

3.3 BIOLOGICAL RESOURCES

This section describes effects on biological resources that would result from implementation of the Potrero Logistics Center Warehouse Project (Project). The following discussion addresses existing biological conditions in the affected area, identifies and analyzes environmental impacts for the Project, and recommends measures to reduce or avoid significant impacts to biological resources anticipated from Project construction and operation. In addition, existing laws and regulations relevant to biological resources are described. In some cases, compliance with these existing laws and regulations would serve to reduce or avoid certain impacts that would occur with the implementation of the Project. In these instances, mitigation is generally not required nor proposed.

The setting, context, and impact analysis in this section are based the *Biological Technical Report* (BTR, **Appendix D**), prepared by Glenn Lukos Associates, Inc. (GLA) in August 2021 to evaluate the Project's potential impacts to biological resources in accordance to the requirements of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), California Environmental Quality Act (CEQA), and State and Federal regulations such as the Endangered Species Act (ESA), Clean Water Act (CWA), and the California Fish and Game Code (FGC). A previous *Biological Resources Assessment, Jurisdictional Delineation & MSHCP Compliance Report* was also prepared by Jericho Systems Inc. in May 2019 (**Appendix D**). And most recently, a *Determination of Biologically Equivalent or Superior Preservation (DBESP) Analysis* was conducted by GLA in December 2021 (**Appendix D**).

The field study focused on a number of primary objectives that would comply with CEQA and MSHCP requirements, including (1) general reconnaissance survey and vegetation mapping; (2) general biological surveys; (3) habitat assessments for special-status plant species (including species with applicable MSHCP survey requirements); (4) habitat assessments for special-status wildlife species (including species with applicable MSHCP survey requirements); (5) assessment for the presence of wildlife migration and colonial nursery sites; (6) assessments for MSHCP riparian/riverine areas and vernal pools; and (7) assessments for areas subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE) jurisdiction pursuant to Section 404 of the CWA, Regional Water Quality Control Board (RWQCB) pursuant to Section 401 of the CWA, and California Department of Fish and Wildlife (CDFW) jurisdiction pursuant to Division 2, Chapter 6, Section 1600–1616 of the California FGC.

Information from the literature reviews, general and focused biological surveys, habitat assessments and databases were used to generate a list of special-status plant and animal species that have the potential to occur within the Project site and adjacent areas. For the purposes of this assessment, special-status species are defined as plants or animals that:

Plants

- Are listed through the Federal and/or State ESA; and/or
- Are California Native Plant Society (CNPS) Rare Plant Inventory Rank 1A, 1B, 2A, 2B, 3, or 4.

Wildlife

- Are listed through the Federal and/or State ESA; and

- Are designation by the State as a Species of Special Concern (SSC) or California Fully Protected (CFP) species.

For the purposes of this assessment, special-status species are defined as vegetation communities and habitats that:

- Global (G) and/or State (S) ranking of category 3 or less based on CDFW; and
- Riparian/riverine habitat.

The following acronyms are used in this section for Federal special-status species:

- FE: Federally listed as Endangered
- FT: Federally listed as Threatened
- FPE: Federally proposed for listing as Endangered
- FPT: Federally proposed for listing as Threatened
- FC: Federal Candidate Species (former C1 species)

The following acronyms are used in this section for State special-status species:

- SE: State-listed as Endangered
- ST: State-listed as Threatened
- SR: State-listed as Rare
- SCE: State Candidate for listing as Endangered
- SCT: State Candidate for listing as Threatened
- SFP: State Fully Protected
- SP: State Protected
- SSC: State Species of Special Concern

The following discussion summarizes the findings of the BTR completed by GLA.

3.3.1 ENVIRONMENTAL SETTING

EXISTING SITE CONDITIONS

The Project site is located in the western portion of Riverside County within the San Geronio Pass and in the northwest portion of the City of Beaumont (City). The elevation of the Project site ranges from 2,380 to 2,470 feet above mean sea level (amsl) and has an average annual maximum temperature that typically peaks at 75 degrees Fahrenheit (°F) in July and August. The temperature typically falls to an average annual minimum temperature of 45 °F in December. Average annual precipitation is greatest from January through April with total precipitation averaging 18 inches.

The Project site is bound by State Route 60 (SR-60) to the north and is approximately one mile west of Interstate 10 (I-10). On the north side of SR-60 is a residential Specific Plan development. To the east is

the planned future alignment of Potrero Boulevard. and vacant parcels. To the south is the currently unpaved but planned future alignment of 4th Street and further to the south is a drainage and undeveloped land, and to the west area vacant parcels.

The Project site is currently vacant and does not contain any existing structures. The topography of the site is generally sloped terrain with minor elevation changes. In the northerly portion of the site there are two rows of hills having flat tops. Topography is lowest at the southeastern portion of the Project site. A drainage of Potrero Creek runs along the northern border and is lined with concrete. The flat-topped hills in this northern area are dominated primarily by nonnative grasses and native herbs. Two blue-line drainages are mapped with the Project site. An ephemeral, incised drainage, which receives stormwater flows from Potrero Boulevard, occurs in the northern portion of the site; and Cooper's Creek, a perennial stream supporting a mature riparian vegetation community occurs in the southern portion of the site. The two drainages converge downstream of the western Project boundary.

Site Surveys

GLA conducted a general biological survey in November 2020. A jurisdictional delineation and evaluation of MSCHP Riparian/Riverine Areas was conducted in December 2020. An evaluation of MSCHP vernal pools and fairy shrimp habitat was conducted in November 2020 and twice in December 2020. A Phase One Assessment for the Los Angeles Pocket Mouse (*Perognathus longimembris brevinasus*) was conducted in December 2020. Focused plant surveys were conducted in March 2021, April 2021, and May 2021. Focused burrowing owl (*Athene cunicularia*) surveys were conducted twice in March 2021, in April 2021, and in May 2021. Fairy shrimp surveys are ongoing, and the results will be provided under separate cover.

The focus of the biological surveys was determined through initial site reconnaissance, a review of the California Natural Diversity Database (CNDDDB), CNPS 8th edition online inventory, Natural Resource Conservation Service (NRCS) soil data, MSHCP species and habitat maps and sensitive soil maps, other pertinent literature, and knowledge of the region. Site specific general surveys within the Project site were conducted on foot in the proposed development areas for each target plant or animal species identified below. During all of GLA's surveys, plants and animal species and vegetation communities and habitats were noted. See **Table 3.3-1: Summary of Biological Surveys for the Project Site** for a summary of the surveys and the biologists who conducted them.

Table 3.3-1: Summary of Biological Surveys for the Project Site

Survey Type	2020 and 2021 Survey Dates	Biologists
General Biological Survey	11/17/20	JS, JA
Jurisdictional Delineation and Evaluation of MSHCP Riparian/Riverine Areas	12/9/20	ZW, CW
Evaluation of MSHCP Vernal Pools and Fairy Shrimp Habitat	11/17/20, 12/9/20, 12/10/20	JS, JA, ZW, CW, KL
Phase One Assessment for the Los Angeles Pocket Mouse	12/8/20	PV (Envira, Inc.)
Focused Plant Surveys	3/23/21, 4/14/21, 5/4/21	JS
Focused Burrowing Owl	3/8/21, 3/23/21,	DS, AN

Survey Type	2020 and 2021 Survey Dates	Biologists
Surveys	4/12/21, 5/4/21	
Fairy Shrimp Surveys	November 2020, December 30, January 6, January 26, February 3, February 9, March 12, March 19, 2021, March 26, 2021, August 2021	KL, DM, SC
SC = Stephanie Cashin JS = Jillian Stephens JA = Jeff Ahrens ZW = Zack West CW = Chris Waterston DS = David Smith AN = April Nakagawa KL = Kevin Livergood DM = Dave Moskovitz PV = Philippe Vergne (Envira, Inc.)		

Botanical Survey and Limitations

GLA biologist Jillian Stephens visited the site on November 17, 2020 and March 23, April 14, and May 4, 2021 to conduct general and focused plant surveys. Surveys were conducted in accordance with accepted botanical survey guidelines (CDFG 2009, CNPS 2001, USFWS 2000). As applicable, surveys were conducted at appropriate times based on precipitation and flowering periods. An aerial photograph, a soil map, and/or a topographic map were used to determine the community types and other physical features that may support sensitive and uncommon taxa or communities within the Project site. Surveys were conducted by following meandering transects within target areas of suitable habitat. All plant species encountered during the field surveys were identified and recorded following the above-referenced guidelines adopted by CNPS and CDFW.

The rainy season from November of 2020 through April of 2021 resulted in exceptionally low precipitation for the entire greater southern California region. This data indicates that the 2020-2021 rainy season was a drought year, and as such, some special-status plant species, as well as plant species common to the entire region, may not have had enough resources to produce the vegetative matter, flowers, and/or fruit required to make species identifications. As such, GLA biologists made substantial efforts to visit reference populations for target species when possible, and also utilized resources such as local herbaria and the California Consortia of Herbaria to determine the annual occurrences of plant species throughout the region. This tracking of local flora phenology and occurrences allowed GLA biologists to make confident decisions on the confirmed absence of target plant species not detected during this drought condition.

VEGETATION MAPPING

The Project site supports the following vegetation community/land cover types: Non-Native Grassland, Riversidean Sage Scrub, Scrub Oak Chaparral, Willow Riparian Forest, and Disturbed/Developed.

Table 3.3-2: Summary of Vegetation Community/Land Cover for the Project Site, provides a summary of the vegetation community/land cover types and their corresponding acreage. In addition, refer to **Exhibit 3.3-1: Onsite Habitat Communities**.

Vegetation Community/Land Cover	Project Site (acres)
Non-Native Grassland	26.78
Riversidean Sage Scrub	6.23
Scrub Oak Chaparral	7.05
Willow Riparian Forest	6.12
Disturbed/Developed	19.26
Total	65.43

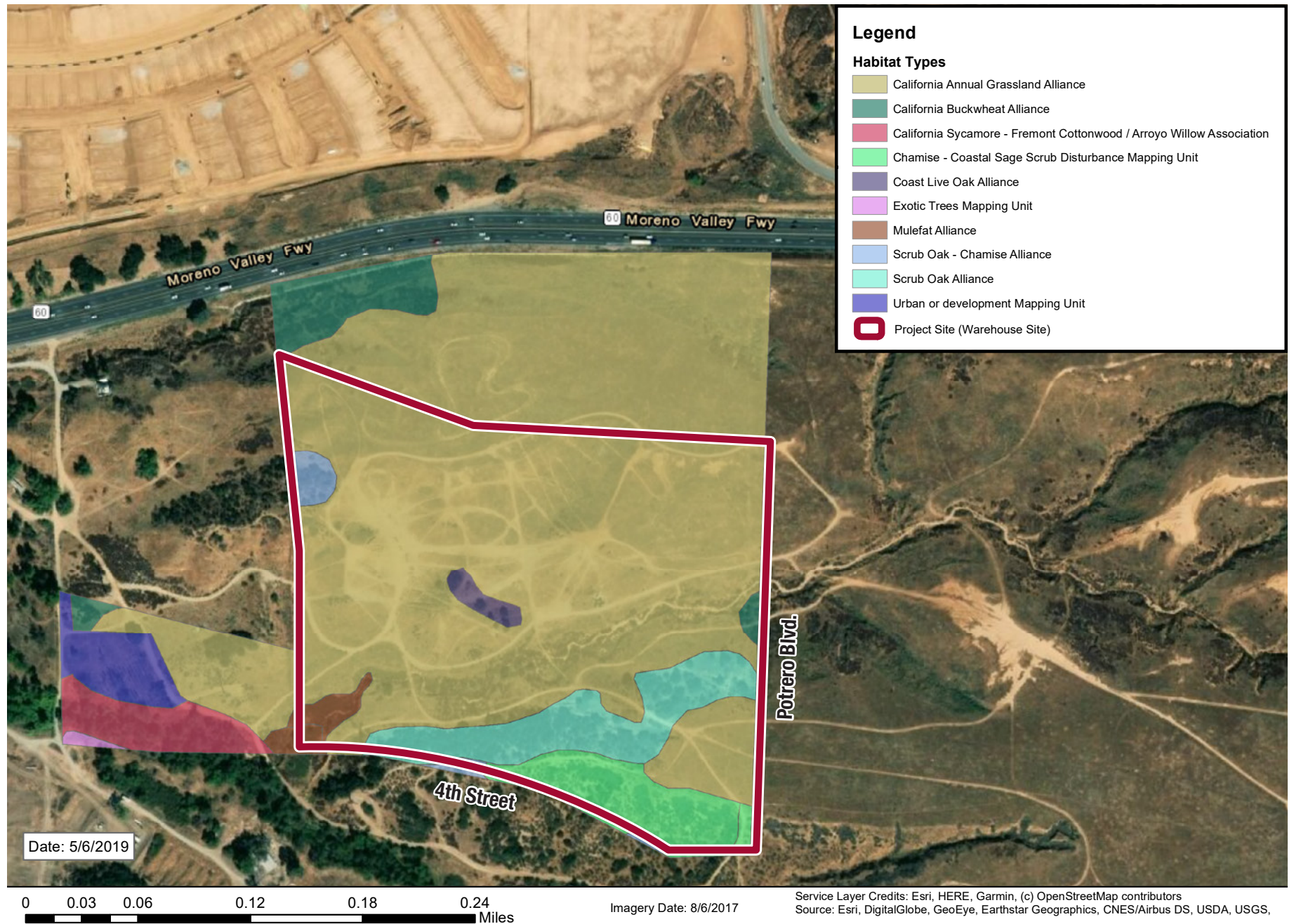


EXHIBIT 3.3-1: Onsite Habitat Communities
Potrero Logistics Center Warehouse Project



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Non-Native Grassland

As noted in Table 3.3-2, the Project site supports 26.78 acres of non-native grassland. This plant community covers the majority of the Project site, as well as adjacent undeveloped lands to the east and west. The non-native grassland areas do not appear to be routinely disked or mowed at this time; however, a mosaic of unauthorized recreational off-roading trails is interspersed throughout the non-native grassland, indicating a level of routine disturbance throughout the habitat. The non-native grassland is dominated by invasive grass species including ripgut brome (*Bromus diandrus*), slim oat (*Avena barbata*), and red brome (*Bromus rubens*). Other commonly occurring species include common fiddleneck (*Amsinckia intermedia*), Palmer goldenweed (*Ericameria palmeri*), doveweed (*Croton setiger*), and annual bur-sage (*Ambrosia acanthicarpa*).

Riversidean Sage Scrub

The Project site supports 6.23 acres of Riversidean sage scrub scattered throughout the site in multiple, disjunct patches. These areas are primarily dominated with Mojave Desert California buckwheat (*Eriogonum fasciculatum* var. *polifolium*); however, other commonly occurring species include California sagebrush (*Artemisia californica*), chamise (*Adenostoma fasciculatum*), and white sage (*Salvia apiana*).

Scrub Oak Chaparral

The Project site supports 7.05 acres of scrub oak chaparral scattered throughout the site in multiple, disjunct patches. The canopy is primarily dominated with small, shrubby scrub oaks (*Quercus berberidifolia*), with redberry (*Rhamnus crocea*), sugar bush (*Rhus ovata*), fragrant sumac (*Rhus aromatica*) and *Ceanothus* sp. also commonly occurring throughout this plant community. The understory is dominated with ripgut brome, common phacelia (*Phacelia distans*), miner's lettuce (*Claytonia parviflora*), and goose grass (*Galium aparine*).

Willow Riparian Forest

The Project site supports 6.12 acres of willow riparian forest associated with Cooper's Creek, a perennial stream which traverses the southern portion of the Project site. The tree canopy is primarily dominated with black willow (*Salix gooddingii*), red willow (*Salix laevigata*), southern California black walnut (*Juglans californica*), Fremont cottonwood (*Populus fremonti*), and blue elderberry (*Sambucus nigra* ssp. *caerulea*). The riparian understory is comprised of mule fat (*Baccharis salicifolia*), stinging nettle (*Urtica dioica*), southern California grape (*Vitis girdiana*), and cattail (*Typha* sp.).

Disturbed/Developed

The Project site supports 19.26 acres of disturbed and developed areas scattered throughout. These areas consist of unpaved trails established by unauthorized recreational motorized vehicles, active construction associated with the development of West 4th Street, and multiple associated equipment staging areas. The disturbed and developed areas within the Project site are generally devoid of vegetation.

SPECIAL-STATUS VEGETATION COMMUNITIES

The CNDDDB identifies the following ten special-status vegetation communities for the El Casco, California and surrounding quadrangle maps: Canyon Live Oak Ravine Forest, Desert Fan Palm Oasis Woodland, Riversidean Alluvial Fan Sage Scrub, Southern Coast Live Oak Riparian Forest, Southern Cottonwood Willow Riparian Forest, Southern Mixed Riparian Forest, Southern Riparian Forest, Southern Riparian Scrub, Southern Sycamore Alder Riparian Woodland, and Southern Willow Scrub. The BTR identified that the Project site contains Willow Riparian Forest within the avoided portion, south of the Project footprint, in association with Cooper's Creek which constitutes a special-status vegetation type.

