connecting to Temescal Creek, which ultimately drains to Prado Dam and the Santa Ana River (Riverside County 2022). The Santa Ana River from its mouth to the once proposed site of the Banning Avenue – Nineteenth Street bridge is the nearest downstream Traditional Navigable Water (TNW), as determined by USACE (D11 MEMO 9 Feb 78).

Drainage 1 is not identified on the National Hydrography Dataset (NHD) or National Wetlands Inventory (NWI) within the survey area as shown in **Figure 2-3, NWI and NHD Mapped Aquatic Resources within the Survey Area**. One freshwater pond feature is mapped as occurring on the west side of the survey area by the NWI dataset; however, no pond or wetland indicators were observed in the location of the mapped feature during the site investigation.

2.5 Climate

The regional vicinity is described as having a Mediterranean climate characterized by warm, dry summers and cool winters with relatively low rainfall. Average highs for the region range between 65º Fahrenheit (F) in the winter (December and January) and 98º F in the summer (July and August), while average lows range between 38º F in in the winter and 62º F in the summer (World Climate 2022).



SOURCE: Nearmap, 2022; NWI, 2021; NHD, 2021; ESA, 2022

Evergreen Commercial Development Project

Figure 2-3
NWI and NHD Mapped Aquatic Resources within the Survey Area

ESA

2.5.1 Agricultural Applied Climate Information System Wetlands Climate Table

The Agricultural Applied Climate Information System (AgACIS) Wetlands (WETS) climate table for Lake Elsinore, California is included below in **Table 2-2, Wets Table: Monthly Total Precipitation for Elsinore, CA,** for January 2011 through December 2021. The aquatic resources delineation for the project site occurred on March 3, 2022, and historically (over an 11-year sampling period), the month of February has experienced 1.48 inches mean rainfall levels and March has experienced 1.39 inches mean rainfall levels (NOAA 2022a). During the approximately two weeks leading up to the aquatic resources delineation, 0.15 inches of precipitation was recorded in the region (NOAA 2022a).

Further, the total precipitation for the previous month of February was below the historic annual mean reported for the month of February. Additionally, January mean rainfall levels were below the historic annual mean reported for those months. Based on site conditions and review of the AgACIS data provided in Table 2-2, it appears conditions at the time of the delineation were dry as compared to those typical for the months leading up to the aquatic resources delineation.

TABLE 2-2
WETS TABLE: MONTHLY TOTAL PRECIPITATION FOR ELSINORE, CA

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2011	0.70	3.07	2.96	0.46	0.78	0.07	0.10	0.09	0.03	0.44	1.37	0.74	10.81
2012	0.55	0.67	1.51	1.18	0.00	0.00	0.30	0.05	0.24	0.36	0.30	1.78	6.94
2013	0.91	0.46	0.46	0.00	0.14	0.00	0.00	0.00	0.00	0.16	0.53	0.70	3.36
2014	0.13	1.28	1.27	0.50	0.00	0.00	0.00	0.66	0.45	0.00	0.21	3.65	8.15
2015	0.55	0.37	0.44	0.11	0.96	0.00	1.27	0.00	1.08	0.11	0.12	0.58	5.61
2016	2.79	0.30	0.74	0.28	0.06	0.00	0.00	0.00	0.10	0.39	1.18	3.81	9.65
2017	8.23	3.27	0.08	0.02	0.29	0.00	0.00	0.26	0.04	0.01	0.05	0.00	12.25
2018	2.01	0.20	1.11	0.02	0.05	0.00	0.00	0.00	0.00	1.40	0.62	1.88	7.29
2019	2.95	6.28	1.97	0.04	1.13	0.00	0.10	0.00	0.00	0.00	2.27	4.26	19.00
2020	0.30	0.38	3.39	2.52	0.00	0.05	0.00	0.00	0.00	0.00	0.36	1.03	8.03
2021	1.58	0.04	1.40	0.00	0.00	0.00	0.17	0.00	0.00	0.62	0.00	4.00	7.81
Mean (2011–2021)	**1.88**	**1.48**	**1.39**	**0.47**	**0.31**	**0.01**	**0.18**	**0.10**	**0.18**	**0.32**	**0.64**	**2.04**	**8.99**
2022 (*survey year*)	0.03	0.31	—	—	—	—	—	—	—	—	—	—	—

SOURCE: NOAA 2021b

2.5.2 Antecedent Precipitation Tool

The Antecedent Precipitation Tool (APT) was developed by the USACE to compare recorded precipitation levels at a given location and date to the normal precipitation range at that location over the preceding 30 years. This tool analyzes similar data found in Table 2-2 above; however, it

averages precipitation from several monitoring stations and generates calculations that compare precipitation levels over time. Under USACE procedures, a jurisdictional determination for a waterbody is generally informed by understanding conditions in a "typical year" (i.e., the normal periodic range of precipitation and other climate variables for that waterbody) and this tool provides assistance in achieving that determination.

Both the single-point and watershed analyses were completed for the date of the delineation (March 3, 2022). The APT outputs are provided in **Appendix A, APT Outputs**. The single point analysis concentrates on a centralized locational point within the survey area, while the watershed analysis is based on the Palmer Drought Severity Index (PDSI) and includes an approximate 29.09 square mile area of the Arroyo Del Torro-Temescal Wash watershed including the survey area. The resulting outputs include the following information:

Palmer Drought Severity Index (PDSI) – The PDSI is a monthly dataset published by the National Oceanic and Atmospheric Association (NOAA) and is intended to measure the duration and intensity of the long-term drought-inducing circulation patterns. Long-term drought is cumulative; therefore, the results of a current month are dependent on current weather patterns in relation to the cumulative patterns for previous months (NOAA 2022b).

Average Antecedent Precipitation Score (AAPS) – The AAPS is used to determine how "wet" or "dry" a particular location (i.e., sampling point and/or date) is. The final condition is determined as follows:

- Wetter than Normal – Condition value greater than 14
- Normal – Condition ranging from 10 to 14
- Drier than Normal – Condition value less than 10

The average of the dates and/or sampling points analyzed are presented as an AAPS and a preliminary determination is made for the sampling location.

The results of the PDSI indicated the region is experiencing extreme drought, and the AAPS of 8 resulted in a preliminary determination of drier than normal. Based on these results, it appears that the region is enduring a drought.

CHAPTER 3
Regulatory Framework

3.1 Waters of the U.S.

The CWA establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was significantly reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972.

In 1986, the term "*waters of the United States*" was defined as follows (33 CFR 328.3[a]):

(1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(2) All interstate waters including interstate wetlands;

(3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:

(i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or

(ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(iii) Which are used or could be used for industrial purpose by industries in interstate commerce;

(4) All impoundments of waters otherwise defined as waters of the United States under the definition;

(5) Tributaries of waters identified in paragraphs (a)(1) through (4) of this section;

(6) The territorial seas; and

(7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1) through (6) of this section.

