

FOCUSED BREEDING SEASON BURROWING OWL HABITAT ASSESSMENT AND SURVEY FOR THE ZANDERSON PLAZA PROJECT, CITY OF HEMET, CALIFORNIA

±8.67 Acre Property, ±8.67 Acres Surveyed

APN 444-100-016, City of Hemet, Section 5, Township 5 South,
Range 1 West, USGS Lakeview 7.5' Topographic Quadrangle Map

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Report Summary:

Most of the subject property has been recently (2016) disked, based on site conditions, and includes mostly unconsolidated soils away from the western, southern, and eastern site edges. Very little vegetation was found on the site away from these edges. Based on the results of this BUOW study, it can be reasonably concluded that BUOW is not currently occupying any portion of the site. No special status species were identified onsite. No potential state or federal jurisdictional areas are present onsite and no MSHCP riparian/riverine or vernal pool habitat was identified. No fairy shrimp or fairy shrimp habitat was observed during this study.

Surveys Conducted By: Guy Bruyey

Surveys Conducted On: August 24, 25, 27, & 29, 2016

Report Date: September 9, 2016

TABLE OF CONTENTS

MANAGEMENT SUMMARY	iv
1.0) INTRODUCTION	1
1.1) Location.....	1
Figure 1. Vicinity Map	2
Figure 2. Project Location.....	3
Figure 3. Aerial Photograph.....	4
1.2) Vegetation and Setting.....	5
1.3) Soils and Topography	5
2.0) METHODS AND PERSONNEL	6
2.1) Literature Review	6
2.2) Species Information	6
2.3) Burrow Survey Methods.....	7
Table 1. Burrowing Owl Survey Information	8
Figure 4. Burrowing Owl Survey Area	9
3.0) RESULTS	10
3.1) Literature Review Results	10
3.2) Jurisdictional Areas (MSHCP Riparian/Riverine and Vernal Pool Habitat)	10
3.3) Wildlife Species.....	11
3.3.1) Invertebrates.....	11
Riverside Fairy Shrimp & Vernal Pool Fairy Shrimp.....	11
3.3.2) Amphibians and Reptiles.....	11
3.3.3) Birds	11
Western Burrowing Owl	11
Raptor Nesting	12
3.3.4) Mammals.....	12
3.4) Sensitive Biological Resources	12
4.0) IMPACTS AND RECOMMENDATIONS	13
Burrowing Owl.....	13
5.0) REGULATORY ENVIRONMENT	14
5.1) Federal Endangered Species Act	14
5.2) Jurisdictional Determination of Wetlands, "Waters of the U.S."	14
5.2.1) United States Clean Water Act, Section 404.....	14
5.2.2) United States Clean Water Act, Section 401	15
5.2.3) California Department of Fish and Game Code, Section 1600	15
5.3) California Department of Fish and Game.....	16
5.3.1) California Endangered Species Act.....	16
5.3.2) California Department of Fish and Game Code, Section 1600	16
5.3.3) California Natural Diversity Database.....	16
5.4) California Native Plant Society.....	17
5.5) California Environmental Quality Act.....	17
5.6) Migratory Bird Treaty Act	17
5.7) Western Riverside County Multiple Species Habitat Conservation Plan.....	18
6.0) REFERENCES	22

APPENDIX A	24
Table 2. List of Plant and Wildlife Species Identified.....	24
APPENDIX B	25
Site Photographs.....	25
Certification	27
Biological Report Summary Sheet	28
Level of Significance Checklist.....	30

MANAGEMENT SUMMARY

L&L Environmental, Inc. conducted a biological survey on Zanderson, LP's ±8.67 acre project in the City of Hemet, California. The purpose of this study was to examine the subject property to determine presence/absence of biological resources (specifically burrowing owl) on the property and potential for sensitive species to occur. L&L evaluated whether vegetation and/or habitat for special status species exists onsite and whether any jurisdictional drainages or wetlands are within project boundaries.

Most of the subject property has been recently (2016) disked, based on site conditions, and includes mostly unconsolidated soils away from the western, southern, and eastern site edges. Very little vegetation was found on the site away from these edges.

No special status species were identified onsite.

Based on the results of this BUOW study, it can be reasonably concluded that BUOW is not currently occupying any portion of the site. Although BUOW or sign was not observed during this survey, a preconstruction clearance survey (valid for 30 days) will be required under current MSHCP guidelines (Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area, issued March 29, 2006). This is based upon presence of suitable vegetative habitat for BUOW, California ground squirrel activity, and other information presented in this report for the property.

This report may serve as a preconstruction clearance survey (valid for 30 days) as long as work begins before September 29, 2016.

No potential state or federal jurisdictional areas are present onsite and no MSHCP riparian/riverine or vernal pool habitat was identified.

No fairy shrimp or fairy shrimp habitat was observed during this study.

1.0) INTRODUCTION

The following report was written by L&L Environmental, Inc. for Zanderson, LP. It describes the results of a biological survey (including habitat assessment for burrowing owl [BUOW]) conducted on a proposed development located on land within the City of Hemet, California. The project site consists of APN 444-100-016, totaling ±8.67 acres.

Our assessment consisted of (1) a records search and literature review, conducted to determine what species of concern are in the project area and proximity to closest documented special status species and (2) field reconnaissance, intended to identify plants and animals on the property and presence/absence of habitat for species of concern (most significantly the BUOW).

1.1) Location

The site is located in the City of Hemet (Figure 1) at the northeast corner of the intersection of North Sanderson Avenue and West Menlo Avenue. It is situated within Section 5, Township 5 south, Range 1 west, within the USGS Lakeview 7.5' series quadrangle map (Figure 2).

The site is generally bounded as follows: to the west by North Sanderson Avenue, with a preschool and high density housing beyond; to the east by high density housing; to the north by an undeveloped and cleared field, with high density housing beyond; and to the south by West Menlo Avenue, with high density housing and a golf course beyond (Figure 3).