SPECIAL-STATUS PLANT SPECIES

Table 3.3-3: Special-Status Plants Evaluated for the Project Site, below provides a list of special-status plants evaluated for the Project site through general biological surveys, habitat assessments, and focused surveys. Species were evaluated based on the following factors: 1) species identified by the CNDDDB and CNPS as occurring (either currently or historically) on or in the vicinity of the Project site, 2) applicable MSHCP survey areas, and 3) any other special-status plants that are known to occur within the vicinity of the Project site, or for which potentially suitable habitat occurs within the site. See **Exhibit 3.3-2** for species occurrences within three miles of the Project site.

Table 3.3-3: Special-Status Plants Evaluated for the Project Site

Species Name	Status	Habitat Requirements	Potential for Occurrence
Borrego milk-vetch <i>Astragalus lentiginosus</i> var. <i>borreganus</i>	Federal: None State: None CNPS: Rank 4.3 MSHCP: None	Sandy soils in Mojavean desert scrub and Sonoran desert scrub.	Does not occur due to lack of suitable habitat.
California satintail <i>Imperata brevifolia</i>	Federal: None State: None CNPS: Rank 2B.1 MSHCP: None	Mesic soils in chaparral, coastal scrub, Mojavean desert scrub, meadows and seeps (often alkali), and riparian scrub.	Does not occur within the Project footprint due to lack of suitable habitat and soils.
California screw moss <i>Tortula californica</i>	Federal: None State: None CNPS: Rank 1B.2 MSHCP: None	Sandy soil in chenopod scrub, and valley and foothill grassland.	Does not occur due to lack of suitable habitat.
Chaparral sand verbena <i>Abronia villosa</i> var. <i>aurita</i>	Federal: None State: None CNPS: Rank 1B.1 MSHCP: None	Sandy soils in chaparral, coastal sage scrub.	Not expected to occur.
Coachella Valley milk-vetch <i>Astragalus lentiginosus</i> var. <i>coachellae</i>	Federal: FE State: None CNPS: Rank 1B.2 MSHCP: None	Desert dunes, sandy Sonoran desert scrub.	Does not occur due to lack of suitable habitat.
Colorado Desert larkspur <i>Delphinium parishii</i> ssp. <i>subglobosum</i>	Federal: None State: None CNPS: Rank 4.3 MSHCP: None	Chaparral, cismontane woodland, pinyon and juniper woodland, Sonoran desert scrub.	Does not occur due to lack of suitable habitat.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Coulter's goldfields <i>Lasthenia glabrata</i> <i>ssp. coulteri</i>	Federal: None State: None CNPS: Rank 1B.1 MSHCP: MSHCP(d)	Playas, vernal pools, marshes and swamps (coastal salt).	Does not occur due to lack of suitable habitat.
Crowned muilla <i>Muilla coronata</i>	Federal: None State: None CNPS: Rank 4.2 MSHCP: None	Chenopod scrub, Joshua tree woodland, Mojavean desert scrub, Pinyon and juniper woodland	Does not occur due to lack of suitable habitat.
Davidson's saltscale <i>Atriplex serenana</i> var. <i>davidsonii</i>	Federal: None State: None CNPS: Rank 1B.2 MSHCP: MSHCP (d)	Alkaline soils in coastal sage scrub, coastal bluff scrub.	Does not occur due to lack of suitable habitat and soils.
Davidson's stonecrop <i>Sedum niveum</i>	Federal: None State: None CNPS: Rank 4.2 MSHCP: Not covered	Rocky soils in lower and upper montane coniferous forest, and subalpine coniferous forest.	Does not occur due to lack of suitable habitat.
Duran's rush <i>Juncus duranii</i>	Federal: None State: None CNPS: Rank 4.3 MSHCP: Not covered	Mesic soils in lower and upper montane coniferous forests, meadows and seeps.	Does not occur due to lack of suitable habitat.
Hall's monardella <i>Monardella</i> <i>macrantha</i> ssp. <i>hallii</i>	Federal: None State: None CNPS: Rank 1B.3 MSHCP: MSHCP	Occurs on dry slopes and ridges within openings in broadleaved upland forest, chaparral, lower montane coniferous forest, cismontane woodland, and valley and foothill grassland.	Does not occur due to lack of suitable habitat.
Heart-leaved pitcher sage <i>Lepechinia</i> <i>cardiophylla</i>	Federal: None State: None CNPS: Rank 1B.2 MSHCP: MSHCP(d)	Closed-cone coniferous forest, chaparral, and cismontane woodland.	Does not occur due to lack of suitable habitat.
Heckard's paintbrush <i>Castilleja montigena</i>	Federal: None State: None CNPS: Rank 4.3 MSHCP: None	Lower montane coniferous forest, Pinyon and juniper woodland, Upper montane coniferous forest	Does not occur due to lack of suitable habitat.
Jaeger's (bush) milk-vetch <i>Astragalus pachypus</i> var. <i>jaegeri</i>	Federal: None State: None CNPS: Rank 1B.1 MSHCP: MSHCP	Sandy or rocky soils in chaparral, cismontane woodland, coastal scrub, and valley and foothill grassland.	Not expected to occur.
Johnston's bedstraw <i>Galium johnstonii</i>	Federal: None State: None CNPS: Rank 4.3 MSHCP: None	Chaparral, lower montane coniferous forest, pinyon and juniper woodland, riparian woodland.	Does not occur due to lack of suitable habitat.
Johnston's monkeyflower <i>Diplacus (Mimulus)</i> <i>johnstonii</i>	Federal: None State: None CNPS: Rank 4.3 MSHCP: None	Lower montane coniferous forest (scree, disturbed areas, rocky or gravelly soil, roadsides)	Does not occur due to lack of suitable habitat.
Laguna Mountains jewelflower <i>Streptanthus</i> <i>bernardinus</i>	Federal: None State: None CNPS: Rank 4.3 MSHCP: Not covered	Chaparral and lower montane coniferous forest.	Does not occur due to lack of suitable habitat.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Lemon lily <i>Lilium parryi</i>	Federal: None State: None CNPS: Rank 1B.2 MSHCP: MSHCP (f)	Mesic soils in lower montane coniferous forest, meadows and seeps, riparian forest, and upper montane coniferous forest.	Does not occur within the Project footprint due to lack of suitable habitat.
Little mouselink <i>Myosurus minimus</i> <i>ssp. apus</i>	Federal: None State: None CNPS: Rank 3.1 MSHCP: MSHCP (d)	Valley and foothill grassland, vernal pools (alkaline soils).	Does not occur due to lack of suitable habitat and soils.
Little purple monkeyflower <i>Erythranthe</i> <i>(Mimulus) purpurea</i>	Federal: None State: None CNPS: Rank 1B.2 MSHCP: None	Meadows and seeps, pebble (pavement) plain, and upper montane coniferous forest.	Does not occur due to lack of suitable habitat.
Long-spined spineflower <i>Chorizanthe</i> <i>polygonoides</i> var. <i>longispina</i>	Federal: None State: None CNPS: Rank 1B.2 MSHCP: MSHCP	Clay soils in chaparral, coastal sage scrub, meadows and seeps, and valley and foothill grasslands	Does not occur due to lack of suitable habitat.
Many-stemmed dudleya <i>Dudleya multicaulis</i>	Federal: None State: None CNPS: Rank 1B.2 MSHCP: MSHCP (b)	Chaparral, coastal sage scrub, valley and foothill grassland. Often occurring in clay soils.	Confirmed absent during focused plant surveys.
Marsh sandwort <i>Arenaria paludicola</i>	Federal: FE State: SE CNPS: Rank 1B.1 MSHCP: None	Bogs and fens, freshwater marshes and swamps.	Does not occur due to lack of suitable habitat.
Mesa horkelia <i>Horkelia cuneata</i> var. <i>puberula</i>	Federal: None State: None CNPS: Rank 1B.1 MSHCP: None	Sandy or gravelly soils in chaparral (maritime), cismontane woodland, and coastal scrub.	Does not occur due to lack of suitable habitat.
Mojave tarplant <i>Deinandra</i> <i>mohavensis</i>	Federal: None State: SE CNPS: Rank 1B.3 MSHCP: MSHCP (e)	Chaparral (mesic soils) and riparian scrub.	Does not occur within the Project footprint due to lack of suitable habitat.
Mount Pinos larkspur <i>Delphinium parryi</i> ssp. <i>purpureum</i>	Federal: None State: None CNPS: Rank 4.3 MSHCP: None	Chaparral, Mojavean desert scrub, pinyon and juniper woodland.	Does not occur due to lack of suitable habitat.
Mud nama <i>Nama stenocarpum</i>	Federal: None State: None CNPS: Rank 2B.2 MSHCP: MSHCP (d)	Marshes and swamps	Does not occur due to lack of suitable habitat.
Narrow-leaf sandpaper-plant <i>Petalonyx linearis</i>	Federal: None State: None CNPS: Rank 2B.3 MSHCP: None	Sandy or rocky canyons, Mojavean desert scrub, and Sonoran desert scrub.	Does not occur due to lack of suitable habitat.
Narrow-petaled rein orchid <i>Piperia leptopetala</i>	Federal: None State: None CNPS: Rank 4.3 MSHCP: None	Cismontane woodland, lower montane coniferous forest, upper montane coniferous forest.	Does not occur due to lack of suitable habitat.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Nevin's barberry <i>Berberis nevinii</i>	Federal: FE State: SE CNPS: Rank 1B.1 MSHCP: MSHCP (d)	Sandy or gravelly soils in chaparral, cismontane woodland, coastal scrub, and riparian scrub.	Confirmed absent. This species is a perennial shrub and would have been detected if present.
Ocellated humboldt lily <i>Lilium humboldtii</i> ssp. <i>ocellatum</i>	Federal: None State: None CNPS: Rank 4.2 MSHCP: MSHCP (f)	Chaparral, cismontane woodland, coastal sage scrub, lower montane coniferous forest, riparian woodland. Occurring in openings.	Does not occur within the Project footprint due to lack of suitable habitat.
Palmer's mariposa lily <i>Calochortus palmeri</i> var. <i>palmeri</i>	Federal: None State: None CNPS: Rank 1B.2 MSHCP: Not covered	Mesic soils in chaparral, lower montane coniferous forest, and meadows and seeps.	Does not occur due to lack of suitable habitat.
Paniculate tarplant <i>Deinandra paniculata</i>	Federal: None State: None CNPS: Rank 4.2 MSHCP: None	Usually in vernal mesic, sometimes sandy soils in coastal scrub, valley and foothill grassland, and vernal pools.	Confirmed absent during focused plant surveys.
Parish's alumroot <i>Heuchera parishii</i>	Federal: None State: None CNPS: Rank 1B.3 MSHCP: Not covered	Rocky, sometimes carbonate soils in alpine boulder and rock field, lower and upper montane coniferous forest, and subalpine coniferous forest.	Does not occur due to lack of suitable habitat.
Parish's brittlescale <i>Atriplex parishii</i>	Federal: None State: None CNPS: Rank 1B.1 MSHCP: MSHCP (d)	Chenopod scrub, playas, vernal pools.	Does not occur due to lack of suitable habitat.
Parish's bush-mallow <i>Malacothamnus parishii</i>	Federal: None State: None CNPS: Rank 1A MSHCP: None	Chaparral and coastal scrub	Species presumed extinct.
Parish's checkerbloom <i>Sidalcea hickmanii</i> ssp. <i>parishii</i>	Federal: None State: Rare CNPS: Rank 1B.2 MSHCP: None	Chaparral, cismontane woodland, and lower montane coniferous forest.	Does not occur due to lack of suitable habitat.
Parish's gooseberry <i>Ribes divaricatum</i> var. <i>parishii</i>	Federal: None State: None CNPS: Rank 1A MSHCP: None	Riparian woodland	Species presumed extinct ¹ .
Parish's rupertia <i>Rupertia rigida</i>	Federal: None State: None CNPS: Rank 4.3 MSHCP: Not covered	Chaparral, cismontane woodland, lower montane coniferous forest, meadows and seeps, pebble (pavement) plain, valley and foothill grassland.	Does not occur due to lack of suitable habitat.

¹ Calflora: Information on California plants for education, research and conservation, with data contributed by public and private institutions and individuals, including the Consortium of California Herbaria. [web application]. 2021. Berkeley, California: The Calflora Database [a non-profit organization]. Available: <https://www.calflora.org/>

Species Name	Status	Habitat Requirements	Potential for Occurrence
Parry's spineflower <i>Chorizanthe parryi</i> var. <i>parryi</i>	Federal: None State: None CNPS: Rank 1B.1 MSHCP: MSHCP	Sandy or rocky soils in open habitats of chaparral and coastal sage scrub.	Confirmed present.
Peninsular spineflower <i>Chorizanthe leptotheca</i>	Federal: None State: None CNPS: Rank 4.2 MSHCP: MSHCP	Alluvial fan, granitic. Chaparral, coastal scrub, lower montane coniferous forest.	Does not occur due to lack of suitable habitat and soils.
Peruvian dodder <i>Cuscuta obtusiflora</i> var. <i>glandulosa</i>	Federal: None State: None CNPS: Rank 2B.2 MSHCP: None	Marshes and swamps (freshwater). Annual vine (parasitic). Blooming period July - October.	Does not occur due to lack of suitable habitat.
Plummer's mariposa lily <i>Calochortus plummerae</i>	Federal: None State: None CNPS: Rank 4.2 MSHCP: MSHCP	Granitic, rock soils within chaparral, cismontane woodland, coastal sage scrub, lower montane coniferous forest, valley and foothill grassland.	Confirmed absent during focused plant surveys.
Pygmy hulsea <i>Hulsea vestita</i> ssp. <i>pygmaea</i>	Federal: None State: None CNPS: Rank 1B.3 MSHCP: None	Granitic, gravelly soils in alpine boulder and rockfield, and subalpine coniferous forest.	Does not occur due to lack of suitable habitat.
Robinson's pepper grass <i>Lepidium virginicum</i> var. <i>robinsonii</i>	Federal: None State: None CNPS: Rank 4.3 MSHCP: Not covered	Chaparral, coastal sage scrub.	Confirmed absent during focused plant surveys.
Rock sandwort <i>Arenaria lanuginosa</i> var. <i>saxosa</i>	Federal: None State: None CNPS: Rank 2B.3 MSHCP: None	Mesic and sandy soils in subalpine coniferous forest and upper montane coniferous forest.	Does not occur due to lack of suitable habitat.
Rock-loving oxytrope <i>Oxytropis oreophila</i> var. <i>oreophila</i>	Federal: None State: None CNPS: Rank 2B.3 MSHCP: None	Gravelly or rocky soils in alpine boulder and rockfield, and subalpine coniferous forest.	Does not occur due to lack of suitable habitat.
Salt marsh bird's-beak <i>Chloropyron maritimum</i> ssp. <i>maritimum</i>	Federal: FE State: SE CNPS: Rank 1B.2 MSHCP: None	Coastal dune, coastal salt marshes and swamps.	Does not occur due to lack of suitable habitat.
Salt Spring checkerbloom <i>Sidalcea neomexicana</i>	Federal: None State: None CNPS: Rank 2B.2 MSHCP: Not covered	Mesic, alkaline soils in chaparral, coastal sage scrub, lower montane coniferous forest, Mojavean desert scrub, and playas.	Does not occur due to lack of suitable habitat and soils.
San Bernardino aster <i>Symphotrichum defoliatum</i>	Federal: None State: None CNPS: Rank 1B.2 MSHCP: None	Cismontane woodland, coastal scrub, lower montane coniferous forest, meadows and seeps, marshes and swamps, valley and foothill grassland (vernally mesic).	Does not occur due to lack of suitable habitat.