(8) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m), which also meet the criteria of this definition) are not waters of the United States

Wetlands (including swamps, bogs, seasonal wetlands, seeps, marshes, and similar areas) are also considered waters of the U.S. (subject to the significant nexus test), and are defined by USACE as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3[b]; 40 CFR 230.3[t]). Indicators of three wetland parameters (i.e., hydric soils, hydrophytic vegetation, and wetlands hydrology), as determined by field investigation, must be present for a site to be classified as a wetland by USACE (Environmental Laboratory 1987).

3.1.1 Solid Waste Agency of Northern Cook County (SWANCC) v. United States

In 2001 and again in 2003, the agencies developed guidance to address the definition of "*waters of the United States*" under the Clean Water Act following the SWANCC Supreme Court decision. Isolated, intrastate waters that are capable of supporting navigation by watercraft remain subject to CWA jurisdiction after SWANCC if they are traditional navigable waters. However, SWANCC eliminates CWA jurisdiction over isolated waters that are intrastate and non-navigable.

3.1.2 Rapanos v. United States & Carabell v. United States

The USACE and the Environmental Protection Agency (EPA) have issued a set of guidance documents detailing the process for determining CWA jurisdiction (waters of the U.S.) following the 2008 Rapanos decision. The EPA and USACE issued a summary memorandum of the guidance for implementing the Supreme Court's decision in Rapanos that addresses the jurisdiction over waters of the U.S. under the CWA. The complete set of guidance documents, summarized as key points below, were used to collect relevant data for evaluation by the EPA and the USACE to determine CWA jurisdiction over the project and to complete the "significant nexus test" as detailed in the guidelines.

The significant nexus test includes consideration of hydrologic and ecologic factors. For circumstances such as those described in the Rapanos Guidance Key Points Summary (EPA 2008) below, the significant nexus test would take into account physical indicators of flow (evidence of an OHWM), if a hydrologic connection to a TNW exists, and if the aquatic functions of the water body have a significant effect (more than speculative or insubstantial) on the chemical, physical, and biological integrity of a TNW. The USACE and EPA will apply the significant nexus standard to assess the flow characteristics and functions of a potential water of the U.S. to determine if it significantly affects the chemical, physical, and biological integrity of the downstream TNW.

The agencies will assert jurisdiction over the following waters:

- Traditional navigable waters (TNWs)
- Wetlands adjacent to TNWs
- Non-navigable tributaries of TNWs that are relatively permanent (i.e., the tributaries typically flow year-round or have continuous flow at least seasonally)
- Non-navigable tributaries of traditional navigable waters that are relatively permanent (RPW) where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months)
- Wetlands that directly share a boundary with such tributaries

The agencies will decide jurisdiction over the following waters based on a fact-specific analysis to determine whether they have a significant nexus with a TNW:

- Non-navigable tributaries that do not typically flow year-round or have continuous flow at least seasonally
- Wetlands adjacent to such tributaries
- Wetlands adjacent to but that do not directly border a relatively permanent non-navigable tributary

The agencies will apply the significant nexus evaluation as follows:

- A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if in combination they significantly affect the chemical, physical and biological integrity of downstream TNWs.
- Significant nexus includes consideration of hydrologic and ecologic factors.

3.1.3 Pascua Yaqui Tribe v. U.S. Environmental Protection Agency

Waters of the U.S. were most recently defined by the Navigable Waters Protection Rule, which went into effect on June 22, 2020. However, a U.S. District Court for the District of Arizona's August 30, 2021 order vacated and remanded the Navigable Waters Protection Rule in the case of *Pascua Yaqui Tribe v. U.S. Environmental Protection Agency*. In light of this order, the agencies have halted implementation of the Navigable Waters Protection Rule and are interpreting "waters of the United States" consistent with the pre-2015 regulatory regime until further notice.

3.1.4 Section 401 CWA

Section 401 of the CWA gives the state authority to grant, deny, or waive certification of proposed federally licensed or permitted activities resulting in discharge to waters of the U.S. The State Water Resources Control Board (State Water Board) directly regulates multi-regional projects and supports the Section 401 certification and wetlands program statewide. The RWQCB regulates activities pursuant to Section 401(a)(1) of the federal CWA, which specifies that certification from the state is required for any applicant requesting a federal license or permit to

conduct any activity including but not limited to the construction or operation of facilities that may result in any discharge into navigable waters. The certification shall originate from the state or appropriate interstate water pollution control agency in/where the discharge originates or will originate. Any such discharge will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the CWA.

3.2 Waters of the State

Most projects involving water bodies or drainages are regulated by the RWQCB, the principal State agency overseeing water quality of the state at the local/regional level. The survey area is located within the jurisdiction of the Santa Ana RWQCB (Region 8). Where waters of the State overlap with waters of the U.S., pending verification from the USACE, those waters would be regulated under Section 401 of the CWA, which is described in Section 3.1, Waters of the U.S., in Chapter 3, *Regulatory Framework*.

In the absence of waters of the U.S., waters may be regulated under the Porter-Cologne Water Quality Control Act if project activities, discharges, or proposed activities or discharges could affect California's surface, coastal, or ground waters. The permit applied for by the applicant and issued by RWQCB is either a Water Quality Certification in the presence of waters of the U.S. or a Waste Discharge Requirement (WDR) in the absence of waters of the U.S.

The State Wetlands Procedures, as prepared by the State Water Resources Control Board, was implemented on May 28, 2020 (revised April 6, 2021; SWRCB 2019). The State Wetlands Procedures include a definition for wetland waters of the State that include 1) all wetland waters of the U.S.; and 2) aquatic resources that meet both the soils and hydrology criteria for wetland waters of the U.S. but lack vegetation.[1]

3.3 Lakes, Streams, and Associated Vegetation

Pursuant to Division 2, Chapter 6, Section 1602 of the FGC, CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel or bank of any river, stream, or lake that supports fish or wildlife. A notification of a Lake or Streambed Alteration Agreement must be submitted to CDFW for "any activity" that may substantially change the bed, channel, or bank of any river, stream, or lake." In addition, CDFW has jurisdiction over wetland and riparian habitats associated with watercourses. The CDFW reviews proposed actions, and if necessary, submits to the applicant a proposal that includes measures to protect affected fish and wildlife resources. The final proposal that is mutually agreed upon by CDFW and the applicant is the Lake or Streambed Alteration Agreement.

