

## 3.3 Biological Resources

This section describes the existing conditions in the project area and provides an evaluation of potential impacts to biological resources associated with the proposed project. The Biological Resource Evaluation and technical memos supporting the analysis are included in **Appendix C**.

### 3.3.1 Environmental Setting

The setting for biological resources is based on a review of available literature, consultation with resource agencies, and extensive field surveys within the biological study area (**Figure 3.3-1**), which includes the project footprint and adjacent terrestrial habitats. The biological study area was evaluated for its potential to support special-status species that are known to occur or are expected to occur in the region. Vegetation types and wildlife habitats were characterized on the basis of accepted classification systems. The following sources were consulted for information on biological resources within the biological study area:

- California Department of Fish and Wildlife's (CDFW's) California Natural Diversity Database (CNDDDB) and record search of the U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle maps: Perris, Sunnymead, El Casco, Lakeview, Winchester, Romoland, Lake Elsinore, Steele Peak, and Riverside East (CDFW, 2014)
- California Native Plant Society (CNPS) Electronic Inventory (CNPS, 2014)
- *Biological Resource Evaluation of the Lake Perris Dam Remediation Project* (Psomas, 2009)
- *Results of a Survey for Stephens' kangaroo rat and Los Angeles pocket mouse for the Lake Perris Dam Remediation Project* (SJM Biological Consultants, 2012)
- *Results of a survey for Los Angeles pocket mouse and Stephens' kangaroo rat at the Emergency Release Facility project area, at the Lake Perris Dam Remediation Project Site* (SJM Biological Consultants, 2013)
- *Burrowing Owl Protocol Survey Results for the Perris Dam Emergency Release Facility Project* (ESA, 2013)
- *Perris Dam Emergency Release Facility Project Jurisdictional Delineation Memorandum* (ESA, 2013)
- *Vegetation Assessment Memo* (ESA, 2013)

The CNDDDB lists historical and recently recorded occurrences of both special-status plant and wildlife species, and the CNPS database lists historical and recent occurrences of special-status plant species.



SOURCE: NAIP Imagery

Perris Dam Emergency Release Facility . 120083.02

**Figure 3.3-1**  
Biological Study Area

**Table 3.3-1** includes all surveys conducted within the biological study area, either directly as part of this project or from past projects within the same study area. The reports of findings for all biological resources surveys are included in Appendix C.

**TABLE 3.3-1  
 SURVEYS CONDUCTED WITHIN BIOLOGICAL STUDY AREA**

<b>Survey Target Species</b>	<b>Date Conducted</b>	<b>Source</b>
Reconnaissance Surveys: Common plants, wildlife, habitat	2007	Psomas
Stephens' kangaroo rat	2006, 2008 2012, 2013	RCA Psomas SJM
Los Angeles pocket mouse	2007 2012, 2013	Psomas SJM
Least Bell's vireo	2007 - 2009 2010 - 2012	Psomas ESA
Rare Plant Surveys	2008	Psomas
Burrowing Owl	2013	ESA
Jurisdictional Delineation	2013	ESA

## Regional Setting

The proposed project would be located mainly within portions of the Lake Perris State Recreation Area (SRA), the Lake Perris Fairgrounds, and an existing Department of Water Resources (DWR) right-of-way (ROW). Lake Perris is located within the southwestern California subregion of the California floristic province (Hickman, 1993). Perris Dam impounds Lake Perris, which is entirely within the Lake Perris SRA located between the cities of Moreno Valley and Perris in an unincorporated area of western Riverside County, approximately 15 miles south of the city of Riverside and 65 miles east of the city of Los Angeles. The proposed project site is located in the foothills of the Bernasconi Hills, the adjacent Lake Perris, and the relatively level land below the dam, between approximately 1,400 to 2,000 feet above mean sea level (amsl). The proposed project would occur on public land. The surrounding land uses in the project vicinity include undeveloped/open space of the San Jacinto Mountain Range to the northeast and residential homes to the south and west. Lake Perris is a man-made lake and recreation area bounded by the Bernasconi Hills to the southeast and a number of other small hills to the north. The San Jacinto Mountain Range lies to the northeast. The San Jacinto Wildlife Area is immediately east of the Lake Perris SRA. The surrounding area is composed of a mosaic of suburban, developed land and open space/natural areas, with the majority of natural habitat being found in the San Jacinto Mountain range to the northeast.

