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**Subject:** Ramona Gateway DBESP - Review

Good afternoon,

The U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife, hereafter referred to jointly as the Wildlife Agencies, have reviewed the proposed Determination of Biologically Equivalent or Superior Preservation (DBESP) for the Ramona Gateway project (Project), which we received from the City of Perris on August 10, 2022 with our review and comment period ending on October 10, 2022.

The Wildlife Agencies appreciate the comparison of functions and values presented in the DBESP. We have reviewed the DBESP, and we agree that the Project's assessment of the onsite permanent impacts to 0.18-acres of riparian/riverine resources and the associated mitigation strategy would be biologically equivalent or superior to a complete preservation alternative.

We have no comments to submit to the City of Perris on the DBESP. This concludes our review of the DBESP.

Best,  
John Dempsey

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*I am currently working from home indefinitely. Please contact me via email.*

<http://www.fws.gov/carlsbad/>

**Determination of  
Biologically Equivalent or Superior Preservation  
Report**

**Ramona Gateway  
Southwest Corner of the Intersection of  
Ramona Expressway and Webster Avenue**

**Permittee Name**

City of Perris  
101 N. D Street  
Perris, California 92570

**Applicant Name**

DECA Co  
201 Spear Street #1100  
San Francisco, California 94105

**Consultant Name**

ELMT Consulting, Inc.  
2201 N. Grand Avenue #10098  
Santa Ana, California 92711

July 2022

# DBESP Report

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# DBESP Report

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## 1 EXECUTIVE SUMMARY

This report contains the results of the Determination of Biologically Equivalent or Superior Preservation (DBESP) analysis to demonstrate compliance with the requirements of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) for impacts to riparian/riverine resources. The proposed project would construct an industrial warehouse in the southern portion of the site, with commercial/retail uses in the northern portion of the site along Ramona Expressway in the City of Peris, Riverside County, California. The proposed project would also include off-site improvement areas, which consist of roadway improvement areas (along Nevada Avenue, Webster Avenue and Ramona Expressway adjacent to the Project site), and the installation of natural gas line along Ramona Expressway between Webster Avenue and Brennan Avenue

One unnamed ephemeral water feature (swale) was observed on the project site during the field delineation that historically bifurcated into two channels (northern and southern). This feature originates at Nevada Road in the middle of the western boundary of the site. West of Nevada Road, outside of the project footprint an off-site feature conveys flows from a culvert beneath Interstate 215 that was created when Interstate 215 was installed. Culverts were installed under Interstate 215 which diverted water runoff from the area west of Interstate 215 and from Interstate 215 and created a swale on the project site. Once onsite, this feature traverses the site from west to east towards the eastern boundary of the project site, where the water infiltrates/dissipates onsite. This feature only conveys flows from direct precipitation during storm events. No surface water was present during the field investigation, and no riparian vegetation was observed onsite during the field investigation. A review of historic aerial imagery and topographic maps show that the culverts under Interstate 215 and the resulting drainage feature offsite are manmade features.

Since the onsite water feature was artificially created/manmade, did not replace an existing blueline stream or other water feature, and is not dominated by trees, shrubs, persistent emergent plants, or emergent mosses and lichens, it does not meet the definition of riparian/riverine habitat under Section 6.1.2 of the MSHCP. However, since the Regional Board stated they would assert jurisdiction over the onsite feature during initial conversations, it is expected that the RCA will also assert jurisdiction over the feature under Section 6.1.2 of the MSHCP. As a result, the proposed project design will result in permanent impacts of 0.18-acre (3,150 linear feet) of riparian/riverine habitat onsite. To offset impacts to 0.18-acre of riparian/riverine habitat, the applicant proposes to mitigate offsite through the purchase of mitigation credits through the Riverpark Mitigation Bank at a ratio of 1:1. The applicant will be responsible for the purchase of 0.18 acre of mitigation credits to compensate for the loss of riparian/riverine habitat.

The above actions would result in a net increase in the function and ecological value of riparian/riverine habitat within the region by preserving/enhancing high quality habitat along the San Jacinto River within the Riverpark Mitigation Bank.

## 2 INTRODUCTION

### 2.1 Project Area

The approximately 50-gross acre project site is generally located east of Interstate 215, south of State Route 60, north of State Route 74, and west of Lake Perris in the City of Perris, Riverside County, California. The project site is depicted on the Perris quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map within Section 12 of Township 4 South, Range 4 West. Specifically, the project site is located at the southwest corner of the intersection of Ramona Expressway and Webster Avenue within Assessor Parcel Numbers (APNs) 317-120-021 and 317-130-017, -021, -025, and -048, and street improvements will occur along Nevada Street, Webster Avenue and Ramona Expressway, and a gas line installation along Ramona Expressway between the project site and Brennan Avenue to the east. Refer to Exhibits 1-3 in Appendix A.

### 2.2 Project Description

The proposed project consists of an industrial warehouse use in the southern portion of the site, with commercial/retail uses in the northern portion of the site along Ramona Expressway. The proposed project would also include roadway and access improvements, and utility infrastructure connections and installations along the roadways adjacent to the project site, and along Ramona Expressway east of the project site.

### 2.3 Existing Conditions

The project site occurs in a primarily developed area that supports some undeveloped parcels. Historically, the area was dominated by agricultural land uses. The project site is bound by Ramona Expressway to the north, Webster Avenue to the east, Val Verde High School, Val Verde Academy, and Val Verde Regional Learning Center to the south, and Nevada Avenue to the west. Beyond these immediate land uses, the site is further surrounded by undeveloped, vacant land and industrial and commercial development to the north, east, and south, and undeveloped, vacant land and Interstate 215 to the west.