3.4 MSHCP Riparian/Riverine Areas

Pursuant to the MSHCP, Section 6.1.2, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, the potential effect of proposed project activities occurring within the MSHCP must be assessed regarding any and all impacts to riparian/riverine areas.

[1] Less than 5 percent areal coverage at the peak of the growing season.

Riparian/riverine areas include “those that 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 water source; or areas with fresh water flow during all or a portion of the year” (Dudek 2003). Under the MSHCP, aquatic resources should be avoided, but if avoidance is not feasible, a Determination of Biological Equivalent or Superior Preservation (DBESP) should be prepared for review by the applicable agencies. For a more detailed discussion of MSHCP and DBESP requirements pertaining to Riparian/Riverine Areas, see the enclosed DBESP report (ESA 2022).

This page intentionally left blank

CHAPTER 4
Methodology

4.1 Database and Literature Review

Prior to completing the aquatic resources delineation, ESA conducted a review of available background information pertaining to the survey area. The following resources were reviewed:

- United States Department of Agriculture Natural Resources Conservation Service (NRCS) Web Soil Survey (NRCS 2022);
- USGS 7.5' topographic quadrangle map: Lake Elsinore (USGS 2018);
- Current aerial imagery (Google Earth 2022);
- Precipitation data from the Antecedent Precipitation Tool (APT), (USACE 2022) and Applied Climate Information System (NOAA 2022a);
- The National Wetlands Inventory (NWI) (USFWS 2022); and
- National Hydrography Dataset (NHD), (USGS 2022).

The results of the NWI and NHD database query are provided in Figure 2-3.

4.1.1 National Wetlands Inventory

Aerial maps (Google Earth 2022) and the NWI were used to conduct a preliminary assessment of the limits of aquatic features in the survey area. Within the survey area, the NWI mapped one freshwater pond as PUBK.

The PUBK classification is as follows:

- **System Palustrine (P):** The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.
- **Class Unconsolidated Bottom (UB):** Includes all wetlands and deepwater habitats with at least 25% cover of particles smaller than stones (less than 6-7 cm), and a vegetative cover less than 30%.
- **Water Regime Artificially Flooded (K):** The amount and duration of flooding are controlled by means of pumps or siphons in combination with dikes, berms, or dams. The

vegetation growing on these areas cannot be considered a reliable indicator of Water Regime. Examples of Artificially Flooded wetlands are some agricultural lands managed under a rice-soybean rotation, and wildlife management areas where forests, crops, or pioneer plants may be flooded or dewatered to attract wetland wildlife. Neither wetlands within nor resulting from leakage from man-made impoundments, nor irrigated pasturelands supplied by diversion ditches or artesian wells, are included under this Modifier. The Artificially Flooded Water Regime Modifier should not be used in the Riverine system or for impoundments or excavated wetlands unless both water inputs and outputs are controlled to achieve a specific depth and duration of flooding.

4.2 Field Survey Methods

Aquatic resources of the entire survey area were delineated on March 3, 2022, led by ESA Biologists Robert Sweet and Daryl Koutnik. Field data was collected using an Eos Arrow 100 Global Navigation Satellite System receiver, which provides Satellite-based Augmentation System corrections processing in the field and can provide 60 cm real-time horizontal accuracy.

Surveys were conducted by walking throughout the survey area to selected areas where potential jurisdictional features were identified during the literature review. Features that were identified as potentially jurisdictional included, but were not limited to, drainages that had an OHWM and defined channels with bed and bank. Additional data, such as landforms, vegetation, hydrology, and soils, were noted where these characteristics were pertinent to identification of features.

Potential jurisdictional features were identified and delineated following current federal and state methodology and guidelines, including waters of the State.

4.2.1 Waters of the U.S.

Delineation of potential jurisdictional and non-jurisdictional other waters of the U.S., as determined by the presence of an OHWM, was based on the guidance in *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States* (USACE 2008b) and topographic data.

Based on the pre-field review (Section 4.1, Database and Literature Review), wetlands were not expected to be present within the survey area and were not delineated.

Other Waters of the U.S.

As stated above in Section 3.1, requirements for determination of whether aquatic features with an intermittent and/or ephemeral flow regime have a significant nexus with a TNW include an assessment of the flow characteristics and functions of the tributary itself and the functions performed by all non-navigable tributaries that do not typically flow year-round or have continuous flow at least seasonally to determine if in combination they significantly affect the chemical, physical and biological integrity of downstream TNWs. A significant nexus determination was completed for Drainage 1, an ephemeral tributary (relatively permanent waters, RPWs, do not require a significant nexus determination, and are considered waters of the

U.S. as long as they connect downstream to a TNW). The determination was made by weighing the following factors:

- General: Distance to nearest TNW, areal extent of drainage area
- Physical: Quantitative estimate of flow (Q) using the Rational Method
- Chemical: identification of any pollutant sources that may contribute to downstream impaired water bodies
- Biological: Observations of habitat supporting plant and/or animal species

Rational Method determinations were made using the following values:

- Runoff coefficient based on land use/land cover (C = 0.21 for smaller events; C=0.25 for larger events)
- Rainfall intensity based on isopluvial mapping
- Storm duration and return interval

The significant nexus determination was made by assessing the above information such that if the drainage was found to have a more than insignificant effect on at least one of the three factors (physical, chemical, or biological), a positive determination was made. The significant nexus determination result is located in Section 5.2.1, Clean Water Act Analysis, below.

4.2.2 Waters of the State

Waters of the State outside of CWA Section 401 jurisdiction and subject to Porter-Cologne Water Quality Cologne Act were delineated to also include features that convey ephemeral flows.

4.2.3 CDFW Streams and Associated Vegetation and MSHCP Riparian/Riverine Areas

FGC Section 1600 resources were delineated to include streambanks up to the top of bank (TOB), defined as the furthest break in slope or change in substrate, from the bed of the channel, prior to reaching adjacent upland areas, and/or associated wetlands and riparian vegetation to the outer dripline.

MSCHP riparian/riverine areas were also delineated and coincide with FGC Section 1600 resources. Following ESA's delineation, the CDFW and USFWS (Wildlife Agencies) requested a site visit to verify the adjacency of the river red gum groves to the mapped riparian/riverine area. During the site visit on January 12, 2023, the Wildlife Agencies also conducted a follow-on delineation using the survey methodology described below:

> Impacts to fish and wildlife resources were determined by U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife, hereafter referred to jointly as the Wildlife Agencies, through review of materials and information provided by applicant, review of aerial photography, observance of physical indicators of riparian/riverine resources (identified during the Wildlife Agencies' site visit to the project area in January 2023), and review of geographic

information system (GIS) data. Initial identification of riparian/riverine resources within the Project area was completed by the Wildlife Agencies via desktop review of Applicant-generated GIS shapefiles and review of aerial photography. This exercise entailed comparing the extent of Permittee mapped areas with evidence of riparian/riverine resources apparent on aerial photography, for example, areas devoid of vegetation, changes in coloration, and obvious differences in vegetation type adjacent to channel areas.