Species Name	Status	Habitat Requirements	Potential for Occurrence
San Bernardino gilia <i>Gilia leptantha</i> ssp. <i>leptantha</i>	Federal: None State: None CNPS: Rank 1B.3 MSHCP: None	Lower montane coniferous forest (sandy or gravelly).	Does not occur due to lack of suitable habitat.
San Bernardino grass-of Parnassus <i>Parnassia cirrata</i> var. <i>cirrata</i>	Federal: None State: None CNPS: Rank 1B.3 MSHCP: None	Mesic, streamsides, sometimes calcareous. Lower montane coniferous forest, meadows and seeps, upper montane coniferous forest.	Does not occur due to lack of suitable habitat.
San Bernardino Mountains owl's-clover <i>Castilleja lasiorhyncha</i>	Federal: None State: None CNPS: Rank 1B.2 MSHCP: Not covered	Mesic soils in chaparral, meadows and seeps, pebble (pavement) plain, riparian woodland, and upper montane coniferous forest.	Does not occur within the Project footprint due to lack of suitable habitat.
San Gabriel ragwort <i>Senecio astephanus</i>	Federal: None State: None CNPS: Rank 4.3 MSHCP: None	Rocky slopes, coastal bluff scrub, chaparral.	Does not occur due to lack of suitable habitat.
San Jacinto Mountains bedstraw <i>Galium angustifolium</i> ssp. <i>jacinticum</i>	Federal: None State: None CNPS: Rank 1B.3 MSHCP: MSHCP (b)	Lower montane coniferous forest.	Does not occur due to lack of suitable habitat.
San Jacinto Valley crownscale <i>Atriplex coronata</i> var. <i>notatior</i>	Federal: FE State: None CNPS: Rank 1B.1 MSHCP: MSHCP (d)	Alkaline soils in chenopod scrub, valley and foothill grassland, vernal pools.	Does not occur due to lack of suitable habitat.
Scalloped moonwort <i>Botrychium crenulatum</i>	Federal: None State: None CNPS: Rank 2B.2 MSHCP: None	Bogs and fens, lower and upper montane coniferous forest, meadows and seeps, marshes and swamps (freshwater).	Does not occur due to lack of suitable habitat.
Slender-horned spineflower <i>Dodecahema leptoceras</i>	Federal: FE State: SE CNPS: Rank 1B.1 MSHCP: MSHCP(b)	Sandy soils in alluvial scrub, chaparral, cismontane woodland.	Does not occur due to lack of suitable habitat.
Small-flowered morning-glory <i>Convolvulus simulans</i>	Federal: None State: None CNPS: Rank 4.2 MSHCP: MSHCP	Chaparral (openings), coastal sage scrub, valley and foothill grassland. Occurring on clay soils and serpentinite seeps.	Does not occur due to lack of suitable habitat.
Smooth tarplant <i>Centromadia pungens</i> ssp. <i>laevis</i>	Federal: None State: None CNPS: Rank 1B.1 MSHCP: MSHCP(d)	Alkaline soils in chenopod scrub, meadows and seeps, playas, riparian woodland, valley and foothill grasslands, disturbed habitats.	Does not occur within the Project footprint due to lack of suitable habitat and soils.
South coast saltscale <i>Atriplex pacifica</i>	Federal: None State: None CNPS: Rank 1B.2 MSHCP: Not covered	Coastal bluff scrub, coastal dunes, coastal sage scrub, playas.	Does not occur due to lack of suitable habitat.
Southern alpine buckwheat <i>Eriogonum kennedyi</i> var. <i>alpigenum</i>	Federal: None State: None CNPS: Rank 1B.3 MSHCP: None	Granitic and gravelly soils in alpine boulder and rock field, and subalpine coniferous forest.	Does not occur due to lack of suitable habitat.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Southern California black walnut <i>Juglans californica</i>	Federal: None State: None CNPS: Rank 4.2 MSHCP: None	Chaparral, cismontane woodland, coastal sage scrub, alluvial surfaces.	Confirmed present in Cooper's Creek, outside of Project footprint.
Southern jewelflower <i>Streptanthus campestris</i>	Federal: None State: None CNPS: Rank 1B.3 MSHCP: Not covered	Rocky soils in chaparral, lower montane coniferous forest, and pinyon and juniper woodland.	Does not occur due to lack of suitable habitat.
Spiny-hair blazing star <i>Mentzelia tricuspis</i>	Federal: None State: None CNPS: Rank 2B.1 MSHCP: None	Sandy, gravelly, slopes, and washes. Mojavean desert scrub.	Does not occur due to lack of suitable habitat.
Spreading navarretia <i>Navarretia fossalis</i>	Federal: FT State: None CNPS: Rank 1B.1 MSHCP: MSHCP (b)	Vernal pools, playas, chenopod scrub, marshes and swamps (assorted shallow freshwater).	Does not occur due to lack of suitable habitat.
Thread-leaved brodiaea <i>Brodiaea filifolia</i>	Federal: FT State: SE CNPS: Rank 1B.1 MSHCP: MSHCP (d)	Clay soils in chaparral (openings), cismontane woodland, coastal sage scrub, playas, valley and foothill grassland, vernal pools.	Not expected to occur.
Torrey's box-thorn <i>Lycium torreyi</i>	Federal: None State: None CNPS: Rank 4.2 MSHCP: None	Sandy, rocky, washes, streambanks, desert valleys. Mojavean desert scrub and Sonoran desert scrub.	Does not occur due to lack of suitable habitat.
Vernal barley <i>Hordeum intercedens</i>	Federal: None State: None CNPS: Rank 3.2 MSHCP: MSHCP	Coastal dunes, coastal sage scrub, valley and foothill grassland (saline flats and depressions), vernal pools.	Does not occur due to lack of suitable habitat.
White rabbit-tobacco <i>Pseudognaphalium leucocephalum</i>	Federal: None State: None CNPS: Rank 2B.2 MSHCP: None	Coastal sage scrub and chaparral	Confirmed absent during focused plant surveys.
White-bracted spineflower <i>Chorizanthe xanti</i> var. <i>leucotheca</i>	Federal: None State: None CNPS: Rank 1B.2 MSHCP: Not covered	Sandy or gravelly soils in Mojavean desert scrub and pinyon and juniper woodland.	Does not occur due to lack of suitable habitat.
Wright's trichocoronis <i>Trichocoronis wrightii</i> var. <i>wrightii</i>	Federal: None State: None CNPS: Rank 2B.1 MSHCP: MSHCP(b)	Alkaline soils in meadows and seeps, marshes and swamps, riparian scrub, vernal pools.	Does not occur due to lack of suitable habitat.
Yucaipa onion <i>Allium marvinii</i>	Federal: None State: None CNPS: Rank 1B.2 MSHCP: MSHCP(b)	Chaparral (clay, openings).	Confirmed absent.
STATUS Federal FE – Federally Endangered FT – Federally Threatened FC – Federal Candidate CNPS Rank 1A – Plants presumed extirpated in California and either rare or extinct elsewhere. Rank 1B – Plants rare, threatened, or endangered in California and elsewhere. Rank 2A – Plants presumed extirpated in California, but common elsewhere.			
State SE – State Endangered ST – State Threatened			

Species Name	Status	Habitat Requirements	Potential for Occurrence
<p>Rank 2B – Plants rare, threatened, or endangered in California, but more common elsewhere. Rank 3 – Plants about which more information is needed (a review list). Rank 4 – Plants of limited distribution (a watch list).</p> <p>Threat Code extension .1 – Seriously endangered in California (over 80% occurrences threatened) .2 – Fairly endangered in California (20-80% occurrences threatened) .3 – Not very endangered in California (<20% of occurrences threatened or no current threats known)</p> <p>MSHCP MSHCP = No additional action necessary MSHCP(a) = Surveys may be required as part of wetlands mapping MSHCP(b) = Surveys may be required within the Narrow Endemic Plant Species survey area MSHCP(c) = Surveys may be required within locations shown on survey maps MSHCP(d) = Surveys may be required within Criteria Area MSHCP(e) = Conservation requirements identified in species-specific conservation objectives need to be met before classified as a Covered Species MSHCP(f) = Covered species when a Memorandum of Understanding is executed with the Forest Service Land</p> <p><u>OCCURRENCE</u></p> <ul style="list-style-type: none"> ▪ Does not occur – The site does not contain habitat for the species and/or the site does not occur within the geographic range of the species. ▪ Confirmed absent – The site contains suitable habitat for the species, but the species has been confirmed absent through focused surveys. ▪ Not expected to occur – The species is not expected to occur onsite due to low habitat quality, however absence cannot be ruled out. ▪ Potential to occur – The species has a potential to occur based on suitable habitat, however its presence/absence has not been confirmed. ▪ Confirmed present – The species was detected onsite incidentally or through focused surveys. 			

Special-Status Plant Species Results

The following special-status plants were detected at the Project site: Parry's spineflower (*Chorizanthe parryi* var. *parryi*) and southern California black walnut (*Juglans californica*). As noted above, the 2020-2021 rainy season resulted in exceptionally low precipitation for the entire greater southern California region, and as such, some plant species may not have had enough resources to produce the vegetative matter, flowers, and/or fruit needed to identify and confirm the presence of certain species. Although plant species of multiple growth forms (i.e., annual herbs and perennial bulbiferous herbs) were observed on-site, GLA biologists also made substantial efforts to visit reference populations for target species when possible and utilized resources such as local herbaria and the California Consortia of Herbaria to determine the annual occurrences of such plant species throughout the region. This tracking of local flora phenology and occurrences allowed GLA biologists to make confident decisions on the confirmed absence of specific plant species during this drought condition.

Parry's spineflower (Chorizanthe parryi var. parryi)

This species is a member of the buckwheat family (*Polygonaceae*) and is designated as a CNPS List 1B.1 species but is not state or federally listed. Parry's spineflower is fully covered under the MSHCP. This annual herb is known to occur in chaparral, cismontane woodland, coastal scrub, and in rocky or sandy openings in foothill valleys and grasslands from 275 to 1,220 meters (900 to 4,001 feet) AMSL. Parry's spineflower is known to occur from Los Angeles, Riverside, and San Bernardino counties and is known to bloom from April through June. Approximately 1,500 Parry's spineflower individuals were observed in a single population at the southern boundary of the Project footprint. The population was observed in a patch of Riversidean sage scrub during focused plant surveys conducted on April 14 and May 4, 2021. GLA biologists observed the Parry's spineflower population on-site in flower and fruiting.

Southern California black walnut (Juglans californica)

This species is a member of the walnut family (*Juglandiaceae*) and is designated as a CNPS List 4.2 species but is not state or federally listed. This perennial deciduous tree is known to occur in chaparral, cismontane 32 woodland, and coastal scrub from 50 to 900 meters (165 to 2,952 feet) AMSL. Southern California black walnut is known to occur from Santa Barbara, Ventura, Los Angeles, Riverside, San Bernardino, Orange, and San Diego counties, and is known to bloom from March through August.

Multiple southern California black walnut individuals occur within the riparian habitat associated with Cooper's Creek, which traverses the southern portion of the Project site. These trees were observed during the habitat assessment on November 17, 2020 and during the jurisdictional delineation on December 9, 2020. Individual trees were not mapped as part of the focused plant survey effort since this entire portion of the Project site would be avoided by the Project, and as noted above, biological survey efforts were concentrated on the Project footprint.

In addition, the Project site occurs within MSHCP Narrow Endemic Plant Species Survey Areas (NEPSSA) designated survey area 8; therefore, the following target species were evaluated: many-stemmed dudleya (*Dudleya multicaulis*) and Yucaipa onion (*Allium marvinii*).

Many-stemmed dudleya (Dudleya multicaulis)

This species is a member of the stonecrop family (*Crassulaceae*) and is designated as a CNPS List 1B.2 species but is not a federal or state listed species. This perennial herb is known to occur in chaparral, coastal scrub, and valley and foothill grasslands. It is often associated with clay soils. Many-stemmed dudleya is known to occur from Los Angeles, Orange, Riverside, San Bernardino, and San Diego counties from 15 to 790 meters (50 to 2,590 feet) AMSL. This species is known to bloom from April through July.

Although many-stemmed dudleya was determined to have low potential to occur within the Project site prior to conducting focused surveys, this species was confirmed absent during focused rare plant surveys performed by GLA in spring of 2021. Multiple reference sites of known populations of many-stemmed dudleya were visited during spring of 2021 at which time this species was observed in all phenology forms (e.g., vegetative, blooming, and fruiting) and observed supporting stable population numbers. As such, despite the low rainfall year, it has been determined that this species is absent from the Project site.

Yucaipa onion (Allium marvinii)

This species is a member of the lily family (*Liliaceae*) and is designated as a CNPS List 1B.1 species but is not a state or federally listed species. This perennial herb is known to occur in clay openings within chaparral from 760 to 1,065 meters (2,492 to 3,493 feet) AMSL. Yucaipa onion is known to occur from the Beaumont and Yucaipa areas of Riverside County and is known to bloom from April through May.

Yucaipa onion was determined to have very low potential to occur within the Project site prior to conducting focused surveys, as soils did not exhibit strong clay characteristics and elevation onsite occurs just outside the species' indicated range. A reference site for Yucaipa onion was not visited by GLA biologists; however, the University of California, Irvine Herbarium 33 vouchered a specimen of Yucaipa onion blooming in May of 2021. Due to the species having very low potential to occur on-site, as well as the species having a successful blooming year despite regional drought conditions, it has been determined that Yucaipa onion is absent from the Project site.

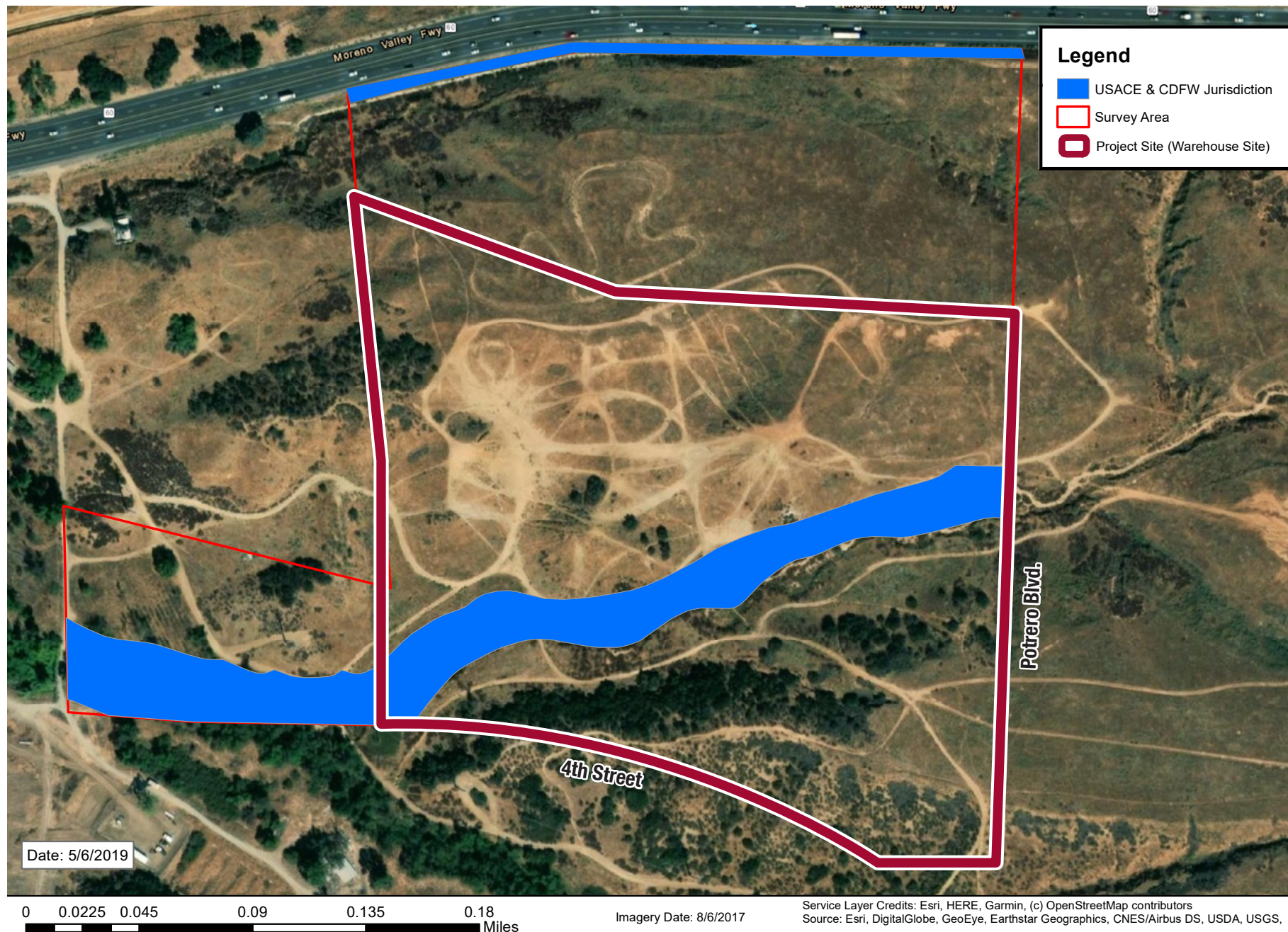


EXHIBIT 3.3-2: Jurisdictional Delineation
Potrero Logistics Center Warehouse Project



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SPECIAL-STATUS ANIMAL SPECIES

Table 3.3-4: Special-Status Animals Evaluated for the Project Site, below provides a list of special-status animals evaluated for the Project site through general biological surveys, habitat assessments, and focused surveys. Species were evaluated based on the following factors, including: 1) species identified by the CNDDDB as occurring (either currently or historically) on or in the vicinity of the Project site, 2) applicable MSHCP survey areas, and 3) any other special-status animals that are known to occur within the vicinity of the Project site, for which potentially suitable habitat occurs on the site. See **Exhibit 3.3-2** for species occurrences within three miles of the Project site.