Natural habitats around Lake Perris consist primarily of Riversidean sage scrub, willow woodland and scrub, and non-native annual grassland. The surrounding lands are relatively dry with vegetation that varies from a dense association of sage scrub-related species on the drier south facing slopes and chaparral-related species on the north facing slopes resulting from greater soil moisture retention, to a sparse association of grasses, forbs, and scattered sage scrub shrubs in the flatter areas near the toes of the surrounding foothill slopes. Soils range from a thin mantle over rocks on steep slopes to deeper sandy friable soils in the flatlands and along the shores of Lake Perris.

The Perris Fairgrounds immediately adjacent to the Lake Perris SRA to the west supports a motor sports complex. The proposed project would traverse an existing motocross facility and a graded dirt area used for parking. The DWR ROW extends from Lake Perris Drive to the Perris Valley Channel and is a fenced area approximately 150 feet wide mainly composed of disturbed non-native grassland. The Ramona Expressway is just south of both the Fairgrounds and the ROW. Agricultural fields exist north of the ROW and west of the Fairgrounds.

## **Project Setting – Habitat Types**

As shown in Figure 3.3-1, the biological study area is a subset of the survey area encompassed in the 2007 survey report that covered the Perris Dam Remediation Program (Psomas, 2009). The biological study area used for this analysis includes only the area below the dam that covers seven habitat types. A detailed description of each habitat type can be found within the Biological Resource Evaluation included in Appendix C1. A follow-up survey conducted in 2013 verified that the habitat descriptions and locations described within the 2007 report remained the same (ESA, 2013a). A memo of these findings can also be found within Appendix C2. Following are detailed descriptions of those habitat types that could be directly impacted by the proposed project construction as seen in **Figure 3.3-2**. For descriptions of all habitat types found within the biological study area (Figure 3.3-1), please refer to the *Biological Resource Evaluation of the Lake Perris Dam Remediation Project* found in Appendix C1.

### ***Riversidean Sage Scrub***

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) (2003) describes Riversidean sage scrub as being dominated by a characteristic suite of low-statured, aromatic, drought-tolerant deciduous shrub and subshrub plant species. Riversidean sage scrub is a sub-association of coastal sage scrub, and its composition varies substantially depending on physical circumstances and the successional status of the habitat. Typical stands are fairly open and are generally dominated by California sagebrush (*Artemisia californica*), California buckwheat (*Eriogonum fasciculatum*), and red brome (*Bromus madritensis* ssp. *rubens*), each attaining at least 20 percent cover (Holland, 1986). Other common species typically found in Riversidean sage scrub include lemonadeberry (*Rhus integrifolia*), sugarbush (*Rhus ovata*), yellow bush penstemon (*Keckiella antirrhinoides*), Mexican elderberry (*Sambucus mexicana*), sweetbush (*Bebbia juncea*), boxthorn (*Lycium* spp.), tall prickly-pear (*Opuntia oricola*), and species of *Dudleya* (Riverside MSHCP, 2003). Riversidean sage scrub typically exists on steep slopes, severely drained soils, or clay soils that release stored soil moisture only slowly.



SOURCE: NAIP Imagery

Perris Dam Emergency Release Facility . 120083.02

**Figure 3.3-2**  
Vegetation Impacts

The characteristic plant species of the Riversidean sage scrub habitat found in the biological study area include: California sagebrush, California buckwheat, annual bur ragweed (*Ambrosia acanthicarpa*), common California aster (*Corethrogyne filaginifolia* [= *Lessingia filaginifolia*]), ripgut brome (*Bromus diandrus*), red brome, and sticky monkeyflower (*Mimulus aurantiacus*), among others. Approximately 135 acres of Riversidean sage scrub were mapped within the biological study area, of which approximately 12 acres would be impacted by construction of the proposed project.

### ***Non-Native Grassland***

Holland (1986) describes non-native grassland as a dense to sparse cover of annual grasses associated with numerous species of showy-flowered, native annual forbs (wildflowers), especially in years of abundant rainfall. Germination and growth of the annual grass and forbs species occurs with the onset of the late fall rains, with flowering and seed-set occurring from winter through spring. Soft chess (*Bromus hordeaceus*), wild oat (*Avena fatua*), and foxtail barley (*Hordeum murinum*) are the dominant grasses in this association with scattered mustard, sweet fennel (*Foeniculum vulgare*), California sagebrush, and California buckwheat, among others that may be present.

