

**BURROWING OWL PROTOCOL BREEDING SEASON SURVEY
ORANGE HEIGHTS TRACT, GARRETSON AVENUE, CITY OF CORONA,
RIVERSIDE COUNTY, CALIFORNIA**

±9.46 Acre Property, ±9.46 Acres Surveyed

APN 120-020-022, City of Corona, Section 1, Township 4 South, Range 7 West,
USGS Corona South 7.5' Topographic Quadrangle

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Report Summary:

The site is entirely disturbed and agricultural land. Vegetation onsite is agricultural, ornamental, or ruderal (weedy) and there is no native habitat. A few native trees are present, including coast live oak. No federal or state-listed wildlife species were observed. One special status wildlife species, Allen's hummingbird, was observed. There are no MSHCP riparian/riverine habitats, vernal pools, or ponding areas. No burrowing owls, occupied burrows, or owl sign were observed during the survey. However, potentially suitable habitat and small mammal burrows are present. A preconstruction clearance survey for burrowing owl is required within 30 days prior to the start of site disturbance. Habitat for nesting birds is present throughout the site. A nesting bird clearance survey is recommended within three (3) days prior to the start of site disturbance during the nesting season (January 1 through September 15).

Surveys Conducted By: Guy Bruyey

Surveys Conducted: April, May, and June 2022

Report Date: July 2022

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MANAGEMENT SUMMARY

L&L Environmental, Inc. conducted a habitat assessment and focused breeding season burrowing owl survey on ±9.46 acres of land in the City of Corona, Riverside County, California.

The purpose of this study was to examine the subject property for the presence/absence of potentially suitable habitat for burrowing owl (*Athene cunicularia*) and conduct a protocol breeding season survey for burrowing owl.

The site is located on the east side of Garretson Avenue about 550 feet southwest of the intersection of Garretson Avenue and Santana Way. The area immediately surrounding the site is largely residential. The site is a decadent citrus grove with other scattered native and non-native trees. There is no native habitat onsite.

The site is within the area covered by the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) but is not within a Criteria Cell. The MSHCP requires a habitat assessment for burrowing owl and riparian/riverine and vernal pool habitat and associated species and focused surveys if suitable habitat is present.

No burrowing owl, occupied burrows, or burrowing owl sign (pellets, scat, feathers, etc.) were observed on or adjacent to the site during surveys. However, potentially suitable habitat and small mammal burrows are present. A preconstruction burrowing owl clearance survey is required by the MSHCP within 30 days prior to the start of site disturbance.

Habitat for nesting birds is present throughout the site. A nesting bird clearance survey is recommended within three (3) days prior to the start of site disturbance during the nesting season (January 1 through September 15).

No MSHCP riparian/riverine or vernal pool habitat (as defined in MSHCP Section 6.1.2) was identified onsite. There is no suitable habitat for listed riparian birds and no fairy shrimp or potential fairy shrimp habitat was observed.

One special status species, Allen's hummingbird (*Selasphorus sasin*) was observed on the site. Allen's hummingbird is U.S. Fish and Wildlife Service Bird of Conservation Concern. It does not have any California Department of Fish and Wildlife conservation status and is not a covered species under the MSHCP.

1.0) INTRODUCTION

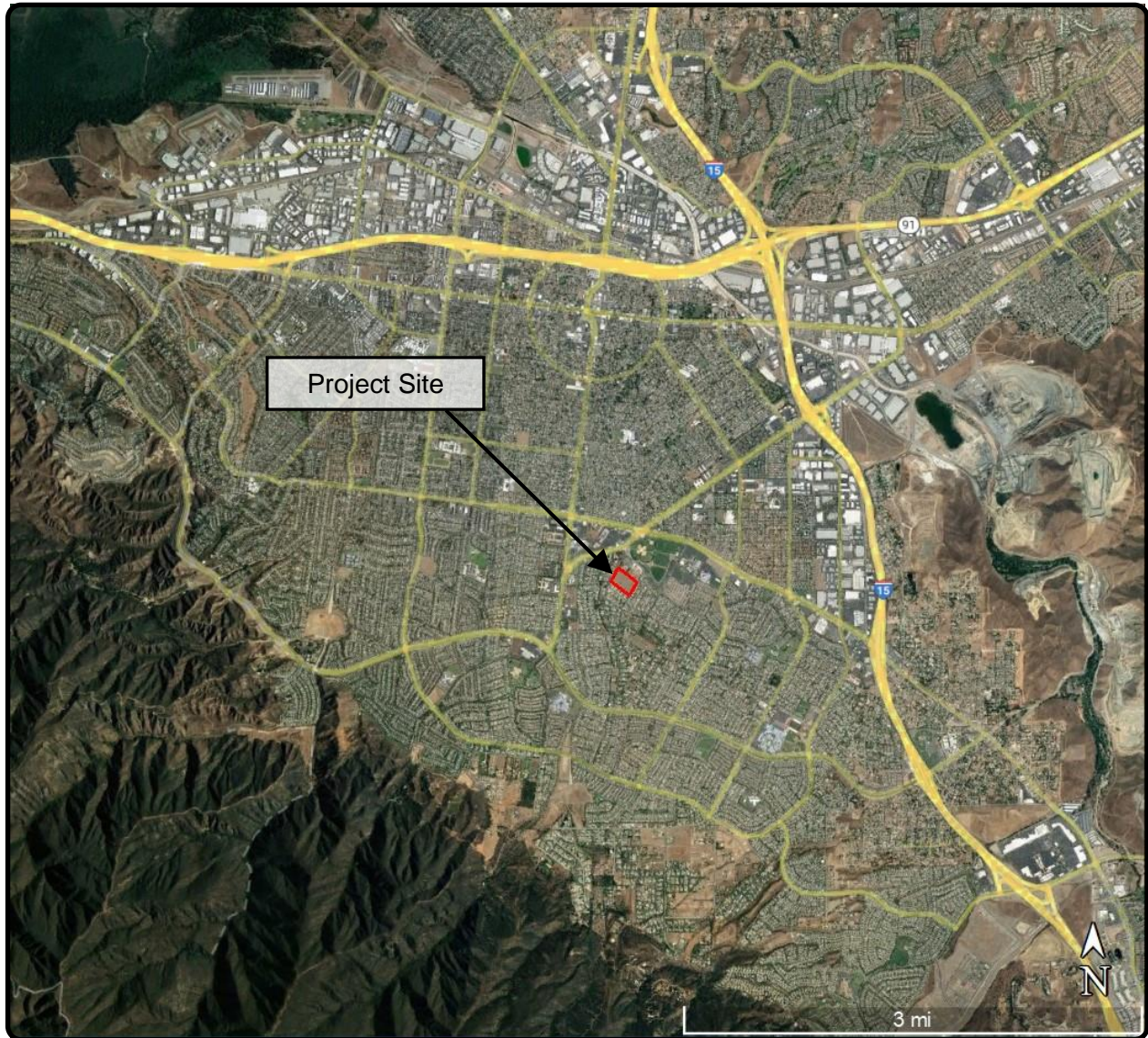
The following report was prepared by L&L Environmental, Inc. (L&L) for Warmington Residential. It describes the results of a habitat assessment and protocol breeding season burrowing owl survey on a parcel in the City of Corona in Riverside County, California. The Project site consists of Assessor's Parcel Number (APN) 120-020-022 with an area of ± 9.3 acres plus the offsite area between the parcel boundary and Garretson Avenue for a total of ± 9.46 acres.