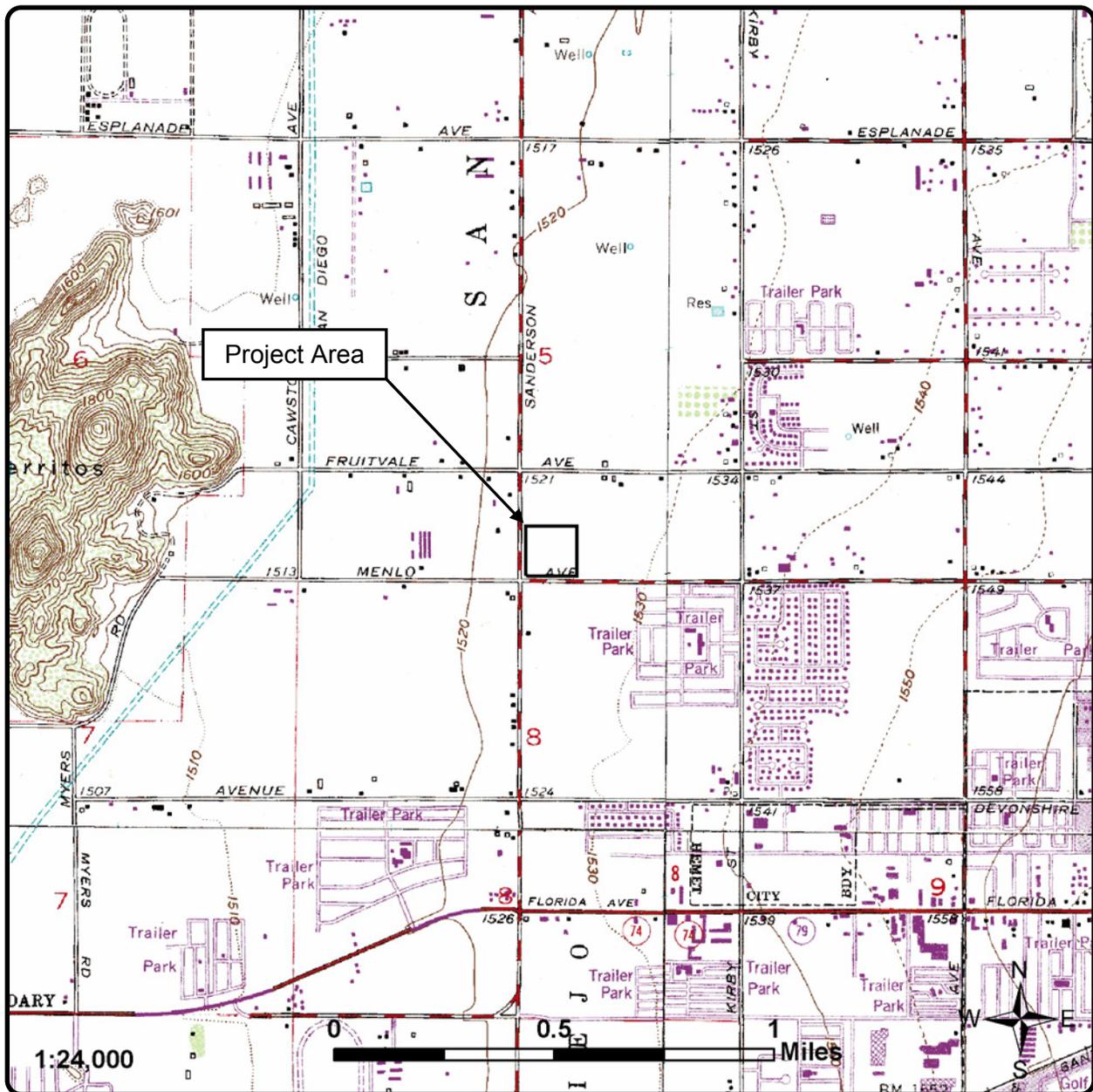
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Figure 1
Project Vicinity Map

Zanderson Plaza Project, City of Hemet
County of Riverside, California



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Figure 2
Project Location Map
(USGS Lakeview [1979] quadrangle,
Section 5, Township 5 South, Range 1 West)

*Zanderson Plaza Project, City of Hemet
County of Riverside, California*



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Figure 3

Aerial Photograph

(Photo obtained from Google Earth, 2/5/2016)

*Zanderson Plaza Project, City of Hemet
County of Riverside, California*

1.2) Vegetation and Setting

Most of the subject property has been recently (2016) disked, based on site conditions, and includes mostly unconsolidated soils away from the western, southern, and eastern site edges. Very little vegetation was found on the site away from these edges.

1.3) Soils and Topography

Soils onsite are mapped by the USDA Natural Resources Conservation Service as San Emigdio fine sandy loam. The project area is flat, with a small elevation change of approximately six (6) feet onsite – from 1,532 feet above mean sea level (AMSL) in the southeast corner to 1,526 feet AMSL in the northwest corner and nearly the same elevation along the entire western boundary.

2.0) METHODS AND PERSONNEL

2.1) Literature Review

Pertinent literature was reviewed to identify local occurrences and habitat requirements of special status species and communities occurring in the region. Literature reviewed included the Western Riverside County MSHCP, CNDDDB (2016) reports for the vicinity, and eBird.org.

Latin names of plants follow *The Jepson Manual* (Hickman 1993). Latin names of animals follow *A Field Guide to Western Reptiles and Amphibians* (Stebbins 1985) for reptiles and amphibians, *California Mammals* (Jameson and Peeters 1988) for mammals, National Audubon Society, *The Sibley Guide to Birds* (2000) for birds, and *American Insects: A Handbook of the Insects of America North of Mexico* (Arnett 2000) for insects.