The project site consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances associated with historic agricultural activities, surrounding development, and routine weed abatement/disking activities. Historic aerials show these activities have been ongoing since at least 1966. Prior to conducting the field investigation, aerial photography was reviewed to document existing site conditions and document the changes to the project site and surrounding area.

1966 - 1967: The project site and surrounding areas support agricultural fields. The site is bounded to the north and east by Ramona Expressway and Webster Avenue, respectively, and by farmland to the south and west. A rural farmhouse is present at the southeast corner of the site with associated ornamental trees. Ornamental trees are also present along the eastern boundary. No drainages are present on-site. Ramona Expressway runs exclusively east-west in proximity to the site and terminates at Interstate 215.

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- 1967 - 1978: Some ornamental trees in the southeast corner have been removed to establish a driveway to the farmhouse from Webster Avenue. No drainages are present on-site.
- 1978 - 1994: Improvements are made to Ramona Expressway and Interstate 215 in proximity to the site. Such improvements include: a redirection and continuation of Ramona Expressway to the southwest, the installation of dedicated on-ramps and off-ramps, the installation of culverts beneath Interstate 215, and the installation of a roadside ditch adjacent to the northern boundary of the site. In addition to these improvements, Nevada Avenue is established along the western boundary of the site, formally separating the site from adjacent land. A roadside ditch is fed from the west by a culvert beneath Nevada Avenue, conveying storm flows from beyond Interstate 215, and does not bear a connection to on-site features. A swale feature appears on-site and within the adjacent farmland to the west, originating at a culvert beneath Interstate 215 until it is transected by Nevada Avenue. Off-site portions of the feature are more pronounced than on-site portions. No features are present to suggest water exits the site.
- 1994 - 1997: The on-site swale feature that entered the site from the adjacent farmland to the west has bifurcated at Nevada Avenue into northern and southern features. The northern feature traverses the site eastward before exhibiting sheet flow to the northwest and the southern feature traverses the site to the southeast before exhibiting sheet flow towards the southeast corner. In addition, a new swale was observed along the eastern boundary of the site along Webster Avenue. The feature along Webster Avenue collects flows from on-site features and infiltrates/dissipates onsite. On-site agricultural activities cease.
- 1997 - 2002: Routine weed abatement activities (i.e., disking) begin. The on-site farmhouse is removed; associated ornamental trees remain.
- 2002 - 2003: Development on the adjacent parcel to the south has begun. A culvert is installed beneath Nevada Drive at the off-site drainage to the south, which has been trenched in association with adjacent development.
- 2003 - 2005: Development on the adjacent parcel to the south is complete. The southern limits of the drainage along Webster Avenue move northwards and the southern Nevada Avenue drainage no longer reaches the southeast corner of the site, but instead moves eastward towards Webster Avenue.
- 2005 - 2009: Utility infrastructure (i.e., electrical boxes and utility vaults) is installed along the eastern boundary near the northeast corner. Storm drains are installed within the paved sidewalk between Webster Avenue, the eastern boundary of the site. Ornamental trees along the eastern boundary of the site are removed in association with improvements made to Webster Avenue. Infrastructure improvements along Webster Avenue do not occur within the boundaries of the site.
- 2009 - present: No changes.

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### *Vegetation*

The site primarily consists of vacant, undeveloped land that has been subject to a variety of anthropogenic disturbances. The disturbances outlined above have eliminated the natural plant communities that historically occurred on the project site and surrounding area. As a result, no native plant communities occur on-site, nor will any native plant communities be impacted from implementation of the proposed project. The project site supports one (1) plant community: non-native grassland. In addition, the site supports two (2) land cover type that would be classified as disturbed and developed. It should be noted that the offsite improvement areas are composed of disturbed and developed road.

### *Jurisdictional Resources*

As noted above in the historic aerial review, between 1978 and 1994, improvements were made to Ramona Expressway and Interstate 215. Culverts were installed under Interstate 215 which diverted water runoff from the area west of Interstate 215 and from Interstate 215 and created a swale on the Project site. All of the water that reached the Project site infiltrated/dissipated onsite. No features are present to suggest water exited the site. Then between 1994 and 1997 the onsite swale that entered the Project site from the adjacent farmland to the west bifurcated at Nevada Avenue into two features (northern and southern). The northern feature traverses the site eastward before exhibiting sheet flow to the northeast; and the southern feature traverses the site to the southeast before exhibiting sheet flow towards the southeast corner. In addition, a new swale was observed along the eastern boundary of the Project site along Webster Avenue. The feature along Webster Avenue collects flows from on-site features and infiltrates/dissipates onsite. From 2003 to 2005, the southern limits of the drainage along Webster Avenue move northwards and the southern Nevada Avenue drainage no longer reaches the southeast corner of the Project site, but instead moves eastward towards Webster Avenue. Then between 2005 and 2009 storm drains are installed along the eastern boundary of the Project site adjacent to Webster Avenue, connecting into the storm drain system.

One (1) unnamed ephemeral water feature was observed on the project site during the field investigation, that historically bifurcated into northern and southern channels (refer to Exhibit 5, *Water Feature*, in Appendix A). This feature originates at Nevada Avenue in the middle of the western boundary of the site. West of Nevada Road, outside of the project footprint an off-site feature conveys flows from a culvert beneath Interstate 215 that was created when Interstate 215 was installed. Culverts were installed under Interstate 215 which diverted water runoff from the area west of Interstate 215 and from Interstate 215 and created a swale on the project site.