The assessment consisted of (1) a records search and literature review, conducted to determine proximity to documented burrowing owl occurrences, (2) field reconnaissance, intended to identify plants and animals on the property and presence/absence of habitat for burrowing owl, and (3) a protocol breeding season burrowing owl survey.

1.1) Location and Project Description

The property is located in the Orange Heights area of the City of Corona in Riverside County, California (Figure 1). It is on the east side of Garretson Avenue about 550 feet southwest of the intersection of Garretson Avenue and Santana Way. The site is located in Section 1, Township 4 South, Range 7 West on the USGS Corona South topographic quadrangle (Figure 2).

The project site is bounded on the northwest by Garretson Avenue and residential developments with additional residential developments and Magnolia Avenue beyond; to the northeast by a large residence and former citrus grove with a religious complex, Santana Way, and Santana Regional Park beyond; and to the southeast and southwest by residential developments with Fullerton Avenue and Foothill Parkway beyond (Figure 3).



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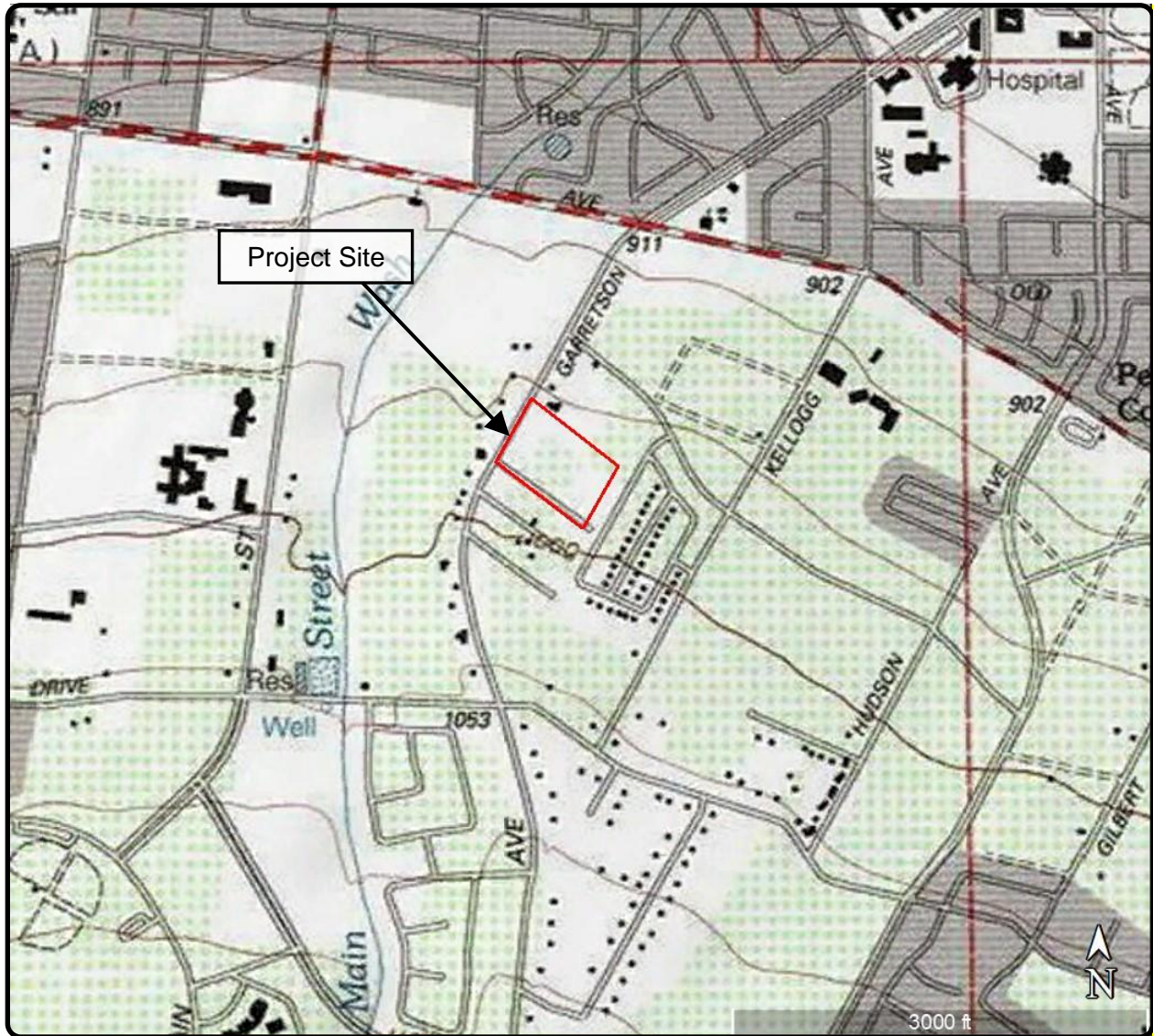
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Figure 1

