5.4 Biological Resources

Based on Appendix G of the State CEQA Guidelines and comments received during the Notice of Preparation (NOP) public comment period, this section evaluates the Project's potential impacts to biological resources. Specifically, this EIR section will evaluate the potential impacts related to listed species, riparian and/or sensitive habitats, wetlands, wildlife movement, local policies or ordinances related to biological resources and habitat conservation plans. Comment letters received in response to the NOP along with notes from the Scoping Meeting are included in Appendix A of this DEIR.

The following discussion is based on the *Sycamore Canyon Business Park Warehouse Project Biological Assessment and Western Riverside Multi-Species Habitat Conservation Plan Compliance Report*, revised June 2016 (AMEC(a)); *Least Bell's Vireo Presence/Absence Surveys for Hillwood Investment Properties' Sycamore Canyon Business Park Project Located in the City of Riverside, Riverside County, California*, dated August 11, 2015 (MBI); *Jurisdictional Delineation Report, Sycamore Canyon Business Park Warehouse Project, City of Riverside, Riverside County, California*, revised June 2016 (AMEC(b)); *Determination of Biologically Equivalent or Superior Preservation Sycamore Canyon Business Park Warehouse Project, City of Riverside, Riverside County, California*, dated May 17, 2016 (AMEC(c)); *90-Day West Season Results, Vernal Pool Branchiopod Surveys at the Sycamore Canyon Business Park Warehouse Project, Riverside County, California*, dated June 1, 2016 (Rocks); and the *Focused Survey for Burrowing Owl (Athene cunicularia)*, dated July 15, 2016 (AMEC(d)). These reports are contained in their entirety in Appendix C of this DEIR

5.4.1 Setting

The Project site is specifically located west of Sycamore Canyon Boulevard at the western terminus of Dan Kipper Drive, west of Lance Drive, immediately east of Sycamore Canyon Wilderness Park, and is located in Section 4 of Township 3 South, Range 4 West, as shown on the Riverside East, California, United States Geological Survey (USGS) 7.5 minute quadrangle. The elevation of the gently rolling Project site ranges from approximately 1,530 to 1,620 feet above sea level (AMEC(a), p. 1). The average rainfall for the area is 8.2 inches per year with no average snowfall. (AMEC(a), p. 11)

The approximately 76-gross acre (71-net acre) Project site is currently undeveloped with no existing structures except for a concrete V-ditch on the eastern portion of the site and a small earthen check dam on the southern portion of the Project site (see Section 3.1.3 – Project Site – Existing Conditions). Disturbed non-native grassland dominates the site with an ephemeral drainage traversing the site. The Project site appears to be regularly mowed for weed abatement and fire control purposes. Surrounding land uses include preserved open space to the west as part of Sycamore Canyon Wilderness Park, industrial uses to the east and south, and single-family residences to the north and northwest. (AMEC(a), p. 1)

The City, which includes the Project site, is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) area. The City is a Permittee to the MSHCP; thus, the proposed Project is required to comply with applicable provisions of the MSHCP. (GP 2025 FPEIR, p. 5.4-31) The Project site is located with the Cities of Riverside and Norco Area Plan of the MSHCP, and the Project site is not within an MSHCP Criteria Cell.[1] The MSHCP is discussed in greater detail below.

Vegetation

As shown on **Figure 5.4-1 – Vegetation Communities Map**, the Project site is predominately mapped as non-native grassland. There are mapped riparian vegetation areas associated with an ephemeral drainage on site. There is also a large disturbed area in the southeastern portion of the site.

Sensitive Plant Species

The plant list compiled by AMEC during the assessment consists of 57 species. The majority of the native plants were concentrated within the ephemeral drainage that traverses the Project site. The on-site non-native grasslands are dominated by common fiddleneck (*Amsinckia intermedia*), red brome (*Bromus madritensis ssp. rubens*), and short-pod mustard (*Hirschfeldia incana*). The riparian habitat associated with the drainage feature on-site includes red willow (*Salix laevigata*), arroyo willow (*Salix lasiolepis*), Gooding's black willow (*Salix douglasii*), narrow-leaf willow (*Salix exigua*), Fremont cottonwood (*Populus fremontii ssp. fremontii*), and mule fat (*Baccharis salicifolia*). The Riverside County Conservation Summary Report Generator indicates that the Project area is not included in a Narrow Endemic Plant Survey Area, nor is it located in a Criteria Area Species Survey Area for plants. No other sensitive plant species were observed on the Project site during AMEC's field investigation in May 2015. (AMEC(a), pp. 2, 11)

Wildlife

During AMEC's field investigation, 35 wildlife species were observed in the Project area: 5 insects, 2 reptile, 21 birds, and 7 mammals.

Insects observed on the site included (AMEC(a), p. 13):

- Honey bees (*Apis mellifera*),
- Harvester ants (*Pogonomyrmex californicus*),
- Tarantula hawk (*Pepsis* spp.), and
- Cabbage white butterfly (*Artogeia rapae*)

[1] Criteria Cells are a division of Subunits, which are a division of Criteria Areas, which comprise an Area Plan. Criteria Cells are also divided into Cell Groups. Each of the cells has designated "criteria" for the purpose of targeting additional conservation lands for acquisition, and all projects within a Criteria Area must go through the Joint Project Review process.

G:\2015\15-0152\GIS\Vegetation.mxd; Map created 01 Jul 2016

Sources: AMEC FW, May 2016;
City of Riverside, 2012.

0 400 800 Feet

Figure 5.4-1 - Vegetation Communities Map

Sycamore Canyon Business Park Buildings 1 and 2 DEIR

ALBERT A. WEBB ASSOCIATES

Reptiles observed on the site included (AMEC(a), p. 13):

- Side-blotched lizard (*Uta stansburiana*), and
- Great Basin fence lizard (*Sceloperus occidentalis longipes*).

Birds detected during the field survey include species commonly seen in many areas of western Riverside County including (AMEC(a), p. 13):

- black phoebe (*Sayornis nigricans*),
- red-tailed hawk (*Buteo jamaicensis*),
- common raven (*Corvus corax*),
- mourning dove (*Zenaida macroura*), and
- house finch (*Haemorhous mexicana*).

The seven mammal species detected during the site assessment included (AMEC(a), p. 13):

- California ground squirrel (*Otospermophilus beecheyi*),
- Botta's pocket gopher (*Thomomys bottae*),
- coyote (*Canis latrans*),
- San Diego black-tailed jackrabbit (*Lepus californicus bennettii*),
- desert cottontail (*Sylvilagus audubonii*),
- dusky-footed woodrat (*Neotoma fuscipes*), and

The presence of California ground squirrels is an indicator of suitable burrowing owl (*Athene cunicularia*) habitat (burrows). The burrowing owl is a California Species of Special Concern (SSC) and is protected by the Migratory Bird Treaty Act (MBTA). Additionally, the Project area is within the MSHCP survey area for burrowing owl. (AMEC(a), p. 13)

Sensitive Wildlife Species

Animals may be considered "sensitive" due to declining populations, vulnerability to habitat change or loss, or because of restricted distribution. Certain sensitive species have been listed as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) or by the California Department of Fish and Wildlife (CDFW) and are protected by the federal and/or state Endangered Species Acts (ESAs). Other species have been identified as sensitive by the USFWS and the CDFW. (AMEC(a), p. 13)

Two sensitive wildlife species were observed in the Project area during the survey by AMEC: San Diego black-tailed jackrabbit and golden eagle (*Aquila chrysaetos*). Both are listed as a state SSC by CDFW, and are a "covered species" under the MSHCP. No other sensitive wildlife species were observed on the study area during the field survey. (AMEC(a), p. 13)

The entire Project site is located within the MSHCP survey area for burrowing owl. The burrowing owl is an avian state SSC that is protected by the MBTA and Fish and Game Code Section 3503. This species typically occurs in grassland and scrub habitats characterized by low-growing vegetation with an abundance of small mammal burrows, including the California ground squirrel. It often prefers areas with moderate disturbance and/or berms or drainage features. The non-native grassland that occurs throughout the Project site, in combination with the presence of the California ground squirrels and their burrows as well as the rocky outcrops, provides potential habitat for foraging and nesting burrowing owls. (AMEC(a), pp. 12, 18)

Jurisdictional Resources

A delineation of jurisdictional waters, wetlands, and associated riparian habitat on the Project site was prepared for the Project (see Appendix C.3) to determine potential impacts from development of the site. The purpose of the delineation is to determine the extent of state and federal jurisdiction within the Project site potentially subject to regulation by the: U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act (CWA), Regional Water Quality Control Board (RWQCB) under Section 401 of the CWA and Porter-Cologne Water Quality Act, and CDFW under Section 1602 of the state Fish and Game Code. (AMEC(b), p. 11) The jurisdictional delineation determined the Project site contains two jurisdictional drainages identified as Drainage 1 and Drainage 2 and a small isolated ponded area (AMEC(b), p. 5-1). **Figure 5.4-2 – USACE/RWQCB Jurisdictional Delineation Map** and **Figure 5.4-3 – CDFW Jurisdictional Delineation Map** identifies all on-site jurisdictional drainages and their widths, and includes the photo point locations direction the photograph was taken. **Table 5.4-A – Summary of Jurisdictional Areas** includes a list of waterways identified on the Project site, their jurisdictional status and area of jurisdiction, length of waterway within the Project site, and classification of aquatic resource. **Table 5.4-A** is on the page following **Figure 5.4-2** and **Figure 5.4-3.**