2.2) Species Information

Burrowing owl (*Athene cunicularis*) is a small brown crepuscular (active at twilight) ground dwelling owl found in open dry grassland, desert, or shrubland areas and in uncultivated agricultural areas, rangelands, and other open areas with low-growing vegetation. It ranges throughout the western U.S., Canada, and Mexico. It is a small (approximately 9 to 11 inches in height) pale brown owl with white-colored “eyebrows” and throat, yellow eyes, a short stubby tail, and long legs. Males are generally larger and more lightly colored than females. BUOW is the most diurnal of owl species, but is considered mostly crepuscular (usually active around sunrise and sunset). Arthropods (mainly beetles and grasshoppers) make up a large portion of their diet, especially during the breeding season. BUOW are opportunistic feeders and will readily eat small mammals (primarily mice, gophers, and ground squirrels), lizards, amphibians, and small birds.

Although BUOW is capable of excavating its own burrows in soft soils, they typically inhabit abandoned burrows of small burrowing mammals, such as pocket gophers, prairie dogs, and badgers. BUOW has also been associated with man-made structures such as cement culverts, debris piles, and other artificial burrows. Burrows are an essential element of burrowing owl habitat. Occupancy of burrowing owl habitat can be verified at a site by observation of at least one owl or its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance (California Burrowing Owl Consortium 1993).

A site is considered occupied if at least one (1) owl has been identified onsite in the past three (3) years, because (if undisturbed) burrowing owls “exhibit high site fidelity, reusing burrows year after year” (Rich 1984, Feeny 1992). The range of this species is throughout the western United States and Mexico, but it is increasingly uncommon in southern California. The BUOW is protected under the Migratory Bird Treaty Act of 1918 and is a special species of concern to California.

2.3) Burrow Survey Methods

Following the previous identification of open areas potentially suitable for use by BUOW, Guy Bruyera conducted a focused burrow survey for BUOW and potential burrow sites between August 24 and 29, 2016. The survey was conducted in accordance with the Burrowing Owl Survey Protocol as distributed by the California Burrowing Owl Consortium (CBOC 2000). Surveys were conducted to determine presence or absence of BUOW onsite.

This survey was conducted during the nesting season (March 1 – August 31) for BUOW as defined by the MSHCP Burrowing Owl Survey Instructions. Based on the currently accepted survey protocol for BUOW, surveys are best performed during the peak BUOW breeding season, which is generally considered to be from April 15 to July 15 in southern California. This focused survey was conducted outside the peak nesting season. Protocol guidelines specify that BUOW surveys should be conducted during weather that is conducive to observing owls outside their burrows. Because BUOW is considered mostly crepuscular in its activities by the CBOC and California Department of Fish & Game (CDFG), these guidelines suggest that surveys be conducted from one hour before sunrise to two hours after (morning) or from two hours before sunset to one hour after (evening). Although every effort is made to conduct surveys accordingly, some surveys may be performed outside of this suggested time window due to adverse weather conditions or other factors, which can decrease likelihood of observing owls outside of their burrows. Conditions that can cause a delay (or adjustment) in survey start times include heavy marine influence (fog), cold temperatures, or high winds. In some cases mostly cloudy skies and/or mild temperatures can prolong early morning conditions and BUOW can be very active during midday hours. In addition, although BUOW activity generally increases early or late in the day, many BUOW have been observed during midday hours (1000 to 1400) in temperatures exceeding 95° F in Norco, Ontario, Rancho Cucamonga, and other areas of cismontane southern California.

Based on protocol, surveys should not be conducted under any of the following weather conditions: wind speeds in excess of 20 mph, heavy rain, or dense fog. In addition to CBOC

and CDFG protocol guidelines, the Riverside County Planning Department issued specific survey instructions within the MSHCP Plan area in October 2005. Those instructions indicate that focused surveys will not be accepted if they are conducted immediately (within five [5] days) following rain, during rain, during high winds, or in temperatures exceeding 90° F. Furthermore, those instructions state that focused surveys conducted outside the breeding season are not conclusive proof that BUOW is absent from a given site.

A total of approximately four (4) hours were spent on the site. The entire site was surveyed during the present study and was covered on foot by conducting a series of transects across the subject property where possible, stopping periodically for observations and notations. This field survey was conducted during daylight hours. Temperatures recorded during the survey ranged between 64° and 84° F and conditions were clear with little or no (0-3 mph). Digital photographs were taken to record condition of the site.

Table 1. Burrowing owl survey conditions information.

Date	Time	Weather	Wind	Biologist
August 24	1900-2000	Clear, 84-81° F	1-3 mph	Bruyea
August 25	1800-1900	Clear, 83-80° F	0-2 mph	Bruyea
August 27	0630-0730	Marine-Cloudy, 64-66° F	0-1 mph	Bruyea
August 29	0715-0815	Clear, 70-74° F	0-1 mph	Bruyea

The entire subject property was surveyed during the present BUOW study (Figure 4). Much of the present search for potential BUOW burrow sites was conducted in areas typically associated with BUOW habitat, including open areas identified onsite within cleared areas, in and around onsite perimeter berms, in areas where California ground squirrel activity was expected, and within other open areas of the site. Transects were walked along the perimeter of the subject property where suitable habitat is present, with additional transects through the center portion of these areas allowing for complete visual ground coverage of the survey area. Distance between transects was approximately 15 to 20 meters. As set forth in the protocol, an additional coverage of an approximately 500 ft. buffer area surrounding the site was visually inspected on foot or with binoculars where possible in areas identified as containing potential BUOW habitat. The site was examined for suitable burrow sites, active BUOW, and for signs of occupation by BUOW, including tracks, pellets, feathers, animal scat, prey remains, and eggshell fragments.



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Figure 4

Burrowing Owl Survey Area

(Photo obtained from Google Earth, 2/5/2016)

*Zanderson Plaza Project, City of Hemet
County of Riverside, California*

3.0) RESULTS

3.1) Literature Review Results

Certain plants and animals have been listed as threatened or endangered under state or federal Endangered Species Acts. Other species have not been formally listed but declining populations or habitat availability are reasons for concern with regard to their long-term viability. These species are included in lists compiled by resource management agencies or private conservation organizations. In this report the term “special status species” refers to all species included in one or more compendia or formal list of threatened or endangered species. The CNDDDB was examined to determine if sensitive species (in particular those “not adequately conserved” under the MSHCP) have been previously documented onsite.