Once onsite, this feature traverses the site from west to east towards the eastern boundary of the project site, where the water infiltrates/dissipates onsite. This feature only conveys flows from direct precipitation during storm events. No surface water was present during the field investigation, and no riparian vegetation was observed onsite during the field investigation. A review of historic aerial imagery and topographic maps show that the culverts under Interstate 215 and the resulting drainage feature offsite are manmade features.

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No hydrological soils (refer to Exhibit 4, *Soils*) are mapped as occurring within the project site and no riparian vegetation was observed onsite during the field investigation. The onsite feature primarily consists of non-native grasses (*Bromus ssp.*) and plant species found in the surrounding areas.

This ephemeral swale historically bifurcated, creating two features (a northern feature and a southern feature). The southern feature (the aforementioned swale) continues to persist onsite, while the northern feature has been heavily impacted from mowing activities and weed abatement and water no longer flows into the northern feature. The southern portions of the swale ranged from 1-4 feet in width and the northern feature was range from 1-2 feet in width.

It was preliminarily determined that water dissipation on the eastern boundary of the project site has an insubstantial or speculative effect on the chemical, physical or biological significant nexus to the downstream waters. Storm flows are not expected to flow across the project site during most storm events. There are no existing blueline streams traversing the project site, and the majority of the water flows from the offsite feature do not leave the project site. Plant species associated with this area is consistent with the vegetation found on the majority of the project site.

The majority of the project site supports a non-native grassland that occurs in varying densities throughout the site, except the southwest and southeast corners and portions of the site perimeter. This plant community is dominated by non-native grasses such as oats (*Avena spp.*) and bromes (*Bromus spp.*) and supports primarily weedy/early successional species. Common plant species observed in the non-native grassland plant community include red-stemmed filaree (*Erodium cicutarum*), common mustard (*Brassica rapa*), Mediterranean mustard (*Hirschfeldia incana*), stinknet (*Oncosiphon pilulifer*), wild radish (*Raphanus sativa*), fiddleneck (*Amsinckia sp.*), annual lupine (*Lupinus bicolor*), and Mexican palo verde (*Parkinsonia aculeata*). Non-native grasses occur in the highest densities in the southern portion of the site, where they are nearly exclusive along a swale. These plant species are common plant species, and none are threatened, endangered, or have special status in California.

Since the onsite water feature was artificially created/manmade, did not replace an existing blueline stream or other water feature, and is not dominated by trees, shrubs, persistent emergent plants, or emergent mosses and lichens it does not meet the definition of riparian/riverine habitat under Section 6.1.2 of the MSHCP. However, since the Regional Board stated they would assert jurisdiction over the onsite feature during initial conversations, it is expected that the RCA will also assert jurisdiction over the feature under Section 6.1.2 of the MSHCP.



## 3 RIPARIAN/RIVERINE MITIGATION (SECTION 6.1.2)

### 3.1 Methods

Section 6.1.2 of the MSHCP, identifies Riparian/Riverine resources as lands which contain habitat dominated by trees, shrubs, persistent emergent vegetation, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from nearby fresh water sources, or areas with freshwater flow during all or a portion of the year. Riverine habitat includes all wetlands and deep-water habitats contained in natural or artificial channels periodically or continuously containing flowing water or which forms a connecting link between the two bodies of standing water. Riverine habitat is bounded on the landward side by upland, by the channel bank (including natural and man-made levees), or by wetlands dominated by trees, shrubs, persistent emergents, mosses, or lichens. In braided streams, the system is bounded by the banks forming the outer limits of the depression within which the braiding occurs. Springs discharging into a channel are considered part of the riverine habitat. The term riparian is used to define the type of wildlife habitat found along the banks of a river, stream, lake or other body of water. Riparian habitats are ecologically diverse and can be found in many types of environments including grasslands, wetlands and forests.

Based on the results of a Delineation of State and Federal Jurisdictional Waters Report (ELMT, 2022) prepared under a separate cover, one (1) unnamed feature was observed on the project site. Since the onsite water feature was artificially created/manmade, did not replace an existing blueline stream or other water feature, and is not dominated by trees, shrubs, persistent emergent plants, or emergent mosses and lichens, it does not meet the definition of riparian/riverine habitat under Section 6.1.2 of the MSHCP. However, since the Regional Board stated they would assert jurisdiction over the onsite feature during initial conversations, it is expected that the RCA will also assert jurisdiction over the feature under Section 6.1.2 of the MSHCP. The extent of the riparian/riverine habitat on the project site would synonymous with the jurisdiction of the Regional Board and CDFW. The onsite water feature does not support any riparian vegetation, and primarily supports a non-native grassland that occurs in varying densities throughout the site. As a result, the onsite feature does not provide suitable habitat for any of the riparian obligate species listed under the MSHCP that may occur within the regional vicinity, including as the State- and federally-listed as endangered least Bell's Vireo (*Vireo bellii pusillus* [LBVI]), southwestern willow flycatcher (*Empidonax traillii extimus*), or yellow-billed cuckoo (*Coccyzus americanus*). No focused surveys were conducted or recommended, and no impacts to these species will occur from project implementation.