Table 3.3-4: Special-Status Animals Evaluated for the Project Site

Species Name	Status	Habitat Requirements	Potential for Occurrence
Invertebrates			
Crotch bumble bee <i>Bombus crotchii</i>	Federal: None State: SSC MSHCP: None	Relatively warm and dry sites, including the inner Coast Range of California and margins of the Mojave Desert.	Low to moderate potential to occur within the Project site.
Riverside fairy shrimp <i>Streptocephalus woottoni</i>	Federal: FE State: None MSHCP: MSHCP(a)	Restricted to deep seasonal vernal pools, vernal pool-like ephemeral ponds, and stock ponds.	Low potential to occur within the Project footprint.
San Diego fairy shrimp <i>Branchinecta sandiegonensis</i>	Federal: FE State: None MSHCP: None	Seasonal vernal pools.	Low potential to occur within the Project footprint.
vernal pool fairy shrimp <i>Branchinecta lynchi</i>	Federal: FT State: None MSHCP: MSHCP(a)	Seasonal vernal pools.	Low potential to occur within the Project footprint.
Fish			
Santa Ana speckled dace <i>Rhinichthys osculus</i> ssp. 3	Federal: None State: SSC MSHCP: Not covered	Occurs in the headwaters of the Santa Ana and San Gabriel Rivers. May be extirpated from the Los Angeles River system. Requires permanent flowing streams with summer water temperatures of 17-20 C. Usually inhabits shallow cobble and gravel riffles.	Does not occur due to lack of suitable habitat.
Southern steelhead - southern California DPS <i>Oncorhynchus mykiss irideus</i>	Federal: FE State: None MSHCP: None	Clear, swift moving streams with gravel for spawning. Federal listing refers to populations from Santa Maria river south to southern extent of range (San Mateo Creek in San Diego county.)	Does not occur due to lack of suitable habitat.
Amphibians			
Southern mountain yellow-legged frog <i>Rana muscosa</i>	Federal: FE State: SE MSHCP: MSHCP (c)	Streams and small pools in ponderosa pine, montane hardwood-conifer, and montane riparian habitat types.	Does not occur due to lack of suitable habitat.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Western spadefoot <i>Spea hammondi</i>	Federal: None State: SSC MSHCP: MSHCP	Seasonal pools in coastal sage scrub, chaparral, and grassland habitats.	Low potential to occur within the Project site.
Reptiles			
California glossy snake <i>Arizona elegans occidentalis</i>	Federal: None State: SSC MSHCP: Not Covered	Occurs interior coast range and southwestern desert regions	Low potential to occur within the Project site.
California mountain kingsnake (San Bernardino population) <i>Lampropeltis zonata (parvirubra)</i>	Federal: None State: WL MSHCP: MSHCP (f)	Bigcone spruce and chaparral at lower elevations. Black oak, incense cedar, Jeffery pine, and ponderosa pine at higher elevations.	Does not occur due to lack of suitable habitat.
Coast horned lizard <i>Phrynosoma blainvillii</i>	Federal: None State: SSC MSHCP: MSHCP	Occurs in a variety of vegetation types including coastal sage scrub, chaparral, annual grassland, oak woodland, and riparian woodlands.	Low to moderate potential to occur within the Project site.
Coast patch-nosed snake <i>Salvadora hexalepis virgulata</i>	Federal: None State: SSC MSHCP: Not covered	Occurs in coastal chaparral, desert scrub, washes, sandy flats, and rocky areas.	Low potential to occur within the Project site.
Coastal whiptail <i>Aspidoscelis tigris stejnegeri (multiscutatus)</i>	Federal: None State: SSC MSHCP: MSHCP	Open, often rocky areas with little vegetation, or sunny microhabitats within shrub or grassland associations.	Low to moderate potential to occur within the Project site.
Red-diamond rattlesnake <i>Crotalus ruber</i>	Federal: None State: SSC MSHCP: MSHCP	Habitats with heavy brush and rock outcrops, including coastal sage scrub and chaparral.	Moderate potential to occur within the Project site.
Southern California legless lizard <i>Anniella stebbinsi</i>	Federal: None State: SSC MSHCP: Not Covered	Broadleaved upland forest, chaparral, coastal dunes, coastal scrub; found in a broader range of habitats than any of the other species in the genus. Often locally abundant, specimens are found in coastal sand dunes and a variety of interior habitats, including sandy washes and alluvial fans	Low potential to occur within the Project site.
Southern rubber boa <i>Charina umbratica</i>	Federal: None State: ST MSHCP: MSHCP (f)	Restricted to the San Bernardino and San Jacinto Mountain, in a variety of montane forest habitats. Found in vicinity of streams or wet meadows. Requires loose, moist soil for burrowing. Seeks cover in rotting logs.	Does not occur within the Project site due to a lack of suitable habitat.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Two-striped garter snake <i>Thamnophis hammondi</i>	Federal: None State: SSC MSHCP: Not Covered	Aquatic snake typically associated with wetland habitats such as streams, creeks, and pools	Does not occur within the proposed Project footprint due to a lack of suitable habitat. Moderate to high potential to occur within the avoided riparian habitat in the southern portion of the Project site.
Western pond turtle <i>Emys marmorata</i>	Federal: None State: SSC MSHCP: MSHCP	Slow-moving permanent or intermittent streams, small ponds and lakes, reservoirs, abandoned gravel pits, permanent and ephemeral shallow wetlands, stock ponds, and treatment lagoons. Abundant basking sites and cover necessary, including logs, rocks, submerged vegetation, and undercut banks.	Does not occur within the proposed Project footprint due to a lack of suitable habitat. Not expected to bask or breed on site. Low potential for dispersal through the avoided riparian habitat in the southern portion of the Project site.
Birds			
Bell's sage sparrow <i>Artemisiospiza belli belli</i>	Federal: BCC State: WL MSHCP: MSHCP	Chaparral and coastal sage scrub along the coastal lowlands, inland valleys, and in the lower foothills of local mountains.	Moderate potential to occur within the Project site.
Black swift (nesting) <i>Cypseloides niger</i>	Federal: BCC State: SSC MSHCP: MSHCP	Nests in forested areas near rivers in dark, damp areas. Forages in skies over mountainous areas and on coastal cliffs.	Does not occur within the Project site due to a lack of suitable habitat.
Burrowing owl <i>Athene cunicularia</i>	Federal: None State: SSC MSHCP: MSHCP(c)	Shortgrass prairies, grasslands, lowland scrub, agricultural lands (particularly rangelands), coastal dunes, desert floors, and some artificial, open areas as a year-long resident. Occupies abandoned ground squirrel burrows as well as artificial structures such as culverts and underpasses.	Confirmed absent during focused surveys.
Coastal cactus wren (San Diego & Orange County only) <i>Campylorhynchus brunneicapillus sandiegensis</i>	Federal: BCC State: SSC MSHCP: MSHCP	Occurs almost exclusively in cactus (cholla and prickly pear) dominated coastal sage scrub.	Not expected to occur within the Project site due to a trace amount of cactus on site and a general lack of suitable habitat.
Coastal California gnatcatcher <i>Polioptila californica californica</i>	Federal: FT State: SSC MSHCP: MSHCP	Low elevation coastal sage scrub and coastal bluff scrub.	Low potential to occur within the Project site within the limited areas of buckwheat scrub habitat.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Ferruginous hawk (wintering) <i>Buteo regalis</i>	Federal: BCC State: WL MSHCP: MSHCP	Open, dry country, perching on trees, posts, and mounds. In California, wintering habitat consists of open terrain and grasslands of the plains and foothills.	Does not nest on site. Low potential to occur within the Project site during winter only.
Golden eagle (nesting and wintering) <i>Aquila chrysaetos</i>	Federal: None State: CFP MSHCP: MSHCP	In southern California, occupies grasslands, brushlands, deserts, oak savannas, open coniferous forests, and montane valleys. Nests on rock outcrops and ledges.	Does not nest on-site due to a lack of suitable habitat. Low potential to forage on site due to the general lack of vast open foraging habitat.
Least Bell's vireo <i>Vireo bellii pusillus</i>	Federal: FE State: SE MSHCP: MSHCP(a)	Dense riparian habitats with a stratified canopy, including southern willow scrub, mule fat scrub, and riparian forest.	Does not occur within the proposed Project footprint due to a lack of suitable habitat. Detected in 2019 by Jericho Systems, Inc. in the avoided riparian habitat in the southern portion of the Project site.
Loggerhead shrike (nesting) <i>Lanius ludovicianus</i>	Federal: BCC State: SSC MSHCP: MSHCP	Forages over open ground within areas of short vegetation, pastures with fence rows, old orchards, mowed roadsides, cemeteries, golf courses, riparian areas, open woodland, agricultural fields, desert washes, desert scrub, grassland, broken chaparral and beach with scattered shrubs.	Moderate to high potential to nest and forage within the Project site.
Purple martin (nesting) <i>Progne subis</i>	Federal: None State: SSC MSHCP: MSHCP	Forage over towns, cities, parks, open fields, dunes, streams, wet meadows, beaver ponds, and other open areas. Nest in woodpecker holes in mountain forests or Pacific lowlands.	Not expected to occur due to a lack of suitable habitat.
Southwestern willow flycatcher (nesting) <i>Empidonax traillii extimus</i>	Federal: FE State: SE MSHCP: MSHCP(a)	Riparian woodlands along streams and rivers with mature dense thickets of trees and shrubs.	Does not occur within the proposed Project footprint due to a lack of suitable habitat. Low to moderate potential to occur within the avoided riparian habitat in the southern portion of the Project site.
Swainson's hawk (nesting) <i>Buteo swainsoni</i>	Federal: None State: ST MSHCP: MSHCP	Occupies grasslands, brushlands, deserts, oak savannas, open coniferous forests, and montane valleys for hunting and uses perches.	Not expected to nest within the Project site. Potential to occur for foraging only.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Tricolored blackbird (nesting colony) <i>Agelaius tricolor</i>	Federal: BCC State: CE, SSC MSHCP: MSHCP	Breeding colonies require nearby water, a suitable nesting substrate, and open-range foraging habitat of natural grassland, woodland, or agricultural cropland.	Does not occur in the proposed Project footprint due to a lack of suitable habitat. Not expected to occur within the overall Project site due to the absence of suitable emergent vegetation. May forage on site.
Western yellow-billed cuckoo (nesting) <i>Coccyzus americanus occidentalis</i>	Federal: FT, BCC State: SE MSHCP: MSHCP(a)	Dense, wide riparian woodlands with well-developed understories.	Does not occur within the proposed Project footprint due to a lack of suitable habitat. Not expected to occur in the avoided riparian habitat in the southern portion of the Project site due to a lack of cottonwood/willow dominant habitat combined with the small linear nature of the riparian habitat. In California, cuckoos generally require cottonwood/willow habitat blocks approximately 200 acres in size and rarely occur in riparian habitat less than 50 acres in size.
White-faced ibis (nesting colony) <i>Plegadis chihi</i>	Federal: None State: WL MSHCP: MSHCP	Winter foraging occurs in wet meadows, marshes, ponds, lakes, rivers, and agricultural fields. Requires extensive marshes for nesting.	Does not occur within the Project site due to a lack of suitable habitat.
White-tailed kite (nesting) <i>Elanus leucurus</i>	Federal: None State: CFP MSHCP: MSHCP	Winter foraging occurs in wet meadows, marshes, ponds, lakes, rivers, and agricultural fields. Requires extensive marshes for nesting.	Does not nest within the proposed Project footprint due to a lack of suitable habitat. Low to moderate potential to nest within the avoided riparian habitat in the southern portion of the Project site. May use the entire site for foraging.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Yellow warbler (nesting) <i>Setophaga petechia</i>	Federal: BCC State: SSC MSHCP: MSHCP	Breed in lowland and foothill riparian woodlands dominated by cottonwoods, alders, or willows and other small trees and shrubs typical of low, open-canopy riparian woodland. During migration, forages in woodland, forest, and shrub habitats.	Does not occur in the proposed Project footprint due to a lack of suitable habitat. Moderate to high potential to occur within the avoided riparian habitat in the southern portion of the Project site, and may forage within the Project footprint, as this species is a habitat generalist during migration.
Yellow-breasted chat (nesting) <i>Icteria virens</i>	Federal: None State: SSC MSHCP: MSHCP	Dense, relatively wide riparian woodlands and thickets of willows, vine tangles, and dense brush with well-developed understories.	Does not occur in the proposed Project footprint due to a lack of suitable habitat. Low to moderate potential to occur within the avoided riparian habitat in the southern portion of the Project site.
Yellow-headed blackbird (nesting) <i>Xanthocephalus xanthocephalus</i>	Federal: None State: SSC MSHCP: None	Breed and roost in freshwater wetlands with dense, emergent vegetation such as cattails. Often forage in fields, typically wintering in large, open agricultural areas.	Does not occur in the proposed Project footprint due to a lack of suitable habitat. Not expected to occur within the overall Project site due to the absence of suitable emergent vegetation. May forage on site.
Mammals			
American badger <i>Taxidea taxus</i>	Federal: None State: SSC MSHCP: Not covered	Most abundant in drier open stages of most scrub, forest, and herbaceous habitats, with friable soils.	Confirmed absent in a live-in habitat role. Low potential to occur within the Project site for foraging only. No burrows were detected during biological surveys.
Dulzura pocket mouse <i>Chaetodipus californicus femoralis</i>	Federal: None State: SSC MSHCP: Not covered	Coastal scrub, grassland, and chaparral, especially at grass-chaparral edges	Low to moderate potential to occur within the Project site within limited areas of suitable habitat.
Lesser long-nosed bat <i>Leptonycteris yerbabuenae</i>	Federal: FE State: None WBWG: H MSHCP: None	Thorn scrub and deciduous forest. Roosts in caves and mines.	Not expected to occur within the Project site due to a lack of suitable habitat.
Los Angeles pocket mouse <i>Perognathus longimembris brevinasus</i>	Federal: None State: SSC MSHCP: MSHCP(c)	Fine, sandy soils in coastal sage scrub and grasslands.	A Phase 1 habitat assessment conducted by Envira, Inc. determined that suitable habitat does not occur within the Project site.

Species Name	Status	Habitat Requirements	Potential for Occurrence
Northwestern San Diego pocket mouse <i>Chaetodipus fallax fallax</i>	Federal: None State: SSC MSHCP: MSHCP	Coastal sage scrub, sage scrub/grassland ecotones, and chaparral.	Low to moderate potential to occur within the Project site within limited areas of suitable habitat.
Pallid bat <i>Antrozous pallidus</i>	Federal: None State: SSC WBWG: H MSHCP: Not covered	Deserts, grasslands, shrublands, woodlands, and forests. Most common in open, dry habitats with rocky areas for roosting.	Does not roost in the proposed Project footprint due to a lack of suitable habitat. Potential to occur within the overall Project site for foraging.
Pocketed free-tailed bat <i>Nyctinomops femorosaccus</i>	Federal: None State: SSC WBWG: M MSHCP: Not covered	Rocky areas with high cliffs in pine-juniper woodlands, desert scrub, palm oasis, desert wash, and desert riparian.	Not expected to occur within the Project site due to a general lack of suitable habitat.
San Bernardino flying squirrel <i>Glaucomys oregonensis californicus</i>	Federal: None State: SSC MSHCP: MSHCP (e)	Black oak or white fir dominated woodlands between 5,200 and 8,500 feet in the San Bernardino and San Jacinto Mountain ranges.	Does not occur within the Project site due to a lack of suitable habitat.
San Bernardino kangaroo rat <i>Dipodomys merriami parvus</i>	Federal: FE State: SSC MSHCP: MSHCP(c)	Typically found in Riversidean alluvial fan sage scrub and sandy loam soils, alluvial fans and floodplains, and along washes with nearby sage scrub.	Does not occur within the Project site due to a lack of suitable habitat.
San Diego black-tailed jackrabbit <i>Lepus californicus bennettii</i>	Federal: None State: SSC MSHCP: MSHCP	Occupies a variety of habitats, but is most common among shortgrass habitats. Also occurs in sage scrub, but needs open habitats.	Low to moderate potential to occur within the Project site.
San Diego desert woodrat <i>Neotoma lepida intermedia</i>	Federal: None State: SSC MSHCP: MSHCP	Occurs in a variety of shrub and desert habitats, primarily associated with rock outcrops, boulders, cacti, or areas of dense undergrowth.	Confirmed absent. No woodrat homes (middens) were observed during biological surveys.
Southern grasshopper mouse <i>Onychomys torridus ramona</i>	Federal: None State: SSC MSHCP: Not covered	Desert areas, especially scrub habitats with friable soils for digging. Prefers low to moderate shrub cover.	Low potential to occur within the Project site.
Stephens' kangaroo rat <i>Dipodomys stephensi</i>	Federal: FE State: ST MSHCP: MSHCP	Open grasslands or sparse shrublands with less than 50% vegetation cover during the summer.	Low potential to occur within the Project site.
Townsend's big-eared bat <i>Corynorhinus townsendii</i>	Federal: None State: SSC WBWG: H MSHCP: None	Coniferous forests and woodlands, deciduous riparian woodland, semi-desert and montane shrublands.	Not expected to occur within the Project site due to a general lack of suitable habitat.
Western mastiff bat <i>Eumops perotis californicus</i>	Federal: None State: SSC WBWG: H	Occurs in many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub,	Not expected to roost within the Project site due to a general lack of suitable habitat. Potential to occur

Species Name	Status	Habitat Requirements	Potential for Occurrence
	MSHCP: Not Covered	grasslands, and chaparral. Roosts in crevices in cliff faces, high buildings, trees, and tunnels.	within the overall Project site for foraging.
Western yellow bat <i>Lasiurus xanthinus</i>	Federal: None State: SSC WBWG: H MSHCP: Not Covered	Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts in trees, particularly palms. Forages over water and among trees.	Not expected to roost within the Project site due to a general lack of suitable habitat. Potential to occur within the overall Project site for foraging.
<p><u>STATUS</u></p> <p>Federal</p> <p>FE – Federally Endangered FT – Federally Threatened FPT – Federally Proposed Threatened FC – Federal Candidate BCC – Bird of Conservation Concern</p> <p>State</p> <p>SE – State Endangered ST – State Threatened SCE – State Candidate for listing as Endangered CFP – California Fully-Protected Species SSC – Species of Special Concern</p> <p>MSHCP</p> <p>MSHCP = No additional action necessary MSHCP(a) = Surveys may be required as part of wetlands mapping MSHCP(b) = Surveys may be required within the Narrow Endemic Plant Species survey area MSHCP(c) = Surveys may be required within locations shown on survey maps MSHCP(d) = Surveys may be required within Criteria Area MSHCP(e) = Conservation requirements identified in species-specific conservation objectives need to be met before classified as a Covered Species MSHCP(f) = Covered species when a Memorandum of Understanding is executed with the Forest Service Land Not Covered = Species not adequately conserved under MSHCP None = Species not considered for conservation coverage under MSHCP</p> <p>Western Bat Working Group (WBWG)</p> <p>H – High Priority LM – Low-Medium Priority M – Medium Priority MH – Medium-High Priority</p> <p><u>OCCURRENCE</u></p> <ul style="list-style-type: none"> Does not occur – The site does not contain habitat for the species and/or the site does not occur within the geographic range of the species. Confirmed absent – The site contains suitable habitat for the species, but the species has been confirmed absent through focused surveys. Not expected to occur – The species is not expected to occur onsite due to low habitat quality, however absence cannot be ruled out. Potential to occur – The species has a potential to occur based on suitable habitat, however its presence/absence has not been confirmed. Confirmed present – The species was detected onsite incidentally or through focused surveys. 			