Project Vicinity Map

*APN 120-020-022, City of Corona
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Figure 2
Project Location Map
(USGS Corona South, CA quadrangle)

APN 120-020-022, City of Corona
County of Riverside, California



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Figure 3

Aerial Image

(Aerial obtained from Google Earth, April 2022)

APN 120-020-022, City of Corona
County of Riverside, California

1.2) Vegetation and Setting

The site consists of a decadent citrus grove along with other scattered native and non-native trees. It is entirely disturbed and agricultural land with no native habitat. Nearly all the citrus trees are dead. A dirt access road extends from Garretson Avenue along the northeastern site boundary.

During surveys in March and April, the site had dense cover of non-native grasses (*Bromus*, *Hordeum*, and *Avena* species) along with native large flower rancher's fiddleneck (*Amsinckia intermedia*). The site was disked in May 2022.

Block walls along the eastern and southern boundaries separate the site from adjacent residential developments.

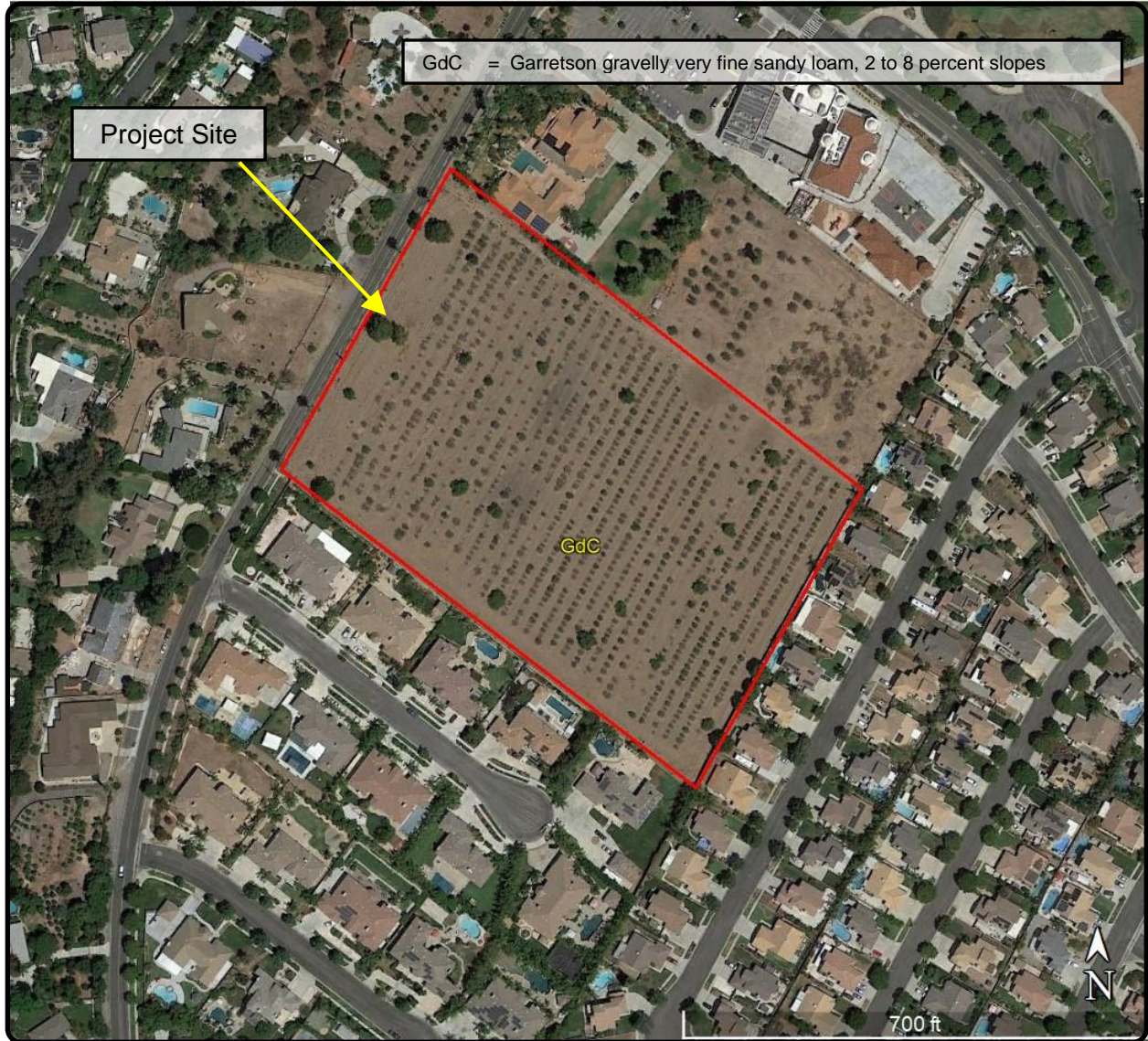
1.3) Soils and Topography

Topography, the site is flat and elevation ranges from 974 feet (297 meters) at the northeast corner to 1,005 feet (306 meters) above mean sea level at the southwest corner. No drainages are present on the site.

Soils throughout the site and surrounding area are mapped as Garretson gravelly very fine sandy loam (2 to 8 percent slopes) (NRCS 2022) (Figure 4).

The Garretson series is a member of the fine-loamy, mixed, nonacid, thermic family of Typic Xerorthents. Garretson series soils are well drained with slow to medium runoff and moderate permeability and are found in the valleys of the western part of central and southern California.

These soils are used for the production of deciduous fruit, citrus fruit, avocados, irrigated field crops, alfalfa, and for homesites. Naturalized vegetation in untilled areas is annual grasses and forbs. Native vegetation is chamise, scattered oak trees, and shrubs (NRCS 2022).



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Figure 4

Soils Map

(USDA Nat. Res. Cons. Serv. SSURGO Data)

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2.0) METHODS AND PERSONNEL

2.1) Literature Review

Certain plants and animals have been listed as threatened or endangered under state or federal Endangered Species Acts. Other species have not been formally listed, but declining populations or habitat availability are reasons for concern regarding their long-term viability. These species are included in lists compiled by resource management agencies or private conservation organizations. In this report, the term “listed species” refers to all species that are listed or candidates for listing under the state or federal Endangered Species Acts. “Special status species” refers to all species that are not listed under either state or federal Endangered Species Acts but are included in one or more compendia or formal lists of rare species.

Pertinent literature was reviewed to identify local occurrences and habitat requirements of special status species and communities occurring in the region, particularly burrowing owl. Literature reviewed included compendia provided by resource agencies (CDFW 2022a, 2022b) and a search of the California Natural Diversity Database (CNDDDB; CDFW 2022c).