There are approximately 250 acres of non-native grassland within the biological study area. The characteristic plant species of the non-native grassland habitat found within the biological study area include: bromes, tocalote (*Centaurea melitensis*), sweet fennel, wild oat, foxtail barley, and black mustard (*Brassica nigra*), among others. Approximately 30 acres of non-native grassland would be impacted by construction of the proposed project.

### ***Agriculture***

Agriculture includes field areas laying either fallow or being actively used for agriculture practices. Approximately 31 acres of agricultural areas were observed and mapped within the biological study area, located north of Ramona Expressway and west of Lake Perris Drive. The proposed project would impact approximately 7 acres of agricultural lands.

### ***Non-Vegetated Features***

Non-vegetated features include those areas occupied by structures, paving and other impermeable surfaces, or rip-rap or where the land has been graded for roads and is maintained. Approximately 284 acres of non-vegetated features were mapped within the biological study area.

## Project Setting – Wildlife

The habitats described form the basis of the wildlife habitats within the biological study area that provide food and water sources upon which wildlife depend, along with nesting and denning sites, escape and movement cover, and protection from adverse weather. Some species are habitat specific for all their life history requirements, while many wildlife species that occur in the area move freely between plant communities to obtain all their life history needs.

The sage scrub and chaparral habitats near the Bernasconi Hills at the edges of the project impact area support wildlife species adapted to drier and more open habitats, including the California quail (*Callipepla californica*), greater roadrunner (*Geococcyx californianus*), white-throated swift (*Aeronautes saxatalis*), rock wren (*Salpinctes obsoletus*) and California towhee. Reptile species observed in this habitat include western fence lizards (*Sceloporus occidentalis*), gopher snakes (*Pituophis catenifer*), red diamond rattlesnake (*Crotalus ruber*), southern pacific rattlesnake (*Crotalus viridis helleri*), side blotched lizard (*Uta stansburiana*), granite spiny lizard (*Sceloporus orcutti*), and coastal western whiptail (*Cnemidophorus tigris*). Mammals found on-site include the San Diego black-tailed jackrabbit, bobcat, coyote, and a number of rodents.

Grassland species observed on-site include the California quail, mourning dove, white-throated swift (*Aeronautes saxatalis*), Anna's hummingbird, western kingbird, towhees, brown-headed cowbird (*Molothrus ater*), and finches. The Lake Perris SRA employs a cowbird-trapping program to reduce the adverse effects from this nest parasite. Red-tailed hawks, American kestrels (*Falco sparverius*), and loggerhead shrikes (*Lanius ludovicianus*) also use grassland habitats as foraging grounds. Grasslands also support a number of reptiles such as the western whiptail and western fence lizard. Mammals found in grassland habitats include coyotes and a number of ground-dwelling mammals such as ground squirrels (*Spermophilus* spp.), pocket gophers (*Thomomys bottae*), and kangaroo rats.

## Special-Status Species

Special-status plant and wildlife species include those listed as threatened, endangered, rare, or proposed/candidate species as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) or CDFW. In addition, special-status species include California Species of Special Concern as shown on the CDFW lists of special plants and animals; the CNPS-listed plants; and “fully protected” species identified in California Fish and Game Code Sections 3511, 4700, 5050, and 5515. (A Fully Protected Species may not be taken or possessed at any time other than as authorized by CDFW for scientific research purposes.) The potential for special-status species to occur was evaluated on a habitat basis for the project site by incorporating the results of prior surveys and using the reconnaissance-level surveys as listed in Table 3.3-1.