Following this desktop analysis, a site visit to areas displaying signs of riparian/riverine resources were conducted by Wildlife Agencies to refine and/or ground-truth the extent of riparian/riverine resources. Field verification of riparian/riverine resources was accomplished via observation of indicators of flow to determine bed, bank, and channel, for example, plant community and distribution, sediment sorting and composition, accumulations of deposited debris or debris wracked against vegetation, scouring, and incision. Following the completion of field site assessments, Wildlife Agencies adjusted the extent of Permittee-generated GIS shapefiles to encompass the total area within which riparian/riverine resources was observed.

Desktop GIS analysis was next completed by Wildlife Agencies to calculate the total acreage of impacts to Wildlife Agencies-mapped FGC Section 1600 and riparian/riverine resources (achieved via intersection of CDFW's total mapped stream area with Permittee's development area footprint) (K. Rehrer, CDFW representative, pers. comm., February 15, 2023).

4.3 Mapping and Acreage Calculations

Data collected during the aquatic resources delineation were recorded using a hand-held GPS unit (Eos Arrow 100) with sub-meter accuracy. Data collected in the field were mapped using GIS software on an overlay of topographic contours and geo-referenced orthorectified aerial imagery. GPS data points were visually confirmed and the acreage of potential other waters of the State and potential CDFW-jurisdictional streams and associated vegetation were mapped using ArcGIS.

CHAPTER 5
Results

All aquatic features within the survey area were analyzed in the field to determine whether each may be considered a wetland or non-wetland ("other") waters of the U.S., waters of the State, and/or FGC Section 1600 resource/ MSCHP riparian/riverine area. Representative photographs from the field aquatic resources delineation are provided in **Appendix B, Representative Site Photographs**.

5.1 Aquatic Resources

Aquatic resources delineated within the survey area include one ephemeral drainage, which is described below and depicted in **Figure 5-1, Aquatic Resources (U.S. and State) within the Project Site,** and **Figure 5-2, Features Potentially Subject to Fish and Game Code Section 1600 et seq. and MSHCP Riparian/Riverine Areas**. No wetland features were identified during the site investigation.

5.1.1 Drainage 1

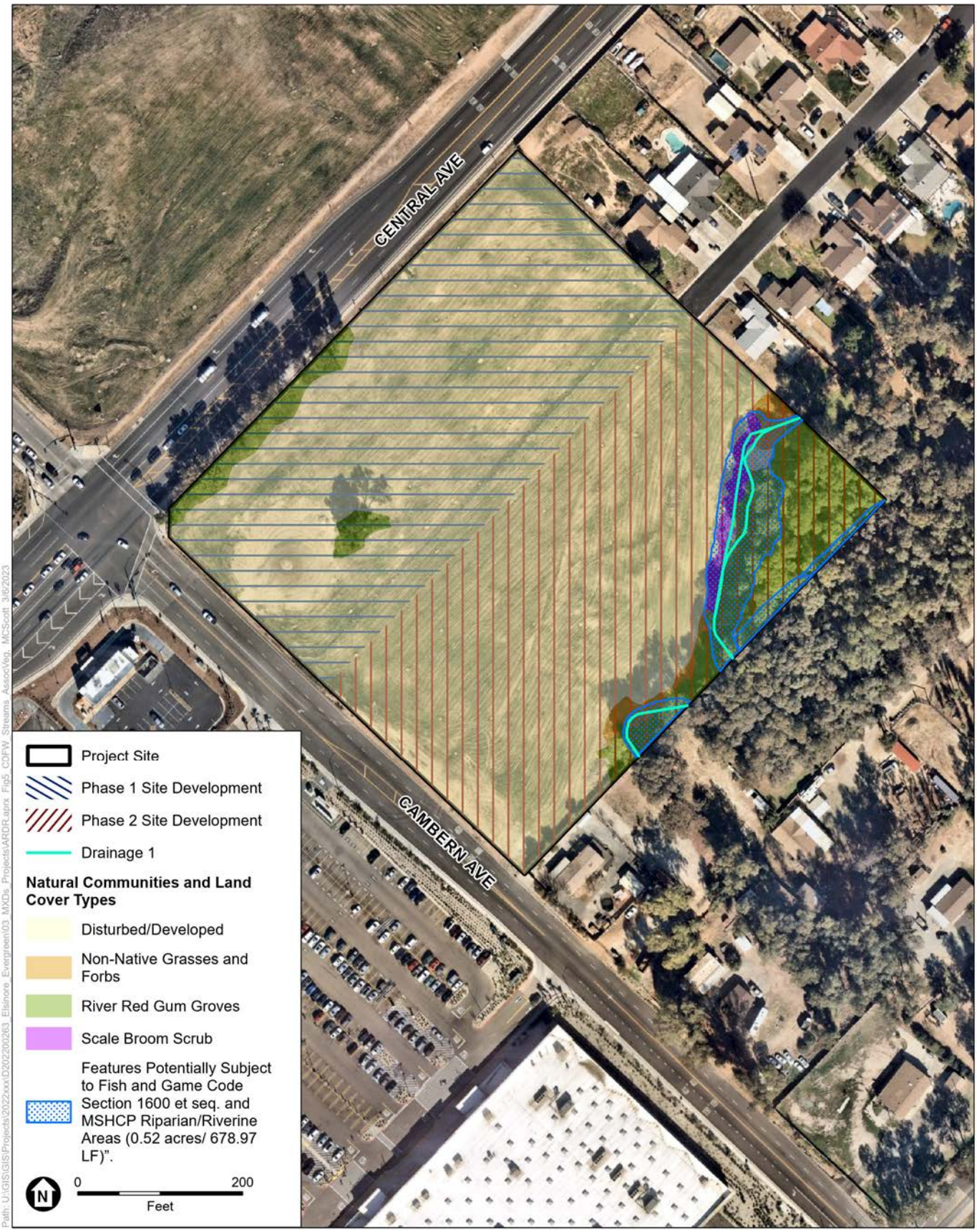
Drainage 1 is an unnamed ephemeral drainage appearing to originate within a residential development just south of Riverside Street approximately 1.5 miles northeast of the survey area. The drainage flows southwest from the residential development crossing under Rosetta Canyon Drive and flowing through an agricultural field for approximately 1,200 feet before entering a culvert near the Welch Road cul-de-sac. It appears as though the culvert outlet adjacent to the northeast of Conard Avenue located approximately 700 feet northeast of the survey area receives the flows from the drainage. The drainage immediately enters another culvert that passes under Conrad Avenue where it daylights and flows southwest for approximately 630 linear feet before entering the survey area in the east corner of the project site. The drainage feature continues southwest through the east corner of the survey area before turning south and flowing offsite for approximately 85 linear feet. The feature reenters the survey area for 175 linear feet where it finally exits the project site on the southeast side of the survey area. At this point, Drainage 1 continues downstream for approximately 400 linear feet before entering a Riverside County Flood Control and Water Conservation District storm drain. As mentioned in Section 2.4, Hydrology, Riverside County Flood Control and Water Conservation District identifies the storm drain as being connected to the Third Street Channel that runs along Third Street and drains to the Lake Elsinore Outlet Channel near the Third Street/Pasadena Street intersection (Riverside County 2022).