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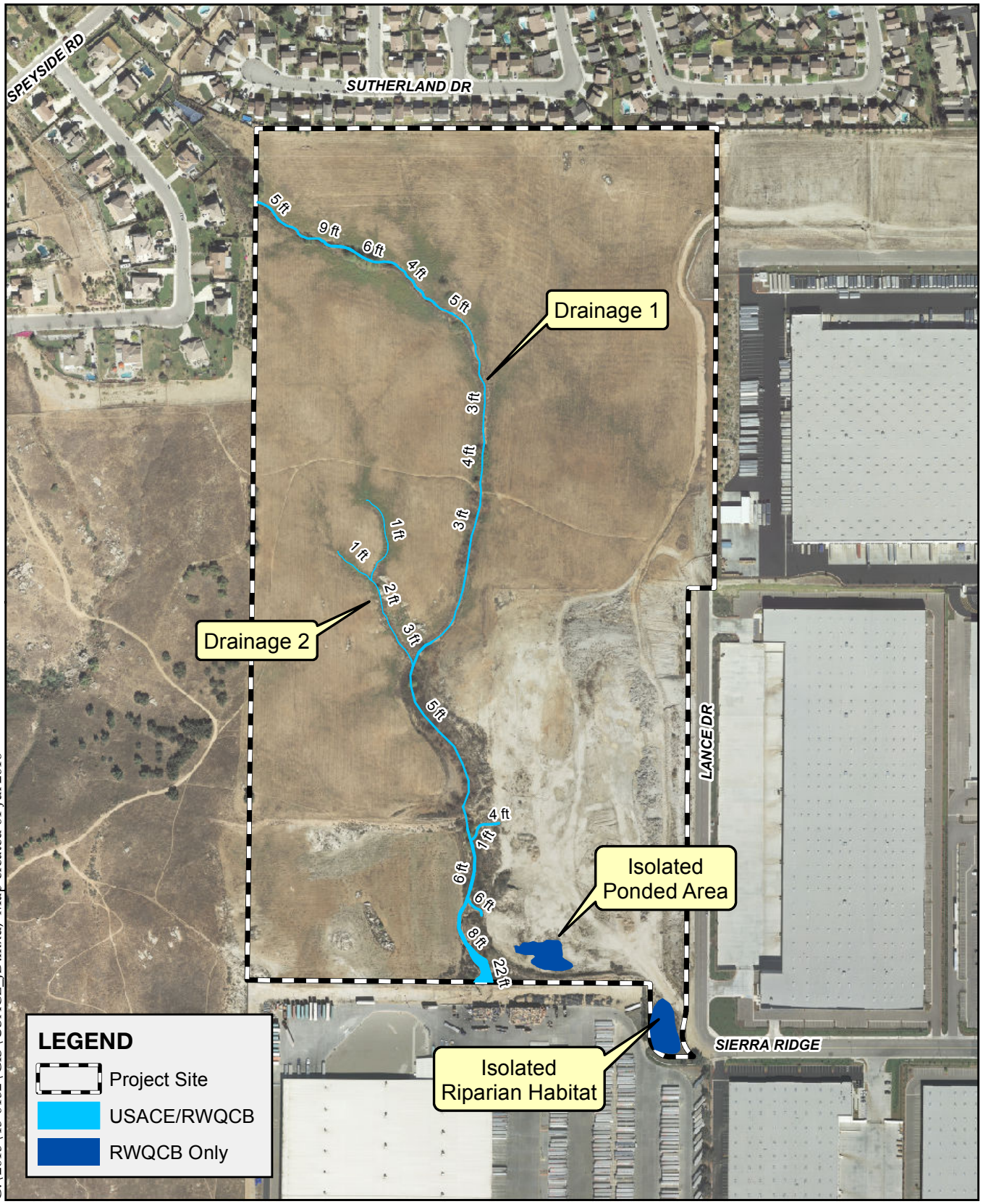


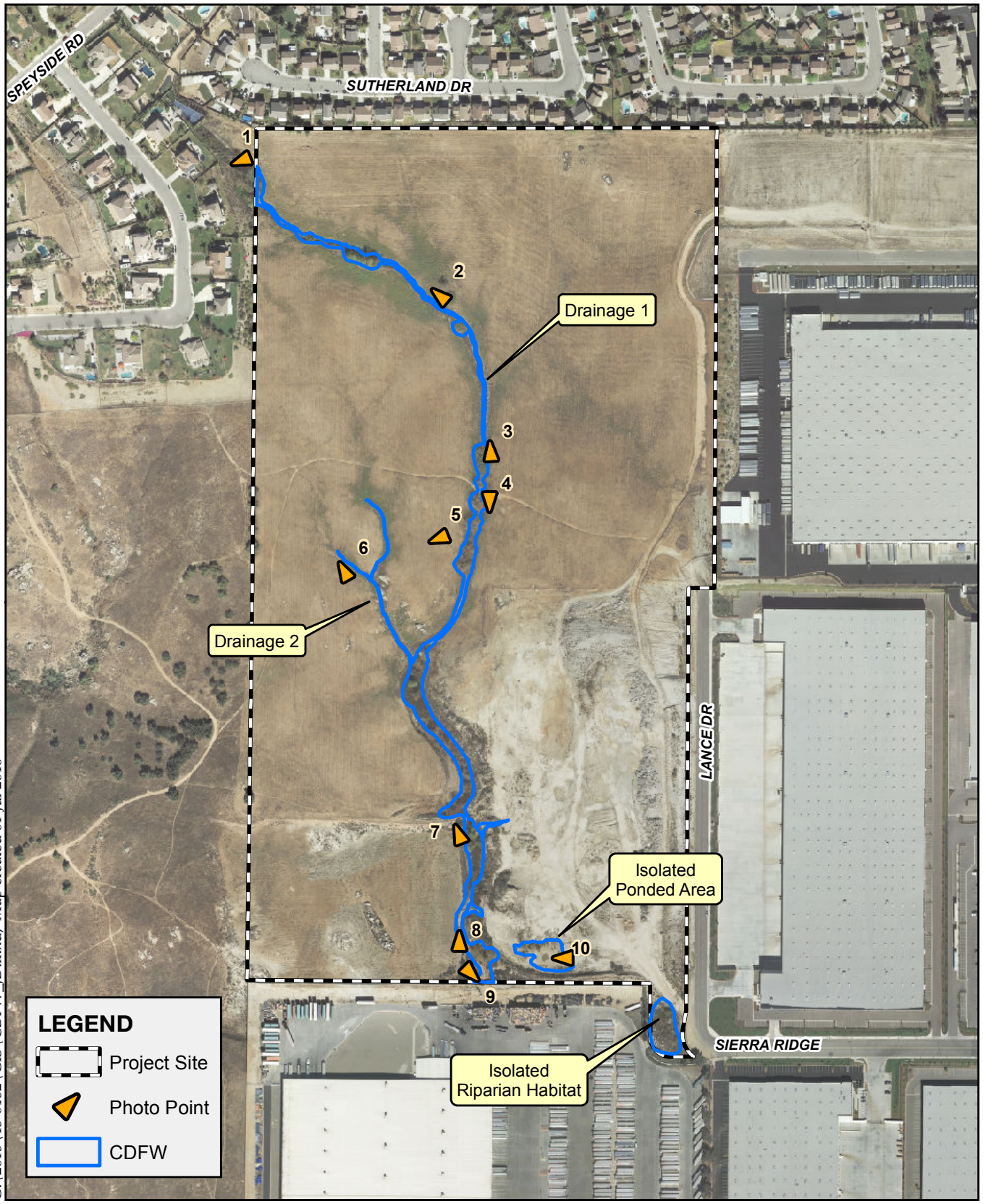
G:\2015\15-0152\GIS\USACE_JD.mxd; Map created 01 Jul 2016

Sources: AMEC FW, May 2016;
City of Riverside, 2012.

Figure 5.4-2 - USACE/RWQCB Jurisdictional Delineation Map

Sycamore Canyon Business Park Buildings 1 and 2 DEIR

ALBERT A. WEBB ASSOCIATES



Sources: AMEC FW, May 2016;
City of Riverside, 2012.

Figure 5.4-3 - CDFW Jurisdictional Delineation Map

Sycamore Canyon Business Park Buildings 1 and 2 DEIR

ALBERT A. WEBB ASSOCIATES

Table 5.4-A – Summary of Jurisdictional Areas

Drainage ID	USACE and RWQCB Jurisdiction (acres)	WSC and CDFW Jurisdiction (acres)	MSHCP Jurisdiction	Length (feet)	Class of Aquatic Resource
Drainage 1	0.39	1.65	1.65	3,112	Non-section 10-non wetland
Drainage 2	0.02	0.02	0.02	626	Non-section 10-non wetland
Ponded Area	0.00	0.21	0.00	NA	Non-section 10-non wetland
Isolated Riparian Habitat	0.00	0.24	0.24	NA	Non-section 10-non wetland
TOTAL	**0.41**	**2.12**	**1.91**	**3,738**	**N/A**

Source: AMEC Foster Wheeler, *Jurisdictional Delineation Report, Sycamore Canyon Business Park Warehouse Project, City of Riverside, Riverside County, California*, Table 1, p. 5-1

Notes:

WSC = Waters of the State of California

CDFW = California Department of Fish and Wildlife

*The Jurisdictional Delineation (Appendix C.3) and DBESP (Appendix C.4) determined that the ponded area is not a vernal pool or a part of the riparian/riverine drainage system; therefore, it does *not* qualify as an MSHCP riparian/riverine area and is not under the jurisdiction of the MSHCP (AMEC(c), p. 4-1).

Drainage 1

Drainage 1 is an unnamed ephemeral drainage that enters the Project site at the northwestern corner and flows east for approximately 760 feet before turning to the south. The drainage extends for an additional 1,982 feet before exiting the site near the southcentral portion of the Project site for a total of 3,738 feet. Storm flows and nuisance flows enter the Project site from an underground culvert northwest of the Project site. The streambed varies in width from sheet-flow near the central portion of the drainage to about 45 feet in width at the southern extent of the drainage within the Project site, with an average width of 6 feet. The jurisdictional boundary was delineated by a change in the character of the substrate from a loamy sand in the upland areas to coarse sand in the jurisdictional areas. The banks of Drainage 1 vary from undetectable near the central portion of the drainage to 12 feet in depth at the southern property boundary with an average depth of about 4 feet. The drainage feature is located within gently sloping areas with minimal topographic relief. The streambed of Drainage 1 was sporadically vegetated with mulefat, cheeseweed, short pod mustard, and yellow-star thistle. Other riparian vegetation found adjacent to the active streambed includes red willow, arroyo willow, Goodding's black willow, narrow-leaf willow, and Fremont's cottonwood. (AMEC(b), pp. 5-1 – 5-2)

There are two small artificially created channels that convey surface flows from the disturbed area on the eastern portion of the Project site to Drainage 1. These features are relatively short,

created in an otherwise upland area, and were incorporated in the jurisdictional limits, but are not discussed as separate features. (AMEC(b), p. 5-2)

Based on the jurisdictional delineation and as shown in **Table 5.4-A**, Drainage 1 consists of a total of 0.39 acres of "waters of the U.S." under USACE and RWQCB jurisdiction, 1.65 acres of "waters of the state," under CDFW jurisdiction. (AMEC(b), p. 5-2) Additionally, the entire Drainage 1 is considered riparian/riverine per the MSHCP.