During the field surveys, the potential for species listed in Tables 4-13 and 4-15 of the *Biological Resource Evaluation of the Lake Perris Dam Remediation Project* (included in Appendix C1) to occur within the proposed project area was assessed. The potential for any species to occur was rated as low, moderate, or high based on the following criteria:

- *No Potential to Occur*: Species with no potential for occurrence are those for which the proposed project area is not within or near the boundary of the known range of the species and for which there is no suitable habitat to support the species.
- *Low Potential to Occur*: Species with a low potential for occurrence are those for which the proposed project area is on the boundary of the known range of the species, or those for which the proposed project area is within the boundary of the known range of the species and for which suitable habitat in the proposed project area is not known to be used by the species, or for which there are no known recorded occurrences of the species within or adjacent to the proposed project area.
- *Moderate Potential to Occur*: Species with a moderate potential for occurrence are those for which habitat is present, the proposed project is within the known range of the species, and one or more surveys did not detect the species. No nearby occurrences are known. Failure to detect the species is not definitive, and may be due to variable effects associated with fire, rainfall patterns, and/or time of year.
- *High Potential to Occur*: Species with a high potential for occurrence are those for which habitat is present, the proposed project is within the known range of the species, and the species has been observed in similar habitat in the region by a qualified biologist.
- *Known to Occur*: Species with previously recorded occurrences within the project area and/or observed during field surveys.

For simplicity, **Table 3.3-2** presents only those species with a medium to high potential to occur within the proposed project impact area. All other species listed in Tables 4-13 and 4-15 of the *Biological Resource Evaluation of the Lake Perris Dam Remediation Project* (included in Appendix C1) were determined to have low or no potential to occur in the biological study area. A more comprehensive list of species can be found in Appendix C, CNDDDB output, and Biological Resource Evaluation.

### ***Special-Status Plants***

Table 3.3-2 summarizes results and conclusions from the field surveys and the literature review with regard to the potential for the occurrence of listed, candidate, state rare, or CNPS-tracked plant species within the study area. A standard in the professional practice of botany is to conclude species absence only after sufficient review of the literature and appropriately timed field surveys, including but not limited to:

- Where the species is detectable without flowers or fruits (e.g., perennial shrubs with distinctive vegetative features).
- Suitable habitat is clearly absent, such as the lack of a specific soil type required by a species.
- Seasonally appropriate surveys conducted during years of adequate rainfall or surveys over several years have not detected the species.

In general and outside of these limited cases, even with field surveys, botanists assess probability of occurrence rather than make a definitive conclusion about presence or absence of species. Failure to detect the presence of the species is not definitive, and may be due to variable effects associated with fire, rainfall patterns, and/or season.

The timing of the field surveys for the proposed project was considered suitable for the identification of most, but not all, potential special-status plant species. Conducting the field surveys in the late spring and summer decreased the detection of fall, winter, and early spring blooming plant species. There were a number of plants in bloom, but there were also a number of plants not yet in bloom and a number of plants that had already bloomed and gone to seed. Therefore, an effort was made to determine presence or absence of potentially suitable habitat for those plants that could not be identified at that time. A complete list of plant species observed during biological resources surveys is provided in Table 4-14 of Appendix C1.

#### **Listed Endangered, Threatened, Candidate, and State Rare Plant Species**

No plant species listed as endangered, threatened, candidate, or state rare pursuant to the federal or state Endangered Species Act were observed within the biological study area during the field surveys conducted in 2007 by Psomas. No plant species designated as a CDFW special plant, tracked by the CNPS, or locally important were observed within the proposed project area during the field surveys. However, because of the time of year in which the surveys took place, a habitat assessment was performed for potentially suitable habitat conditions to support special-status plant species, especially for annual species that appear above ground in a vegetative stage earlier or later in the year. No special-status species were observed to be present during the 2008 rare plant surveys conducted by Psomas.