Scientific names of plants follow Baldwin et al. (2012) with updates from the online Jepson eFlora (Jepson 2022). Scientific names of animals follow Stebbins (1985), Jameson and Peeters (1988), Cornell (2022), Sibley (2000), and Arnett (2000) with updates from academic sources. Current conservation status of plant and wildlife species determined from CDFW (2022a, 2022b). Vegetation community classifications follow Sawyer et al. (2009) with updates from CDFW (2021). State ranks (S ranks) for native vegetation communities are from CDFW (2021).

2.2) Burrowing Owl Habitat Assessment and Protocol Survey

L&L biologist Guy Bruyey visited the project site in April, May, and June 2022 to evaluate the site for the presence of suitable habitat for burrowing owl and to conduct a protocol breeding season burrowing owl survey (Table 1).

A total of about 5.50 person-hours were spent onsite. All areas of the site were visited on foot. The site was surveyed by conducting a series of meandering transects across the subject property where possible, stopping periodically for observations and notations. All field surveys were conducted during daylight hours. Digital photographs were taken to record the condition of the site during the survey.

Table 1. Burrowing owl survey dates, times, and weather conditions.

Date	Time	Sunrise*	Weather	Wind Speed (mph)
04.15.2022	1000-1115	0621	Clear, 62-65°F	0-1
05.06.2022	0730-0900	0558	Partly cloudy, 59-65°F	1-2
05.25.2022	0545-0715	0545	Clear, 55-64°F	0-1
06.17.2022	0545-0700	0541	Marine layer/Cloudy, 63-69°F	0-1

*Sunrise times from www.timeanddate.com

The site was examined for suitable burrow sites and for signs of occupation by burrowing owl, including pellets, feathers, whitewash (excrement), prey remains, and eggshell fragments, as well as individual owls. A search for potentially suitable burrows within any dirt, wood, and rock debris piles, artificially created berms, and other manmade features was conducted during the surveys.

Surveys were conducted in areas identified during the habitat assessment survey as potential burrowing owl habitat, including open areas onsite and areas where California ground squirrel (*Spermophilus beechyi*) or other small mammal activity was expected (i.e., potentially suitable burrows). An additional 150-meter (500-foot) buffer area surrounding the site was visually inspected, where possible, in areas identified as potential burrowing owl habitat (Figure 5). Any developed areas were visually surveyed with binoculars due to trespassing concerns on private property.

Transects were walked throughout the property where suitable habitat is present. Coupled with binocular surveys of any restricted offsite areas, this allowed for complete visual ground coverage of the survey area. Distance between transects was approximately 15 to 20 meters.

The MSHCP protocol (RCA 2006) requires surveys to be conducted during the breeding season between March 1 and August 31 and the current survey was conducted during this timeframe (Table 1). Per the MSHCP protocol for burrowing owl surveys, surveys should be conducted during weather that is conducive to observing owls outside their burrows and detecting burrowing owl sign. Surveys are not acceptable if they are conducted during rain, high winds (>20 mph), dense fog, or temperatures over 90°F. Surveys should be conducted in the morning generally one hour before sunrise to two hours after sunrise or in the early evening two hours before sunset to one hour after sunset. The surveys were conducted during appropriate hours and weather conditions (Table 1).