Special-Status Wildlife Species Results

The federally and state Endangered Least Bell's vireo (*Vireo bellii pusillus*) was detected within the Project site, within avoided riparian habitat approximately 50 to 320 feet south of the Project footprint. In addition, multiple non-listed special-status species have potential to occur within the Project site but were not detected or observed during biological surveys. Per **Table 3.3-4**, the detailed discussions of those species that require further biological explanation in relation to the Project site are provided below.

Special-Status Wildlife Species Observed or Confirmed Absent within the Project Site

Least Bell's Vireo (Vireo bellii pusillus)

Jericho Systems, Inc. conducted a biological resources assessment in April of 2019, at which time three Least Bell's Vireo (LBV) individuals were detected calling from the willow riparian forest associated with Cooper's Creek in the southern portion of the Project site. Suitable nesting and breeding habitat for this species is limited to the willow riparian forest in the southern portion of the Project site, all of which would be avoided by the Project with a buffer ranging from approximately 50 to 320 feet. Since 100 percent of the habitat that is occupied or potentially occupied by LBV would be avoided by the Project, and habitat that represents long-term conservation value for LBV would not be impacted by the Project, GLA biologists did not conduct focused surveys for LBV, but provided a Project-specific measure for avoiding work during the LBV nesting season.

Burrowing Owl (BUOW, Athene cunicularia)

BUOW are known to occur locally within suitable habitat areas. The BUOW is not listed under the State or Federal ESA but is considered both a State and federal SSC. The BUOW is protected by the international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 and by State law under the California FGC (CDFG Code #3513 & #3503.5). The breeding season for BUOW is February 1 through August 31.

The Project site is located within the MSHCP survey area for the BUOW. GLA biologists conducted focused surveys for the BUOW for all suitable habitat areas within the Project site. Surveys were conducted in accordance with survey guidelines described in the 2006 MSHCP Burrowing Owl Survey Instructions.

MSCHP guidelines stipulate that four focused survey visits be conducted on separate dates between March 1 and August 31. Within areas of suitable habitat, the MSHCP also requires a focused burrow survey to map all potentially suitable burrows. The focused burrow survey was conducted on March 8, 2021. Focused BUOW surveys were conducted on March 8, March 23, April 12, and May 4, 2021. The BUOW survey visits were conducted from one hour prior to sunrise to two hours after sunrise or two hours before sunset to one hour after sunset. GLA biologists did not observe BUOW or evidence of BUOW (e.g., cast pellets, preened feathers, or whitewash clustered at a burrow) during the focused BUOW surveys; therefore, the species was confirmed absent.

Special-Status Wildlife Species Not Observed but with a Potential to Occur at the Project Site

Crotch bumble bee (Bombus crotchii; SSC)

This species has low to moderate potential to occur within the Project site within the non-native grassland and Riversidean sage scrub plant communities. This species is not covered under the MSHCP, and focused surveys were not conducted. Until November 13, 2020 the Crotch bumblebee was a State Candidate for listing under CESA. However, in a Superior Court of California ruling on November 13, 2020 (Almond Alliance of California vs. California Fish and Game Commission), the court approved the petition by the plaintiff that the State of California lacks the authority to list insects under CESA. An appeal of the findings was requested by the California Fish and Game Commission; however, the Supreme Court has not yet announced whether the appeal will be heard. Therefore, at the time that this section was written, the Crotch bumblebee is considered an SSC, and not a candidate for listing under CESA.

Fairy Shrimp Species

Three listed fairy shrimp species have low potential to occur within the Project site including Riverside fairy shrimp (*Streptocephalus woottoni*; FE), San Diego fairy shrimp (*Branchinecta sandiegonensis*; FE), and vernal pool fairy shrimp (*Branchinecta lynchi*; FT). GLA biologists evaluated the Project site on multiple occasions during the 2020-2021 rainfall season. GLA observed five features within the Project site that exhibited indicators of potential ponding (i.e. soil cracking, topographic low-points), which may pond water for durations long enough to support fairy shrimp. These features were characterized as small (less than 10m) depressions associated with low areas adjacent to a dirt trail and road ruts. The five features were monitored during eight site visits within the 2020-21 wet season. On March 12, 2021, all five features exhibited ponding greater than three centimeters (>3cm). However, during the March 19th site visit, the features did not show evidence of inundation for longer than seven days. Thus, it was concluded that the 2020-21 wet season surveys were inconclusive for the presence of fairy shrimp, including listed species. None of these features constitute MSHCP vernal pools due to a lack of hydric soils and due to the fact that no plant species associated with vernal pools were observed within these features. GLA also performed dry season soil collection within the features identified during the 2020-2021 rainfall season and sent collected soil samples to Helix Environmental, Inc. in September of 2021. Neither *Branchinecta* nor *Streptocephalus* cysts were present within the five features. Given the limited opportunity for sufficient inundation to support fairy shrimp life cycles and the lack of branchiopod cysts detected during the dry season surveys, it is highly unlikely that the features support any fairy shrimp, including listed species.

Western spadefoot (Spea hammondi; SSC)

The BTR concluded that this species has low potential to occur within the Project site as several small, ponded features were identified during the habitat assessment in November of 2020. This species is covered under the MSHCP without additional survey or conservation requirements.

Special-Status Reptile Species

The BTR indicated that six special-status reptiles have low to moderate potential to occur within the Project site: California glossy snake (*Arizona elegans occidentalis*; SSC), coast horned lizard (*Phrynosoma blainvillii*; SSC), coast patch-nosed snake (*Salvadora hexalepis virgulata*; SSC), coastal whiptail (*Aspidoscelis tigris stejnegeri*; SSC), southern California legless lizard (*Anniella stebbinsi*; SSC), and red-diamond rattlesnake (*Crotalus ruber*; SSC). None of these species are state or federally listed but all six are designated as CDFW SSC. The BTR concluded that the Project site provides suitable habitat for each of these species; however, they were not observed during biological surveys. Three of the above listed species are covered under the MSHCP without additional survey or conservation requirements: coast horned lizard, coastal whiptail, and red-diamond rattlesnake.

Bell's sage sparrow (Artemisiospiza belli belli)

This species is a federal Bird of Conservation Concern and has moderate potential to occur within the Project site for nesting and foraging. This species is covered under the MSHCP and additional survey or conservation requirements are not required.

California gnatcatcher (Polioptila californica californica; CAGN; FT/SSC)

This species has a low potential to occur within the Project site for nesting and foraging in the limited areas of Riversidean sage scrub. CAGN is a Covered Species under the MSHCP without additional survey or conservation requirements, as the Project site is not located within the Criteria Area.

Ferruginous hawk (Buteo regalis)

This species is considered a federal Bird of Conservation Concern and has a low potential to forage within the Project site during winter. However, the Project site is not located within the breeding range of this species. In addition, the ferruginous hawk is a “Covered Species” under the MSHCP, and additional survey or conservation requirements were not required.

Loggerhead shrike (Lanius ludovicianus; SSC)

This species has moderate to high potential to occur on-site for nesting and foraging within the non-native grassland areas, as well as the ecotones between the grassland and shrub/chaparral communities. This species is covered under the MSHCP without additional survey or conservation requirements.

American badger (Taxidea taxus; SSC)

This species has low potential to forage within the Project site. Although mammal burrows were identified on the Project site, none were large enough and did not have the distinguishing characteristics to be excavated by badgers. The American badger is not covered or adequately conserved under the MSHCP.

Dulzura pocket mouse (Chaetodipus californicus femoralis; SSC)

This species has low to moderate potential to occur within the Project site within the non-native grassland areas, as well as the ecotones between the grassland and shrub/chaparral communities. The Dulzura pocket mouse is not adequately conserved under the MSHCP.

Northwestern San Diego pocket mouse (Chaetodipus fallax fallax; SSC)

There is a low to moderate potential for the Northwestern San Diego pocket mouse to occur within the Project site within the non-native grassland and chaparral communities. The Northwestern San Diego pocket mouse is covered under the MSHCP without additional survey or conservation requirements.

Southern grasshopper mouse (Onychomys torridus ramona; SSC)

This species has a low potential to occur within the Project site as friable, sandy soils are present within limited areas of the Riversidean sage scrub vegetation community. The southern grasshopper mouse is not adequately conserved under the MSHCP.

Stephen's Kangaroo Rat (Dipodomys stephensi; SKR; FE)

This species has low potential to occur within the Project site. The SKR is found almost exclusively in open grasslands or sparse shrublands with cover of less than 50 percent during the summer. The non-native grasslands that occur throughout the Project site are generally too dense and persistent for SKR, which avoid dense grasses and are more likely to inhabit areas where annual forbs disarticulate in the summer and leave open areas; however, the Project site contains marginally suitable habitat for the SKR.

Therefore, there is a low potential for this species to be present. The SKR is covered under the MSHCP without additional survey or conservation requirements.

San Diego black-tailed jackrabbit (Lepus californicus bennettii; SSC)

This species has a low to moderate potential to occur within the Project site. This species is covered under the MSHCP without additional survey or conservation requirements.

Pallid bat (Antrozous pallidus; SSC), Western mastiff bat (Eumops perotis californicus; SSC), and Western yellow bat (Lasiurus xanthinus; SSC)

There is low potential for these species to forage within the Project site. In addition, roosting habitat for the pallid bat occurs within the Project site but is limited to the riparian habitat in the avoided southern portion of the Project site. These species are not adequately conserved under the MSHCP.

Other Species

The BTR also noted that the willow riparian forest associated with Cooper's Creek in the avoided southern portion of the Project site provides habitat, ranging from foraging and dispersal habitat through breeding habitat, for six additional special-status species, including two-striped garter snake (*Thamnophis hammondi*; SSC), western pond turtle (*Emys marmorata*; SSC), southwestern willow flycatcher (*Empidonax traillii extimus*; FE/SE), white-tailed kite (*Elanus leucurus*; CFP), yellow warbler (*Setophaga petechia*; SSC), and yellow-breasted chat (*Icteria virens*; SSC).

Although these species have potential to occur within the Project site, potential habitat is limited to the willow riparian forest in the southern portion of the Project site, all of which would be avoided by the Project with a buffer ranging from approximately 50 to 320 feet.

NESTING BIRDS

The Project site contains trees, shrubs, and ground cover that provide suitable habitat for nesting native birds. Mortality of native birds (including eggs) is prohibited under the federal MBTA and California FGC.

Raptor Species

Southern California holds a diversity of birds of prey (raptors), and many of these species are in decline. For most of the declining species, foraging requirements include extensive open, undisturbed, or lightly disturbed areas, especially grasslands. This type of habitat has declined severely in the region, affecting many species, but especially raptors. A few species, such as red-tailed hawk (*Buteo jamaicensis*) and American kestrel (*Falco sparverius*), are somewhat adaptable to low-level human disturbance and can be readily observed adjacent to neighborhoods and other types of development. These species still require appropriate foraging habitat and low levels of disturbance in vicinity of nesting sites.

Many of the raptors that would be expected to forage and nest within western Riverside County are "Covered Species" under the MSHCP with the MSHCP providing the necessary conservation of both foraging and nesting habitats. Some common raptor species (e.g., American kestrel and red-tailed hawk) are not covered by the MSHCP but are expected to be conserved with implementation of the MSHCP due

to the parallel habitat needs with those raptors covered under the MSHCP. The MSHCP does not provide MBTA and FGC take for raptors covered under the MSHCP.

The BTR indicated that the Project site provides suitable foraging and breeding habitat for a number of raptor species, including special-status raptors. The Project site also provides potential nesting and foraging habitat for other special-status raptor species, primarily within the avoided area. However, Appendix B of the BTR, which provides a list of the wildlife detected over the course of the field studies, indicated that the red-tailed hawk was the only raptor on-site.

WILDLIFE LINKAGES/CORRIDORS AND NURSERY SITES

Habitat linkages are areas which provide a communication between two or more other habitat areas which are often larger or superior in quality to the linkage. Such linkage sites can be quite small or constricted, but may can be vital to the long-term health of connected habitats. Linkage values are often addressed in terms of “gene flow” between populations, with movement taking potentially many generations.

Corridors are similar to linkages but provide specific opportunities for individual animals to disperse or migrate between areas, generally extensive but otherwise partially or wholly separated regions. Adequate cover and tolerably low levels of disturbance are common requirements for corridors. Habitat in corridors may be quite different than that in the connected areas, but if used by the wildlife species of interest, the corridor will still function as desired.

The BTR concluded that no MSHCP Cores or Linkages are located within the Project site. The Project footprint does not represent or contribute to wildlife linkages or corridors, as it does not contain the structural topography or vegetative cover that facilitate regional wildlife movement. In addition, the Project footprint is surrounded on three sides by an active construction project, Potrero Boulevard, and the SR-60 corridor. Therefore, the Project footprint does not facilitate wildlife movement to/from off-site blocks of habitat suitable to support native wildlife species.

Wildlife nurseries are sites where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas, and bat colonies. Nurseries can be important to both special-status species as well as commonly occurring species.

The Project site supports breeding and nesting habitat for locally common species. However, the Project site does not have the potential to support a regionally important or colonial wildlife nursery site, such as a heronry or colonial bat roost.

CRITICAL HABITAT

No proposed or designated Critical Habitat is mapped within or adjacent to the Project site.

JURISDICTIONAL WATERS

The Project site contains three features described herein as Drainage A, Drainage A-1, and Cooper’s Creek. Drainage A is an ephemeral drainage that enters the northeast portion of the Project site and flows

westerly across the site. Drainage A-1 is an ephemeral tributary to Drainage A that begins in the eastern portion of the site and converges with Drainage A in the central portion of the site. Drainage A is tributary to Cooper's Creek, which is a perennial creek dominated with mature riparian and wetland vegetation. Cooper's Creek flows in a general east to northwest direction through the avoided southern portion of the Project site, and is one of the major southern tributaries to San Timoteo Creek. See **Exhibit 3.3-3** for delineated waters.

United States Army Corps of Engineers Jurisdiction

The USACE's jurisdiction at the Project site totals approximately 1.22 acres, all of which consist of federal wetlands associated with Cooper's Creek, a perennial stream. Drainage A and Drainage A-1 are ephemeral streams that flow only in direct response to precipitation (e.g., rain). Pursuant to the Navigable Waters Protection Rule, ephemeral features, including ephemeral streams, swales, gullies, rills, and pools are not considered waters of the U.S. regardless of the presence or absence of an ordinary high water mark (OHWM). Tributaries must satisfy the flow conditions of the definition described in 33 U.S.C. 1251 et seq. and its implementing regulations (33 CFR Part 328.3). As a result, these features are not subject to USACE jurisdiction pursuant to Section 404 of the CWA.

Regional Water Quality Control Board Jurisdiction

RWQCB's jurisdiction associated with the Project totals approximately 2.52 acres, of which 1.22 acres consist of State wetlands and 1.30 acres consist of non-wetland State waters. This includes 1,692 linear feet of wetland stream associated with Cooper's Creek, and 2,187 linear feet of ephemeral, non-wetland stream.

Cooper's Creek is considered a potential Water of the U.S. (WoUS) and is potentially subject to USACE jurisdiction under Section 404 of the CWA. Since this feature is considered a potential WoUS, it is subject to RWQCB jurisdiction under Section 401 of the CWA.

Drainages A and A-1 are characterized as ephemeral drainage features that convey surface water only in direct response to precipitation (e.g., rain) and do not meet the criteria for regulation by the USACE under Section 404 of the CWA. Since ephemeral features are not subject to USACE jurisdiction pursuant to Section 404 of the CWA, these features are also not subject to RWQCB jurisdiction pursuant to Section 401 of the CWA. However, since these features convey surface flow with the potential to support beneficial uses, they are considered to be Waters of the State (WoS) that would be regulated by the RWQCB pursuant to Section 13260 of the California Water Code (CWC)/the Porter-Cologne Act.

California Department of Fish and Wildlife Jurisdiction

CDFW jurisdiction associated with the Project totals approximately 7.68 acres and includes all areas within potential USACE and/or RWQCB jurisdiction. Of this total, 6.33 acres consist of riparian stream and 1.35 acres consist of non-riparian stream. A total of 3,880 linear feet of stream is present. This includes 1,692 linear feet of riparian stream and 2,188 linear feet of ephemeral, non-riparian stream.