**TABLE 3.3-2  
 SPECIAL STATUS-SPECIES WITH POTENTIAL TO OCCUR WITHIN THE BIOLOGICAL STUDY AREA**

Scientific Name/ Common Name	Status	General Habitat Description	Potential for Occurrence
<b>Plants</b>			
<i>Brodiaea filifolia</i> thread-leaved brodiaea	FT, SE, CNPS:1B.1	This species typically occurs on gentle hillsides, valleys, and floodplains in semi-alkaline mudflats, vernal pools, mesic southern needlegrass grassland, mixed native-nonnative grassland and alkali grassland plant communities in association with clay, loamy sand, or alkaline silty-clay soils. This plant grows on various substrates ranging from clay to fine sand. It occurs in open valley and foothill grasslands, at the edge of vernal pools, flood plains, playas and openings in chaparral, cismontane woodlands, or coastal scrub. It is equally likely to occur in wetlands or non-wetlands. Blooming period: Mar – Jun. Elevational range: 82 – 2821 feet mean sea level (msl)	<b>Moderate potential to occur.</b> The biological study area contains suitable grassland and coastal sage scrub habitats with suitable soils and substrates to support this plant. This species is also known to occur within the immediate region of the Lake Perris SRA.
<i>Symphotrichum defoliatum</i> San Bernardino aster	CNPS:1B.2	Found in cismontane woodlands, coastal scrub, lower montane coniferous forests, meadows and seeps, marshes and swamps, and vernal mesic valley and foothill grasslands. Can be found near ditches, streams, springs or disturbed areas. Grows in seasonally moist fine alluvial soils. Blooming period: Jul – Nov. Elevational range: 6 – 6691 feet msl.	<b>Moderate potential to occur.</b> The biological study area contains suitable coastal sage scrub habitat to support this species. This species is also known to occur within the immediate region of the Lake Perris SRA.
<i>Centromadia pungens</i> ssp. <i>laevis</i> smooth tarplant	CNPS:1B.1	Smooth tarplants occur in a variety of habitats including alkali scrub, alkali playas, riparian woodland, watercourses, and grasslands with alkaline affinities. Also found on disturbed places. Blooming period: Apr – Sept. Elevational range: 0 – 1574 feet msl.	<b>Moderate potential to occur.</b> The biological study area lacks suitable alkaline habitat. However, this species is known to occur within the immediate region of the Lake Perris SRA and the biological study area includes disturbed areas.
<i>Senecio aphanactis</i> chaparral ragwort	CNPS: 2.2	Chaparral, cismontane woodland, coastal scrub (sometimes alkaline) and drying alkaline flats. Blooming period: Jan – Apr. Elevational range: 50 – 2624 feet msl.	<b>Moderate potential to occur.</b> The biological study area contains suitable coastal sage scrub habitat to support this species. This species is known to occur within the immediate region of the Lake Perris SRA.
<i>Abronia villosa</i> var. <i>aurita</i> chaparral sand-verbena	CNPS:1B.1	Found in sandy soils of chaparral, coastal scrub, and desert dunes. Blooming period: Jan – Sept. Elevational range: 262 – 5249 feet msl.	<b>Moderate potential to occur.</b> The biological study area contains suitable coastal sage scrub habitat. This species is known to occur within the region of the Lake Perris SRA.
<i>Chorizanthe polygonoides</i> var. <i>longispina</i> long-spined spineflower	CNPS:1B.2	Long-spined spineflower is associated primarily with heavy, often rocky, clay soils in valley and foothill grasslands, and openings in coastal sage scrub, and chaparral. Occasionally this species is associated with mountain meadows in sandy loam soil as at Cuyamaca State Park or in sandy or gravelly soils as on Kearney Mesa or Cutca Valley in San Diego County. Blooming period: Apr – Jul. Elevational range: 100 – 4760 feet msl.	<b>Moderate potential to occur.</b> The biological study area contains suitable soils, valley and foothill grasslands, and coastal sage scrub habitats to support this species. This species is also known to occur within the region of the Lake Perris SRA.