Drainage 2

Drainage 2 is tributary to Drainage 1, located in the central portion of the drainage, and consists of an upland swale with intermittent evidence of flows. This feature contains a dense stand of red brome and short pod mustard. Evidence of flows was intermittent and often difficult to locate during the site survey. This feature forks about 250 feet from the confluence with the main drainage. Each fork extends for an additional 150 feet before evidence of flows is no longer visible. The drainage width varies from 1 to 3 feet with an average width of 2 feet. The drainage varies in depth from sheet flows to about 6 inches. There was no evidence of wetland hydrology, hydric soils, or hydrophytic vegetation within the drainage. Therefore, this feature is considered a non-wetland ephemeral upland swale. (AMEC(b), p. 5-2)

Based on the jurisdictional delineation and as shown on **Table 5.4-A**, Drainage 2 consists of a total of 0.02 acres of "waters of the U.S." and "waters of the state," under USACE, RWQCB, and CDFW jurisdiction. The drainage feature is approximately 626 linear feet within the Project site. (AMEC(b), p. 5-2) Additionally, the entire Drainage 2 is considered riparian/riverine per the MSHCP.

Ponded Area

There is a small ponded area in the southern portion of the Project site, which is described as an artificially created feature in an otherwise upland area. This feature was created during the former sand and gravel operation within the southeastern disturbed area of the site and was recorded to occur as early as 2009. The ponded area is isolated and has no downstream connectivity to Drainage 1 or any other downstream tributary. This feature contains a 3-inch layer of loam, then an extremely compact layer of sand that prohibits percolation. There is no vegetation within the ponded area, which was dry during the survey. Recent aerial photographs depict the ponded area with an average width of approximately 80 feet. This area is best described as an open water feature and not a wetland. (AMEC(b), pp. 5-2 – 5-3)

Based on this jurisdictional delineation and as shown on **Table 5.4-A**, the ponded area consists of a total of 0.21 acres of "waters of the state" under CDFW jurisdiction. The drainage feature is approximately 80 linear feet in width within the Project site. (AMEC(b), p. 5-3) However, according to AMEC the ponded area is not a vernal pool or a part of the riparian/riverine drainage system under the MSHCP; rather, the ponded area is an isolate formed as a result of human disturbance within an otherwise upland area (AMEC(c), p. 4-1).

5.4.2 Related Regulations

Federal Regulations

Federal Endangered Species Act of 1973

The Federal Endangered Species Act of 1973 (FESA) (16 U.S.C. 1531–1543) and subsequent amendments provide for the conservation of endangered and threatened species and the habitats on which they depend. A federally endangered species is one that is facing extinction throughout all or a significant portion of its geographical range. A federally-threatened species is one likely to become endangered within the foreseeable future throughout all or a significant portion of its range. The presence of any federally threatened or endangered species on a site generally imposes severe constraints on development; particularly if development would result in a "take" of the species or its habitat which is prohibited under Section 9 of the FESA. The term "take," as defined under the FESA, means to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in such conduct." Harm in this sense can include any disturbance to habitats used by the species during any portion of its life history. Thus, if a listed species is present on the Project site and take of the species cannot be avoided, the Project proponent must obtain an incidental take permit, as issued by USFWS, through Section 7 or Section 10 Consultation. Habitat Conservation Plans (HCPs) for the impacted species must be developed in support of incidental take permits for non-federal projects to minimize impacts to the species and develop viable mitigation measures to offset the unavoidable impacts.

Clean Water Act

Pursuant to Section 404 of the CWA, the USACE regulates the discharge of dredged and/or fill material into waters of the U.S, including, but not limited to, grading, placing of rip-rap for erosion control, pouring concrete, laying sod, and stockpiling excavated material. The USACE has established a series of nationwide permits that authorize certain activities in waters of the U.S. if a proposed activity can demonstrate compliance with standard conditions. Normally, the USACE requires an individual permit for an activity that will affect an area equal to or in excess of 0.5 acres of waters of the U.S., and projects that result in impacts less than 0.5 acre can be conducted pursuant to one of the nationwide permits, if consistent with the standard permit conditions (AMEC(a), p. 8).

The term "waters of the U.S.," as defined in the Code of Federal Regulations (CFR) Section 328.3, include all waters or tributaries to waters such as lakes, rivers, intermittent and perennial streams, mudflats, sand-flats, natural ponds, wetlands, wet meadows, and other aquatic habitats. Frequently, waters of the U.S., with at least intermittently flowing water or tidal influences, are demarcated by an ordinary high water mark (OHWM). The OHWM is defined in CFR Section 328.3(e) as the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a 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. In this region, the OHWM is typically indicated by the presence of an incised streambed with defined bank shelving. (AMEC(a), p. 7)

The USACE defines a wetland (33 CFR 328.3(b)) as "those areas that are inundated or saturated by surface or ground water 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. Wetlands generally include swamps, marshes, bogs, and similar areas." Wetland vegetation is characterized by vegetation in which more than 50 percent of the composition of dominant plant species are obligate wetland, facultative wetland, and/or facultative species that occur in wetlands. As a result of the 2001 Solid Waste Agency of Northern Cook County (SWANCC) case, a wetland must show connectivity to a stream course in order for such a feature to be considered jurisdictional.

Generally, the USACE does not assert jurisdiction over swales and erosional features, and ditches excavated wholly in or draining only uplands and that do not carry a relatively permanent flow of water. However, the USACE does reserve the right to regulate these waters on a case-by-case basis. Additionally, as part of the USACE permitting process, consultation with USFWS is required under Section 7 of the FESA for projects that may affect listed species or their designated habitat.

According to Section 401 of the CWA, "any applicant for a federal permit for activities that involve a discharge to waters of the state, shall provide the federal permitting agency a certification from the state in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the federal Clean Water Act." Therefore, before the USACE will issue a Section 404 permit, applicants must apply for and receive a Section 401 water quality certification from the RWQCB.

Under Section 401 of the CWA, the RWQCB regulates all activities that are regulated by the USACE. Additionally, under the state's Porter-Cologne Water Quality Act, the RWQCB regulates all activities, including dredging, filling, or discharge of materials into "waters of the state" that are not regulated by the USACE due to a lack of connectivity with a navigable water body and/or lack of an OHWM. The definition of "waters of the state" under the state Water Code is any surface water or groundwater, including saline waters, within the boundaries of the state, but may also include isolated waterbodies (AMEC(b), p. 3-7).

Migratory Bird Treaty Act

The MBTA protects all common wild birds found in the United States except the house sparrow, starling, feral pigeon, and resident game birds such as pheasant, grouse, quail, and wild turkey. Resident game birds are managed separately by each state. The MBTA makes it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird including feathers, parts, nests, or eggs. Pursuant to the MBTA, it is unlawful to "take" (i.e., capture, kill, pursue, or possess) migratory birds or their nests. Nesting birds must not be disturbed. The MBTA requires that impacts to nesting bird species be minimized or eliminated by avoiding impacts to active nest sites present.

State Regulations

California Endangered Species Act

California Endangered Species Act (CESA) (Fish and Game Code 2050, et seq.) establishes that it is the policy of the state to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The state considers an "endangered" species one whose prospects of survival and reproduction are in immediate jeopardy. A "threatened" species is one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. A "rare" species is one present in such small numbers throughout its portion of its known geographic range that it may become endangered if its present environment worsens. The rare species designation applies to California native plants. The term "species of special concern" is an informal designation used by CDFW for some declining wildlife species that are not state candidates for listing. This designation does not provide legal protection, but signifies that these species are recognized as sensitive by CDFW.

CESA mandates that state agencies should not approve projects which would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. Section 2080 provides the permitting structure for CESA. The "take" of a state-listed endangered or threatened species or candidate species will require incidental take permits as authorized by the CDFW. Thus, if a listed species is present on a project site and take of the species cannot be avoided, the project proponent must obtain an incidental take permit, as issued by the CDFW, through a 2081 permit or Memorandum of Understanding (MOU).

California Fish and Game Code

CDFW administers the Fish and Game Code. There are particular sections of the Fish and Game Code that are applicable to natural resource management. For example, Section 3503 of the Fish and Game Code states it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird that is protected under the MBTA. Fish and Game Code Section 3503.5 further protects all birds in the orders Falconiformes and Strigiformes, birds of prey such as hawks and owls, and their eggs and nests from any form of take. Fish and Game Code Section 3511 lists fully protected bird species where the CDFW is unable to authorize the issuance of permits or licenses to take these species.

Water resources are regulated by CDFW under Section 1600-1616 of the Fish and Game Code. Specifically, the Fish and Game Code mandates that "it is unlawful for any person to substantially divert or obstruct the natural flow or substantially changes the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds, without first notifying the department of such activity." CDFW jurisdiction includes ephemeral, intermittent, and perennial watercourses, including dry washes, characterized by the presence of hydrophytic vegetation, the location of definable bed and banks, and the presence of existing fish or wildlife resources. Further, CDFW jurisdiction is often extended to habitats adjacent to watercourses, such as oak woodlands in canyon bottoms or willow

woodlands that function as part of the riparian system. Historic court cases have further extended CDFW jurisdiction to include watercourses that seemingly disappear, but re-emerge elsewhere. Under the CDFW definition, a watercourse need not exhibit evidence of an OHWM to be claimed as jurisdiction. However, CDFW does not regulate isolated wetlands; that is, those that are not associated with a river, stream, or lake. Waters that are jurisdictional to CDFW require a Streambed Alteration Agreement between the CDFW and the project proponent as set forth in Section 1602.

Porter-Cologne Water Quality Control Act

This Act is the principal law governing water quality regulation in the state. It is the policy of the state, as set forth by this Act, that the quality of all of the "waters of the state" shall be protected, and that all activities and factors affecting the quality of water be regulated to attain the highest water quality within reason. Pursuant to this Act, the RWQCB regulates actions that would involve "discharging waste, or proposing to discharge waste, within any region that could affect the water of the state." Waters of the state are defined as "any surface water or groundwater, including saline waters, within the boundaries of the state."