#### *Vernal Pools*

One of the factors for determining the suitability of the habitat for fairy shrimp would be demonstrable evidence of seasonal ponding in an area of topographic depression that is not subject to flowing waters. These astatic pools are typically characterized as vernal pools. More specifically, vernal pools are seasonal wetlands that occur in depression areas without a continual source of water. They have wetland indicators of all 3 parameters (soils, vegetation, and hydrology) during the wetter portion of the growing season but normally lack wetland indicators of hydrology and/or vegetation during the drier portion of the growing season. Obligate hydrophytes and facultative wetlands plant species are normally dominant during the

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wetter portion of the growing season. The determination that an area exhibits vernal pool characteristics and the definition of the watershed supporting vernal pool hydrology is made on a case-by-case basis. Such determinations should be considered the length of time the areas exhibit upland and wetland characteristics and the manner in which the area fits into the overall ecological system as a wetland. The seasonal hydrology of vernal pools provides for a unique environment, which supports plants and invertebrates specifically adapted to a regime of winter inundation, followed by an extended period when the pool soils are dry.

Vernal pools are seasonally inundated, ponded areas that only form in regions where specialized soil and climatic conditions exist. During fall and winter rains typical of Mediterranean climates, water collects in shallow depressions where downward percolation of water is prevented by the presence of a hard pan or clay pan layer (duripan) below the soil surface. Later in the spring when rains decrease and the weather warms, the water evaporates and the pools generally disappear by May. The shallow depressions remain relatively dry until late fall and early winter with the advent of greater precipitation and cooler temperatures. Vernal pools provide unusual "flood and drought" habitat conditions to which certain plant and wildlife species have specifically adapted as well as invertebrate species such as fairy shrimp.

The MSHCP lists two general classes of soils known to be associated with listed and special-status plant species; clay soils and Traver-Domino Willow association soils. The specific clay soils known to be associated with listed and special-status species within the MSHCP plan area include Bosanko, Auld, Altamont, and Porterville series soils, whereas Traver-Domino Willows association includes saline-alkali soils largely located along floodplain areas of the San Jacinto River and Salt Creek. Without the appropriate soils to create the impermeable restrictive layer, none of the special-status plant or wildlife species associated with vernal pools can occur on the project site. None of these soils have been documented within the project site.

A review of recent and historic aerial photographs (1966-2018) of the project site did not provide visual evidence of an astatic or vernal pool conditions within the project site or off-site improvement areas. No ponding was observed during the field investigation, further supporting the fact that the drainage patterns currently occurring on the project site do not follow hydrologic regime needed for vernal pools. From this review of historic aerial photographs and observations during the field investigations, it can be concluded that there is no indication of vernal pools or suitable fairy shrimp habitat occurring within the proposed project site or off-site improvements areas.

Based on the historical aerial review, existing human disturbances, and current hydrologic regimes of the project site, it can be concluded that the project site lacks astatic conditions, and, therefore, would not provide suitable fairy shrimp habitat. Fairy shrimp require astatic conditions and a complete drying of occupied ponds so that the fairy shrimp cysts will not rot. As a result, none of the sensitive plant or wildlife species associated with vernal pools are expected to occur on the project site. Sensitive plant and wildlife species associated with vernal pools and clay soils, including fairy shrimp, are presumed absent from the project site.

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Below is a summary of the fairy shrimp included in Section 6.1.2 of the MSHCP and their potential to occur onsite.

### Riverside fairy shrimp (*Streptocephalus woottoni*)

*Riverside fairy shrimp* are restricted to deep seasonal vernal pools, vernal pool like ephemeral ponds, and stock ponds and other human modified depressions. They prefer warm-water pools that have low to moderate dissolved solids, are less predictable, and remained filled for extended periods of time. Basins that support *Riverside fairy shrimp* are typically dry a portion of the year, but usually are filled by late fall, winter or spring rains, and may persist through May. Known habitat occurs within annual grasslands, which may be interspersed through chaparral or coastal sage scrub vegetation. In Riverside County, *Riverside fairy shrimp* have been found in pools formed over the following soils: Murrieta stony clay loams, Las Posas series, Wyman clay loam, and Willows soils.

The project site is underlain by Ramona sandy loam (0 to 2 percent slopes, MLRA 19) and Ramona sandy loam (0 to 2 percent slopes, severely eroded). The aforementioned soils that *Riverside fairy shrimp* are typically associated within Riverside County do not occur onsite. Soils onsite have been mechanically disturbed and heavily compacted from historic land uses (i.e., agricultural, grading activities, and weed abatement activities). Due to the lack of soils associated with *Riverside fairy shrimp*, onsite anthropogenic disturbances, and no indicators of water ponding or astatic water conditions, the site was determined not to provide suitable habitat for *Riverside fairy shrimp*.

### Vernal pool fairy shrimp (*Branchinecta lynchi*)

*Vernal pool fairy shrimp* are restricted to seasonal vernal pools (vernal pools and alkali vernal pools) and prefer cool-water pools that have low to moderate dissolved solids, are unpredictable, and often short lived. The vernal pool fairy shrimp is known from four locations in Western Riverside County MSHCP Plan Area: Skunk Hollow, the Santa Rosa Plateau, Salt Creek, and the vicinity of the Pechanga Indian Reservation. Since the project site is not located within or adjacent to the four known populations, and no indicators of water ponding or astatic water conditions, the site was determined not to provide suitable habitat for vernal pool fairy shrimp.

## 3.2 Results/Impacts

The on-site feature collectively perform the following functions within the local area of the watershed: regulation of nuisance flows, energy dissipation, nutrient cycling, retention of particulates, nutrient/particulate uptake from off-site, and upstream runoff from Interstate 215. In its current state, the onsite feature has limited resource value to local and migratory wildlife since it is heavily disturbed, and only receives flows that runoff of Interstate 215.