**TABLE 3.3-2  
 SPECIAL STATUS-SPECIES WITH POTENTIAL TO OCCUR WITHIN THE BIOLOGICAL STUDY AREA**

Scientific Name/ Common Name	Status	General Habitat Description	Potential for Occurrence
<i>Calochortus plummerae</i> <i>Plummer's mariposa lily</i>	CNPS:1B.2	This plant prefers openings in chaparral, foothill woodland, coastal sage scrub, valley and foothill grasslands, cismontane woodland, lower montane coniferous forest, and yellow pine forest. They are found on dry, rocky slopes and soils and brushy areas. Can be very common after fire. Blooming period: May – Jul. Elevational range: 330 – 5580 feet msl.	<b>Moderate potential to occur.</b> The biological study area supports suitable habitats and substrates to support this species. This species is known to occur within the region of the Lake Perris SRA.
<b>Birds</b>			
<i>Haliaeetus leucocephalus</i> bald eagle (nesting and wintering)	SE, Fully Protected	Range-wide, bald eagles occur primarily in or near seacoasts, rivers, wetlands swamps, and large lakes. Require large bodies of water, or free-flowing rivers with abundant fish, and adjacent snags or other perches and nesting sites to support them. Perching sites need to be composed of large trees or snags with heavy limbs or broken tops. It roosts communally in winter in dense, sheltered, remote conifer stands. The State's breeding habitats are mainly in mountain and foothill forests and woodlands near reservoirs, lakes, and rivers.	<b>Known to occur (seasonally).</b> The biological study area provides potential foraging and roosting habitat for this species during winter migration. Bald eagles are known to use the Lake Perris SRA during the winter. The bald eagle is primarily a winter migrant within western Riverside County. Bald eagles have attempted to breed at Lake Perris SRA, but were unsuccessful.
<i>Falco peregrinus anatum</i> <i>American peregrine falcon</i> (nesting)	SE, Fully Protected	Peregrines are found in a large variety of open habitats, including tundra, marshes, seacoasts, savannahs, and high mountains. The species breeds mostly in woodland, forest, wetlands, cities, agricultural areas, and coastal habitats. Open ledges, caves, and potholes on high, vertical cliffs, generally 100 to 300 feet in height that overlook rivers, lakes, or the ocean provide peregrines with suitable nesting sites.	<b>Known to occur.</b> Observed during field surveys and known to occur seasonally at the Lake Perris SRA. There are no breeding records documented for the species in the biological study area.
<i>Vireo bellii pusillus</i> <i>least Bell's vireo</i> (nesting)	FE, SE	Least Bell's vireos primarily occupy riverine riparian habitats that typically feature dense cover within 1 to 2 m of the ground and a dense, stratified canopy. Typically, it is associated with southern willow scrub, cottonwood-willow forest, mule fat scrub, sycamore alluvial woodland, coast live oak riparian forest, arroyo willow riparian forest, or mesquite in desert localities. It uses habitat that is limited to the immediate vicinity of water courses. 2,000 feet elevation in the interior.	<b>Known to occur (seasonally).</b> Observed during field surveys and known to occur seasonally at the Lake Perris SRA.
<i>Elanus leucurus</i> <i>white-tailed kite</i> (nesting)	Fully Protected	The white-tailed kite inhabits low elevation, open grasslands, savannah-like habitats, agricultural areas, wetlands, oak woodlands, and riparian areas adjacent to open areas. Open grasslands, meadows, or marshes are used for foraging close to isolated, dense-topped trees for nesting and perching. Substantial groves of dense, broad-leaved deciduous trees are used for cover, nesting, and roosting.	<b>Known to occur.</b> The biological study area contains suitable foraging grassland habitat and suitable nesting riparian habitat to support this species. This species is known to occur within the Lake Perris SRA as a year-long resident.