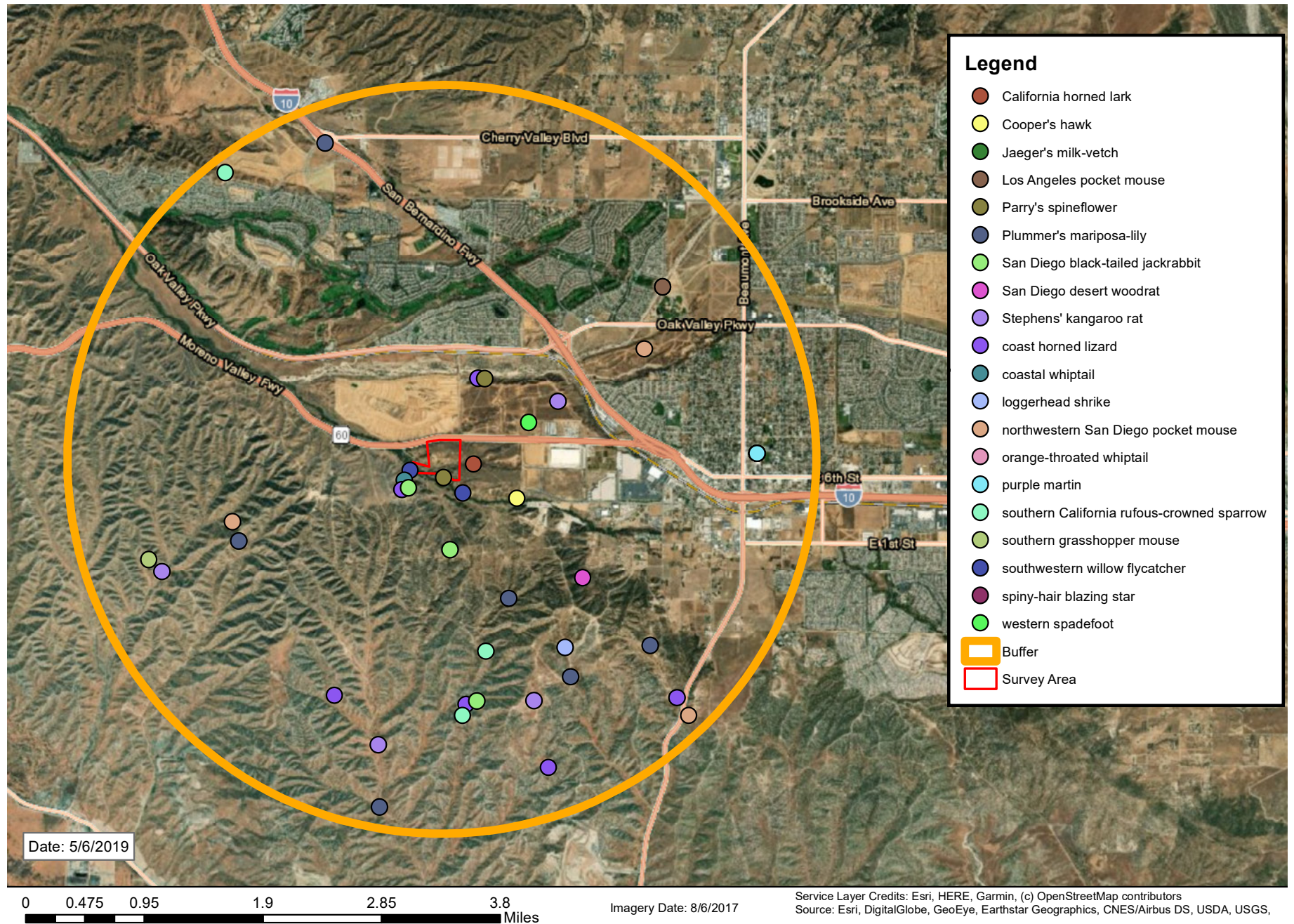


EXHIBIT 3.3-3: Listed CNDDDB Species Occurrences Within 3 Miles
Potrero Logistics Center Warehouse Project



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As noted above, the Project site contains one perennial feature (Cooper's Creek) and two ephemeral drainage features (Drainage A and A-1). Each of these features exhibited flow sign with the presence of an established bed and bank. Cooper's Creek is a perennial stream system, which supports a mature riparian canopy. In addition, Drainage A supports a sporadic riparian vegetation regime, and supports more xeric riparian species, including individual blue elderberries and scrub oaks. As such, these features are subject to CDFW jurisdiction under Section 1602 of the FGC.

MSCHP RIPARIAN/RIVERINE AREAS AND VERNAL POOLS

GLA surveyed the Project site for riparian/riverine areas and vernal pool/seasonal pool habitat, including features with the potential to support listed fairy shrimp. To assess for vernal/seasonal pools (including fairy shrimp habitat), GLA biologists evaluated the topography of the site, including whether the site contained depressional features/topography with the potential to become inundated; whether the site contained soils associated with vernal/seasonal pools; and whether the site supported plants that suggested areas of localized ponding.

Vegetation communities associated with riparian systems and vernal pools are depleted natural vegetation communities because, similar to coastal sage scrub, they have declined throughout southern California during past decades. In addition, they support a greater variety of special-status wildlife species than surrounding upland habitat types. Many of the species associated with riparian/riverine areas are Covered Species under the MSHCP (Section 6.1.2), with additional survey requirements for these species. Thus, the MSHCP classification of riparian/riverine includes both riparian (considered depleted natural vegetation communities due to their riparian association) as well as ephemeral drainages that are natural in origin or drain to the MSHCP Conservation Area, but may lack associated riparian vegetation.

Riparian/Riverine Areas

The Project site contains three MSHCP riparian/riverine features, including 6.33 acres of riparian areas and 1.35 acres of riverine areas. Two ephemeral features (Drainage A and Tributary A-1) occur within the northern portion of the Project site and a perennial feature, Cooper's Creek occurs in the southern portion of the avoided Project site. Several individual elderberry and scrub oaks were designated as riparian habitat within Drainage A. These areas are also considered as MSHCP riparian resources; however, as these individual trees contributed to the assemblage of the surrounding vegetation communities, and were not present in such density as to represent a separate community, they were not mapped as distinct riparian vegetation communities. The subject trees are isolated within the surrounding Riversidean sage scrub and non-native grassland communities, and do not have the potential to support Riparian Riverine (MSHCP Section 6.1.2) associated species that are typically associated with riparian habitats such as least Bell's vireo, southwestern willow flycatcher, or western yellow-billed cuckoo.

Vernal Pools

As noted above in the Site Survey discussion and Special-Status Animal Species section above, habitat assessments for vernal pools and seasonal pool habitats were conducted on November 17, December 9, and December 10, 2020 in which several seasonal depressions were identified within the Project site that may potentially represent suitable habitat for listed fairy shrimp species, should the appropriate duration

of ponding be supported. These depressions consist primarily of bare ground with a small percent cover of non-native grasses presumably created by human disturbance of the site, with two of the depressions consisting of road ruts. None of these features constitute MSHCP or USACE vernal pools due to a lack of hydric soils and due to the fact that no plant species associated with vernal pools were observed within these features and they did not support a predominance of hydrophytic species.

3.3.2 REGULATORY SETTING

FEDERAL

Federal Endangered Species Act of 1973

The Federal ESA and subsequent amendments provide guidance for the conservation of endangered and threatened species and the ecosystems upon which they depend. The Federal ESA defines species as “threatened” or “endangered” and provides regulatory protection for listed species. The Federal ESA provides a program for conservation and recovery of threatened and endangered species, and conservation of designated critical habitat that the USFWS has determined is required for the survival and recovery of these listed species.

Section 4 requires Federal agencies to, among other things, prepare recovery plans for newly listed species unless USFWS determines such a plan would not promote the conservation of the species.

Section 7 requires Federal agencies, in consultation with, and with the assistance of 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 U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) share responsibilities for administering Federal ESA. Regulations governing interagency cooperation under Section 7 are found at 50 CFR Part 402. The opinion issued at the conclusion of consultation would include a statement authorizing a take that may occur incidental to an otherwise legal activity.

Section 9 lists those actions that are prohibited under the Federal ESA. Take of a species listed in accordance with the Federal ESA is prohibited. Section 9 of the Federal ESA prohibits take (i.e., to harass, harm, pursue, hunt, wound, kill, etc.) of listed species of fish, wildlife, and plants without special exemption. “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 such as breeding, feeding, or shelter. “Harass” is further defined as actions that create the likelihood of injury to listed species, resulting in significantly disrupting normal behavior patterns which include, but are not limited to, breeding, feeding, and shelter.

Section 10 provides a means whereby a non-Federal action with a potential to result in the take of a listed species could be allowed under an incidental take permit. Application procedures are found at 50 CFR Parts 13 and 17 for species under the jurisdiction of USFWS and 50 CFR Parts 217, 220, and 222 for species under the jurisdiction of NMFS.

Clean Water Act/Rivers and Harbors Act

Section 401 requires that a project proponent for a Federal license or permit that allows activities resulting in a discharge to WoUS must obtain a State certification that the discharge complies with other provisions of CWA. The RWQCBs administer the certification program in California.

Section 402 establishes a permitting system for the discharge of any pollutant (except dredge or fill material) into WoUS, commonly referred to as the National Pollutant Discharge Elimination System (NPDES) Permit process, described further below.

Section 404 establishes a permit program, administered by the USACE, regulating the discharge of dredged or fill material into WoUS, including wetlands. The extent of WoUS is generally defined as the portion that falls within the limits of the OHWM, which typically corresponds to the two-year flood event. Wetlands, including swamps, bogs, seasonal wetlands, seeps, marshes, and similar areas 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.”² Implementing regulations by USACE are found at 33 CFR Parts 320-330. Guidelines for implementation are referred to as the Section 404(b)(1) Guidelines and were developed by the U.S. Environmental Protection Agency (U.S. EPA) in conjunction with USACE (40 CFR Parts 230). The Guidelines allow the discharge of dredged or fill material into the aquatic system only if there is no practicable alternative that would have less adverse impacts.

The Rivers and Harbors Act regulates placement of obstacles or structures within navigable water ways, including the area vertically beneath the ocean floor, such as the case with the Project.

Migratory Bird Treaty Act (16 U.S.C. 701 through 719(c))

The MBTA is the domestic law that affirms, or implements, the United States’ commitment to four international conventions (with Canada, Mexico, Japan, and Russia) for the protection of a shared migratory bird resource. The MBTA makes it unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, or kill migratory birds. The law also applies to the removal of nests occupied by migratory birds during the breeding season. The MBTA makes it unlawful to take, pursue, molest, or disturb these species, their nests, or their eggs anywhere in the United States.

STATE

California Environmental Quality Act (Pub. Res. Code § 21000 et seq.) (14 Cal. Code Regs. § 15000 et seq. [“CEQA Guidelines”])

Section 15380. Although threatened and endangered species are protected by specific federal and State statutes, CEQA Guidelines § 15380(b) provides that a species not listed on the federal or State list of protected species may be considered endangered, rare, or threatened if the species can be shown to meet certain specified criteria. These criteria have been modeled after the definition in the Federal ESA and the

² U.S. EPA. 2021. How Wetlands are Defined and Identified under CWA Section 404. <https://www.epa.gov/cwa-404/how-wetlands-are-defined-and-identified-under-cwa-section-404> (accessed November 2021).

section of the California FGC 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 candidate species that has not been listed by either USFWS or CDFW. 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. Although natural communities do not at present have legal protection of any kind, 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 CNDDDB as sensitive are considered by CDFW to be significant resources and fall under the CEQA Guidelines for addressing impacts. Local planning documents such as general plans often identify these resources as well.

California Department of Fish and Wildlife

Pursuant to Division 2, Chapter 6, §§ 1600-1603 of the California FGC, the CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife.

CDFW defines a stream (including creeks and rivers) 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 surface or subsurface flow that supports or has supported riparian vegetation." CDFW's definition of "lake" includes "natural lakes or man-made reservoirs." CDFW also defines a stream as "a body of water that flows, or has flowed, over a given course during the historic hydrologic regime, and where the width of its course can reasonably be identified by physical or biological indicators."

It is important to note that the FGC defines fish and wildlife to include: all wild animals, birds, plants, fish, amphibians, invertebrates, reptiles, and related ecological communities including the habitat upon which they depend for continued viability (FGC Division 5, Chapter 1, § 45 and Division 2, Chapter 1 § 711.2(a) respectively). Furthermore, Division 2, Chapter 5, Article 6, § 1600 et seq. of the California FGC does not limit jurisdiction to areas defined by specific flow events, seasonal changes in water flow, or presence/absence of vegetation types or communities.

California Endangered Species Act (California State Fish and Game Code § 2050 et seq.)

California's ESA defines an endangered species as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease." The State defines a threatened species as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in the absence of the special protection and management efforts required by this chapter. Any animal determined by the commission as rare on or before January 1, 1985 is a threatened species." Candidate species are defined as "a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list." Candidate species may be

afforded temporary protection as though they were already listed as threatened or endangered at the discretion of the Fish and Game Commission. Unlike the Federal ESA, the California ESA does not list invertebrate species.

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

CNDDDB Global/State Rankings

The CNDDDB provides global and state rankings for species and communities based on a system developed by The Nature Conservancy to measure the rarity of a species. The ranking provides a shorthand formula about how rare a species/community is and is based on the best information available from multiple sources, including state and federal listings, and other groups that recognize species as sensitive (e.g., Bureau of Land Management, Audubon Society, etc.). State and global rankings are used to prioritize conservation and protection efforts so that the rarest species/communities receive immediate attention. In both cases, the lower ranking (i.e., G1 or S1) indicates extreme rarity. Rare species are given a ranking from 1 to 3. Species with a ranking of 4 or 5 is considered to be common. If the exact global/state ranking is undetermined, a range is generally provided. For example, a global ranking of “G1G3” indicates that a species/community global rarity is between G1 and G3. If the animal being considered is a subspecies of a broader species, a “T” ranking is attached to the global ranking. The following are descriptions of global and state rankings:

Global Rankings

- G1 – Critically imperiled globally because of extreme rarity (5 or fewer occurrences), or because of some factor(s) making it especially vulnerable to extinction.
- G2 – Imperiled globally because of rarity (6-20 occurrences), or because of some other factor(s) making it very vulnerable to extinction throughout its range.
- G3 – Either very rare and local throughout its range (21 to 100 occurrences) or found locally (even abundantly at some of its locations) in a restricted range (e.g., a physiographic region), or because of some other factor(s) making it vulnerable to extinction throughout its range.
- G4 – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- G5 – Common, widespread and abundant.

State Rankings

- S1 – Extremely rare; typically 5 or fewer known occurrences in the state; or only a few remaining individuals; may be especially vulnerable to extirpation.
- S2 – Very rare; typically between 6 and 20 known occurrences; may be susceptible to becoming extirpated.
- S3 – Rare to uncommon; typically 21 to 50 known occurrences; S3 ranked species are not yet susceptible to becoming extirpated in the state but may be if additional populations are destroyed.
- S4 - Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- S5 - Common, widespread, and abundant in the state.

California Native Plant Society

The CNPS is a private plant conservation organization dedicated to the monitoring and protection of sensitive species in California. The CNPS's Eighth Edition of the California Native Plant Society's Inventory of Rare and Endangered Plants of California separates plants of interest into five ranks. CNPS has compiled an inventory comprised of the information focusing on geographic distribution and qualitative characterization of Rare, Threatened, or Endangered vascular plant species of California. The list serves as the candidate list for listing as threatened and endangered by CDFW. CNPS has developed five categories of rarity that are summarized in **Table 3.3-5: CNPS Ranks 1, 2, 3, & 4, and Threat Code Extensions**.

Table 3.3-5: CNPS Ranks 1, 2, 3, & 4, and Threat Code Extensions

CNPS Rank	Comments
Rank 1A – Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere	Thought to be extinct in California based on a lack of observation or detection for many years.
Rank 1B – Plants Rare, Threatened, or Endangered in California and Elsewhere	Species, which are generally rare throughout their range that are also judged to be vulnerable to other threats such as declining habitat.
Rank 2A – Plants presumed Extirpated in California, But Common Elsewhere	Species that are presumed extinct in California but more common outside of California
Rank 2B – Plants Rare, Threatened or Endangered in California, But More Common Elsewhere	Species that are rare in California but more common outside of California
Rank 3 – Plants About Which More Information Is Needed (A Review List)	Species that are thought to be rare or in decline but CNPS lacks the information needed to assign to the appropriate list. In most instances, the extent of surveys for these species is not sufficient to allow CNPS to accurately assess whether these species should be assigned to a specific rank. In addition, many of the Rank 3 species have associated taxonomic problems such that the validity of their current taxonomy is unclear.
Rank 4 – Plants of Limited Distribution (A Watch List)	Species that are currently thought to be limited in distribution or range whose vulnerability or susceptibility to threat is currently low. In some cases, as noted above for Rank 3 species, CNPS lacks survey data to accurately determine status in California. Many species have been placed on Rank 4 in previous editions of the "Inventory" and have been removed as survey data has indicated that the species are more common than previously thought.

CNPS Rank	Comments
	CNPS recommends that species currently included on this list should be monitored to ensure that future substantial declines are minimized.
Extension	Comments
.1 – Seriously endangered in California	Species with over 80% of occurrences threatened and/or have a high degree and immediacy of threat.
.2 – Fairly endangered in California	Species with 20-80% of occurrences threatened.
.3 – Not very endangered in California	Species with <20% of occurrences threatened or with no current threats known.