The MSHCP Conservation Summary Report (2016) identified the site as needing to be assessed with regard to potential habitat and/or presence/absence of burrowing owl. Biological constraints on the site (associated with the MSHCP) are focused on species identified as “Additional Needs Species” and species associated with riparian/riverine and vernal pool habitats.

3.2) Jurisdictional Areas (MSHCP Riparian/Riverine and Vernal Pool Habitat)

Under MSHCP Volume 1 Section 6.1.2 areas associated with wetland and streambed systems must be evaluated for consideration as riparian/riverine or vernal pool habitat. Riparian/riverine areas are defined within the MSHCP as:

“. . . lands which 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 fresh water source; or areas with fresh water flow during all or a portion of the year.” MSHCP Vol. 1, Section 6.1.2.

The subject site does not contain woody water dependent vegetation. No water flows onsite.

Vernal pools are defined within the MSHCP as:

“. . . seasonal wetlands that occur in depression areas that have wetlands indicators of all three parameters (soils, vegetation and hydrology) during the wetter portion of the growing season but normally lack wetlands indicators of hydrology and/or vegetation during the drier portion of the growing season.

Obligate hydrophytes and facultative wetlands plant species are normally dominant during the wetter portion of the growing season, while upland species (annuals) may be dominant during the drier portion of the growing season. . . .”
MSHCP Vol. 1, Section 6.1.2.

Soil types are not consistent with an alkali playa or vernal pool complex and pools or depressions characteristic of vernal habitat were not noted as present on the subject property. No MSHCP species listed for protection associated with riparian/riverine areas and vernal pools were observed.

No fairy shrimp or fairy shrimp habitat was observed during this study.

3.3) Wildlife Species

A total of 13 wildlife species were observed and identified during the survey. No federal or state listed endangered or threatened species were observed. A list of all observed species is included in Table 2 (Appendix A).

3.3.1) Invertebrates

Riverside Fairy Shrimp & Vernal Pool Fairy Shrimp

No potential fairy shrimp habitat was identified onsite.

3.3.2) Amphibians and Reptiles

One (1) reptile species (western fence lizard) was identified onsite during the surveys.

3.3.3) Birds

A total of 10 bird species were identified during the surveys and are included in Table 2 (Appendix A).

Western Burrowing Owl

No BUOW, occupied burrows, or evidence of recent burrowing owl sign (pellets, scat, feathers, tracks, etc.) were observed on the subject property during four visits to the site. Potential California ground squirrel and other rodent burrows were observed on portions of the site, but no evidence of BUOW or BUOW-occupied sites were observed on the property.

A buffer area of approximately 150 meters adjacent to the site was included in this survey. Most areas adjacent to the site are not considered potential BUOW habitat due to the presence of roads and high-density residential or commercial developments. North Sanderson Avenue (Highway 79), which lies adjacent to the western site boundary, is a four-lane paved road with heavy traffic volume. A disturbed open lot (not disked) is present north of the site. This area was included in the buffer search. No BUOW or potentially suitable BUOW nesting sites were observed at this location.

Raptor Nesting

No nesting birds were observed during surveys. No native or ornamental trees are present on the property; however, ornamental landscape trees (mostly mature oaks) observed along West Menlo Avenue, just east of the site, may be suitable for nesting birds.

3.3.4) Mammals

Sign of two (2) mammal species (Botta's pocket gopher and California ground squirrel) were observed during the surveys.

3.4) Sensitive Biological Resources

No special status plant or wildlife species were identified onsite.

4.0) IMPACTS AND RECOMMENDATIONS

The purpose of this study was to identify possible biological resources as required under the MSHCP, which includes determination of potential jurisdictional waters/wetlands onsite, determination of the presence/absence of riparian/riverine areas, vernal pools, associated species, and fairy shrimp identified in section 6.1.2 of the MSHCP, and determination of presence/absence of burrowing owls and/or their habitat on the subject property.

The effects and recommendations identified are based on the literature review, L&L's biological knowledge of species and habitats in the site vicinity, and the biological field survey. The information in this section is intended to serve as a planning tool for making decisions about future development of the project site.

No special status species were identified onsite.

Burrowing Owl

Based on the results of this BUOW study, it can be reasonably concluded that BUOW is not currently occupying any portion of the site. Although BUOW or sign was not observed during this survey, a preconstruction clearance survey (valid for 30 days) will be required under current MSHCP guidelines (Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area, issued March 29, 2006). This is based upon presence of suitable vegetative habitat for BUOW, California ground squirrel activity, and other information presented in this report for the property.

This report may serve as a preconstruction clearance survey (valid for 30 days) as long as work begins before September 29, 2016.

No potential state or federal jurisdictional areas are present onsite and no MSHCP riparian/riverine or vernal pool habitat was identified.

No fairy shrimp or fairy shrimp habitat was observed during this study.

5.0) REGULATORY ENVIRONMENT

5.1) Federal Endangered Species Act

The U.S. Fish and Wildlife Service (USFWS), under the auspices of the federal Endangered Species Act (FESA) of 1973 (as amended), manages and protects species listed as endangered or threatened. An endangered species is defined as a species “in danger of extinction throughout all or a significant portion of its range” while a threatened species is defined as “likely to become endangered in the foreseeable future.”

“Take” of listed species is prohibited under Section 9 (a)(1)(B) of the FESA. The term “take” is defined as follows in Section 3 (18) of the FESA: “harass, harm, pursue, hunt, shoot, wound, trap, kill, capture or collect or to engage in any such conduct.” Harm is further defined as significant habitat alteration that results in death or injury to listed species by significantly impairing behavior patterns such as breeding, feeding, or sheltering. The USFWS can issue a permit for “take” of listed species incidental to otherwise lawful activities. Procedures for obtaining a permit for incidental take are identified under Section 7 of FESA for federal properties or where federal actions are involved, and are identified under Section 10 of FESA for non-federal actions. The County of Riverside has been issued a Section 10(a) permit for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), which this project falls within.

5.2) Jurisdictional Determination of Wetlands, “Waters of the U.S.”