**TABLE 3.3-2  
 SPECIAL STATUS-SPECIES WITH POTENTIAL TO OCCUR WITHIN THE BIOLOGICAL STUDY AREA**

Scientific Name/ Common Name	Status	General Habitat Description	Potential for Occurrence
<i>Circus cyaneus</i> northern harrier (nesting)	SSC	Frequents open fresh and saltwater wetlands, grasslands, pastures, upland prairies, dry uplands, croplands, shrub-steppe, meadows, and desert sinks. It uses tall grasses and forbs in wetlands for cover and it roosts on ground. It is mostly found in flat, open areas of tall, dense grasses, moist or dry shrubs, in the vicinity of marshes, rivers, ponds, or grassy valleys for nesting, cover, and feeding.	<b>Known to occur.</b> Observed during the field surveys. The biological study area contains suitable foraging and nesting grassland habitat to support this species. This species is known to occur within the Lake Perris SRA.
<i>Aquila chrysaetos</i> golden eagle (nesting and wintering)	Fully Protected	Golden eagles occur locally in open country, especially in rolling foothills and mountainous regions. Within Southern California, the species favors grasslands, brushlands, deserts, oak savannahs, open coniferous forests, and montane valleys. Nesting is primarily restricted to rugged, mountainous country.	<b>Known to occur.</b> Observed during the field surveys. The biological study area contains suitable foraging open country grassland habitat to support this species. This species is known to occur within the Lake Perris SRA, but it is not known to breed there.
<i>Charadrius montanus</i> mountain plover (wintering)	SSC	Within Southern California, the largest numbers of birds occur in short grasslands and agricultural areas in the interior, such as freshly plowed fields, newly sprouting grain fields, and sometimes sod farms. The birds spend about 75 percent of their time on plowed fields, but prefer heavily grazed annual grasslands or burned fields. They prefer short vegetation, bare ground, flat topography, and areas with burrowing rodents.	<b>Known to occur (seasonally).</b> The biological study area contains suitable foraging short-grass habitats and flat topography to support this species.
<i>Athene cunicularia</i> burrowing owl (burrow sites and some wintering sites)	SSC	They require large open expanses of sparsely vegetated areas on gently rolling or level terrain with an abundance of active small mammal burrows, most notably the California ground squirrel. As a critical habitat feature need, they require the use of rodent or other burrows for roosting and nesting cover. They may also use pipes, culverts, and nest boxes where burrows are scarce.	<b>High potential to occur.</b> The biological study area contains suitable habitat and level terrain. Focused surveys determined that the species is absent from the biological study area.
<i>Asio otus</i> long-eared owl (nesting)	SSC	Breeding habitat generally consists of groves of oaks or riparian woodlands with a closed canopy. Hunting habitat consists of oak and sycamore woodlands. Appears to be more associated with forest edge habitat than open or forest habitat. During breeding the species uses the hardwood deciduous forests.	<b>Known to occur (seasonally).</b> The biological study area contains suitable habitats to support this species. The species has not been reported recently to occur in western Riverside County.
<i>Lanius ludovicianus</i> loggerhead shrike (nesting)	SSC	The loggerhead shrike prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting. It is known to forage over open ground within areas of short vegetation. Individuals like to perch on posts and utility lines and often use the edges of denser habitats.	<b>Known to occur.</b> Observed during the field surveys. The biological study area contains habitat to support this species. It occurs as a year-long resident in western Riverside County.
<i>Dendroica petechia brewsteri</i> yellow warbler (nesting)	SSC	Yellow warblers in Southern California breed and forage in lowland and foothill riparian woodlands dominated by cottonwoods, sycamores, aspens, alders, or willows and other small trees and shrubs typical of low, open-canopy riparian woodland.	<b>Known to occur (seasonally).</b> The biological study area contains suitable nesting and foraging riparian habitat to support this species. This species is known to occur within the Lake Perris SRA.

**TABLE 3.3-2  
 SPECIAL STATUS-SPECIES WITH POTENTIAL TO OCCUR WITHIN THE BIOLOGICAL STUDY AREA**

Scientific Name/ Common Name	Status	General Habitat Description	Potential for Occurrence
<i>Icteria virens</i> yellow-breasted chat (nesting)	SSC	In Southern California they are found in tall, dense, relatively wide riparian woodlands and thickets of willows with well-developed understories. Nesting areas are associated with streams, swampy ground, and the borders of small ponds. Breeding habitat must be dense to provide shade and concealment.	<b>Moderate potential to occur.</b> The biological study area contains suitable nesting and foraging riparian habitat. This species is not known to breed within the Lake Perris SRA.
<i>Agelaius tricolor</i> tricolored blackbird (nesting colony)	SSC	The tricolored blackbird breeds near fresh water, preferably in emergent wetland with tall, dense cattails or tules, but also in thickets of willow, blackberry, wild rose, and tall herbs and it forages in grassland and cropland habitats. Colonies require nearby water, a suitable nesting substrate, and open-range foraging habitat of natural grassland, woodland, or agricultural cropland.	<b>Known to occur.</b> The biological study area contains suitable nesting marsh habitat and suitable foraging grassland habitat. This species is known to breed within the Lake Perris SRA. This species is a year-long resident in western Riverside County.
<b>Reptiles</b>			
<i>Phrynosoma coronatum</i> (blainvillii population) coast (San Diego) horned lizard	SSC	Found in a wide variety of vegetation types, including coastal sage scrub, annual grassland, chaparral, oak woodland, riparian woodland, and coniferous forest. In inland areas, this species is restricted to areas with pockets of open microhabitat with loose, fine soils with a high sand fraction and abundance of native ants.	<b>Known to occur.</b> The biological study area supports habitat to support this species. This species is known to occur within the Lake Perris SRA and all over western Riverside County.
<i>Aspidoscelis hyperythra</i> orange-throated whiptail	SSC	This subspecies is found within semi-arid brushy areas typically with loose soil and rocks, including washes, stream sides, rocky hillsides, and coastal chaparral. Habitat types include low elevational chaparral, non-native grassland, coastal sage scrub, juniper woodland, and oak woodland. Associations include alluvial fan scrub and riparian areas.	<b>Known to occur.</b> The biological study area contains suitable habitats. This species is known to occur within the Lake Perris SRA and throughout western Riverside County.
<i>Anniella pulchra pulchra</i> silvery legless lizard	SSC	This species is common in several habitats. It is found primarily in areas with sandy or loose organic soil or where there is plenty of leaf litter. Usually associated with friable soils with some moisture content and some vegetative cover. They are often found under surface objects.	<b>Moderate potential to occur.</b> The biological study area contains habitat with leaf litter. This species is not known to occur within the Lake Perris SRA, but it is known to occur within the immediate region.
<i>Crotalus ruber ruber</i> northern red-diamond rattlesnake	SSC	It is most commonly associated with heavy brush with large rocks or boulders. They need rodent burrows, cracks in rocks, or surface cover objects.	<b>Known to occur.</b> Observed during the field surveys. The biological study area contains suitable coastal sage scrub and rock habitats to support this species. This species is known to occur within the Lake Perris SRA and throughout western Riverside County.