United States Army Corps of Engineers

Pursuant to Section 404 of the Clean Water Act, the USACE regulates the discharge of dredged and/or fill material into WoUS. The term "waters of the United States" is defined in USACE regulations at 33 CFR Part 328.3(a), pursuant to the *Navigable Waters Protection Rule*³ (NWPR), as:

(a) Jurisdictional waters. For purposes of the Clean Water Act, 33 U.S.C. 1251 *et seq.* and its implementing regulations, subject to the exclusions in paragraph (b) of this section, the term "waters of the United States" means:

- (1) *The territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide;*
- (2) *Tributaries;*
- (3) *Lakes and ponds, and impoundments of jurisdictional waters; and*
- (4) *Adjacent wetlands.*

(b) Non-jurisdictional waters. The following are not "waters of the United States":

- (1) *Waters or water features that are not identified in paragraph (a)(1), (2), (3), or (4) of this section;*
- (2) *Groundwater, including groundwater drained through subsurface drainage systems;*
- (3) *Ephemeral features, including ephemeral streams, swales, gullies, rills, and pools;*
- (4) *Diffuse stormwater run-off and directional sheet flow over upland;*
- (5) *Ditches that are not waters identified in paragraph (a)(1) or (2) of this section, and those portions of ditches constructed in waters identified in paragraph (a)(4) of this section that do not satisfy the conditions of paragraph (c)(1) of this section;*
- (6) *Prior converted cropland;*
- (7) *Artificially irrigated areas, including fields flooded for agricultural production, that would revert to upland should application of irrigation water to that area cease;*
- (8) *Artificial lakes and ponds, including water storage reservoirs and farm, irrigation, stock watering, and log cleaning ponds, constructed or excavated in upland or in non-jurisdictional waters, so long as those artificial lakes and ponds are not impoundments of jurisdictional waters that meet the conditions of paragraph (c)(6) of this section;*

³ U.S. Environmental Protection Agency & Department of Defense. 2020. Federal Register / Vol. 85, No. 77 / Tuesday, April 21, 2020 / Rules and Regulations. <https://www.govinfo.gov/content/pkg/FR-2020-04-21/pdf/2020-08542.pdf> (accessed November 2021).

- (9) *Water-filled depressions constructed or excavated in upland or in non-jurisdictional waters incidental to mining or construction activity, and pits excavated in upland or in non-jurisdictional waters for the purpose of obtaining fill, sand, or gravel;*
- (10) *Stormwater control features constructed or excavated in upland or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff;*
- (11) *Groundwater recharge, water reuse, and wastewater recycling structures, including detention, retention, and infiltration basins and ponds, constructed or excavated in upland or in non-jurisdictional waters; and*
- (12) *Waste treatment systems.*

In the absence of wetlands, the limits of Corps jurisdiction in non-tidal waters, such as intermittent streams, extend to the OHWM which is defined at 33 CFR 328.3(e) as:

...that line on the shore established by the fluctuation of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Native Plant Protection Act (California State Fish and Game Code 1900 through 1913)

California's Native Plant Protection Act (NPPA) requires all State agencies to utilize their authority to carry out programs to conserve endangered and rare native plants. Provisions of the NPPA prohibit the taking of listed plants from the wild and require notification of the CDFW at least 10 days in advance of any change in land use. This allows CDFW to salvage listed plant species that would otherwise be destroyed. The Project proponent is required to conduct botanical inventories and consult with CDFW during project planning to comply with the provisions of this Act and sections of CEQA that apply to rare or endangered plants.

Regional Water Quality Control Board

The State Water Resource Control Board and each of its nine RWQCBs regulate the discharge of waste (dredged or fill material) into WoUS and WoS. WoUS are defined above in Section II.A and waters of the State are defined as "any surface water or groundwater, including saline waters, within the boundaries of the state" (California Water Code 13050[e]).

Section 401 of the CWA requires certification for any federal permit or license authorizing impacts to WoUS (i.e., waters that are within federal jurisdiction), such as Section 404 of the CWA and Section 10 of the Safe Rivers and Harbors Act, to ensure that the impacts do not violate state water quality standards. When a project could impact waters outside of federal jurisdiction, the RWQCB has the authority under the Porter-Cologne Water Quality Control Act to issue Waste Discharge Requirements (WDRs) to ensure that impacts do not violate state water quality standards. Clean Water Act Section 401 Water Quality Certifications, WDRs, and waivers of WDRs are also referred to as orders or permits.

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, WoS fall under the jurisdiction of the appropriate RWQCB. Under the Act, the RWQCB must prepare and periodically update basin plans. Each basin plan

sets forth water quality standards for surface water and groundwater as well as actions to control nonpoint and point sources of pollution, thereby achieving and maintaining these standards. Projects that affect wetlands or waters must meet waste discharge requirements of the RWQCB, which may be issued in addition to water quality certification or a waiver under Section 401 of the CWA.

REGIONAL

Western Riverside County Multiple Species Habitat Conservation Plan

The Western Riverside County MSHCP was adopted on June 17, 2003, and an Implementing Agreement (IA) was executed between the federal and state wildlife agencies and participating entities. The MSHCP is a comprehensive habitat conservation-planning program for western Riverside County. The intent of the MSHCP is to preserve native vegetation and meet the habitat needs of multiple species, rather than focusing preservation efforts on one species at a time. As such, the MSHCP is intended to streamline review of individual projects with respect to the species and habitats addressed in the MSHCP, and to provide for an overall Conservation Area that would be of greater benefit to biological resources than would result from a piecemeal regulatory approach. The MSHCP provides coverage (including take authorization for listed species) for special-status plant and animal species, as well as mitigation for impacts to sensitive species pursuant to Section 10(a) of the Federal ESA.

Through agreements with the USFWS and CDFW, the MSHCP designates 146 special-status animal and plant species that receive some level of coverage under the plan. Of the 146 “Covered Species” designated under the MSHCP, the majority of these species have no additional survey/conservation requirements. In addition, through project participation with the MSHCP, the MSHCP provides mitigation for project-specific impacts to Covered Species so that the impacts would be reduced to below a level of significance pursuant to CEQA. As noted above, project-specific survey requirements exist for species designated as “Covered Species not yet adequately conserved.” These include Narrow Endemic Plant Species, as identified by the NEPSSA; Criteria Area Plant Species identified by the Criteria Area Species Survey Areas (CASSA); animals species as identified by survey area; and plant and animal species associated with riparian/riverine areas and vernal pool habitats (*Volume I, Section 6.1.2* of the MSHCP document).

For projects that have a federal nexus such as through federal Clean Water Act Section 404 permitting, take authorization for federally listed covered species would occur under Section 7 (not Section 10) of Federal ESA and that USFWS would provide a MSHCP consistency review of the proposed project, resulting in a biological opinion. The biological opinion would require no more compensation than what is required to be consistent with the MSHCP.

County of Riverside General Plan

A portion of the Project site is currently located in unincorporated Riverside County and would therefore be required to comply with regulations set forth in the County General Plan.

Land Use Element

The Land Use Element functions as a guide to planners, the general public, and decision makers as to the ultimate pattern of development. It designates the general distribution, general location, and extent of land uses, such as housing, business, industry, open space, agriculture, natural resources, recreation, and

public/quasi-public uses. The Land Use Element also discusses the standards of residential and non-residential intensity for the various land use designations.

- Policy LU 9.1 Provide for permanent preservation of open space lands that contain important natural resources, cultural resources, hazards, water features, watercourses including arroyos and canyons, and scenic and recreational values.
- Policy LU 9.2 Require that development protect environmental resources by compliance with the Multipurpose Open Space Element of the General Plan and federal and state regulations such as CEQA, NEPA, the Clean Air Act, and the Clean Water Act.
- Policy LU 9.4 Allow development clustering and/or density transfers in order to preserve open space, natural resources, cultural resources, and biologically sensitive resources. Wherever possible, development on parcels containing 100-year floodplains, blueline streams and other higher-order watercourses, and areas of steep slopes adjacent to them shall be clustered to keep development out of watercourse and adjacent steep slope areas, and to be compatible with other nearby land uses.

Multipurpose Open Space Element

The Multipurpose Open Space Element addresses protecting and preserving natural resources, agriculture and open space areas, managing mineral resources, preserving and enhancing cultural resources, and providing recreational opportunities for the citizens of Riverside County

- Policy OS 5.3 Based upon site, specific study, all development shall be set back from the floodway boundary a distance adequate to address the following issues:
- a. public safety;
 - b. erosion;
 - c. riparian or wetland buffer;
 - d. wildlife movement corridor or linkage;
 - e. slopes;
 - f. type of watercourse; and
 - g. cultural resources.
- Policy OS 5.5 Preserve and enhance existing native riparian habitat and prevent obstruction of natural watercourses. Prohibit fencing that constricts flow across watercourses and their banks. Incentives shall be utilized to the maximum extent possible.
- Policy OS 6.1 During the development review process, ensure compliance with the Clean Water Act's Section 404 in terms of wetlands mitigation policies and policies concerning fill material in jurisdictional wetlands.
- Policy OS 6.2 Preserve buffer zones around wetlands where feasible and biologically appropriate.

LOCAL

City of Beaumont General Plan

Conservation and Open Space Element

The Conservation and Open Space Element establishes goals and policies to protect, maintain, and enhance natural resources in the City. This Element complies with the State requirements for a Conservation Element and an Open Space Element. The Project's consistency with these goals and policies is discussed in **Table 3.10-3: Beaumont General Plan Consistency Analysis** of this EIR. The following goals and policies are applicable to biological resources:

Goal 8.5 A City that preserves and enhances its natural resources.

- Policy 8.5.1 Minimize the loss of sensitive species and critical habitat areas in areas planned for future development.
- Policy 8.5.2 Require new developments adjacent to identified plant and wildlife habitat areas to maintain a protective buffer, minimize new impervious surface, minimize light pollution, and emphasize native landscaping.
- Policy 8.5.3 Encourage new development to support a diversity of native species and manage invasive species.
- Policy 8.5.7 Discourage the use of plant species on the California Invasive Plant Inventory

Goal 8.10 A City that promotes the protection of biological resources through MSHCP implementation.

- Policy 8.10.1 Work with landowners and government agencies in promoting development concepts that are sensitive to the environment and consider the preservation of natural habitats and further the conservation goals of the MSHCP.
- Policy 8.10.5 Require project proponents to hire a CDFW-qualified biologist to monitor for special status species or other wildlife of low or limited mobility. If present, prior to and during all ground- and habitat-disturbing activities, move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed.

3.3.3 STANDARDS OF SIGNIFICANCE

Appendix G of the State CEQA Guidelines contains the Environmental Checklist Form, which includes questions related to biological resources. The questions presented in the Environmental Checklist Form have been utilized as significance thresholds in this section. Accordingly, the Project may create a significant environmental impact if one or more of the following occurs:

- a) 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. Fish and Wildlife Service;

- b) 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 U.S. Fish and Wildlife Service;
- c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- d) 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;
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

METHODOLOGY AND ASSUMPTIONS

The Project and associated Project Design Features (PDFs) are evaluated against the aforementioned significance criteria, as the basis for determining the level of impacts related to biological resources. In addition to PDFs, this analysis considers existing regulations, laws and standards that serve to avoid or reduce potential environmental impacts. Where significant impacts remain, feasible mitigation measures are recommended, where warranted, to avoid or lessen the Project's significant adverse impacts.

3.3.4 PROJECT IMPACTS AND MITIGATION MEASURES

Impact 3.3-1: *Would the 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 Game or U.S. Fish and Wildlife Service?*

Level of Significance: *Less than Significant Impact with Mitigation Incorporated*

Project construction would occur in one phase, with anticipated construction completed in the same year. The greatest disturbance would occur during grading of the Project site which would involve approximately 968,130 cubic yards of cut and 970,624 cubic yards of fill, for an import of 2,495 cubic yards. This phase of construction has the potential to create the highest levels of disturbance due to its disruptive nature and the removal of vegetative cover and excavation of underlying soils. Potential Project impacts to sensitive biological resources are discussed in detail below.

SPECIAL-STATUS PLANTS

The BTR determined that the Project would impact one special-status plant species: Parry's spineflower. The Parry's spineflower was observed in a single location at the southern boundary of the Project footprint. Approximately 1,500 individuals were identified within sandy openings of the Riversidean sage scrub plant community. Parry's spineflower is a CNPS List 1B.1 species, and direct impacts associated with

the Project would permanently impact this population. Parry's spineflower is a Covered Species under the MSHCP and therefore, the loss of this population would potentially represent a CEQA-significant impact to this special-status plant species prior to mitigation. However, the BTR determined that the Project's impact to the Parry's spineflower population would be reduced to below a level of significance through compliance with the biological requirements of the MSHCP, which conserves this species and associated suitable habitat on a regional level.

SPECIAL-STATUS ANIMALS

The BTR determined that the Project would result in the loss of habitat that potentially supports the following listed species: CAGN and SKR. The Project would also result in the loss of habitat that potentially supports the following non-listed special-status species: Crotch bumble bee (SSC), western spadefoot (SSC), California glossy snake (SSC), coast horned lizard (SSC), coast patch-nosed snake (SSC), coastal whiptail (SSC), red-diamond rattlesnake (SSC), southern California legless lizard (SSC), Bell's sage sparrow, burrowing owl (SSC), ferruginous hawk, loggerhead shrike (SSC), American badger (SSC), Dulzura pocket mouse (SSC), northwestern San Diego pocket mouse (SSC), pallid bat (SSC), San Diego black-tailed jackrabbit (SSC), southern grasshopper mouse (SSC), western mastiff bat (SSC), and western yellow bat (SSC).

Listed Species, MSHCP Covered

CAGN

As noted above, the Project would remove marginally suitable habitat for CAGN (FT/SSC) within the limited areas of Riversidean sage scrub. This loss of habitat would potentially represent a significant impact prior to mitigation, but this impact would be reduced less than significant levels through compliance with the biological requirements of the MSHCP, which conserves this species and associated suitable habitat on a regional level.

SKR

As noted above, the Project would remove marginally suitable habitat for SKR (FE/ST) within the non-native grassland vegetation community. This loss of potentially occupied habitat by SKR would potentially represent a significant impact prior to mitigation, but this impact would be reduced to less than significant levels through compliance with the biological requirements of the MSHCP, which conserves this species and associated suitable habitat on a regional level.

BUOW

As noted above, GLA biologists conducted four focused surveys for the BUOW since the Project site occurs within the MSHCP BUOW Survey Area, and suitable habitat for the species occurs throughout the site in the ruderal and disturbed areas. However, GLA biologists did not observe BUOW or evidence of BUOW (e.g., cast pellets, preened feathers, or whitewash clustered at a burrow) during the focused BUOW surveys; therefore, the species was confirmed absent. Regardless, the Project would comply with MSHCP Objective 6 for BUOW which requires that pre-construction surveys are conducted prior to site grading. Therefore, adherence with Mitigation Measure (MM) BIO-1 would ensure that direct impacts to BUOW are mitigated and that the Project is consistent with the MSHCP (see MM BIO-1 below).

Non-Listed Species, MSHCP Covered

In addition to the listed species discussed above, the Project would result in a loss of habitat that has potential to support the following non-listed, special-status species covered by the MSHCP: western spadefoot (SSC), coast horned lizard (SSC), coastal whiptail (SSC), red-diamond rattlesnake (SSC), Bell's sage sparrow, burrowing owl (SSC), ferruginous hawk, loggerhead shrike (SSC), northwestern San Diego pocket mouse (SSC), and San Diego black-tailed jackrabbit (SSC).

Crotch bumble bee (SSC), California glossy snake (SSC), coast patch-nosed snake (SSC), southern California legless lizard (SSC), Dulzura pocket mouse (SSC), and southern grasshopper mouse (SSC) were not observed within the Project site during biological surveys, yet these species have potential to occur throughout the site in the various vegetation communities. Impacts to habitat that potentially supports these species would be less than significant due to each species having a low-level of sensitivity (i.e., still common to western Riverside County), as well as the marginal quality and limited amount of potentially suitable habitat removed by the Project. Regardless, although these species are not covered under the MSHCP, the conservation lands that comprise the MSHCP reserve assembly include habitat suitable to support these species on a regional level. Therefore, any potential impact would be addressed through consistency with the MSHCP, as suitable habitat for these species has been conserved on a regional level.

The Project site also contains habitat with the potential to support foraging by additional special-status species, including American badger (SSC), pallid bat (SSC), western mastiff bat (SSC), and western yellow bat (SSC). The Project would permanently impact 37.02 acres of habitat with the potential to support foraging for these species. The loss of this foraging habitat would not be a significant impact under CEQA due to the marginal quality and limited amount of potential foraging habitat removed by the Project. Regardless, although these species are not covered under the MSHCP, the conservation lands that comprise the MSHCP reserve assembly include habitat suitable to support foraging for these species on a regional level. Therefore, regardless of impacts, suitable foraging habitat for these species has been conserved on a regional level.

Raptors

Common species of raptors (e.g., red-tailed hawk, American kestrel, great horned owl) have potential to forage within the Project footprint, and a red-tailed hawk was observed foraging within the site. Raptors were not observed nesting within the Project site over the course of the surveys, and raptor nesting habitat is limited to the riparian habitat associated with Cooper's Creek which would be avoided by the Project.