Three agencies generally regulate activities within streams, wetlands, and riparian areas in California: (1) the Army Corps of Engineers (ACOE) regulates activities under section 404 of the federal Clean Water Act; (2) the Regional Water Quality Control Board (RWQCB) regulates activities under section 401 of the federal Clean Water Act (CWA); and (3) the California Department of Fish and Game (CDFG) regulates activities within wetlands under Fish and Game Code Sections 1600-1616.

5.2.1) United States Clean Water Act, Section 404

The ACOE has jurisdiction over “Wetlands” and “Waters of the United States” under Section 404 of the Clean Water Act (CWA). Permitting is required for activities that will result in discharge of dredge or fill material into Waters of the United States or adjacent wetlands and associated habitat. By definition these include all waterways, streams, intermittent streams, and

their tributaries that could be used for interstate commerce. The term “interstate commerce” has been broadly interpreted to include use by migratory waterfowl and out-of-state tourism. In non-tidal waters jurisdictional limits extend to the ordinary high water mark (OHWM), which is defined as that line on the shore established by fluctuations of water and indicated by physical characteristics such as clear natural line impression on the bank, shelving, changes in the character of soil, and destruction of the surrounding area. The upstream limit of ACOE jurisdiction is that point on the stream where the OHWM is no longer perceptible. Since flow patterns vary drastically from event to event alluvial fans do not always exhibit an OHWM or other evidences of repeated water flow. That portion of an alluvial fan that experiences sheet flow is not generally regulated as Waters of the United States, however an inter-braided streambed, evidenced by an OHWM, is within ACOE jurisdiction. Vernal pools and other types of wetlands are also regulated by the ACOE as Waters of the United States.

5.2.2) United States Clean Water Act, Section 401

The RWQCB has jurisdiction over similar “Wetlands” and “Waters of the United States” under Section 401 of the CWA and the Porter-Cologne Water Quality Control Act under the California Water Code. Permitting is required for activities that will result in a discharge of soils, nutrients, chemicals, detrital materials, or other pollutants into Waters of the United States or adjacent wetlands that will affect water quality of those bodies and the area watershed.

5.2.3) California Department of Fish and Game Code, Section 1600

The CDFG, through provisions of the CDFG Code (Sections 1600-1616), is empowered to issue agreements (“Streambed Alteration Agreement”) for projects that will adversely affect wildlife habitat associated with any river, stream, or lake edges. Streams and rivers are defined by the presence of a channel bed, banks, and intermittent flow. CDFG regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFG.

Determining limits of a wetland is not typically done in obtaining CDFG Agreements because the intent of the 1600 program is to safeguard riparian associated wildlife habitat. Riparian habitat includes willows (*Salix* sp.), mulefat (*Baccharis salicifolia*), and other vegetation typically associated with the banks of a stream or lake shoreline. In most situations wetlands associated with a stream or lake will fall within the limits of riparian habitat. Thus, the limits of CDFG jurisdiction based on riparian habitat will automatically include any wetland areas and may include additional areas that do not meet ACOE criteria for soils and/or hydrology (e.g., where

riparian woodland canopy extends beyond the banks of a stream away from frequently saturated soils).

5.3) California Department of Fish and Game

5.3.1) California Endangered Species Act

California Endangered Species Act (CESA) definitions of endangered and threatened species parallel those defined in the FESA. The CESA defines an endangered species as “. . . a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes including loss of habitat, change in habitat, over exploitation, predation, competition or disease.” Endangered species are in serious danger of becoming extinct and threatened species are likely to become endangered species in the foreseeable future (according to Sections 2062 and 2067, respectively, of the California Fish and Game Code). Candidate species are those under formal review by the CDFG for listing as endangered or threatened (Section 2067). Prior to being considered for protected status the CDFG designates a species as being of special concern. Species of special concern are those for which the CDFG has information indicating decline. The County of Riverside has been issued a permit from the CDFG for the Western Riverside County MSHCP, which this project falls within.

5.3.2) California Department of Fish and Game Code, Section 1600

This section allows the CDFG to issue agreements (“Streambed Alteration Agreement”) for projects that will adversely affect wildlife habitat associated with any river, stream, or lake edges. A detailed discussion of Section 1600 under the Fish and Game Code can be found in section 2.2.3 above.

5.3.3) California Natural Diversity Database

The California Natural Diversity Database (CNDDDB) is a database that ranks overall condition of sensitive species and vegetation communities on global (throughout its range) and state (within California) levels. Additionally, subspecies and varieties are assigned a ranking for global condition as well. Ranking is numerical ranging from 1 to 5, with 1 indicating very few remaining individuals or little remaining habitat and 5 indicating a demonstrably secure to ineradicable population condition. State ranks may also include a threat assessment ranging from 1 (very threatened) to 3 (no current threats known).

5.4) California Native Plant Society

The California Native Plant Society (CNPS) has cataloged California's rare and endangered plants into lists according to population distributions and viability. These lists are numbered and indicate the following: (1A) presumed extinct in California; (1B) rare, threatened, or endangered throughout their range; (2) rare, threatened, or endangered in California, but more common in other states; (3) more information is needed to establish rarity; and (4) plants of limited distribution in California (i.e., naturally rare in the wild) but whose populations do not appear to be susceptible to threat.

5.5) California Environmental Quality Act

The California Environmental Quality Act (CEQA) requires identification of environmental effects from discretionary projects. Significant effects are to be mitigated by avoidance, minimization, rectification, or compensation whenever possible.

Effects to all state and federal listed species are considered significant under CEQA. In addition to formally listed species, CEQA Section 15380(d) considers effects to species that are demonstrably endangered or rare as important or significant. These definitions can include state designated species of special concern, federal candidate and proposed species, CNDDB tracked species, and California Native Plant Society 1B and 2 plants.

Appendix G of the CEQA Guidelines specifically addresses biological resources and encompasses a broad range of resources to be considered.