Any plants of uncertain identity were collected and subsequently identified from keys, descriptions, and illustrations in Abrams (1923, 1944, and 1951), Abrams and Ferris (1960), Munz (1974), and Parker (1999).



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Figure 5
Burrowing Owl Survey Area
(Aerial obtained from Google Earth, August 2019)

APN 120-020-022, City of Corona
County of Riverside, California

3.0) RESULTS

3.1) Literature Review Results

The site is located within the area covered by the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) but is not within the Criteria Area. The only Public/Quasi-Public (PQP) or MSHCP Conserved Land within a mile of the site is an area with flood control basins about 0.9 mile south of the site. This area is identified as the Main Street Channel owned by Riverside County Flood Control. The site is not within or near any MSHCP Core Areas or Linkages (RCA 2022).

The MSHCP mapped vegetation layer (1994 baseline) depicts the parcel as entirely agricultural land. No riparian or Riversidean alluvial fan sage scrub is mapped on the parcel in the 1994 baseline (RCA 2022). Review of historical aerial images shows that the site has been in use as an orchard/grove since at least 1948 (NETRonline 2022).

Surveys required by the MSHCP are a habitat assessment to address riparian/riverine and vernal pool habitats and associated species and burrowing owl. If suitable habitat is present, focused surveys are required.

3.2) Vegetation Communities

The site is entirely disturbed and agricultural land and includes a decadent citrus grove with other scattered native and non-native trees. The grove covers the entire site with exception of a narrow strip along Garretson Avenue. Vegetation onsite is primarily agricultural, ornamental, and ruderal (weedy). There is no native habitat and there are no sensitive vegetation communities present.

A few native trees are present along Garretson Avenue including coast live oak (*Quercus agrifolia*) and western sycamore (*Platanus racemosa*). Non-native trees observed on the site include tree of heaven (*Ailanthus altissima*), Peruvian pepper tree (*Schinus molle*), Brazilian pepper tree (*Schinus terebinthifolius*), and Mexican fan palm (*Washingtonia robusta*).

3.3) Wildlife Species

A total of 26 wildlife species (mostly birds) were detected during the survey. No federal or state-listed endangered or threatened species were observed. The site is not within designated

critical habitat for any federally listed species. A list of observed wildlife species is included in Appendix A.

One special status species, Allen's hummingbird (*Selasphorus sasin*) was observed on the site. Allen's hummingbird is U.S. Fish and Wildlife Service (USFWS) Bird of Conservation Concern. It does not have any California Department of Fish and Wildlife (CDFW) conservation status and is not a covered species under the MSHCP. Allen's hummingbird is not tracked in the California Natural Diversity Database (CNDDDB) and a CNDDDB form is not required for this observation.

Habitat for nesting birds is present on and adjacent to the site. No active bird nests were observed during the survey.

3.3.1) Burrowing Owl

Burrowing owl (*Athene cunicularia*) is protected under the federal Migratory Bird Treaty Act and California Fish and Game Code and is a CDFW Species of Special Concern. It is a small, ground-dwelling owl found in open dry grassland, desert, or shrubland areas and in uncultivated agricultural areas, rangelands, and other open areas with low-growing vegetation.

Burrows are an essential element of burrowing owl habitat. Although the burrowing owl is capable of excavating its own burrows in soft soils, it typically modifies and inhabits abandoned burrows of small burrowing mammals, such as ground squirrels and pocket gophers. Burrowing owl has also been known to use man-made structures such as cement culverts, debris piles, and other artificial burrows.

Occupancy of burrowing owl habitat can be verified at a site by observation of at least one (1) owl or owl sign (molted feathers, cast pellets, prey remains, eggshell fragments, or excrement) at or near a burrow entrance. A site is considered occupied if at least one (1) owl has been identified onsite in the past three (3) years, because (if undisturbed) burrowing owls exhibit high site fidelity (CDFG 2012, CBOC 1993).

A search of the CNDDDB (CDFW 2022c) found four (4) documented occurrences of burrowing owl within five (5) miles of the project site and all are presumed extant. The closest occurrence (CNDDDB Element Occurrence [EO] #1071) is located approximately 2.7 miles north of the project site. The occurrence was observed in 2007 and consisted of two adult and two juvenile owls on the bank of a concrete-lined channel.

One adult burrowing owl was observed in 1986 (EO #35) about 3.0 miles northwest of the project site at the Corona Municipal Airport. Two adult and seven juvenile owls were observed in 2007 (EO #1073) near a flood control channel located 3.4 miles north of the site. Two adult and two juvenile owls were observed in 2007 (EO #1072) on the slope of a flood control channel located 4.0 miles north-northwest of the site.

There is one (1) record of a burrowing owl sighting in eBird (eBird 2022) within five (5) miles of the project site. This record is from May 1984 and consists of two burrowing owls. The observation is located about 1.7 miles north of the site, but this area is now completely developed.

No burrowing owls, occupied burrows, or owl sign were observed on the site or in the buffer during the survey. However, potentially suitable habitat and small mammal burrows are present. A preconstruction clearance survey for burrowing owl is required by the MSHCP within 30 days prior to the start of site disturbance.