SOURCE: Nearmap, 2022; ESA, 2022

Evergreen Commercial Development Project

Figure 5-1
Aquatic Resources (U.S. and State) within the Project Site

ESA



SOURCE: Nearmap, 2022; ESA, 2022

Evergreen Commercial Development Project

Figure 5-2
Features Potentially Subject to Fish and Game Code Section 1600 et seq. and MSHCP Riparian/Riverine Areas

ESA

Drainage 1 likely receives surface water runoff and stormwater inputs from surrounding development; however, the drainage was dry at the time of the survey and no surface water was present. The limits of potential waters of the U.S. and State were based on the presence of OHWM indicators, including clear, natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; and/or the presence of litter and debris. Based on these indicators, it was determined that OHWM widths range from 2 to 30 feet, and the feature is approximately 0.10 acre (469 linear feet).

5.2 Waters of the U.S.

5.2.1 Clean Water Act Analysis

The CWA Part 328.3 defines jurisdictional waters of the U.S. to include tributaries of waters identified in paragraphs (a)(1) through (4) [33 CFR 328.3(a)(5)]. ESA biologists assessed downstream connectivity of Drainage 1 to determine whether the feature provides a significant nexus to a TNW. It was determined that Drainage 1 exits the eastern project site boundary and continues downstream for approximately 400 linear feet before entering a storm drain. Unless otherwise demonstrated, it is assumed that this storm drain exhibits connectivity to Temescal Creek, a tributary to a TNW (the Santa Ana River), located approximately 1.5 miles downstream from Drainage 1. The Santa Ana River TNW is located approximately 57 river miles downstream of the Drainage 1 storm drain. Temescal Creek is not listed as an impaired waterbody within this reach; however, as the creek enters Prado Dam and the Santa Ana River, the condition is listed as good (EPA 2022). No substantial sources of chemical contaminants were noted within the drainage area for Drainage 1; however, a majority of the land use immediately adjacent to the drainage area is made up residential development, on-going agricultural activities, and roadways leading to runoff into the drainage area. These inputs lead to increased contaminants being conveyed downstream. Drainage 1 supports limited habitat for plant and animal species as it does not support wetlands, a well-developed, multi-canopy riparian corridor, or any ecologically valuable upland habitat. Finally, based on the results of the Rational Method analysis (**Table 5-1**), Drainage 1 is expected to convey a low volume of stormflows during long (6 or more hours) rain events contributing an insignificant amount of flow downstream to the Santa Ana River TNW. However, the Rational Method results show the drainage is expected to convey a high volume of flow downstream during short (one hour) rain events contributing more significant flows downstream. Therefore, based on the results of this significant nexus analysis, Drainage 1 is expected to significantly affect the chemical and physical integrity of its downstream TNW, potentially meeting the criteria for waters of the U.S.

TABLE 5-1
RATIONAL METHOD RESULTS

Drainage Area (acres)	Runoff Coefficient (C)	Return Interval (years)	Hours	Accumulation (inches)	Rainfall Intensity (inches/hour)	Qp0.21 (cfs)[1]	Qp0.25 (cfs)[1]
110	0.21	2	1	1.5	0.6	13.3	-
	0.25	2	6	1.4	0.2	5.4	-
		2	24	2.0	0.1	1.9	-
		100	1	1.5	1.5	-	39.9
		100	6	3.0	0.5	-	13.8
		100	24	6.0	0.3	-	6.9

NOTES:

[1] Qp means the quantitative estimate of flow in cubic feet per second (Q) using the runoff coefficient (here: 0.21 for smaller events or 0.25 for larger events), which results in the estimated volume flow in cubic feet per second. Rainfall intensity is calculated by dividing accumulation by storm duration.

SOURCES: Bryant 1978; ESA 2022

5.3 Waters of the State

5.3.1 Waters of the State Analysis

No state wetlands (as defined in the State Wetlands Procedures) were present in the survey area. However, Drainage 1 is likely to be considered waters of the State based on the presence of OHWM indicators identified in Section 5.1, Aquatic Resources, above. Therefore, the 0.10 acre (469 linear feet) meet criteria for waters of the State.

5.4 CDFW Streams and Associated Vegetation and MSHCP Riparian/Riverine Areas

During the initial site investigation (March 3, 2022), the boundaries of the FGC Section 1600 resources within Drainage 1 were verified and assessed, as stated above in Section 4.2.3. This initial delineation identified 0.26 acre/469 linear feet of FGC Section 1600 resources within the project site. However, the follow-on delineation conducted by the Wildlife Agencies on January 12, 2023, resulted in the inclusion of adjacent floodplain areas and an increase in the FGC Section 1600 resources to 0.52 acre/469 linear feet, as shown in Figure 5-2.

As stated previously, the boundaries of MSHCP riparian/riverine areas coincide with FGC Section 1600 resources and are shown in Figure 5-2.

5.5 Conclusion

This report documents the aquatic resources boundary delineation and best professional judgment of ESA investigators. The extent of jurisdictional boundaries identified are considered preliminary pending verification from the appropriate regulatory agencies.

Based on the results of the aquatic resources delineation and the jurisdictional analysis, it is presumed that 0.10 acre (469 linear feet) of potential other (non-wetland) waters of the U.S. and State occurs within the survey area. Additionally, it is presumed that 0.52 acre of streams and associated vegetation, and riparian/riverine areas occurring within the survey area are potentially jurisdictional under Section 1600 et seq. of the FGC and the MSHCP, respectively.

CHAPTER 6
References Cited

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, CA.

Bryant, J.W. 1978. Riverside County Flood Control and Water Conservation District: Hydrology Manual. https://rcflood.org/Portals/0/Downloads/Hydrology-Manual-20180814.pdf?ver=2020-02-05-091623-987.

Dudek (Dudek & Associates). 2003. Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). Final MSHCP, Volumes I and II. Prepared for County of Riverside Transportation and Lands Management Agency, Prepared by Dudek & Associates, Inc. Approved June 17, 2003.