5.6) Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711) is an international treaty that makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). Sections 3503, 3503.5, and 3800 of the CDFG Code prohibit the take, possession, or destruction of birds, their nests, or eggs. The MBTA requires that project-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (February 1 through August 31). Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) or loss of habitat upon which the birds depend could be considered "take" and constitute a violation of the MBTA.

5.7) Western Riverside County Multiple Species Habitat Conservation Plan

The County of Riverside, eight (8) additional land jurisdictions, and 14 cities have prepared a Multiple Species Habitat Conservation Plan (MSHCP). The plan, under development by the Riverside County Integrated Project, will build upon existing preserves and attempts to provide connectivity and wildlife corridors throughout the region. The plan proposes to conserve approximately 500,000 acres and 146 different species. Approximately 347,000 acres are anticipated to be conserved on existing Public/Quasi-Public lands with additional contributions of approximately 153,000 acres from willing sellers (<http://www.rcip.org>).

The MSHCP was approved by the county on June 17, 2003 and an Implementation Agreement (IA) between the USFWS, the CDFG, and the county was executed and an associated USFWS Section 10(a)(1)(B) Permit (No. TE-088609) was issued on June 22, 2004. The permit grants take authorization for certain species identified in Attachment 2 of the permit as "Covered Species Adequately Conserved."

The MSHCP establishes seven (7) core reserve areas and associated linkages between proposed and existing core areas. The MSHCP divides areas into Cells using USGS coordinates. According to the Riverside County Integrated Project website, the parcel that comprises the current project site is located within the San Jacinto Valley Area Plan. Conservation efforts for the project site will be evaluated with regard to sensitive species identified as not adequately conserved and observed onsite, riverine/riparian or vernal pool habitat and their associated sensitive species (if located onsite), fairy shrimp, jurisdictional areas, and sage scrub. The MSHCP Conservation Summary Report requires a habitat assessment on the property to address, at a minimum, potential habitat for burrowing owl.

This report fulfills the MSHCP requirement of a habitat assessment for these species. Focused surveys are required for species identified as not adequately conserved under the MSHCP if suitable habitat is present onsite. If focused surveys are determined necessary and species identified as not adequately conserved under the MSHCP occur onsite, the proponent may be required to undergo a Habitat Acquisition and Negotiation Strategy (HANS) determination with the County of Riverside. If a single family home or mobile home is to be placed on an existing legal lot permitting will be reviewed according to the procedures outlined in MSHCP Section 6.1.1, *Expedited Review Process for Single-Family Homes or Mobile Homes To Be Located on an Existing Lot Within the Criteria Area*.

This report fulfills the MSHCP requirement of habitat assessment and presence/absence surveys for burrowing owl. Section B (Species Accounts) of Volume 2 of the MSHCP lists the following objectives for burrowing owl conservation/protection:

Objective 1

Include within the MSHCP Conservation Area at least 27,470 acres of suitable primary habitat for the burrowing owl including grasslands.

Objective 2

Include within the MSHCP Conservation Area at least 5 Core Areas and interconnecting linkages. Core areas may include the following: (1) Lake Skinner/Diamond Valley Lake area (Existing Core C plus Proposed Extension of Existing Cores 5, 6, 7; 29,060 acres); (2) playa west of Hemet (Proposed Noncontiguous Habitat Block 7; 1,250 acres); (3) San Jacinto Wildlife Area/Mystic Lake area including Lake Perris area (Existing Core H; 17,470 acres); (4) Lake Mathews (Existing Core C plus Proposed Extension of Existing Cores 2; 23,710 acres); and (5) along the Santa Ana River (9,670 acres). The Core Areas should support a combined total breeding population of approximately 120 burrowing owls with no fewer than five pairs in any one Core area.

Objective 3

Include within the MSHCP Conservation Area at least 22,120 acres of suitable secondary habitat for the burrowing owl including playas and vernal pools, and agriculture outside of the Core Areas identified above. Areas where additional suitable habitat could be conserved include west of the Jurupa Mountains, near Temescal Wash (i.e., vicinity of Alberhill), near Temecula Creek, within the Lakeview Mountains, Banning, the Badlands, Gavilan Hills, and Quail Valley.

Objective 4

Include within the MSHCP Conservation Area the known nesting locations of the burrowing owl at Lake Perris, Mystic Lake/San Jacinto Wildlife area, Lake Skinner area, the area around Diamond Valley Lake, playa west of Hemet, Lakeview Mountains, Lake Mathews/Estelle Mountain Reserve and Sycamore Canyon Regional Park.

Objective 5

Surveys for burrowing owl will be conducted as part of the project review process for public and private projects within the burrowing owl survey area where suitable habitat is present (see Burrowing Owl Survey Area Map, Figure 6-4 of the MSHCP, Volume I). The locations of this species determined as a result of survey efforts shall be conserved in accordance with procedures described within Section 6.3.2, MSHCP, Volume I and the guidance provided below:

Burrowing owl surveys shall be conducted utilizing accepted protocols as follows. If burrowing owls are detected on the project site then the action(s) taken will be as follows:

If the site is within the Criteria Area, then at least 90 percent of the area with long-term conservation value will be included in the MSHCP Conservation Area. Otherwise:

1) If the site contains, or is part of an area supporting less than 35 acres of suitable habitat or the survey reveals that the site and the surrounding area supports fewer than 3 pairs of burrowing owls, then the on-site burrowing owls will be passively or actively relocated following accepted protocols.

2) If the site (including adjacent areas) supports three or more pairs of burrowing owls, supports greater than 35 acres of suitable habitat and is non-contiguous with MSHCP Conservation Area lands, at least 90 percent of the area with long-term conservation value and burrowing owl pairs will be conserved onsite.

The survey and conservation requirements stated in this objective will be eliminated when it is demonstrated that Objectives 1 – 4 have been met.

Objective 6

Pre-construction presence/absence surveys for burrowing owl within the survey area where suitable habitat is present will be conducted for all Covered Activities through the life of the permit. Surveys will be conducted within 30 days prior to disturbance. Take of active nests will be avoided. Passive relocation (use of one way doors and collapse of burrows) will occur when owls are present outside the nesting season.