The proposed removal of 37.02 acres of suitable raptor foraging habitat within the Project footprint would also not be significant due to the marginal quality and limited amount of potential foraging habitat removed by the Project. Regardless, although the common raptor species (e.g., American kestrel and Red-tailed Hawk) are not covered under the MSHCP, the biological requirements of these species are expected to be conserved due to the parallel habitat needs with those raptors covered under the MSHCP.

Mitigation Measures

MM BIO-1 **Pre-Construction Survey.** A 30-day pre-construction survey for burrowing owls is required prior to future ground-disturbing activities (e.g., vegetation clearing, clearing and grubbing, site watering, equipment staging, etc.) to ensure that no owls have colonized the site in the days or weeks preceding the ground-disturbing activities. If burrowing owls have colonized the Project site prior to the initiation of ground-disturbing activities, the Project proponent will immediately inform the Regional Conservation Authority (RCA) and the Wildlife Agencies and will need to coordinate in the future with the RCA and the Wildlife Agencies, including the possibility of preparing a Burrowing Owl Protection and Relocation Plan, prior to initiating ground disturbance. If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure that burrowing owl have not colonized the site since it was last disturbed. If burrowing owls are found, the same coordination described above will be necessary.

Impact 3.3-2: ***Would the 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 Game or U.S. Fish and Wildlife Service?***

Level of Significance: Less than Significant Impact with Mitigation Incorporated

Impact 3.3-3: ***Would the Project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

Level of Significance: Less than Significant Impact with Mitigation Incorporated

Because riparian habitats and protected wetlands are often overlapped with other state or federally protected lands, these two impacts will be analyzed together in the following discussion.

CONSISTENCY WITH MSHCP SECTION 6.1.2, PROTECTION OF SPECIES ASSOCIATED WITH RIPARIAN/ RIVERINE AREAS AND VERNAL POOLS

Section 6.1.2, Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, states:

“The purpose of the procedures described in this section is to ensure that the biological functions and values of these areas throughout the MSHCP Plan Area are maintained such that Habitat values for species inside the MSHCP Conservation Area are maintained.”

The Project complies with the policies of Section 6.1.2 that protect species associated with Riparian/Riverine areas, vernal pools, and other MSCHP species.

Riparian/Riverine Areas

Section 6.1.2 of the MSHCP focuses on protection of Riparian/Riverine areas and vernal pool habitats capable of supporting MSHCP covered species. The Project would permanently impact approximately 8.6 acres of native habitats and 28.4 acres of non-native habitats (i.e., non-native grassland, disturbed/developed areas) for a total of 37.02 acres. The proposed Project would impact approximately 1.47 acres of MSHCP riparian/riverine resources within Drainage A [1.35 acres (1.23 acres riverine and 0.12 acre riparian)] and Tributary A-1 [0.12 acre (all of which is riverine)]. Project impacts would only occur within the northern portion of the Project site, therefore; no impacts to Cooper's Creek or its associated riparian habitat will occur. Furthermore, no impacts to riparian-associated MSHCP species (least Bell's vireo, southwestern willow flycatcher, or western yellow-billed cuckoo) will occur under the proposed Project. Permanent impacts to 1.47 acres of MSHCP riparian/riverine resources will be unavoidable under the implementation of the Project. Therefore, the Project would implement MM BIO-2 to mitigate impacts to less than significant levels.

Fairy Shrimp

As stated above, five ponded features were evaluated for fairy shrimp during the 2020-21 wet season and soil samples were collected from each of these features during the 2021 dry season. Due to the lack of adequate precipitation and sufficient ponding within the features, none of the features remained inundated seven days after a rain event during the 2020/2021 season, and therefore wet season surveys were inconclusive. However, dry season samples were negative for both Branchinecta and Streptocephalus cysts. Given the limited opportunity for sufficient inundation to support fairy shrimp life cycles and the lack of branchiopod cysts detected during the dry season surveys, it is highly unlikely that the features support any fairy shrimp, including listed species. A less than significant impact would occur.

Least Bell's Vireo

Suitable nesting and breeding habitat for this species is limited to the willow riparian forest in the southern portion of the Project site, all of which would be avoided by the Project with a buffer ranging from approximately 50 to 320 feet. Although 100 percent of the habitat that is occupied or potentially occupied by least Bell's vireo would be avoided by the Project, and habitat that represents long-term conservation value for least Bell's vireo would not be impacted by the Project, the Project would Implement MM BIO-3 to ensure the nesting/breeding activities of this species are not disrupted and no impact to habitat that represents long-term conservation value for least Bell's vireo occurs as a result of the Project (see MM BIO-3 below).

Jurisdictional Waters and Vernal Pools

Drainages A and A-1 do not meet the criteria for regulation by the USACE under Section 404 of the CWA. Since ephemeral features are not subject to USACE jurisdiction pursuant to Section 404 of the CWA, these features are also not subject to RWQCB jurisdiction pursuant to Section 401 of the CWA. However, since these features convey surface flow with the potential to support beneficial uses, they are considered to be WoS that would be regulated by the RWQCB pursuant to Section 13260 of the California Water Code (CWC)/the Porter-Cologne Act. Cooper's creek, in addition to being considered riparian habitat and under

CDFW jurisdiction, also falls under the jurisdictional of the USACE under Section 404 of the CWA for being a wetland and under the RWQCB's jurisdiction under Section 401 CWA for being a WoUS.

The Project would therefore permanently impact MSHCP riparian/riverine areas, including 0.12 acre of riparian and 1.35 acres of unvegetated riverine resources. The Project would implement MM BIO-2 mitigate impacts to jurisdictional waters.

The MSHCP defines vernal pools 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 wetland indicators of hydrology and/or vegetation during the drier portion of the growing season. GLA observed five features within the Project site that exhibited indicators of potential ponding (i.e., soil cracking, topographic low-points). None of these features constitute MSHCP vernal pools due to a lack of hydric soils and due to the fact that no plant species associated with vernal pools were observed within these features.

Overall, impacts to riparian/riverine areas and species and waters would be mitigated with implementation of MM BIO 2 and MM BIO-3 to less than significant levels.

Mitigation Measures

MM BIO-2 The purchase of compensatory mitigation credits from an approved mitigation bank or in-lieu fee program for the rehabilitation, re-establishment, and/or establishment of MSHCP riparian/riverine resources at a minimum 2:1 mitigation-to-impact ratio is considered superior mitigation as compared to the preservation of 1.47 acres of ephemeral drainage features within the Project site. The Project team's mitigation proposal consists of the purchase of 2.94 acres of rehabilitation mitigation credits (a 2:1 mitigation-to-impact ratio) from the Riverpark Mitigation Bank.

MM BIO-3 The following measures would be implemented to mitigate impacts to the least Bell's vireo:

- The project impact footprint, including any construction buffer (300 feet from the nearest extent of adjacent riparian habitat associated with Cooper's Creek during the period of April 1st through August 31st, and 100 feet during the remainder of the year, as noted below), shall be staked and fenced (e.g., with orange snow fencing, silt fencing or a material that is clearly visible) and the boundary shall be confirmed by a qualified biological monitor prior to ground disturbance. The construction site manager shall ensure that the fencing is maintained for the duration of construction and that any required repairs are completed in a timely manner.
- Equipment operators and construction crews will be informed of the importance of the construction limits by the biological monitor prior to any ground disturbance.

- Construction activities within 300 feet of the nearest extent of adjacent riparian habitat associated with Cooper's Creek will be avoided from April 1st through August 31st.
- For any vegetation clearing or work within 100 feet of Cooper's Creek, which is limited to September 1st through March 31st (outside of the LBV nesting season), a biologist will monitor to ensure encroachment into Cooper's Creek does not occur.
- Active construction areas will be watered regularly (at least once every two hours) to control dust and thus minimize impacts on vegetation within Cooper's Creek.
- Construction personnel will strictly limit their activities, vehicles, equipment, and construction materials to the limits of disturbance and designated staging areas and routes of travel approved by the biological monitor.
- Exotic plant species removed during construction will be properly handled to prevent sprouting or regrowth. Construction equipment will be cleaned of mud or other debris that may contain invasive plants and/or seeds and inspected to reduce the potential of spreading noxious weeds before mobilizing to the site and before leaving the site during the course of construction. The cleaning of equipment will occur at least 300 feet from jurisdictional aquatic features, including Cooper's Creek. If the location is closer, it must be approved by the biological monitor.
- Vegetation will be covered while being transported, and vegetation materials removed from the site will be disposed of in accordance with applicable laws and regulations.
- All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other toxic substances will occur only in designated areas within the limits of disturbance and at least 200 feet from jurisdictional aquatic features, including Cooper's Creek. These designated areas will be clearly marked and located in such a manner as to contain runoff and will be approved by the biological monitor.
- To avoid attracting predators, the Project site will be kept clear of trash and debris. All food related trash items will be enclosed in sealed containers and regularly removed from the site.

Impact 3.3-4: *Would the 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?*

Level of Significance: *Less than Significant Impact with Mitigation Incorporated*

According to the BTR, the Project footprint lacks migratory wildlife corridors and does not occur within MSHCP Cores or Linkages. The Project would not interfere with or otherwise impact (1) the movement of native resident or migratory fish or wildlife species or (2) established native resident or migratory wildlife

corridors. In addition, the Project site is not expected to support wildlife nursery sites for mammals, including bats.

The Project has the potential to impact active bird nests if vegetation is removed during the nesting season (February 1 to August 31). Disturbances to or destruction of migratory bird eggs, young, or adults is in violation of the MBTA and is, therefore, considered to be a potentially significant impact. However, the native birds with the potential to nest of the Project site would be those that are extremely common to the region and highly adapted to human landscapes (e.g., house finch [*Haemorrhous mexicanus*], killdeer [*Charadrius vociferus*]). In addition, the number of individual species potentially affected by Project would not be significant on a regional or local scale. Nevertheless, pursuant to the MBTA and similar provisions of California FGC, the Project would be required to comply with MM BIO-4. Impacts would be less than significant with mitigation incorporated.

Mitigation Measures

MM BIO-4 As feasible, vegetation clearing should be conducted outside of the nesting season, which is generally identified as February 1 through September 15. If avoidance of the nesting season is not feasible, then a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, demolition activities, and grading. If active nests are identified, the biologist shall establish suitable buffers around the nests, and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

Impact 3.3-5: *Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

Level of Significance: Less than Significant Impact

The Project area would be constructed in compliance with the requirements of the City's General Plan. Operation of the Project would not result in any impacts to any terrestrial environment, or any sensitive biological areas or species such that it conflicts with a local policy or ordinance protecting biological resources. Development would be required to comply with the policies and goals within the City of Beaumont GP. Therefore, impacts would be less than significant.

The City of Beaumont GP provides goals, policies, and implementation measures for the conservation of biological resources. Goal 8.10 conserves biological resources. The City of Beaumont does not have a Tree Preservation Policy or Ordinance. Furthermore, there are no guidelines in the Beaumont MC that protect or maintains biological resources. Therefore, impacts would be less than significant, and no mitigation is required.

Mitigation Measures

No mitigation is necessary.

Impact 3.3-6: *Would the 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?*

Level of Significance: *Less than Significant Impact with Mitigation Incorporated*

The Project is located within The Pass Area Plan of the MSHCP and as such, development of the Project would require MSHCP consistency.

MULTIPLE SPECIES HABITAT CONSERVATION PLAN IMPACTS/CONSISTENCY

Reserve Assembly

As noted above, the Project site is located within The Pass Area Plan of the MSHCP. However, the Project is not located within the MSHCP Criteria Area and would therefore not be subject to the Habitat Evaluation and Acquisition Negotiation Strategy (HANS) process or the Joint Project Review (JPR) process. As such, the Project would not conflict with Reserve Assembly goals.

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

As discussed in Impact 3.3.2 and Impact 3.3.3 above, the Project would permanently impact MSHCP riparian/riverine areas, including 0.12 acre of riparian and 1.35 acres of unvegetated riverine resources. MM BIO-2 requires the purchase of compensatory mitigation credits from an approved mitigation bank or in-lieu fee program for the rehabilitation, re-establishment, and/or establishment of MSHCP riparian/riverine resources at a minimum 2:1 mitigation-to-impact ratio. The Project team's mitigation proposal consists of the purchase of 2.94 acres of rehabilitation mitigation credits (a 2:1 mitigation-to-impact ratio) from the Riverpark Mitigation Bank.

Furthermore, the Project would not impact habitat with the potential to support riparian birds, including the least Bell's vireo, southwestern willow flycatcher, or the western yellow-billed cuckoo; however, due to the proximity of the Project footprint to Cooper's Creek, the Project would implement MM BIO-3 to ensure that impacts to potential least Bell's vireo species are mitigated to less than significant levels.

As discussed above, the Project does not contain vernal pools, and therefore would not impact, any MSHCP vernal pools.

Protection of Narrow Endemic Plants

Volume I, Section 6.1.3 of the MSHCP requires that within identified NEPSSA, site-specific focused surveys for Narrow Endemic Plants Species will be required for all public and private projects where appropriate soils and habitat are present.

The Project site is located within the MSHCP NEPSSA designated Survey Area 8 and therefore, the following target species were evaluated: many-stemmed dudleya and Yucaipa onion. As concluded in the BTR, both species were confirmed absent during focused plant surveys. As such, the Project would be consistent with Volume I, Section 6.1.3 of the MSHCP.

MSHCP Urban/Wildland Interface Guidelines

The Project is not located in proximity to MSHCP Conservation Areas and therefore, the Urban/Wildland Interface Guidelines are not applicable to the Project. Furthermore, since the Project site is surrounded by developed and other non-native areas with varying rural land uses, the Project would not indirectly impact sensitive biological resources.

Additional Survey Needs and Procedures

Volume I, Section 6.3.2 of the MSHCP states that in addition to the Narrow Endemic Plant Species addressed in Volume I, Section 6.1.3, additional surveys may be needed for other certain plant and animal species in conjunction with MSHCP implementation in order to achieve full coverage for these species. Within areas of suitable habitat, focused surveys are required for additional plant species if a project site occurs within a designated Criteria Area Plant Species Survey Area. In addition, focused surveys are also required (with suitable habitat) for seven animal species as identified by the corresponding Survey Area.

The Project site is located within the MSHCP BUOW Survey Area. A Focused BUOW survey was conducted on March 8, 2021. Focused BUOW surveys were conducted on March 8, March 23, April 12, and May 4, 2021. The results of the focused surveys confirmed the absence of the BUOW species. Nevertheless, the Project would implement MM BIO-1, that requires that pre-construction surveys are conducted no more than 30 days prior to construction to confirm the absence of owls.

The Project site is not located within the CAPSSA or within the MSHCP Amphibian Survey Area; however, the Project site is located within the MSHCP Mammal Survey Area. The site was found not to contain habitat for the LAPM and therefore, with the performance of pre-construction BUOW surveys, the Project would be consistent with Volume I, Section 6.3.2 of the MSHCP.

Conclusion

Therefore, consistent with the MSCHP, both through mitigation, continues studies, and off-site preservation of habitat, the Project would be consistent with the purpose of the procedures described therein. The Project, through compliance with the MSHCP, would ensure that the biological functions and values of these habitat types and the special status species within the region and that could be affected by the Project are mitigated such that habitat values for species inside the MSHCP Conservation Area are maintained. A less than significant impact with mitigation incorporated would occur.

Mitigation Measures

See MM BIO-1 through MM BIO-3 above.

3.3.5 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant and unavoidable biological resource impacts have been identified.

3.3.6 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 potentially significant. "Related projects"

refers to past, present, and reasonably foreseeable probable future projects, which would have similar impacts to the proposed project.

As discussed in the BTR, the 37.02 acres proposed for impacts by the Project consist of relatively disturbed lands with remnant patches of native scrub habitat, surrounded primarily by active construction and vehicular roadways. The Project would permanently impact potential RWQCB and CDFW jurisdiction, as well as MSHCP riparian/riverine resources; however, all impacts would be fully mitigated. The Project site is not located within the MSHCP Criteria Area and no special-status species, including plant or wildlife species, that are not covered under the MSHCP that could trigger a CEQA significant impact were observed or detected within the Project site. In addition, the conservation lands that comprise the MSHCP reserve assembly include habitat suitable to support non-MSHCP covered species on a regional level, as they have similar habitat requirements to many MSHCP covered species. Therefore, any potential cumulative impact is addressed through consistency with the MSHCP, pursuant to conservation requirements on a regional level.

As such, through compliance and participation with the MSHCP, the loss of this area would not contribute to a cumulatively significant impact to biological resources.

3.3.7 REFERENCES

Glen Lukos Associates, Inc. 2021. *Biological Technical Report*.

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Jericho Systems Inc. 2019. *Biological Resources Assessment, Jurisdictional Delineation & MSHCP Compliance Report*.

U.S. EPA. 2021. *How Wetlands are Defined and Identified under CWA Section 404*. <https://www.epa.gov/cwa-404/how-wetlands-are-defined-and-identified-under-cwa-section-404>.

U.S. Environmental Protection Agency & Department of Defense. 2020. Federal Register / Vol. 85, No. 77 / Tuesday, April 21, 2020 / Rules and Regulations. <https://www.govinfo.gov/content/pkg/FR-2020-04-21/pdf/2020-08542.pdf>.