Local Regulations

Western Riverside County Multiple Species Habitat Conservation Plan

The MSHCP is a comprehensive, multi-jurisdictional HCP focusing on conservation of species and their associated habitats in western Riverside County. The overall goal of the MSHCP is to maintain biological and ecological diversity within a rapidly urbanizing region, and allows Riverside County and its cities to better control local land use decisions and maintain a strong economic climate in the region while addressing the requirements of the state and federal ESAs.

The MSHCP serves as an HCP pursuant to Section 10(a)(1)(B) of the FESA, as well as a Natural Communities Conservation Plan (NCCP) under the state NCCP Act of 2001. The MSHCP encompasses all unincorporated Riverside County land west of the crest of the San Jacinto Mountains to the Orange County line, as well as the jurisdictional areas of the cities of Temecula, Murrieta, Lake Elsinore, Canyon Lake, Norco, Corona, Riverside, Moreno Valley, Banning, Beaumont, Calimesa, Perris, Hemet, San Jacinto, Menifee, Wildomar, Eastvale, and Jurupa Valley.

Rather than address sensitive species of an individual basis, the MSHCP provides for the collective conservation of the 146 covered species and their habitats. The MSHCP allows participating jurisdictions to authorize "take," as defined under FESA, of plant and wildlife species identified within the MSHCP area. Under the MSHCP, the Wildlife Agencies (USFWS and CDFW) have granted "take authorization" for otherwise lawful actions, such as public and private development that may incidentally take or harm individual species or their habitat outside of the MSHCP conservation area, in exchange for the assembly and management of a coordination MSHCP conservation area, and as such, project applicants need not seek their own permits on a case-by-case basis from the USFWS and/or the CDFW.

The MSHCP is a "criteria-based plan" and does not rely on a hardline preserve map. Instead, within the MSHCP Plan Area, the MSHCP reserve will be assembled over time from a smaller subset of the Plan Area referred to as the Criteria Area. The Criteria Area consists of Criteria Cells or Cell Groupings, and flexible guidelines (criteria) for the assembly of conservation within the Criteria Cells or Cell Groupings. Criteria Cells and Cell Groupings also may be included within larger units known as Cores, Linkages, or Non-Contiguous Habitat Blocks.

In western Riverside County, many federal and state listed or sensitive species and habitats are "covered species" under the MSHCP. In most instances the MSHCP requires no further surveys for most of the 146 covered species; however, Section 6 of the MSHCP states that additional surveys for 38 of these species is required if either the property occurs in a specific species survey area (e.g., burrowing owl, Criteria Area Species Survey Area [CASSA]) or if potential habitat exists on the property (e.g., least Bell's vireo [*Vireo bellii pusillus*], or Riverside fairy shrimp [*Streptocephalus wootoni*]). Further, the MSHCP includes policies for the review of projects in areas where habitat must be conserved (i.e., property within Criteria Cells) and policies for the protection of riparian habitats, vernal pools, and narrow endemic plants.

The City adopted the MSHCP on September 23, 2003 (Riverside Municipal Code, Chapter 16.72) and the federal and state Wildlife Agencies approved permits required to implement the MSHCP on June 22, 2004. Implementation of the MSHCP will conserve approximately 500,000 acres of habitat into a reserve system, including land already in public or quasi-public ownership and approximately 153,000 acres of land in private ownership that will be purchased or conserved through other means such as land acquisition and conservation easements. The money for purchasing private land comes from development mitigation fees imposed on new development within the boundaries of the MSHCP, as well as state and federal funds.

As a signatory to the MSHCP, the City adopted Ordinance No. 6709 (which is codified as Chapter 16.72 of the Riverside Municipal Code) and established a Local Development Mitigation Fee (LDMF) to be used by the Western Riverside County Regional Conservation Authority (RCA) to implement the MSHCP. The Project will participate in the MSHCP through the payment of the LDMF at the time building permits are issued pursuant to the provisions of Ordinance No. 6709.

Stephens' Kangaroo Rat Habitat Conservation Plan

The City is located within the boundary of the adopted HCP for the endangered Stephens' kangaroo rat (SKR-HCP) administered by the Riverside County Habitat Conservation Agency (RCHCA). The SKR-HCP mitigates impacts from development on the SKR by establishing a network of preserves and a system for managing and monitoring them. The SKR-HCP initially established Core Reserves for the conservation of key SKR populations. Outside of the Core Reserves, the SKR-HCP established a fee assessment area by which individual projects are granted coverage under the HCP by payment of SKR fees. The MSHCP, through its goals for SKR, reaffirms the conservation goals of the SKR-HCP, while expanding the coverage area outside of the original coverage boundaries of the SKR-HCP. Neither the SKR-HCP nor

MSHCP requires project-specific SKR surveys for sites located outside of the existing Core Reserves. Instead, payments of SKR fees are sufficient to obtain take authorization for SKR, unless specific lands are targeted for conservation by SKR-HCP or MSHCP. (SKR-HCP)

The Project site is not located within a Core Reserve; however, it is adjacent to the Sycamore Canyon Core Reserve and located within the SKR fee assessment area (SKR-HCP, Figure 3). The Project proponent is required to pay the Stephens' Kangaroo Rat Preservation Fee in effect at the time a grading permit is issued which is collected per Riverside Municipal Code Section 16.40.040.

Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan

The *Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan* was prepared with two purposes: update the park's conceptual development plan and provide a coordinated Maintenance/Management Plan for the endangered Stephens' kangaroo rat (SKR). Because the Sycamore Canyon Wilderness Park was designated as a core reserve in the Stephens' Kangaroo Rat Habitat Conservation Plan (SKR-HCP), the City was required to prepare a Maintenance/Management Plan for the core reserve. (SCWP SKR and Dev Plan, p. 1)

The *Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan* considers fire from two different perspectives, control of wildland fire and fire as a management tool. This plan also examines a variety of alternatives for trailheads, edge treatments, and interpretive day-use facilities that will avoid impacts to the SKR habitat. (SCWP SKR and Dev Plan, p. 163). The location of one of the trailhead/emergency vehicle access identified in the *Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan* is Kangaroo Court. This location is described as providing a logical emergency access point to the entire east half of the park. (SCWP SKR and Dev Plan, p. 173) The Project proposes a trail and Fire Access/Parks Maintenance Road (**Figure 3-11 – Conceptual Landscape Plan**).

The maintenance and management objectives of the *Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan* are to:

- Provide proper management of resources which ensure the preservation of all native plant and animal species with particular focus on preservation of SKR and its habitat;
- Preserve, maintain, restore and enhance the existing natural landscape for the benefit of the park visitor in a manner compatible with protection of biological resources;
- Preserve, maintain, and enhance the existing archaeological sites;
- Protect existing viewsheds and provide for optimum view opportunities within the site; and
- Encourage repeat visitation (SCWP SKR and Dev Plan, p. 21).

For the purpose of habitat management planning, the *Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan* divides the Park site divided into seven separate Management Units (MU's). The Project site is adjacent to MU 2. (SCWP SKR and Dev Plan, Figure 1-2) The three SKR habitat management techniques recommended for Sycamore Canyon Wilderness Park are mowing, grazing and controlled burning. (SCWP SKR and Dev Plan, p. 21)

The MUs units range in size from just under 60 acres to a little over 775 acres. Dividing the site into MUs allows the Reserve Manager to evaluate the resources and management needs of the different segments of the Park in a more detailed manner. The Project site is adjacent to MU 2. MU 2 proposes a major trailhead with off-street parking for 20 vehicles and a trail head structure are proposed along Central Avenue (SCWP SKR and Dev Plan, Section 6.5.1 and Figure 6-3). Extending from this trailhead is the most extensively used trail in the northern portion of the canyon. Also contained within this unit is the Interpretive Center/Day Use Facility proposed at the terminus of the future Kangaroo Court. However, in 2013 when the City received a Proposition 84 Nature Education Facility grant to construct the Ameal Moore Nature Center, access through Kangaroo Court was not available. Rather, the Central Avenue location was selected as an alternative to the Kangaroo Court site to minimize the impact to the park and to reduce the cost to construct the center.

The *Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan* also identifies appropriate edge treatments between the park and other uses. The Management Plan requires a 7-foot high masonry wall edge treatment with possible substitution of a 6 foot tall fence per the City of Riverside Parks, Recreation, and Community Services Department Standard Detail No. 5520 and specifications. The fence per Standard Detail No. 5520 is preferred by the Parks Department to improve the visible connection to the conservation area, provide an open visible sense of security for trail users and to reduce the opportunity for graffiti. The substitution of the fence per Standard Detail No. 5520 will require the Parks Department to expand the stubble management buffer to 100 feet along the property line. Further, the proposed increased fence height to 10 feet by the developer would not have any significant impacts to the character of the area. To ensure the Project is not in conflict with the *Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan*, mitigation measures **MM AES 2** and **MM AES 3** will be implemented.

Urban Forestry Policy Manual

The City's Urban Forestry Policy Manual is a guideline for the planting, pruning, preservation and removal of all trees in the City rights-of-way and recreational facilities. These specifications are based on national standards for tree care established by the International Society of Arboriculture, the National Arborists Association and the American National Standards Institute. The manual incorporates input from Public Works Department staff, the Parks, Recreation and Community Services Commission, City Council, various other commissions and the citizens of the City. The manual is a reference for use by City staff, private contractors,

volunteer organizations and citizens when working in and around trees within City jurisdiction. Moreover, the Urban Forestry Policy Manual does not relate to private property trees.

Riverside General Plan 2025
The GP 2025 contains objectives and policies to protect biological resources within the City in the Land Use and Urban Design Element and Open Space and Conservation Element. Appendix M of this DEIR summarizes the Project's consistency with the applicable GP 2025 policies.

Sycamore Canyon Business Park Specific Plan
The *Sycamore Canyon Business Park Specific Plan* is intended to guide development within the Plan's boundaries. The intent of the Plan is to establish a high quality industrial development for the City that would strengthen the City's economic base. The Plan recommends development of light industry, distribution warehousing, and/or product assembly. Appendix M of this DEIR summarizes the Project's consistency with the applicable objectives of the *Sycamore Canyon Business Park Specific Plan.*

5.4.3 Thresholds of Significance

The City has not established local CEQA significance thresholds as described in Section 15064.7 of the State *CEQA Guidelines*. Therefore, significance determinations utilized in this section are from Appendix G of the State *CEQA Guidelines*. A significant impact will occur if implementation of the proposed Project will:

- (Threshold 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 Wildlife or U.S. Fish and Wildlife Service;

- (Threshold 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 Wildlife or US Fish and Wildlife Service;

- (Threshold C) have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;

- (Threshold 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;

- (Threshold E) conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and/or

- (Threshold 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.