Environmental Laboratory, Department of the Army. 1987. Corps of Engineers Wetland Delineation Manual (Technical Report Y-87-1). U.S. Army Corps of Engineers. Waterways Experimental Station. Vicksburg, Mississippi.

EPA (U.S. Environmental Protection Agency). 2008. "Clean Water Act Jurisdiction Following the U.S. Supreme Court's Rapanos Decision." Memorandum. https://www.epa.gov/sites/default/files/2016-02/documents/cwa_jurisdiction_following_rapanos120208.pdf.

EPA. 2022. How's My Waterway? Accessed June 30, 2022. https://mywaterway.epa.gov/community/Lake%20Elsinore,%20CA,%20USA%20(Riverside%20County)/overview.

ESA (Environmental Science Associates). 2022. Evergreen Commercial Development Project: Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis and Determination of Biologically Equivalent or Superior Preservation.

Gonzales Environmental (Gonzales Environmental Consulting, LLC). 2022. Habitat Assessment APN 377-020-014, 377-020-016, 377-020-017, 377-020-018, 377-020-019 in the City of Elsinore, Riverside County USGS 7.5-minute Lake Elsinore topographic quadrangle map in Section 30 and Partial Section 31 of Township 5 South, Range 4 West. Original date of May 6, 2021; Revised January 28, 2022.

Google Earth. 2022. Desktop application http://www.google.com/earth/index.html.

NOAA (National Oceanic and Atmospheric Administration). 2022a. Agricultural Applied Climate Information System (AgACIS). Accessed March 2, 2022. http://agacis.rcc-acis.org/?fips=06071.

NOAA. 2022b. Historical Palmer Drought Indices. https://www.ncdc.noaa.gov/temp-and-precip/drought/historical-palmers/overview.

NRCS (Natural Resources Conservation Service). 2022. NRCS Web Soil Survey. Accessed March 2, 2022. http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. U.S. Department of Agriculture, NRCS.

Rehrer, K. 2023. Personal communication from K. Rehrer (CDFW) to ESA regarding site visit conducted on January 12, 2023. February 15, 2023.

Riverside County (Riverside County Flood Control and Water Conservation District). 2022. SWCT2 Stormwater & Water Conservation Tracking Tool. Accessed June 21, 2022. https://content.rcflood.org/PermitTracker/.

SWRCB (State Water Resources Control Board (). 2019. State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. Adopted April 2, 2019 (Revised April 6, 2021).

USACE (U.S. Army Corps of Engineers). 1978. Navigable waters of the Unites States; Santa Ana River and Greenville-Banning Channel. Memo 16594, dated 25 Jan 1978.

USACE. 2008a. Arid West Supplement to the 1987 Wetlands Delineation Manual.

USACE. 2008b. A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States.

USACE. 2022. Antecedent Precipitation Tool (APT), Version 1.0. Written by Jason Deters.

USFWS (U.S. Fish and Wildlife Service). 2022. National Wetland Inventory. Accessed March 2, 2022. https://www.fws.gov/wetlands/data/Mapper.html.

USGS (U.S. Geological Survey). 2018. Lake Elsinore 7.5-Minute Quadrangle topographic map.

USGS. 2022. National Hydrography Dataset. Accessed March 2, 2022. https://www.usgs.gov/core-science-systems/ngp/national-hydrography/access-national-hydrography-products.

World Climate. 2022. Average Weather Data for Lake Elsinore, California. Accessed June 22, 2022. http://www.worldclimate.com/climate/us/california/lake-elsinore.

Appendix A
APT Outputs

ESA

Antecedent Precipitation Tool v.1.0 - Watershed Sampling Summary

Generated on 2022-06-22

User Inputs

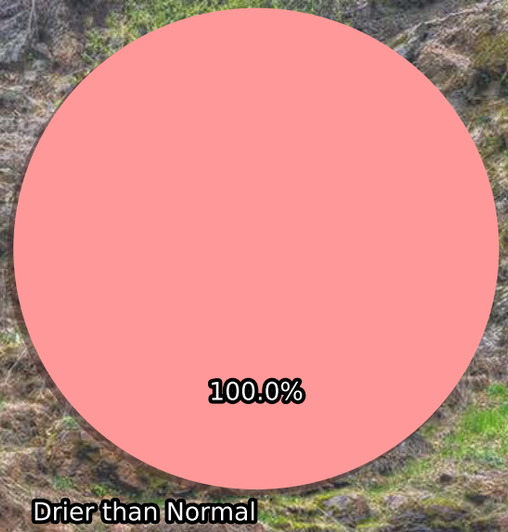
Coordinates	33.695512, -117.332349
Date	2022-03-03
Geographic Scope	HUC12

Intermediate Data

Hydrologic Unit Code	180702030601
Watershed Size	29.09 mi^2
# Random Sampling Points	3

Preliminary Result

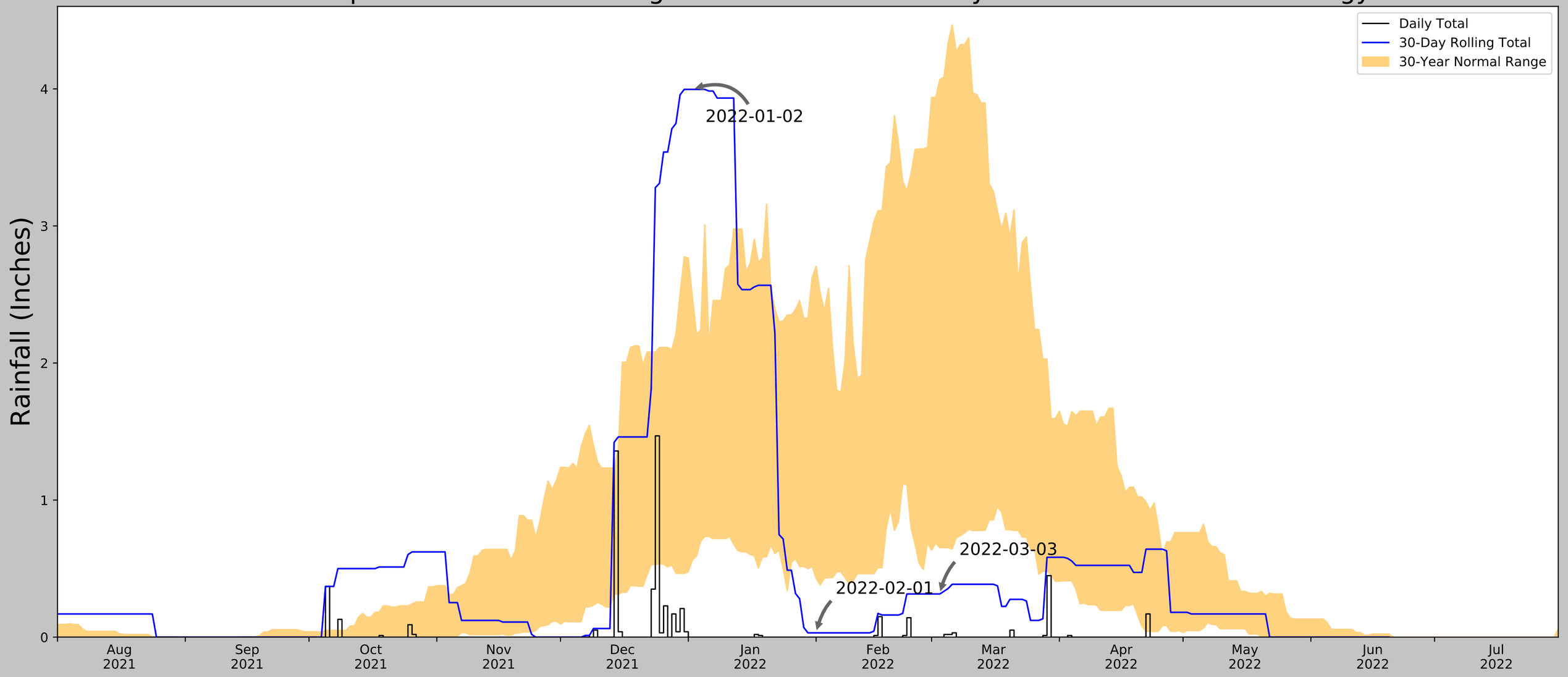
Average Antecedent Precipitation Score	8.0
Preliminary Determination	Drier than Normal