Objective 7

Translocation sites for the burrowing owl will be created in the MSHCP Conservation Area for the establishment of new colonies. Translocation sites will be identified, taking into consideration unoccupied habitat areas, presence of burrowing mammals to provide suitable burrow sites, existing colonies and effects to other Covered Species. Reserve Managers will consult with the Wildlife Agencies regarding site selection prior to translocation site development.

Section 6.1.2

Section 6.1.2 of the MSHCP requires an assessment of the potentially significant effects of the proposed project on Riparian/Riverine areas, and vernal pools as currently required by CEQA using available information augmented by project-specific mapping. Riparian/Riverine areas and vernal pools are defined as follows:

- Riparian/Riverine Areas are lands that have flow for all or a portion of the year and which 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 fresh water source; or areas with fresh water flow during all or a portion of the year.
- Vernal pools are seasonal wetlands that occur in depression areas that have wetlands indicators of all three parameters (soils, vegetation and hydrology) during the wetter portion

of the growing season but normally lack wetlands indicators of hydrology and/or vegetation during the drier portion of the growing season. Obligate hydrophytes and facultative wetlands plant species are normally dominant during the wetter portion of the growing season, while upland species (annuals) may be dominant during the drier portion of the growing season. The determination that an area exhibits vernal pool characteristics, and the definition of the watershed supporting vernal pool hydrology, must be made on a case-by case basis. Such determinations should consider the length of the time the area exhibits upland and wetland characteristics and the manner in which the area fits into the overall ecological system as a wetland. Evidence concerning the persistence of an area's wetness can be obtained from its history, vegetation, soils, and drainage characteristics, uses, to which it has been subjected, and weather and hydrologic records.

With the exception of wetlands created for the purpose of providing wetlands habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating characteristics as described above which are artificially created are not included in these definitions.

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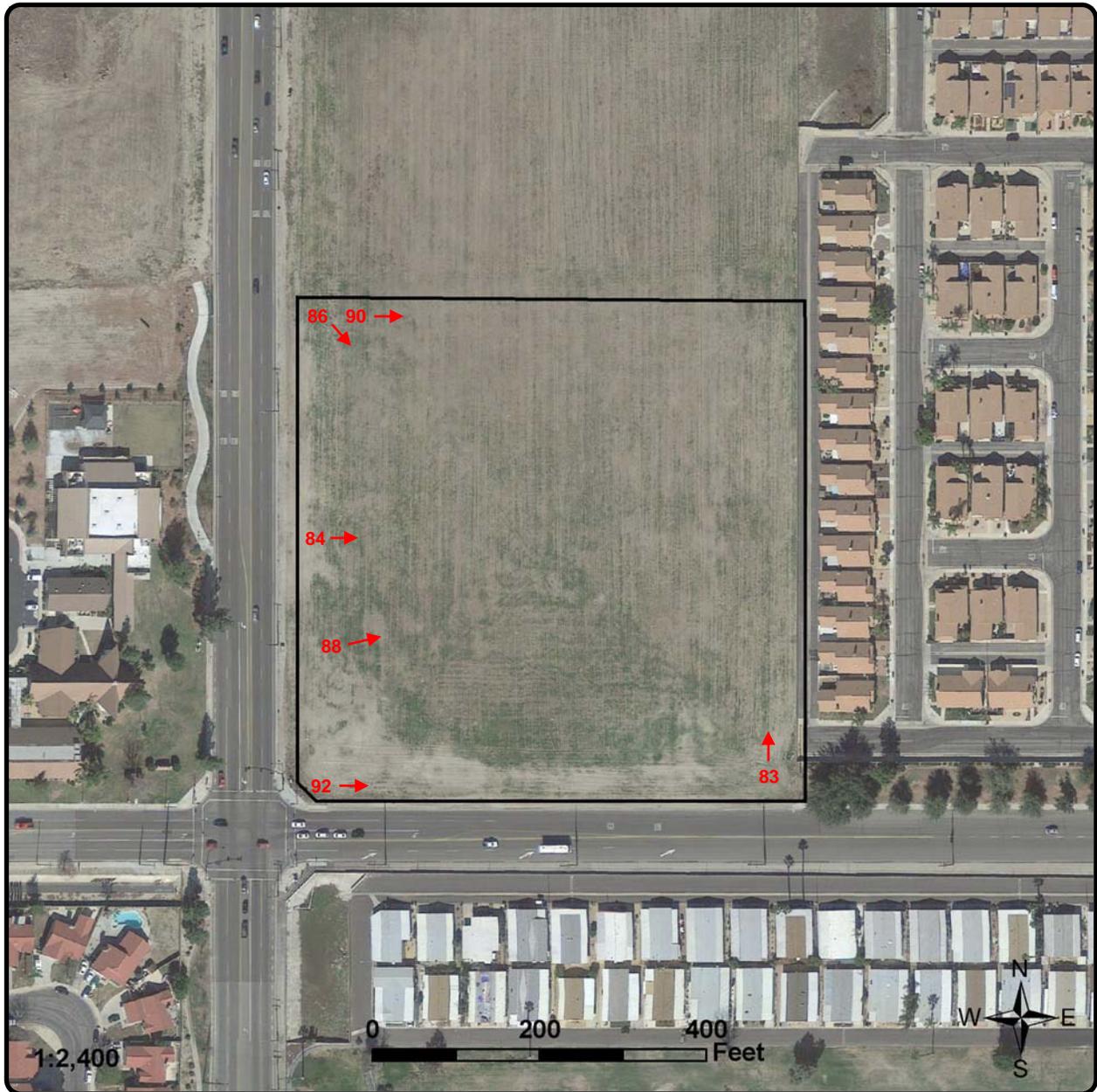
APPENDIX A

Table 2. List of plant and wildlife species identified on the Zanderson Plaza Project site.