5.4.4 Project Design Features

As a result of discussions with the resource agencies during pre-application meetings on December 9, 2015 and February 10, 2016, the Project incorporates an approximately 3-acre Mitigation Area along the western edge of the Project site to mitigate for a proposed 1.91-acre permanent impact to riparian/riverine habitat as shown on **Figure 3-11 – Conceptual Landscape Plan**. The proposed Mitigation Area will vary in total width from 52 feet to 72 feet with a length of 2,008 feet totaling approximately three (3) acres. The Mitigation Area will include a low-flow channel (10- to 25-feet wide) designed to meander; thus creating a natural sinuosity to mimic a naturally occurring drainage. Vegetation within the Mitigation Area will be dominated by willow riparian scrub habitat (0.50 acres) with upland scrub and oaks along the upper banks (an additional approximately 2.5 acres).

As described in the *Determination of Biologically Equivalent or Superior Preservation* (DBESP), the habitat that will be created in the proposed Mitigation Area is considered superior in comparison to the existing drainage and habitat because it will:

- continue to convey the runoff from the residential development to the northwest of the Project site;
- be planted with native riparian and riparian scrub habitat;
- meander like a naturally occurring drainage; and
- provide better quality habitat for nesting birds.

A Habitat Mitigation Management Plan (HMMP) will be prepared by the applicant to describe the habitat creation and establish long-term success criteria. The HMMP will be submitted to the resource agencies (i.e., the USFWA and CDFW) for review prior to any ground disturbance. The Mitigation Area will be permanently conserved in a conservation easement, or equivalent, and managed in perpetuity with funds from a non-wasting endowment.

5.4.5 Environmental Impacts before Mitigation

Threshold A: *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 Wildlife or U.S. Fish and Wildlife Service?*

The *Biological Assessment and Western Riverside Multi-Species Habitat Conservation Plan Compliance Report* (Appendix C.1) prepared for the Project identified the presence of some listed species on the site. The Project site is not located within any USFWS designated critical habitat for sensitive species (AMEC(a), p. ii).

Special-Status Plant Species
The field survey conducted by AMEC did not reveal any sensitive plant species on the site. Additionally, the site is not located in a special plant survey area of the MSHCP. Therefore, development of the Project site will have less than significant impacts to special-status plant species.

Special-Status Wildlife Species
AMEC observed one sensitive wildlife species at the Project site: San Diego black-tailed jackrabbit (*Lepus californicus bennettii*). AMEC also observed a golden eagle (*Aquila chrysaetos*) flying over the project site during their surveys. The Project site contains low quality raptor foraging habitat, the loss of which is not considered a significant impact under CEQA (AMEC(c), p iii). No other sensitive wildlife species were observed at the Project site during the field investigation.

Regarding the San Diego black-tailed jackrabbit, this species is "covered" under the MSHCP. Impacts to this species are mitigated through the City's payment of MSHCP fees, which is required of the Project proponent as set forth by the MSHCP and pursuant to City Ordinance No. 6709 (codified as Riverside Municipal Code Chapter 16.72) (AMEC(a), p. 13). Additionally, potential impacts to species and habitats covered by the MSHCP, including the burrowing owl, are covered by the MSHCP. Payment of the MSHCP fee is due at the issuance of building permits (Riverside Municipal Code Section 16.72.040(E)(1)). The MSHCP fees will be used by RCA to purchase off-site lands that will mitigate for the loss of foraging habitat (AMEC(a), p. iii).

The Project site may support nests utilized by birds protected under MBTA of 1918 (Code of Federal Regulations Section 10.13) or the California Fish and Game Code, as discussed under Section 5.4.2 – Related Regulations, above. Thus, the potential exists for construction-related disturbance to nesting birds. All migratory non-game native bird species are protected by international treaty under the MBTA. Pursuant to the MBTA, it is unlawful to "take" (i.e., harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect) migratory birds or their nests. Many native bird species are covered under the MBTA. Impacts can be minimized or eliminated by avoiding impacts to potential nest sites present on the Project site. While there is no established protocol for nest avoidance, when consulted, the CDFW generally recommends avoidance buffers of about 500 feet for birds-of-prey, and 100 to 300 feet for songbirds. Therefore, mitigation measure **MM BIO 1** will be implemented requiring construction activities to be scheduled outside of the breeding season of MBTA-covered bird species to the greatest extent feasible and monitoring prior to ground disturbance activities at the site by a qualified biologist if construction is scheduled within the breeding season to reduce potential impacts to less than significant with mitigation incorporated.

Based on the *Focused Survey for Burrowing Owl (Athene cunicularia)*, all undeveloped areas of the Project site and adjacent areas are suitable for burrowing owl. Suitable habitat (non-native grassland) occurs throughout the Project site. The presence of California ground squirrel, desert cottontail, and San Diego Black-tailed jackrabbit are also potential indicators of suitable burrowing owl habitat (burrows). During the habitat assessment and burrow surveys, as part of

the protocol survey for burrowing owl, no suitable burrows (those greater than four inches in diameter) were observed within the Project site. It is assumed that since the above mentioned mammal species were observed within the Project site that burrows associated with these species are within the adjacent Sycamore Canyon Conservation Area. Since no suitable burrowing owl burrows were found to be present within the Project site, protocol surveys for burrowing owl are not required under the MSHCP guidelines (AMEC(d) p. 6). Nonetheless, because the site contains suitable habitat and is within the MSHCP survey area for this species, mitigation measure **MM BIO 2** will be implemented requiring a preconstruction survey 30 days prior to any ground disturbance.

Therefore, the Project impacts with regard to special-status wildlife species will be **less than significant with mitigation**.

Threshold B: *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 Wildlife or US Fish and Wildlife Service?*

The Project site is dominated by disturbed non-native grassland with an ephemeral drainage with sparse riparian vegetation and a small isolated ponded area (see **Figure 5.4-1 – Vegetation Communities Map**). Drainage 1 and Drainage 2 contain riparian habitat and/or riverine characteristics and are hence considered riparian/riverine areas as designated by the MSHCP (AMEC(a), p. 20). Riparian habitat associated with the drainage feature on site includes red willow (*Salix laevigata*), arroyo willow (*Salix lasiolepis*), Gooding's black willow (*Salix douglasii*), narrow-leaf willow (*Salix exigua*), Fremont cottonwood (*Populus fremontii* ssp. *fremontii*), and mule fat (*Baccharis salicifolia*) (AMEC(a), p. 9). Drainage 1 represents 1.65 acres of riparian/riverine resources. Drainage 2 represents 0.02 acres of riparian/riverine resources.

Based on the proposed site plan for the Project (**Figure 3-10 – Site Plan**), impacts to riparian habitat cannot feasibly be avoided, and as such, a Project-level DBESP is required by the MSHCP. The *Determination of Biologically Equivalent or Superior Preservation Sycamore Canyon Business Park Warehouse Project, City of Riverside, Riverside County, California* (the Project's DBESP) was provided to the Wildlife Agencies for a 30-day review and response period from May 20, 2016 through June 20, 2016. CDFW had the following comments on the Project's DBESP: (i) that the Project applicant provide all relevant burrowing owl survey information and reports to show compliance with Section 6.3.2 of the MSHCP, and (ii) that additional copies of the Habitat Mitigation Management Plan be submitted to the wildlife agencies, USFWS and CDFW, for their records. (A copy of the DBESP is included as Appendix C.4). The focused burrowing owl survey is included in Appendix C. 6.

As discussed in *Threshold A* above, no suitable burrowing owl burrows were found to be present within the Project site during the habitat assessment and focused burrow surveys. Therefore protocol surveys for burrowing owl are not required under the MSHCP guidelines. A 30-day pre-construction survey, as outlined in **MM BIO 2**, is required to ensure that burrowing owls have not colonized or taken up residence on the site or immediately adjacent areas prior

to construction activities. Compliance with Section 6.3.2 of the MSHCP is discussed in *Threshold F.*

As described in Section 5.4.4 – Project Design Features, above, and shown on **Figure 3-11 – Conceptual Landscape Plan**, the Project proposes an approximately three acre Mitigation Area along the western edge of the Project site. The DBESP determined that the habitat that will be created in the Project's Mitigation Area is considered biologically superior in comparison to the existing drainage (AMEC(c), p. 6-1). Therefore, with implementation of mitigation measure **MM BIO 3**, which requires a Habitat Mitigation Management Plan (HMMP) be prepared describing the habitat creation and establishment of success criteria and **MM BIO 4**, which requires recordation of a conservation easement, there will be no net loss of riparian/riverine habitat.

As discussed above, the Project site contains three jurisdictional features using approaches recommended by the regulatory agencies for the site (see **Figure 5.4-2 – USACE/RWQCB Jurisdictional Delineation Map** and **Figure 5.4-3 – CDFW Jurisdictional Delineation Map**). These jurisdictional features include Drainage 1 and Drainage 2 and a small isolated ponded area (see **Table 5.4-A**). USACE jurisdiction totals 0.41 acre (0.39 acre of Drainage 1 and 0.02 acre of Drainage 2), RWQCB jurisdiction totals 0.41 acre (0.39 acre of Drainage 1, 0.02 acre of Drainage 2), and CDFW jurisdiction totals 2.12 acres (1.65 acres of Drainage 1, 0.02 acre of Drainage 2, 0.21 acre of ponded area, and 0.24 acres of isolated riparian habitat). Further, these jurisdictional areas are non-wetland. Based on the proposed site plan for the Project (**Figure 3-10 – Site Plan**), these jurisdictional areas will be permanently impacted by implementation of the Project, and therefore, the Project applicant is required to obtain a Section 404 Permit from USACE, Section 401 Certification from RWQCB, and Streambed Alteration Agreement from CDFW and comply with the provisions of such permits prior to any ground disturbance within any jurisdictional area as required by mitigation measure **MM BIO 5**.