The proposed project will result in permanent impacts to approximately 0.18 acre (3,150 linear feet) of riparian/riverine habitat on the project site. None of the offsite road improvements are expected to result in impacts to riparian/riverine habitat outside of the project footprint, since the improvements will occur within existing road right-of-way.

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**Table 1: Impacts to Riparian/Riverine Habitat**

Jurisdictional Feature	Riparian/Riverine Habitat	
	Onsite Jurisdiction (acreage/linear feet)	Project Impacts (acreage/linear feet)
Drainage 1	0.18 (3,150)	0.18 (3,150)
<b>TOTAL</b>	<b>0.18 (3,150)</b>	<b>0.18 (3,150)</b>

### 3.3 Mitigation and Equivalency

#### 3.3.1 Direct Effects

Mitigation for the loss of 0.18 acre (1,350 linear feet) of riparian/riverine habitat within the onsite water feature will be mitigated offsite through the purchase of mitigation credits through the Riverpark Mitigation Bank at a ratio of 1:1; the Bank has both rehabilitation and re-establishment credits. The applicant will be responsible for the purchase of 0.18 acre of mitigation credits.

#### 3.3.2 Indirect Effects

The following minimization measures will be incorporated into the project design to ensure that all indirect project-related impacts to riparian/riverine habitat occurring west of the project site that will not be directly impacted, including impacts from fugitive dust, toxics, invasive plant species, and grading/land development, are avoided or minimized to the greatest extent feasible.

##### *Fugitive Dust*

During soil excavation, grading, or other subsurface disturbance, the construction superintendent shall supervise provision and maintenance of all standard dust control best management practices (BMPs) to reduce fugitive dust emissions, including but not limited to the following actions:

- Water any exposed soil areas a minimum of twice per day, or as allowed under any imposed drought restrictions. On windy days or when fugitive dust can be observed leaving the construction site, additional water shall be applied at a frequency to be determined by the on-site construction superintendent.
- Pave, periodically water, or apply chemical stabilizer to construction access/egress points.
- Minimize the amount of area disturbed by clearing, grading, earthmoving, or excavation operations at all times.
- Operate all vehicles on graded areas at speeds less than 15 miles per hour.
- Cover all stockpiles that will not be utilized within three days with plastic or equivalent material, to be determined by the on-site construction superintendent, or spray them with a non-toxic chemical stabilizer.

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### *Runoff - Toxics*

To address potential short-term impacts to water quality from construction runoff that may carry storm water pollutants downstream, a Storm Water Pollution Prevention Program (SWPPP) shall be implemented by the construction contractor as required by the California General Construction Storm Water Permit pursuant to State Water Quality Control Board and Regional Board regulations. The SWPPP shall identify BMPs related to the control of toxic substances, including construction fuels, oils, and other liquids. These BMPs will be implemented by the Applicant's contractor prior to the start of any ground clearing activity, shall be subject to periodic inspections by the County and the project's hydrological consultant, and shall be maintained throughout the construction period and remain in place until all landscape and permanent BMPs are in place. BMPs shall be monitored and repaired if necessary to ensure maximum erosion, sediment, and pollution control.

- Permittee shall prohibit the use of erosion control materials potentially harmful to fish and wildlife species, such as mono-filament netting (erosion control matting) or similar material, within and adjacent to jurisdictional areas.
- All fiber rolls<sup>1</sup>, straw wattles, and/or hay bales utilized within and adjacent to the project site shall be free of non-native plant materials.
- Permittee shall comply with all litter and pollution laws. All contractors, subcontractors, and employees shall also obey these laws and it shall be the responsibility of Permittee to ensure compliance.
- Permittee shall not allow water containing mud, silt, or other pollutants from grading, aggregate washing, or other activities to enter a lake, streambed, or flowing stream or be placed in locations that may be subjected to high storm flows.
- Spoil sites shall not be located within a lake, streambed, or flowing stream or locations that may be subjected to high storm flows, where spoil shall be washed back into a lake, streambed, or flowing stream where it will impact streambed habitat and aquatic or riparian vegetation.
- Raw cement/concrete or washings thereof, asphalt, paint, or other coating material, oil or other petroleum products, or any other substances which could be hazardous to fish and wildlife resources resulting from project related activities shall be prevented from contaminating the soil and/or entering the waters of the State. These materials, placed within or where they may enter a lake, streambed, or flowing stream by Permittee or any party working under contract or with the permission of Permittee, shall be removed immediately.
- No equipment maintenance shall be done within or near any lake, streambed, or flowing stream where petroleum products or other pollutants from the equipment may enter these areas under any flow.
- No broken concrete, cement, debris, soil, silt, sand, bark, slash, sawdust, rubbish, or washings thereof, oil or petroleum products, or other organic or earthen material from any construction or

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<sup>1</sup> Fiber rolls or erosion control mesh shall be made of loose-weave mesh that is not fused at the intersections of the weave, such as jute, or coconut (coir) fiber, or other products without welded weaves. Non-welded weaves reduce entanglement risks to wildlife by allowing animals to push through the weave, which expands when spread.

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associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the edge of any lake, streambed, or flowing stream.

### *Accidental Encroachments During Construction*

The following measures shall also be incorporated into the construction documents and specifications, and implemented by the contractor, to avoid potential construction-related impacts to riparian/riverine habitat west of and outside of the approved disturbance limits:

- Construction worker training shall be provided by a qualified biologist at the first pre-construction meeting;
- No equipment shall be operated in areas of flowing water;

### *Post-Construction Human Disturbances*

The project shall incorporate special edge treatments designed to minimize edge effects by providing a safe transition between developed areas and the adjacent riparian/riverine habitat, which would be compatible with project operation and the protection. Special edge treatments shall include approved landscaping on the boundary of the project site.