3.4) MSHCP Riparian/Riverine and Vernal Pool Habitat

L&L reviewed the project parcel and identified no riparian/riverine or vernal pool habitat subject to Section 6.1.2 of the MSHCP. There is no riparian habitat on the site and no suitable habitat for least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), or western yellow-billed cuckoo (*Coccyzus americanus occidentalis*).

No fairy shrimp or potential fairy shrimp habitat was observed during this study. Soils are composed of fine sandy loam and no evidence of ponding water was found onsite.

4.0) SUMMARY AND RECOMMENDATIONS

The purpose of this study was to conduct a habitat assessment and a protocol breeding season burrowing owl survey on the project site. The recommendations are based on the literature review, L&L's knowledge of species and habitats in the region, and the biological field survey.

The site is entirely disturbed and agricultural land. Native habitat is not present. Coast live oak, sycamore, and several non-native tree species are present. Removal, trimming, or encroachment of trees may be regulated by the City/County and a tree survey may be required.

No federal or state-listed endangered or threatened wildlife species were observed. One special status wildlife species, Allen's hummingbird, was observed on the site. Allen's hummingbird is a USFWS Bird of Conservation Concern. It has no CDFW conservation status and is not a covered species under the MSHCP.

No burrowing owls, occupied burrows, or owl sign were observed during the survey. However, potentially suitable habitat and small mammal burrows are present. A preconstruction clearance survey for burrowing owl is required by the MSHCP within 30 days prior to the start of site disturbance.

No MSHCP riparian/riverine habitat (as defined in MSHCP Section 6.1.2), vernal pools, or ponding areas were identified onsite and no fairy shrimp or potential fairy shrimp habitat was observed during this study. There is no suitable habitat for least Bell's vireo, southwestern willow flycatcher, or western yellow-billed cuckoo.

There is suitable habitat for nesting birds on and adjacent to the site. Nesting birds are protected under state and federal laws. Project activities, including initial vegetation trimming/clearing, tree trimming/removal, ground disturbance, and demolition, should be avoided during the nesting season (January 1 to September 15). If the nesting season cannot be avoided, a nesting bird clearance survey is recommended within three (3) days prior to the start of project activities within the nesting season.

If active nests are present, avoidance of nest sites is required and a buffer of 300 to 500 feet (or as determined by a biologist) is recommended until a biologist has verified that juvenile birds are no longer dependent on the nest or the nest has otherwise become inactive. An active nest is defined as a nest with eggs, chicks, or dependent juveniles, or a nest actively being constructed or utilized for reproduction.

5.0) REGULATORY ENVIRONMENT

The following summary of the regulatory environment is provided for information purposes and is not intended for review or comment by the lead or wildlife agencies.

5.1) Federal Endangered Species Act

Section 9 of the federal Endangered Species Act (FESA), 1973 (as amended) prohibits “take” of federally listed threatened and endangered species. Candidate species receive no protection under FESA, but the USFWS encourages conservation of these species. “Take” is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. “Harm” is further defined to include habitat modification or degradation when it actually kills or injures wildlife by impairing essential behavioral patterns including breeding, feeding, or sheltering.

Incidental take is take that results from, but is not the purpose of, carrying out an otherwise lawful activity. Incidental take of federally listed species may be authorized under Section 7 of FESA for federal properties or where federal actions (i.e., federal permitting or federal funding) are involved or under Section 10 of FESA for non-federal actions.

Section 7 requires all Federal agencies, in "consultation" with the USFWS, to ensure that their actions are not likely to jeopardize the continued existence of listed species or result in destruction or adverse modification of critical habitat. The Section 7 process requires preparation of a federal Biological Assessment to determine whether a proposed major construction activity under the authority of a Federal action agency is likely to adversely affect listed species, proposed species, or designated critical habitat. After formal consultation, the USFWS will issue a Biological Opinion stating whether or not a Federal action is likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat.

Section 10 lays out the guidelines under which a permit may be issued to authorize take of endangered or threatened species (in the absence of any federal nexus). Application for an incidental take permit under Section 10 is subject to certain requirements, including preparation by the permit applicant of a conservation plan, generally known as a "Habitat Conservation Plan" or "HCP." An HCP is a plan that outlines ways of maintaining, enhancing, and protecting a given habitat type needed to protect species. The plan usually includes measures to minimize

impacts, such as provisions for permanently protecting land, restoring habitat, and relocating plants or animals to another area.

5.2) Jurisdictional Waters and Wetlands

Three agencies generally regulate activities within streams, wetlands, and riparian areas in California: (1) the U.S. Army Corps of Engineers (USACE) regulates activities under Section 404 of the federal Clean Water Act; (2) the Regional Water Quality Control Board (RWQCB) regulates activities under Section 401 of the federal Clean Water Act and the State Porter-Cologne Water Quality Control Act; and (3) the California Department of Fish and Wildlife (CDFW) regulates activities under California Fish and Game Code Sections 1600-1616.

5.3) California Endangered Species Act

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

5.4) California Environmental Quality Act

The California Environmental Quality Act (CEQA) and CEQA Guidelines (§ 15000 et seq.) require identification of environmental effects from discretionary projects. Significant effects are to be mitigated by avoidance, minimization, rectification, or compensation whenever possible.

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

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

5.5) California Natural Diversity Database

The California Natural Diversity Database (CNDDDB) is a database that ranks overall condition of listed and special status species and sensitive vegetation communities on global (throughout its range) and state (within California) levels. The CNDDDB includes documented occurrences of listed and special status species that have been reported to CDFW. State ranking is numerical, ranging from one to five (S1 to S5), with one indicating very few remaining individuals or little remaining habitat and five indicating a demonstrably secure to ineradicable population condition.