No other sensitive natural communities were identified at the Project site.

For the reasons discussed above, impacts with regard to riparian habitat and other sensitive natural communities will be **less than significant with mitigation**.

Threshold C: *Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

Storm flows and nuisance flows enter the Project site from an underground culvert northwest of the Project site. Standing water was observed immediately downstream of the culvert, but percolates prior to any flows entering the Project site. Surface flows likely enter the Project site during and immediately following large storm events. Therefore, the drainage feature on-site is considered an ephemeral drainage. Moreover, runoff from the site exits near the south-central boundary and flows within a paved commercial development prior to entering a natural

drainage approximately 1,400 feet southwest of the Project site. The flows continue in a natural drainage feature for approximately 1.5 miles before it enters a golf course (Canyon Crest Country Club) and other urbanized settings. The drainage is then conveyed through flood control devices for approximately 4.5 miles before entering the Santa Ana River Channel. (AMEC(b), p. 2-1)

As discussed above, a jurisdictional delineation was prepared for the Project site to determine the extent and location of jurisdictional features, including waters of the U.S. regulated by USACE pursuant to Section 404 of the CWA. Waters of the U.S. are defined to include waters, streams, and wetlands that have an above-ground or below-ground connection to navigable waters, and tributaries to these waters. In non-tidal waters, the limits of jurisdiction under this definition are defined by the OHWM identified through field observation of features such as shelving and debris deposits, or beyond the OHWM to the limit of any adjacent wetlands, if present. The USACE defines a wetland by three criteria: hydrology, soils, and vegetation.

The Project site contains three jurisdictional features, two ephemeral drainages and a small isolated ponded area. None of these features are defined as "wetlands" per Section 404. (AMEC(b) P. 2-2) While the Project will permanently impact these jurisdictional features, including 0.41 acre of USACE-jurisdictional waters, these features regulated by USACE as defined in Section 404 of the CWA do not contain the criteria for wetlands (see **Table 5.4-A**). Because there are no wetlands as defined by Section 404 of the CWA occur on site, **no impacts** will occur.

Threshold D: *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?*

The Project site is not located within a Criteria Cell of the MSHCP; however, it is located adjacent to Public/Quasi-Public (PQP) Lands in the MSHCP. PQP lands are typically lands owned by public agencies for the purposes of conservation or natural open space. The PQP Lands adjacent to the site are directly west of the site and associated with the Sycamore Canyon Wilderness Park which is owned and operated by the City of Riverside. Because the site was not contemplated for conservation (i.e. not in a Criteria Cell) the Project site is not intended to be a link between the Sycamore Canyon Wilderness Park and the Box Springs Mountains. Moreover, because much of the area immediately surrounding the Project site is already developed, the site does not currently provide a link between the Sycamore Canyon Wilderness Park and the Box Springs Mountain. Further, AMEC did not identify any significant wildlife movement or corridor areas on the site. No native nursery sites were identified on site. **Impacts are considered less than significant and no mitigation is required.**

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

As discussed in Appendix M**,** the Project is consistent with the City's General Plan 2025 policies. Specifically, in relation to this threshold, the Project is consistent with Objective LU-7: Preserve and protect significant areas of native wildlife and plant habitat, including endangered species. Additional local policies and ordinances protecting biological resources include *Stephen's Kangaroo Rat Habitat Conservation Plan* (SKR-HCP), MSHCP, *Lake Matthews Multiple Species Habitat Conservation Plan and Natural Community Conservation Plan* (Lake Matthews MSHCP/NCCP), *El Sobrante Landfill Habitat Conservation Plan* (El Sobrante HCP), and the City's Urban Forest Tree Policy. The Project site is not within or near the Lake Matthews MSHCP/NCCP or the El Sobrante HCP plan areas (GP 2025, Figure OS-6). The Project site is adjacent to the Sycamore Canyon Wilderness Park, which is a designated Core Reserve Area for the SKR-HCP and within the boundary of the MSHCP. As the City is a permittee to the MSHCP, the Project is required to be compliant with all MSHCP policies. See Threshold F, below, for a discussion of the proposed Project's MSHCP compliance. Development of the Project site is subject to the edge treatment and other provisions of the *Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan.*

The Project site is not within an MSHCP Criteria Cell, or MSHCP Narrow Endemic Plant Species Survey Area (GP 2025 Figures OS 7, OS8; FPEIR Figure 5.4-6). MSHCP Core Linkage D, Sycamore Canyon Wilderness Park, is located directly west of the proposed Project site; however, the Project has been designed to minimize impacts to this linkage through incorporation of a Mitigation Area along the western boundary of the Project site (**Figure 3-11 – Conceptual Landscape Plan**). The Project site is within an Additional Survey Area for burrowing owl, and appropriate surveys have been conducted, as discussed under *Threshold A* and *Threshold F*.

The City has also adopted an *Urban Forestry Policy Manual* to establish guidelines for planting, pruning, preservation, and removal of all trees in City rights-of-ways (PW). The City Public Works Department is responsible for the maintenance of all street trees planted by the Project within City right-of-way in accordance with the *Urban Forestry Policy Manual* (PW, p. 14). The Project does not propose the removal of any existing trees within public rights-of-way. Therefore, with regard to conflicts with local ordinances to protect biological resources, impacts will be **less than significant.** The Project's consistency with the MSHCP and SKR-HCP are discussed under Threshold F.

Threshold F: *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?*

Western Riverside County Multiple Species Habitat Conservation Plan

The Project site is located within the MSHCP Plan Area. The site is not located in a Criteria Cell. The Project site is flanked by PQP Lands within the Sycamore Canyon Wilderness Park, which is located directly west of the site. The MSHCP requires projects comply with Sections 6.1.2 (Protection of Species within Riparian/Riverine Areas and Vernal Pools), 6.1.3 (Protection

of Narrow Endemic Plant Species), 6.1.4 (Urban and Wildlands Interface), 6.3.2 (Additional Survey Needs and Procedures), Appendix C (Standard Best Management Practices), and Section 7.5.3 (Construction Guidelines). The Project's consistency with each of these sections is discussed below.

Section 6.1.2 Protection of Species within Riparian/Riverine Areas and Vernal Pools

The Project site was found to have suitable habitat for wildlife species that commonly occur in riparian/riverine habitats associated with Section 6.1.2 of the MSHCP. These wildlife species include sensitive avian species such as least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and western yellow-billed cuckoo (*Coccyzus americanus occidentalis*). The riparian woodland habitat present within the ephemeral drainages that traverse portions of the Project site is potential breeding habitat for the state- and federally-endangered least Bell's vireo and southwestern yellow flycatcher (AMEC(a), p. 15). MSHCP protocol surveys for these species were conducted on May 1, 11, 21, June 1, 11, July 2 and July 14, 2015 by Michael Baker International biologists (Appendix C.2). None of the Section 6.1.2 riparian bird species were found to be occupying the site. Therefore, no impacts to riparian birds are expected and impacts are considered less than significant.

Additionally, a small isolated ponded area is located in the southern portion of the Project site, described as an artificially-created feature in an otherwise upland area (AMEC(a), p. 20). This ponded area has the potential to provide suitable habitat for fairy shrimp species. As required by the MSHCP, a focused survey for fairy shrimp was conducted to determine the presence or absence of this species at the isolated ponded area in the southern portion of the Project site, according to USFWS Survey Guidelines from October 19, 2015 through May 17, 2016. Fairy shrimp were collected from the pool during 10 of the 28 surveys. The versatile fairy shrimp, *Branchinecta lindahli*, a common non-listed species was the only species observed during the study period and no federally-listed endangered threatened fairy shrimp species were detected at the Project site (Rocks, p. 2). Because the requisite focused surveys were completed for the Project site, the Project proposes an on-site Mitigation Area to replace lost riparian habitat, and only common fairy shrimp were observed, the Project will be compliant with Section 6.1.2 of the MSHCP.

Section 6.1.3 Protection of Narrow Endemic Plant Species

The Project site is not located in a Narrow Endemic Species Survey Area, or in a Criteria Area Species Survey Area for plants, and no focused surveys for these species are required. As such, the Project will be compliant with Section 6.1.3 of the MSHCP.

Section 6.1.4 Guidelines Pertaining to Urban Wildlands Interface

The MSHCP Urban/Wildland Interface Guidelines are intended to address indirect effects associated with locating development in proximity to the MSHCP Conservation Area. The Project is adjacent to the Sycamore Canyon Wilderness Park, identified in the MSHCP as

Existing Core D. To minimize Edge Effects[2] MSHCP Section 6.1.4 identifies guidelines applicable to Projects adjacent to Conservation Areas. The City, as MSHCP Permittee, is to consider these guidelines in reviewing the Project. The MSHCP Urban/Wildland Interface Guidelines address: drainage, toxics, lighting, noise, invasives, barriers, and grading as discussed below in **Table 5.4-B – Project Compliance with MSHCP Urban/Wildlands Interface Guidelines**.