<u>Scientific Name</u>		<u>Common Name</u>
	Birds (N=10)	
Anatidae <i>Branta canadensis</i>		Ducks, Geese, Swan Family Canada Goose (fly over)
Columbidae <i>Columba livia</i> <i>Zenaida macroura</i>		Pigeon Family Rock Dove (Feral Pigeon) Mourning Dove
Corvidae <i>Corvus brachyrhynchos</i> <i>Corvus corax clarionensis</i>		Jay and Crow Family American Crow Common Raven
Falconidae <i>Falco sparverius</i>		Falcon Family American Kestrel
Fringillidae <i>Carpodacus mexicanus</i>		Finch Family House Finch
Mimidae <i>Mimus polyglottos polyglottos</i>		Mockingbird Family Northern Mockingbird
Tyrannidae <i>Sayornis nigricans</i> <i>Sayornis saya</i>		Tyrant Flycatchers Black Phoebe Say's Phoebe
	Mammals (N=2)	
Geomyidae <i>Thomomys bottae</i>		Pocket Gopher Family Botta's Pocket Gopher (sign)
Sciuridae <i>Spermophilus beecheyi</i>		Squirrel Family CA Ground Squirrel (sign)
	Reptiles & Amphibians (N=1)	
Iguanidae <i>Sceloporus occidentalis</i>		Iguanid Family Western Fence Lizard

APPENDIX B

Site Photographs





(83)



(88)



(84)



(90)



(86)



(92)

Certification

Certification: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

DATE: September 9, 2016

SIGNED:



Leslie Irish, Principal, L&L Environmental, Inc.
951-681-4929

1) Fieldwork Performed By:

Guy Bruyea
Name

2) Fieldwork Performed By:

Name

3) Fieldwork Performed By:

Name

4) Fieldwork Performed By:

Name

5) Fieldwork Performed By:

Name

6) Fieldwork Performed By:

Name

Check here if adding any additional names / signatures below or on other side of page.

BIOLOGICAL REPORT SUMMARY SHEET

Applicant Name: <u>Zanderson, LP</u>
Assessor's Parcel Number(s): <u>444-100-016</u>
Section, Township and Range: <u>Section 5, Township 5 South, Range 1 West</u>
Building and Safety Log Number: _____
Case Number: _____ Lot/Parcel _____ EA Number _____

MARK ITEM(S) SURVEYED FOR	SPECIES or ENVIRONMENTAL ISSUE of CONCERN	(Mark Yes, No, or N/A regarding species findings on the referenced site)		
		Yes	No	n/a
	Arroyo Southwestern Toad	Yes	No	n/a
X	Blue-line Stream(s)	Yes	No	n/a
X	Burrowing Owl	Yes	No	n/a
	Coachella Valley Fringed-toed Lizard	Yes	No	n/a
	Coastal California Gnatcatcher	Yes	No	n/a
X	Coastal Sage Scrub	Yes	No	n/a
	Delhi Sands Flower-loving Fly	Yes	No	n/a
	Desert Pupfish	Yes	No	n/a
	Desert Slender Salamander	Yes	No	n/a
	Desert Tortoise	Yes	No	n/a
	Flat-tailed Horned Lizard	Yes	No	n/a
	Least Bell's Vireo	Yes	No	n/a
X	Oak Woodlands	Yes	No	n/a
	Quino Checkerspot Butterfly	Yes	No	n/a
	Riverside Fairy Shrimp	Yes	No	n/a
	Santa Ana River Woollystar	Yes	No	n/a
	San Bernardino Kangaroo Rat	Yes	No	n/a
	Slender-horned Spineflower	Yes	No	n/a
	Stephens' Kangaroo Rat	Yes	No	n/a
X	Vernal Pools	Yes	No	n/a
X	Wetlands	Yes	No	n/a

MARK ITEM(S) SURVEYED FOR	SPECIES or ENVIRONMENTAL ISSUE of CONCERN	<i>(Mark Yes, No, or N/A regarding species findings on the referenced site)</i>		
		Yes	No	n/a
	Other	Yes	No	n/a
	Other	Yes	No	n/a
	Other	Yes	No	n/a
	Other	Yes	No	n/a
	Other	Yes	No	n/a
	Other	Yes	No	n/a

Species of concern shall be any unique, rare, endangered, or threatened species. It shall include species used to delineate wetlands and riparian corridors. It shall also include any hosts, perching, or food plants used by any animals listed as rare, endangered, threatened, or candidate species by either state, or federal regulations, or for Riverside County as listed by the California Department of Fish and Game Natural Diversity Data Base (CNDDB).

I declare under penalty of perjury that the information provided on this summary sheet is in accordance with the information provided in the biological report or habitat assessment.

Keslee L & L Environmental, Inc. September 9, 2016
Signature and Company Name Date

10(a) Permit Number (if applicable) Permit Expiration Date

<i>County Use Only</i>	
Received By: _____	Date: _____
PD-B# _____	

LEVEL OF SIGNIFICANCE CHECKLIST
For Biological Resources
(Submit two copies to the County)

Case Number: _____ Lot/Parcel No. _____ EA Number _____

Assessor's Parcel Number(s): 444-100-016

Date: September 9, 2016

Biological Resources: (Check the level of impact that applies to the following questions.)

Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan?			
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect, either directly or through habitat modifications, on any endangered, or threatened species, as listed in Title 14 of the California Code of Regulations (Sections 670.2 or 670.5) or in Title 50, Code of Federal Regulations (Sections 17.11 or 17.12)?			
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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 Game, or U. S. Wildlife Service?			
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?			
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**LEVEL OF SIGNIFICANCE CHECKLIST
For Biological Resources
(Submit two copies to the County)**

e) 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 Game, or the U.S. Fish and Wildlife Service?

f) Have a substantial adverse effect on federally protected wetlands, as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pools, coastal, etc.) through direct removal, filling, hydrological interruption)

g) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Findings of Fact:

No special status plant or wildlife species were identified onsite.

Proposed Mitigation:

A preconstruction clearance survey for burrowing owl will be required under the current implementation of the MSHCP.

Monitoring Recommended:

Source: CGP Fig. VI.36-VI.40
Revised October 1999