5.6) California Rare Plant Rank

The California Native Plant Society (CNPS) Inventory of Rare and Endangered Species includes documented occurrences of special status plant species that are available through the Consortium of California Herbaria and other sources. The CNPS, in coordination with CDFW, has cataloged California's rare and endangered plants into lists according to population distributions and viability. These lists are numbered and indicate the following California Rare Plant Ranks (CRPR): (1A) presumed extinct in California; (1B) rare, threatened, or endangered throughout their range; (2A) presumed extirpated in California, but more common in other states; (2B) threatened or endangered in California, but more common in other states; (3) more information is needed to establish rarity; and (4) plants of limited distribution in California (i.e., naturally rare in the wild), but whose populations do not appear to be susceptible to threat. A CRPR may also have an extension (e.g., 1B.x) that indicates current level of threat: seriously threatened (x.1), moderately threatened (x.2), or not very threatened (x.3).

5.7) Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) of 1918 (16 USC 703-711) is an international treaty that made it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Part 10, including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). Executive Order 13186 ensures that environmental analyses of federal actions required by the National Environmental Policy Act (NEPA) or other established environmental review processes evaluate the effects of actions on migratory birds, with emphasis on species of concern. Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) or loss of habitat upon which the birds depend could be considered "take."

5.8) California Fish and Game Code, Sections 3503 and 3513

California Fish and Game Code Section 3503 prohibits take, possession, or needless destruction of bird nests or eggs except as otherwise provided by the Code; Section 3503.5 prohibits take or possession of birds of prey or their eggs except as otherwise provided by the Code; and Section 3513 provides for the adoption of the provisions of the federal Migratory Bird Treaty Act, described above.

5.9) Western Riverside County Multiple Species Habitat Conservation Plan

The County of Riverside, including eight (8) additional land jurisdictions and 14 cities, have prepared a Multiple Species Habitat Conservation Plan (MSHCP) for western Riverside County. The MSHCP will build upon existing preserves and provide connectivity and wildlife corridors throughout the region. The MSHCP proposes to conserve approximately 500,000 acres and 146 different species.

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

The MSHCP establishes seven (7) core reserve areas and associated linkages between proposed and existing core areas. The MSHCP divides areas into Cells using USGS coordinates. Conservation efforts for the project site will be evaluated with regard to sensitive species identified as not adequately conserved and observed onsite, riverine/riparian or vernal pool habitat and their associated sensitive species (if located onsite), fairy shrimp, jurisdictional areas, and sage scrub.

Focused surveys are required for species identified as not adequately conserved under the MSHCP if suitable habitat is present onsite. If focused surveys are determined necessary and species identified as not adequately conserved under the MSHCP occur onsite, the proponent may be required to undergo a Habitat Acquisition and Negotiation Strategy (HANS) determination with the County of Riverside.

Burrowing Owl

Section B (Species Accounts) of Volume 2 of the MSHCP lists the following objectives for burrowing owl conservation/protection:

Objective 1

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

Objective 2

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

Objective 3

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

Objective 4

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

Objective 5

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

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

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

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

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

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

Objective 6

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

Objective 7

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

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APPENDIX A: PLANT AND WILDLIFE SPECIES

List of vertebrate wildlife species identified on the site during the survey. One asterisk (*) indicates a non-native species; two asterisks (**) indicates a special status species.

Scientific Name

Common Name

VERTEBRATES

Reptiles

Phrynosomatidae

Sceloporus occidentalis
Uta stansburiana

Spiny Lizards

Western fence lizard
Side-blotched lizard

Birds

Accipitridae

Buteo jamaicensis

Hawks, Eagles, and Harriers

Red-tailed hawk (adjacent area flyover)

Cathartidae

Cathartes aura

Vultures

Turkey vulture

Charadriidae

Charadrius vociferus

Plovers

Killdeer (adjacent area)

Columbidae

Patagioenas (Columba) fasciata
Zenaida macroura

Pigeons and Doves

Band-tailed pigeon
Mourning dove

Corvidae

Corvus brachyrhynchos

Crows and Jays

American crow

Falconidae

Falco sparverius

Falcons

American kestrel

Fringillidae

Spinus (Carduelis) psaltria
Haemorhous (Carpodacus) mexicanus

Finches

Lesser goldfinch
House finch

Hirundinidae

Hirundo rustica
Petrochelidon pyrrhonota tachina

Swallows

Barn swallow
Cliff swallow

Mimidae

Mimus polyglottos

Mockingbirds

Northern mockingbird

Passerellidae

Melospiza crissalis

New World Sparrows

California towhee

Scientific Name	Common Name
Passeridae * <i>Passer domesticus</i>	Old World Sparrows House sparrow
Picidae <i>Melanerpes formicivorus</i>	Woodpeckers Acorn woodpecker (adjacent area)
Ptiliognatidae <i>Phainopepla nitens</i>	Silky-flycatchers Phainopepla
Sturnidae * <i>Sturnus vulgaris</i>	Starlings European starling
Trochilidae <i>Calypte anna</i> ** <i>Selasphorus sasin</i>	Hummingbirds Anna's hummingbird Allen's hummingbird
Troglodytidae <i>Thryomanes bewickii</i>	Wrens Bewick's wren
Tyrannidae <i>Tyrannus vociferans</i>	Tyrant Flycatchers Cassin's kingbird
Mammals	
Geomyidae <i>Thomomys bottae</i>	Pocket Gophers Botta's pocket gopher (sign)
Leporidae <i>Sylvilagus audubonii</i>	Rabbits Audubon's cottontail
Sciuridae <i>Spermophilus beecheyi</i>	Squirrels California ground squirrel