### 4 ADDITIONAL SURVEY NEEDS (SECTION 6.3.2)

#### 4.1 Burrowing Owl

Burrowing owl is currently designated as a California Species of Special Concern. The burrowing owl is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with level to gently-sloping areas characterized by open vegetation and bare ground. The western burrowing owl (*A.c. hypugaea*), which occurs throughout the western United States including California, rarely digs its own burrows and is instead dependent upon the presence of burrowing mammals (i.e., California ground squirrels, coyotes, and badgers) whose burrows are often used for roosting and nesting. The presence or absence of colonial mammal burrows is often a major factor that limits the presence or absence of burrowing owls. Where mammal burrows are scarce, burrowing owls have been found occupying man-made cavities, such as buried and non-functioning drain pipes, stand-pipes, and dry culverts. They also require low growth or open vegetation allowing line-of-sight observation of the surrounding habitat to forage and watch for predators. In California, the burrowing owl breeding season extends from the beginning of February through the end of August.

##### 4.1.1 Methods

Under the MSHCP burrowing owl is considered an adequately conserved covered species that may still require focused surveys in certain areas as designated in Figure 6-4 of the MSHCP. The project site is not located within a MSHCP designated burrowing owl survey area. However, a habitat suitability assessment was conducted. In accordance with the MSHCP Burrowing Owl Survey Instructions (2006), survey protocol consists of two steps, Step I – Habitat Assessment and Step II – Locating Burrows and Burrowing Owls. The following section describes the methodology followed during the burrowing owl habitat assessment conducted for this project.

- Step I – Habitat Assessment: Step 1 of the MSHCP habitat assessment for burrowing owl consists of a walking survey to determine if suitable habitat is present onsite. The habitat assessment was conducted on April 20, 2021. Upon arrival at the project site, and prior to initiating the assessment survey, binoculars were used to scan all suitable habitats on and adjacent to the property, including perch locations, to establish owl presence.

All suitable areas of the project site were surveyed on foot by walking slowly and methodically while recording/mapping areas that may represent suitable owl habitat onsite. Primary indicators of suitable burrowing owl habitat in western Riverside County include, but are not limited to, native and non-native grassland, interstitial grassland within shrub lands, shrub lands with low density shrub cover, golf courses, drainage ditches, earthen berms, unpaved airfields, pastureland, dairies, fallow fields, and agricultural use areas. Burrowing owls typically use burrows made by fossorial mammals, but they often utilize man-made structures, such as earthen berms, cement culverts, cement, asphalt, rock, wood debris piles, openings beneath cement or asphalt pavement. Burrowing owls are often found within, under, or in close proximity to man-made structures.

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According to the MSHCP guidelines, if suitable habitat is present, the biologist should also walk the perimeter of the property, which consists of a 150-meter (approximately 500 feet) buffer zone around the project site boundary. If permission to access the buffer area cannot be obtained, the biologist shall not trespass, but visually inspect adjacent habitats with binoculars. In addition to surveying the entire Project Site all bordering natural habitats located immediately adjacent to the Project Site were assessed. Results from the habitat assessment indicate that suitable resources (i.e., low growing vegetation that provides line of site opportunities) for burrowing owl are present throughout the project site. Accordingly, if suitable habitat is documented onsite or within adjacent habitats, both Step II, focused burrow surveys and the 30-day preconstruction surveys are required in order to comply with the MSHCP guidelines.

- Step II – Locating Burrows and Burrowing Owls: Concurrent with the initial habitat assessment, a detailed focused burrow survey was conducted and included documentation of appropriately sized natural burrows or suitable man-made structures that may be utilized by burrowing owl - as part of the MSHCP protocol, which is described below under Part A, Focused Burrow Survey. The MSHCP protocol indicates that no more than 100 acres should be surveyed per day/per biologist.
  - Part A – Focused Burrow Survey: A systematic survey for burrows, including burrowing owl sign, was conducted by walking across all suitable habitats mapped within the project site on April 20, 2021. Pedestrian survey transects were spaced to allow 100% visual coverage of the ground surface. The distances between transect centerlines were no more than 30 meters (approximately 100 feet) apart, and owing to the terrain, often much smaller. Transect routes were also adjusted to account for topography and in general ground surface visibility. Areas providing potential habitat for burrowing owls were surveyed for suitable burrows, consisting of natural and non-natural substrates in areas with low, open vegetation. All burrows encountered were examined for shape, scat, pellets, white-wash, feathers, tracks, and prey remains. Suitable burrows/sites, including rock piles and non-natural substrates, were thoroughly examined for signs of presence.

### ***4.1.2 Results/Impacts***

Despite a systematic search of the project site, no burrowing owls or sign (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigation. Portions of the project site are vegetated with a variety of low-growing plant species that allow for minimal line-of-sight observation favored by burrowing owls. However, no small mammal burrows that have the potential to provide suitable burrowing owl nesting habitat (>4 inches in diameter) were observed within the boundaries of the project site or off-site improvement areas. Additionally, the site supports and is surrounded by tall trees and buildings that provide perching opportunities for large raptors (i.e., red-tailed hawk) that can prey on burrowing owls.