Table 5.4-B – Project Compliance with MSHCP Urban/Wildlands Interface Guidelines

MSHCP Guidelines	Project Features
Drainage	
Proposed Developments in proximity to the MSHCP Conservation Area shall incorporate measures, including measures required through the National Pollutant Discharge Elimination System (NPDES) requirements to ensure that the quantity and quality of runoff discharged to the MSHCP Conservation Area is not altered in an adverse way when compared with existing conditions. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into the MSHCP Conservation Area. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that may degrade or harm biological resources or ecosystem processes within the MSHCP Conservation Area. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. Regular maintenance shall occur to ensure effective operations of runoff control systems.	In the post-Project condition, runoff will leave the Project site via a storm drain to be constructed in Lance Drive and enter into an existing 120-diameter storm drain in Eastridge Drive before being discharged into an existing water quality basin before it enters into Sycamore Canyon Wilderness Park via a natural drainage. Therefore, because the Project design incorporates several measures to reduce the release of toxins and to mimic existing drainage conditions onsite, the Project is consistent with the MSHCP Urban/Wildlands Interface Drainage Guidelines.
Toxics	
Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts such as manure that are potentially	The Project does not propose to use chemicals, or generate bioproducts, such as manure, that are potentially toxic or may adversely affect wildlife

[2] Edge Effects are defined in the MSHCP as: adverse direct and indirect effects to species, Habitats and Vegetation Communities along the natural urban/wildlands interface. May include predation by mesopredators (including native and non-native predators), invasion by exotic species, noise, lighting, urban runoff and other anthropogenic impacts (trampling of vegetation, trash and toxic materials dumping, etc.). (MSHCP, p. Def/Acr vi)

MSHCP Guidelines	Project Features
toxic or may adversely affect wildlife species, Habitat or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. Measures such as those employed to address drainage issues shall be implemented.	species. Although these are spec buildings, any toxic items that may be used or stored at the site will be subject to and comply with State and City requirements for proper handling. Further, the site's drainage system has been designed to minimize the potential for toxic substances to be released into the adjacent MSHCP Conservation Area. Therefore, the Project is consistent with the MSHCP Urban/Wildlands Interface Drainage Guidelines.
Lighting	
Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.	The Project does not propose any direct lighting into the Sycamore Canyon Wilderness Park. All Project lighting will be directed away from the Park and shall incorporate shielding as required by Chapter 19.556 of the City's Municipal Code and the City's standard lighting conditions. More specifically the development of the project will include the installation of exterior building lights and freestanding parking lot lights. Building-mounted lights would consist of approximately 48 high output and supersaver LED cut-off lights with no uptilt located approximately 34 feet above finished floor elevation for Building 1, and approximately 30 high output and supersaver LED cut-off lights with no uptilt located approximately 32 feet above finished floor elevation for Building 2, except along the northern building wall where the lights will be lowered to a level to provide safety while not producing glow into the neighboring yards to the maximum extent feasible. The freestanding parking lot light fixtures would consist of both supersaver and high output LED cut-off lights on 17 feet poles with 3 feet concrete bases and no uptilt. Project lighting will comply with the City's Zoning Code, ALUC conditions of approval and any other applicable lighting requirements and regulations. Further, implementation of mitigation measure **MM BIO 7** will ensure that site lighting is designed to minimize impacts on the Sycamore Canyon Wilderness Park. Therefore, the Project is

MSHCP Guidelines	Project Features
	consistent with the MSHCP Urban/Wildlands Interface Lighting Guidelines.
Noise	
Proposed noise generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards.	As discussed in Section 5.13 – Noise, the Project will install a temporary construction noise barrier along its western boundary to minimize the effect of noise on the Sycamore Canyon Wilderness Park. Once completed, the Project will include walls surrounding the truck yards and loading/docking areas. Therefore, the Project is consistent with the MSHCP Urban/Wildlands Interface Noise Guidelines.
Invasives	
When approving landscape plans for Development that is proposed adjacent to the MSHCP Conservation Area, Permittees shall consider the invasive, non-native plant species listed in *Table 6-2* [of the MSHCP] and shall require revisions to landscape plans (subject to the limitations of their jurisdiction) to avoid the use of invasive species for the portions of Development that are adjacent to the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography, and other features.	The Project's proposed plant palette does not include any invasive plant species. Further, the proposed landscaping plans include an onsite Mitigation Area adjacent to the Sycamore Canyon Wilderness Park that will be planted with a variety of native plants (**Figure 3-11 – Conceptual Landscape Plan**). Therefore, because the Project's landscape plans do not include any invasive species, the Project is consistent with the MSHCP Urban/Wildlands Interface Invasives Guidelines.
Barriers	
Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass or dumping in the MSHCP Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage and/or other appropriate	Where appropriate, barriers are used for projects adjacent to the MSHCP Conservation Area to minimize unauthorized public access, domestic animal predation, illegal trespass or dumping in the MSHCP Conservation Area. The Project includes a trail with parking lot and trail that will connect to an existing trail in the Sycamore Canyon Wilderness Park. Fencing will be provided pursuant to

MSHCP Guidelines	Project Features
mechanisms.	mitigation measures **MM AES 2** and **MM AES 3.** As a logistics center/industrial use, other than the trail access, the Project site will be fenced and access to not only the Project Site, but also the Park will be limited. This will be a beneficial impact with regard to access. Therefore, because the Project incorporates barriers to minimize unauthorized public access or illegal trespass or dumping, the Project is consistent with the MSHCP Urban/Wildlands Interface Barrier Guidelines.
Grading/Land Development	
Manufactured slopes associated with proposed site development shall not extend into the MSHCP Conservation Area.	The Project does not propose any grading within the Sycamore Canyon Wilderness Park. Further, a temporary fence will be installed as required by mitigation measure **MM BIO 8** to provide a barrier during construction between the Project site and the Park area. Therefore, the Project is consistent with the MSHCP Urban/Wildlands Interface Grading/Land Development Guidelines.

For the reasons set forth above, the Project will be compliant with Section 6.1.4 of the MSHCP.

MSHCP Section 6.3.2 Additional Survey Needs and Procedure

The Project is located in an Additional Survey Area for burrowing owl. AMEC determined that the site has suitable habitat for burrowing owl, and per Section 6.3.2 of the MSHCP, focused surveys are warranted. Based on the *Focused Survey for Burrowing Owl (Athene cunicularia)*, all undeveloped areas of the Project site and adjacent areas are suitable for burrowing owl. Suitable habitat (non-native grassland) occurs throughout the Project site. The presence of California ground squirrel, desert cottontail, and San Diego Black-tailed jackrabbit are also potential indicators of suitable burrowing owl habitat (burrows). During the habitat assessment and burrow surveys, as part of the protocol survey for burrowing owl, no suitable burrows (those greater than four inches in diameter) were observed within the Project site. It is assumed that since the above mentioned mammal species were observed within the Project site that burrows associated with these species are within the adjacent Sycamore Canyon Conservation Area. Since no suitable burrowing owl burrows were found to be present within the Project site, protocol surveys for burrowing owl are not required under the MSHCP guidelines (AMEC(d) p. 6). However, to confirm compliance with the MSHCP requirement for a preconstruction survey for burrowing owls 30 days prior to ground disturbing activities, mitigation measure **MM BIO 2,** as discussed under Threshold B, shall be implemented and the Project will be compliant with Section 6.3.2.

MSHCP Appendix C Standard Best Management Practices

Appendix C identifies standard BMPs to be implemented during construction of projects in proximity to the MSHCP Conservation Area. The BMPs cover issues such as biological monitoring, identification and avoidance of jurisdictional resources, if feasible, equipment storage, maintenance of the construction site, and drainage and runoff. Through compliance with the applicable provisions of the Riverside Municipal Code, **MM BIO 6** and mitigation measures identified in this DEIR, and conditions of the regulatory permits issued by the Wildlife Agencies, the Project will be compliance with Appendix C.

Section 7.5.3 Construction Guidelines.

Section 7.5 of the MSHCP sets forth *Guidelines for Facilities Within the Criteria Area and Public/Quasi-Public Lands*. Section 7.5.3 outlines construction guidelines. Because the Project does not propose any construction within an MSHCP Criteria Area or PQP lands, the construction guidelines in Section 7.5.3 are not applicable.

Stephen's Kangaroo Rat Habitat Conservation Plan

Because the Project site is not within an SKR-HCP Core Reserve, to be compliant with SKR-HCP, the Project proponent is required to pay the Stephens' Kangaroo Rat Preservation Fee in effect at the time a grading permit is issued.

Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan

The Project site is adjacent to MU 2 of this plan. The *Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan* also identifies appropriate edge treatments between the park and other uses. The Project proposes to build a 10-foot high fence between the Park and the Project site. The Management Plan requires a 7 foot high masonry wall edge treatment with possible substitution of a 6-foot tall fence per the City of Riverside Parks, Recreation, and Community Services Department Standard Detail No. 5520 and specifications. The Standard Detail No. 5520 fence is preferred by the Parks Department to improve the visible connection to the conservation area, provide an open visible sense of security for trail users and to reduce the opportunity for graffiti. The substitution of the Standard Detail No. 5520 fence will require the Parks Department to expand the stubble management buffer to 100 feet along the property line. Further, the proposed increased fence height to 10 feet by the developer would not have any significant impacts to the character of the area.

MU 2 proposes a major trailhead with off-street parking for 20 vehicles and a trail head structure are proposed along Central Avenue (SCWP SKR and Dev Plan, Section 6.5.1 and Figure 6-3). To be consistent with The *Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan*, a parking lot is proposed at the southeastern corner of the Project site. Through implementation of mitigation measures **MM AES 2** and **MM AES 3**, which require fencing to be installed in accordance with the requirements outlined in this plan, the Project will not conflict with this plan.

Therefore, the proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan and impacts are considered **less than significant with mitigation** incorporated.

5.4.6 Proposed Mitigation Measures

An Environmental Impact Report is required to describe feasible mitigation measures that could minimize significant adverse impacts (State CEQA Guidelines Section 15126.4).

MM BIO 1: To comply with the provisions of the MBTA and the California Fish and Game Code, potential impacts to nesting habitat (i.e., site grading or removal of trees) shall be limited to the times when birds are less likely to be nesting (i.e., the non-breeding season, approximately September to February) to the extent feasible. The period from approximately February 1 to August 31 covers the breeding season for most birds that may occur in the Project area. If construction is conducted during breeding season, a qualified biologist shall check potential nesting sites no more than three (3) days prior to any Project related ground disturbance or tree removal activities. If nesting birds are present, the area shall be avoided until young have fledged (as determined by a qualified biologist). Avoidance will involve prescribed 500-foot buffer zone for birds of prey and 100- to 300-foot buffer zone for songbirds from sensitive locations.

MM BIO 2: Per MSHCP Species-Specific Objective 6, preconstruction presence/absence surveys for burrowing owl shall be conducted on the Project site and within 150 meters (500 feet) 30 days by a qualified biologist prior to any ground disturbance. Take of active nests shall be avoided. Passive relocation (use of one-way doors and collapse of burrows) will occur when owls are present outside the nesting season. If feasible, the owls will be relocated to the Sycamore Canyon Wilderness Park or to property owned by the California Department of Fish and Wildlife in proximity to the Project site.

MM BIO 3: As required by the Project's DBESP, prior to issuance of grading permits the Project proponent shall provide evidence to the City Planning Division that a Habitat Mitigation and Monitoring Plan (HMMP) has been approved by the USFWS and CDFW for the Mitigation Area. Success criteria for the HMMP will include: 85% percent coverage of the existing riparian habitat, no more than 10% cover of non-native species, and reduction of supplemental watering during the last two years of monitoring. The Mitigation Area shall be monitored by a qualified biologist retained by the Project proponent for a minimum of five (5) years and monitoring reports shall be provided to the City, RCA, USFWS, and CDFW.