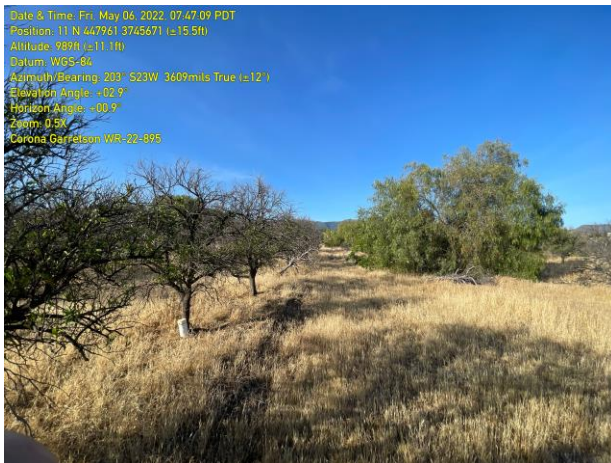
APPENDIX B: SITE PHOTOGRAPHS



Site prior to disking, from northeastern boundary facing south (05.06.2022).



Access road along northeastern border of site, facing south-southeast. Area to left of road is offsite (05.06.2022).



Citrus trees on left and non-native pepper trees on right, eastern corner of site, facing south-southwest (05.06.2022).



From western corner of site facing east (05.06.2022).



Northwestern boundary of site facing northeast. Garretson Avenue on left (05.06.2022).



Citrus trees and other native and non-native trees, from northern corner of site facing south (05.06.2022).



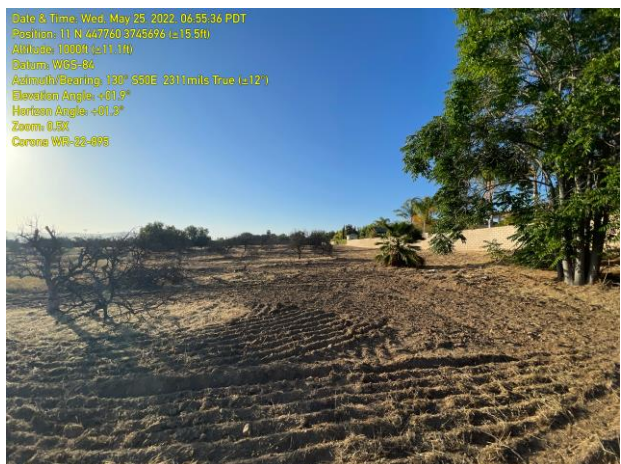
Dead citrus trees, central area of site facing southeast (05.06.2022).



Site after disking, northeastern area of site facing south (05.25.2022).



Site after disking, northern area of site facing south (05.25.2022).



Site after disking, non-native trees on right. From western corner of site facing southeast (05.25.2022).

APPENDIX C: RIVERSIDE COUNTY DOCUMENTATION

Certification

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

DATE: July 8, 2022

SIGNED: _____



Leslie Irish, Principal, L&L Environmental, Inc.
909-335-9897

1) Fieldwork Performed By:

Guy Bruyea
Name

2) Fieldwork Performed By:

Name

3) Fieldwork Performed By:

Name

4) Fieldwork Performed By:

Name

5) Fieldwork Performed By:

Name

6) Fieldwork Performed By:

Name

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


BIOLOGICAL REPORT SUMMARY SHEET

Applicant Name: <u>Warmington Residential</u>
Assessor's Parcel Number(s): <u>120-020-022</u>
Section, Township and Range: <u>Section 1, Township 4 South, Range 7 West</u>
Building and Safety Log Number: _____
Case Number: _____ Lot/Parcel _____ EA Number _____

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

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

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



L & L Environmental, Inc.

Signature and Company Name

July 8, 2022

Date

10(a) Permit Number (if applicable)

Permit Expiration Date

Received By: _____
PD-B# _____

County Use Only

Date: _____

**LEVEL OF SIGNIFICANCE CHECKLIST
For Biological Resources**

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

Assessor's Parcel Number(s): 120-020-022

Date: July 8, 2022

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

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

**LEVEL OF SIGNIFICANCE CHECKLIST
For Biological Resources**

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

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

Findings of Fact:

Potentially suitable habitat for burrowing owl is present; no burrowing owls or owl sign observed during a focused breeding season survey.

There is suitable habitat for nesting birds on and adjacent to the site.

Allen's hummingbird observed on the site, a USFWS Bird of Conservation Concern. It has no CDFW conservation status and is not a covered species under the MSHCP.

Trees are present on the site, including coast live oak trees. Impacts to trees may be regulated by the City/County and a tree survey may be required.

Proposed Mitigation:

Burrowing owl clearance survey within 30 days prior to the start of any vegetation or ground disturbance.

Project activities should be avoided during the nesting season (January 1 to September 15). If the nesting season cannot be avoided, a nesting bird clearance survey is recommended within three (3) days prior to the start of Project activities within the nesting season.

If active nests are present, avoidance of nest sites is required and a buffer of 300 to 500 feet (or as determined by a biologist) is recommended until a biologist has verified that juvenile birds are no longer dependent on the nest or the nest has otherwise become inactive.

Monitoring Recommended:

None.

Source: CGP Fig. VI.36-VI.40
Revised October 1999
CEQA checklist update December 2018