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### 4.1.3 Mitigation and Equivalency

#### 4.1.3.1 Direct Effects

Based on the information provided above, and as a result of current and historic onsite disturbances, it was determined that burrowing owls do not have potential to occur onsite, and no focused surveys are recommended. Being that no appropriate burrows or burrowing owl habitat was found, Part B-Focused Burrowing Owl surveys were not required. Therefore, the project is consistent with Section 6.3.2. However, out of an abundance of caution a pre-construction burrowing owl clearance survey shall be conducted prior to ground disturbing activities to ensure no direct effects to burrowing owl occur from project implementation.

##### *Pre-Construction Burrowing Owl Survey*

It should be noted that the project site is located within the Perris Valley Commerce Center Specific Plan (PVCCSP). As a result, the pre-construction burrowing owl clearance survey will be conducted in accordance with Mitigation Measure Bio 2 detailed in the Perris Valley Commerce Center Specific Plan (PVCCSP). MM Bio 2 states:

*MM Bio 2: Project specific habitat assessments and focused surveys for burrowing owls will be conducted for implementing development or infrastructure projects within burrowing owl survey areas. A pre-construction survey for resident burrowing owls will also be conducted by qualified biologist within 30 days prior to commencement of grading and construction activities within those portions of implementing project sites containing suitable burrowing owl habitat and for those properties within an implementing project site where the biologist could not gain access. If ground disturbing activities in these areas are delayed or suspended from more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The pre-construction survey and relocation activity will be conducted in accordance with the current Burrowing Owl Instruction for the Western Riverside MSHCP.*

*If active nests are identified on an implementing project site during the pre-construction survey, the nests shall be avoided, or the owls actively or passively relocated. To adequately avoid active nests, no grading or heavy equipment activity shall take place within at least 250 feet of an active nest during the breeding season (February 1 through August 31), and 160 feet during the non-breeding season.*

#### 4.1.3.2 Indirect Effects

With implementation of a pre-construction burrowing owl clearance survey, no indirect effects to burrowing owl are expected to occur.

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### 5 REFERENCES

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# **Appendix A      Project Exhibits**

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# **Appendix B      Site Plan**

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**Appendix C      Habitat Assessment and Western  
Riverside County MSHCP Consistency  
Analysis**

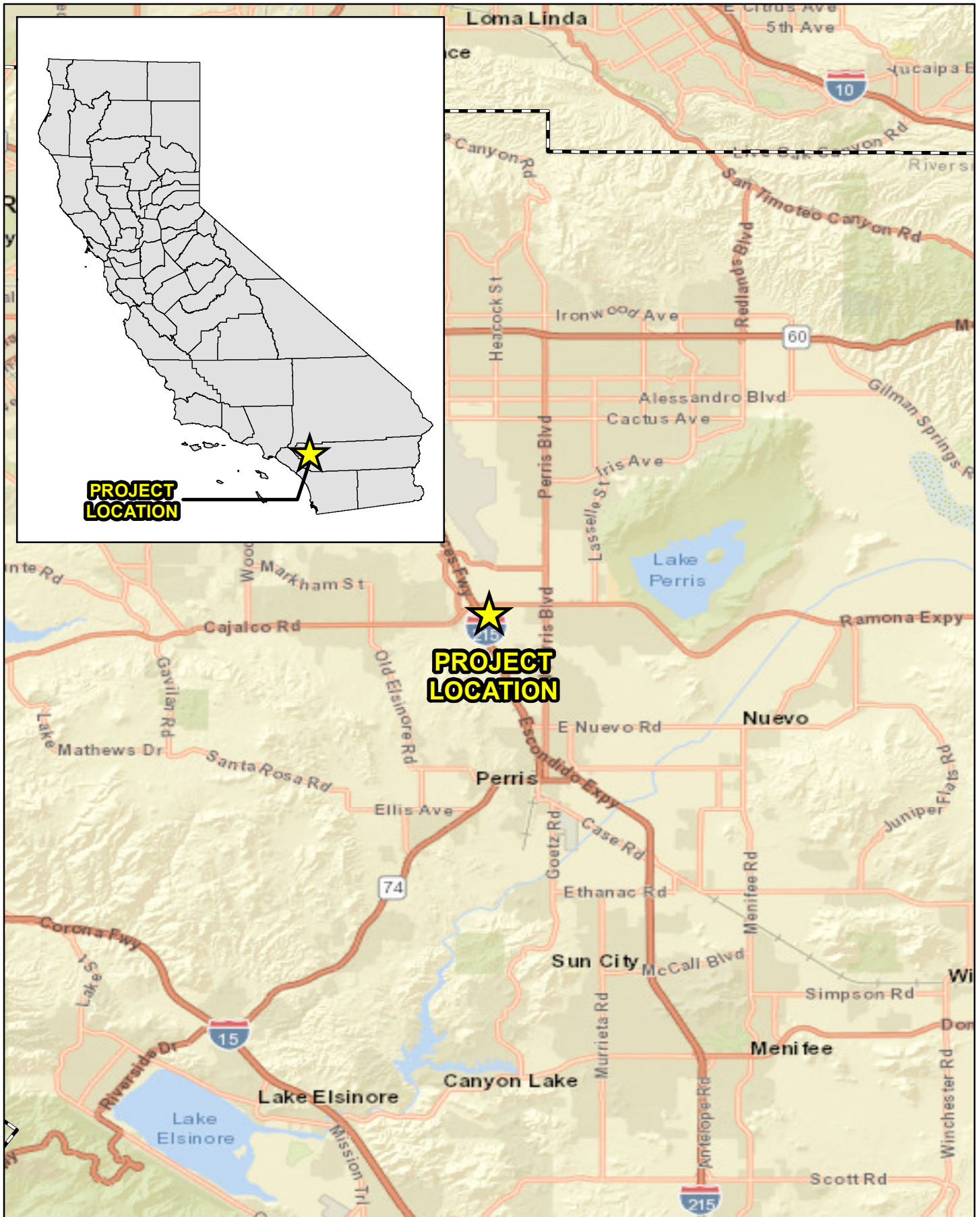
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**Appendix D      Delineation of State and Federal  
Jurisdictional Waters**