Sampling Point Breakdown

Antecedent Precipitation Score	Antecedent Precipitation Condition	WebWIMP H_2O Balance	Drought Index (PDSI)	# of Points
8	Drier than Normal	Wet Season	Extreme drought	3

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	33.695512, -117.332349
Observation Date	2022-03-03
Elevation (ft)	1339.25
Drought Index (PDSI)	Extreme drought
WebWIMP H_2O Balance	Wet Season

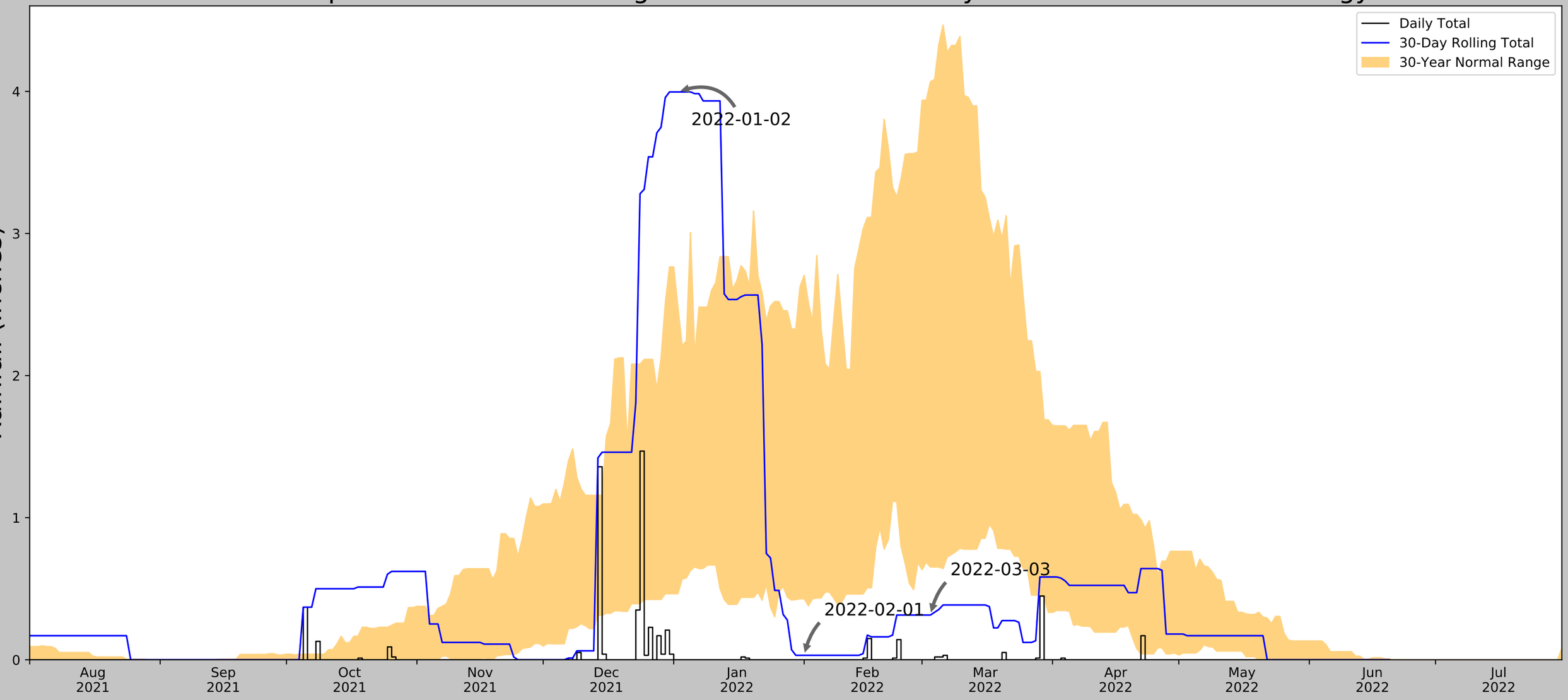
30 Days Ending	30^{th} %ile (in)	70^{th} %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2022-03-03	0.652756	4.068504	0.314961	Dry	1	3	3
2022-02-01	0.429134	2.705906	0.031496	Dry	1	2	2
2022-01-02	0.563386	2.483858	3.996063	Wet	3	1	3
Result							Drier than Normal - 8

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
ELSINORE	33.6861, -117.3458	1268.045	1.01	71.205	0.526	10806	90
CORONA 12.5 SE	33.7346, -117.4315	1301.837	6.306	37.413	3.074	2	0
CORONA 12.8 SE	33.7307, -117.4276	1403.871	5.99	64.621	3.083	2	0
SUN CITY	33.7156, -117.19	1419.948	8.299	80.698	4.404	123	0
FALLBROOK 5 NE	33.4392, -117.1903	1140.092	19.507	199.158	12.663	9	0
REDLANDS	34.0369, -117.1947	1410.105	24.875	70.855	12.956	376	0
SAN JACINTO	33.7964, -116.9753	1524.934	21.665	185.684	13.772	31	0
RIVERSIDE CITRUS EXP	33.9669, -117.3614	985.892	18.825	353.358	15.123	4	0

Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	33.710285, -117.316737
Observation Date	2022-03-03
Elevation (ft)	1530.69
Drought Index (PDSI)	Extreme drought
WebWIMP H_2O Balance	Wet Season

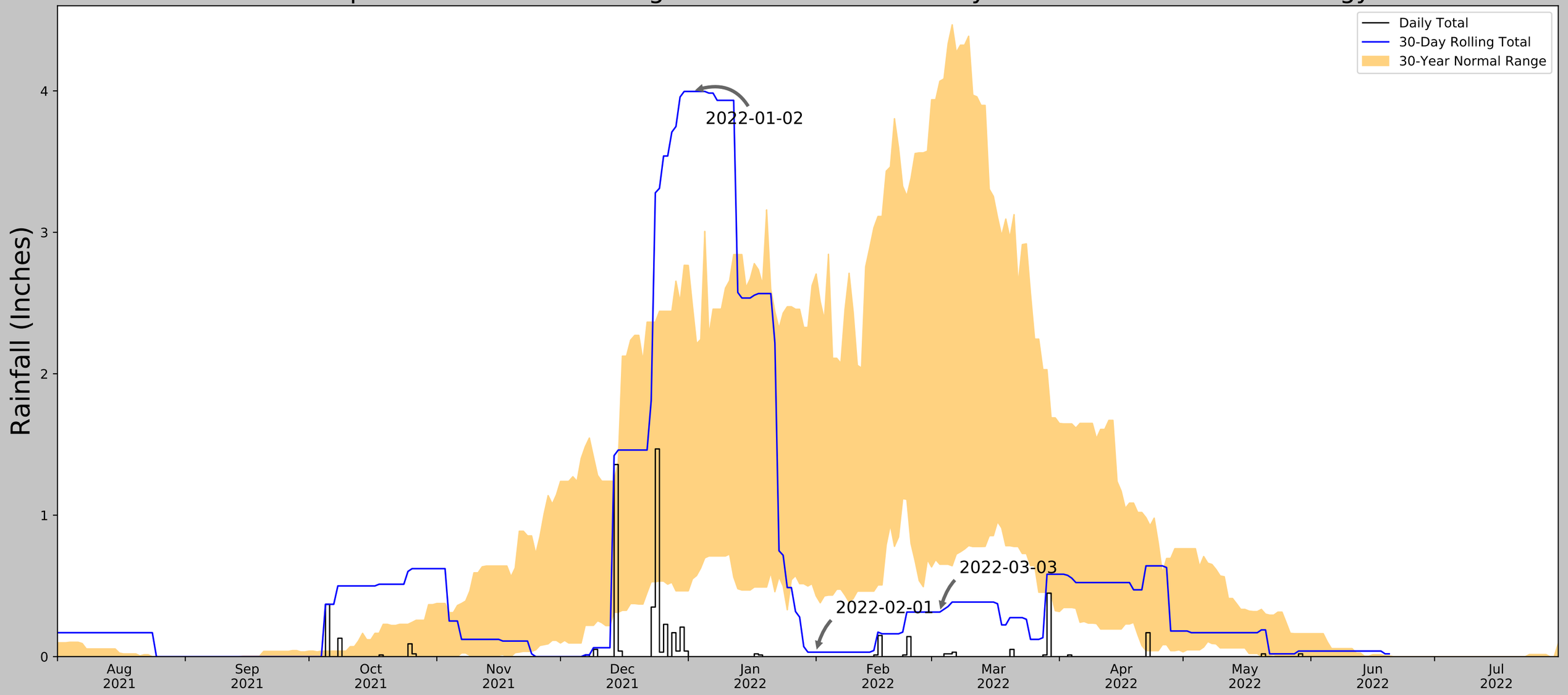
30 Days Ending	30^{th} %ile (in)	70^{th} %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2022-03-03	0.652756	4.068504	0.314961	Dry	1	3	3
2022-02-01	0.429134	2.705906	0.031496	Dry	1	2	2
2022-01-02	0.464961	2.483858	3.996063	Wet	3	1	3
Result							Drier than Normal - 8

Figure and tables made by the **Antecedent Precipitation Tool** Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
ELSINORE	33.6861, -117.3458	1268.045	2.363	262.645	1.684	10806	90
CORONA 12.8 SE	33.7307, -117.4276	1403.871	6.525	126.819	3.764	4	0
SUN CITY	33.7156, -117.19	1419.948	7.293	110.742	4.089	123	0
SAN JACINTO	33.7964, -116.9753	1524.934	20.497	5.756	9.342	349	0
REDLANDS	34.0369, -117.1947	1410.105	23.628	120.585	13.482	67	0
HEMET	33.7381, -116.8939	1811.024	24.375	280.334	17.802	4	0

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	33.756517, -117.360485
Observation Date	2022-03-03
Elevation (ft)	2017.92
Drought Index (PDSI)	Extreme drought
WebWIMP H_2O Balance	Wet Season

30 Days Ending	30^{th} %ile (in)	70^{th} %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2022-03-03	0.652756	4.068504	0.314961	Dry	1	3	3
2022-02-01	0.429134	2.705906	0.031496	Dry	1	2	2
2022-01-02	0.549213	2.483858	3.996063	Wet	3	1	3
Result							Drier than Normal - 8

Figure and tables made by the **Antecedent Precipitation Tool** Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
ELSINORE	33.6861, -117.3458	1268.045	4.938	749.875	5.925	10806	90
CORONA 12.8 SE	33.7307, -117.4276	1403.871	4.249	614.049	4.521	4	0
SUN CITY	33.7156, -117.19	1419.948	10.196	597.972	10.685	123	0
HEMET	33.7381, -116.8939	1811.024	26.836	206.896	17.628	420	0

Appendix B

Representative Site Photographs

ESA

Photo 1. Photo depicting Conard Avenue inlet located adjacent to the northeast of Conard Avenue.

Photo 2. Photo depicting Drainage 1 where it enters the survey area on the east side of the survey area.

Photo 3. Photo depicting scale broom scrub within Drainage 1.

Photo 4. Photo depicting Drainage 1 crossing the project site boundary into the adjacent property on the east side of the project site.

Photo 5. Photo depicting Drainage 1 returning to the project site from the adjacent property.

Photo 6. Photo depicting Drainage 1 leaving the survey area where it continues offsite until it reaches a storm drain along Cambern Avenue.

Photo 7. Offsite portion of Drainage 1 before it enters the storm drain along Cambern Avenue.

Photo 8. Storm drain located along Cambern Avenue.