MM BIO 4: Prior to the issuance of any occupancy permit, the Project proponent shall provide evidence to the City Planning Division that the Mitigation Area has

been placed under a conservation easement and dedicated to an approved mitigation entity to be managed in perpetuity.

MM BIO 5: Prior to any ground disturbing activities within jurisdictional waters, the Project proponent shall obtain the necessary authorization from the regulatory agencies for proposed impacts to jurisdictional waters. Impacts to jurisdictional waters shall require authorization by the corresponding regulatory agency. Authorization may include, but is not limited to, a Section 404 permit from the USACE, a Section 401 Water Quality Certification from the RWQCB, and a Section 1602 Streambed Alteration Agreement from CDFW. Project-specific impacts to jurisdictional waters shall be mitigated by the USACE, CDFW, and the RWQCB where applicable.

MM BIO 6: The Project shall be required to comply with the following standard best management practices (BMPs) outlined in Volume I, Appendix C of the MSHCP:

- A condition shall be placed on grading permits requiring a qualified biologist to conduct a training session for project personnel prior to grading. The training shall include a description of the species of concern and its habitats, the general provisions of the Endangered Species Act (Act) and the MSHCP, the need to adhere to the provisions of the Act and the MSHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the species of concern as they relate to the project, and the access routes to and project site boundaries within which the project activities must be completed.
- Projects that cannot be conducted without placing equipment or personnel in sensitive habitats should be timed to avoid the breeding season of riparian species identified in MSHCP Global Species Objective No. 7.
- The qualified project biologist shall monitor construction activities for the duration of the project to ensure that practicable measures are being employed to avoid incidental disturbance of habitat and species of concern outside the project footprint.
- Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Exclusion fencing should be maintained until the completion of all construction activities. Employees shall be instructed that their activities are restricted to the construction areas.

- The Permittee, City of Riverside, shall have the right to access and inspect any sites of approved projects including any restoration/enhancement area for compliance with project approval conditions including these BMPs.

MM BIO 7: The Project shall also comply with the following BMPs, not outlined in Volume I, Appendix C of the MSHCP:

- Any night lighting shall be directed away from natural open space areas and directed downward and towards the center of the development. Energy-efficient LPS or HPS lamps shall be used exclusively to dampen glare.
- During construction, equipment storage, fueling, and staging areas will be located on areas of the site with minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas will be located in such a manner as to prevent any runoff from entering sensitive habitat. Necessary precautions will be taken to prevent the release of cement or other toxic substances into surface waters. Project related spills of hazardous materials will be reported to appropriate entities including but not limited to applicable jurisdictional City, UFWS, and CDFW, RWQCB regulated areas and will be cleaned up immediately and contaminated soils removed to approved disposal areas.
- To avoid attracting predators of the species of concern during site grading and construction activities, the Project site will be kept clean of debris. All food related trash items will be enclosed in sealed containers and regularly removed from the site(s). This requirement will be addressed by the biologist conducting the training session prior to site grading.

MM BIO 8: To avoid impacts to the Sycamore Canyon Wilderness Park resulting from construction activity such as compaction and erosion. The Project developer shall provide a temporary barrier along the western portion of the Project site. Prior to issuance of a grading permit, the developer shall identify the type and location of this barrier to the City of Riverside Parks, Recreation, and Community Development Department for review and approval.

For the ease of the reader, mitigation measures **MM AES 2** and **MM AES 3** are shown below.

MM AES 2: For consistency with the Sycamore Canyon Wilderness Park Management Plan, the Project developer shall install fencing along the western boundary of the Project site. The fence and gate shall be constructed per the specifications of the City of Riverside Parks, Recreation, and Community Services Department Standard Detail No. 5520 and specifications. If the developer chooses to install a taller fence, a maximum 8-foot high fence is permitted. Note that increased fence height may require increased post, footing and rail sizes, which shall be engineered and stamped approved

by a structural engineer. As part of Design Review and prior to the issuance of a grading permit, the developer shall submit a revised site plan showing this fence, the modified standard detail (if a fence taller than 8 feet is proposed), and specifications to the City of Riverside Community and Economic Development Department, Planning Division and the Parks, Recreation, and Community Services Department for review and approval.

MM AES 3: If the Project developer wants to construct a private 8-feet tall tubular steel fence along the northern boundary of the trail, such fence shall be installed a minimum of three-feet from the edge of the trail and clear of the Fire Access/Parks Maintenance Road easement. If the Project developer choses to construct said private fence, as part of Design Review and prior to the issuance of a grading permit the developer shall submit a revised site plan showing this fence as a separate graphic fence line and a materials board showing the proposed design and materials to the Community and Economic Development Department, Planning Division and the Parks, Recreation, and Community Services Department for review and approval. If the Project developer chooses not to construct this private fence, this mitigation measure does not apply.

5.4.7 Environmental Impacts after Mitigation Measures are Implemented

Impacts to migrating birds will be minimized or eliminated by avoiding potential nests in the Project area via mitigation measure **MM BIO 1**. Avoidance will involve prescribed 500-foot buffer zone for birds of prey and 100- to 300-foot buffer zone for songbirds from sensitive locations. In the event that avoidance is not possible, in instances such as site grading or the actual removal of trees, and impacts to the potentially sensitive habitat are unavoidable, construction work is limited to the non-breeding season months. In the event that either of the aforementioned conditions (i.e., avoidance through buffers or times of the year) cannot be employed, a third alternative is provided that allows a qualified biologist to survey and potentially clear individual trees for the Project's work to continue in the absence of protected nesting birds. Impacts to burrowing owls will be minimized or eliminated by avoiding active nests in the Project area via mitigation measure **MM BIO 2.** To reduce impacts resulting from the loss of riparian habitat and ensure that the proposed Mitigation Area functions as intended, mitigation measure **MM BIO 3** requires preparation and approval of an HMMP with specific success criteria and monitoring. Mitigation measure **MM BIO 4** requires the Mitigation Area be placed under a conservation easement and dedicated to an approved mitigation entity. Additionally, to reduce impacts to the loss of jurisdictional waters, mitigation measure **MM BIO 5** requires the Project proponent obtain the requisite permits from the appropriate regulatory agencies. Mitigation measures **MM BIO 6**, **MM BIO 7**, and **MM BIO 8** further ensure that the Project is compliant with a variety of best management practices to reduce impacts to biological resources during construction and operation of the Project. Therefore, with implementation of mitigation measures **MM BIO 1 through MM BIO 8**, as well as mitigation measures **MM AES 2** and **MM AES 3,** potential adverse impacts to biological resources will be reduced to **less than significant** levels.

5.4.8 References

In addition to other documents, the following references were used in the preparation of this section of the DEIR:

AMEC(a) Amec Foster Wheeler Environment & Infrastructure, Inc., *Sycamore Canyon Business Park Warehouse Project Biological Assessment and Western Riverside Multi-Species Habitat Conservation Plan Compliance Report*, revised June 2016. (Appendix C.1)

AMEC(b) Amec Foster Wheeler Environment & Infrastructure, Inc., *Jurisdictional Delineation Report, Sycamore Canyon Business Park Warehouse Project, City of Riverside, Riverside County, California*, revised June 2016. (Appendix C.3)

AMEC(c) Amec Foster Wheeler Environment & Infrastructure, Inc., *Determination of Biologically Equivalent or Superior Preservation Sycamore Canyon Business Park Warehouse Project, City of Riverside, Riverside County, California*, May 17, 2016. (Appendix C.4)

AMEC(d) Amec Foster Wheeler Environment & Infrastructure, Inc., *Focused Survey for Burrowing Owl (Athene cunicularia), Sycamore Canyon Business Park Warehouse Project, City of Riverside, Riverside County, California,* July 15, 2016. (Appendix C.6)

GP 2025 City of Riverside, *General Plan 2025,* certified November 2007 with subsequent amendments to various elements. (Available at http://www.riversideca.gov/planning/gp2025program/general-plan.asp, accessed September 2015.)

GP 2025 FPEIR City of Riverside, *General Plan 2025 Program Environmental Impact Report* (SCH# 2004021108), certified November 2007. (Available at http://www.riversideca.gov/planning/gp2025program/, accessed September 2015.)

MBI *Least Bell's Vireo Presence/Absence Surveys for Hillwood Investment Properties' Sycamore Canyon Business Park Project Located in the City of Riverside, Riverside County, California*, August 11, 2015. (Appendix C.2)

MSHCP Riverside County Transportation & Land Management Agency, *Western Riverside County Multiple Species Habitat Conservation Plan*. (Available at Riverside County and at http://www.rctlma.org/mshcp/index.html, accessed September 2015]

PW City of Riverside Public Works Department, *Urban Forestry Policy Manual*, August 2015. (Available at https://www.riversideca.gov/publicworks/trees/pdf/UrbanForestry-TOC.pdf, accessed June 2016.)

RMC — City of Riverside, *Riverside Municipal Code Chapter 16.72 Western Riverside Municipal Species Habitat Conservation Plan Fee Program.* (Available at the City of Riverside, Planning Division and at http://www.riversideca.gov/municode/pdf/16/16-72.pdf, accessed September 2015.)

Rocks — *90-Day West Season Results, Vernal Pool Branchiopod Surveys at the Sycamore Canyon Business Park Warehouse Project, Riverside County, California*, June 1, 2016. (Appendix C.5)

SCWP SKR and Dev Plan — Dangermond & Associates, O'Farrell Biological Consulting, Firewide 2000, Inc., Tierra Madre Consultants, Inc., *Sycamore Canyon Wilderness Park Stephens' Kangaroo Rat Management Plan and Updated Conceptual Development Plan, March 1999.* (Available at http://www.riversideca.gov/planning/pdf/SpecificPlans/SycCynMnmgtPlan_UpdatedConceptualPlan.pdf, accessed July 18, 2016.)

SKR-HCP — Riverside County Habitat Conservation Agency, *Habitat Conservation Plan for the Stephens' Kangaroo Rat in Western Riverside County.* (Available at http://www.skrplan.org/skr.html, accessed June 1, 2016.)