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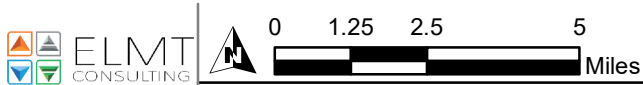
# **Appendix A      Project Exhibits**

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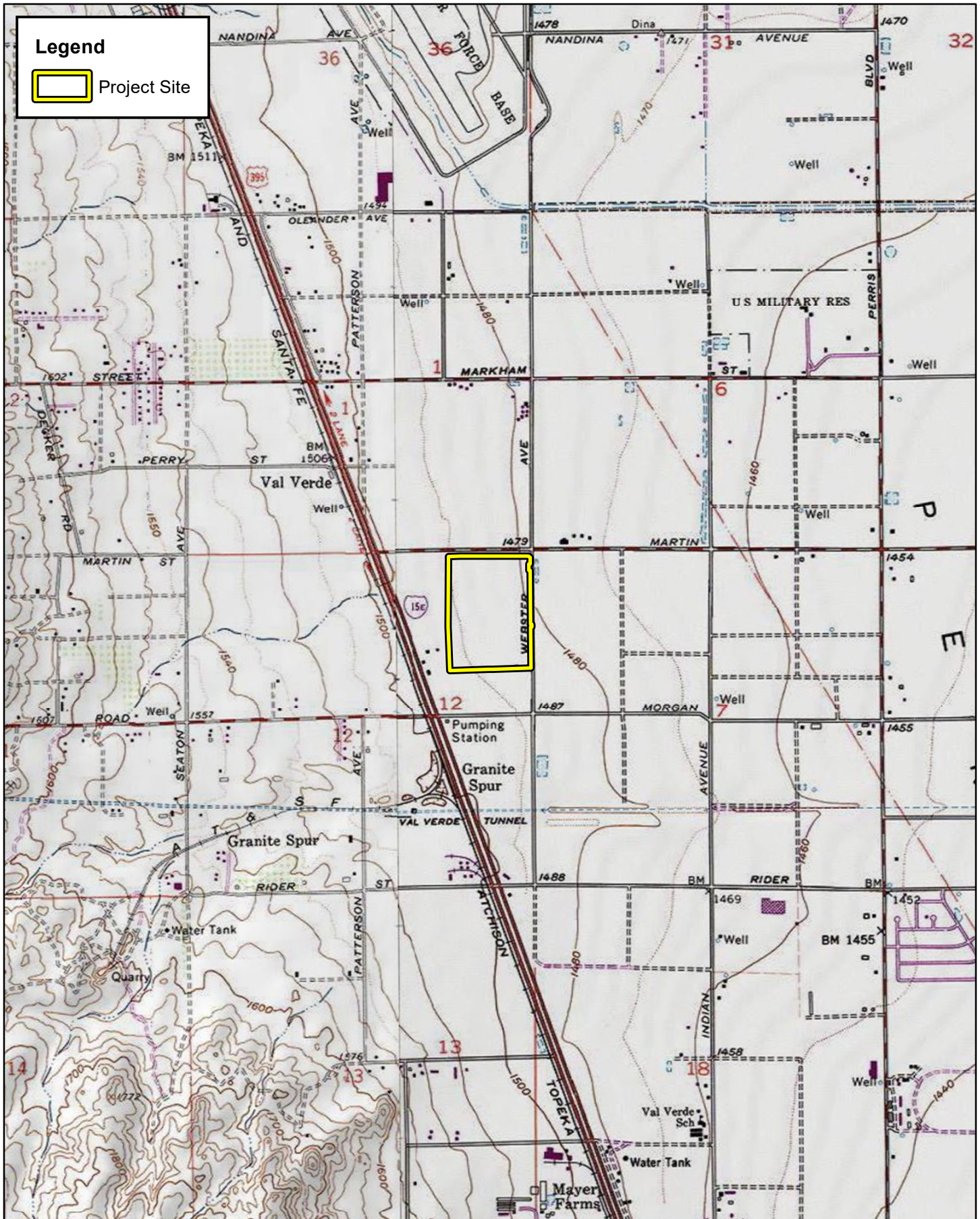
SWC RAMONA EXPRESSWAY AND WEBSTER DBESP

## Regional Vicinity



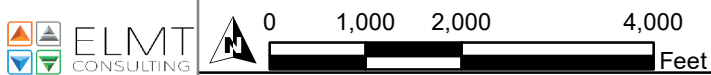
Source: World Street Map, Riverside County





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Site Vicinity



Source: USA Topographic Map, Riverside County



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**Project Site**

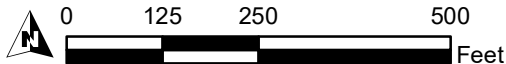


Source: ESRI Aerial Imagery, Riverside County



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**Soils**



Source: ESRI Aerial Imagery, NRCS Soil Survey Geographic Database, Riverside County



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# Riparian/Riverine Habitat

Exhibit 5

# **Appendix B      Site Plan**

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**Appendix C      Habitat Assessment and Western  
Riverside County MSHCP Consistency  
Analysis**

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**Appendix D      Delineation of State and Federal  
Jurisdictional Waters**

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