**TABLE 3.3-2  
SPECIAL STATUS-SPECIES WITH POTENTIAL TO OCCUR WITHIN THE BIOLOGICAL STUDY AREA**

Scientific Name/ Common Name	Status	General Habitat Description	Potential for Occurrence
<b>Mammals</b>			
<i>Dipodomys stephensi</i> <i>Stephens' kangaroo rat</i>	FE, ST	The Stephens' kangaroo rat is found in open annual and perennial grasslands or sparse shrublands such as coastal sage scrub with cover of less than 50%. They avoid areas with dense grass cover. They require friable soils and avoid rocky soils, and they use flatter slopes.	<b>Known to occur.</b> The biological study area below the dam contains suitable grassland and coastal sage scrub habitat with suitable soils to support this species. This species is known to occur within the Lake Perris SRA.
<i>Chaetodipus fallax fallax</i> <i>northwestern San Diego pocket mouse</i>	SSC	It inhabits coastal sage scrub, sage scrub/grassland ecotones, and chaparral communities. It generally exhibits a strong microhabitat affinity for moderately gravelly and rocky substrates. In western Riverside County, the San Diego pocket mouse also commonly is found in disturbed grassland and open sage scrub vegetation with sandy-loam to loam soils.	<b>Known to occur.</b> Observed during trapping surveys conducted within the biological study area. The biological study area contains suitable grassland and coastal sage scrub habitat. This species is known to occur within the Lake Perris SRA.
<i>Perognathus longimembris brevinasus</i> <i>Los Angeles pocket mouse</i>	SSC	This species probably inhabits open ground of fine, sandy soils and may use these soil types for burrowing. It may be restricted to lower elevation grassland and coastal sage scrub. It probably prefers sparsely vegetated habitats.	<b>Known to occur.</b> Captured during trapping surveys conducted within the biological study area and project impact area. The biological study area contains suitable grassland and coastal sage scrub habitat outside of the proposed project area.
<i>Neotoma bryanti intermedia</i> <i>Bryant's woodrat</i>	SSC	Bryant's woodrat is found in a variety of shrub habitats primarily associated with rock outcroppings, boulders, sage scrub, cactus, or other areas of dense undergrowth. Bryant's woodrat commonly inhabit Joshua tree woodlands, pinyon-juniper woodlands, mixed chaparral, coastal sage scrub, and coastal desert habitats seaward of the coastal mountain ranges. Bryant's woodrat is often associated with coastal sage scrub communities, rocky outcroppings and boulder-covered hillsides in chaparral or oak woodlands, and, if present, large cactus patches, like the prickly pear cactus.	<b>Known to occur.</b> Captured during trapping surveys. The biological study area contains suitable coastal sage scrub habitat and rock outcrops. This species is known to occur within the Lake Perris SRA and throughout western Riverside County.
<i>Neotoma lepida intermedia</i> <i>San Diego desert woodrat</i>	SSC	The San Diego desert woodrat is found in a variety of shrub and desert habitats primarily associated with rock outcroppings, boulders, cacti, or areas of dense undergrowth. The desert woodrat often is associated with large cactus patches, rocky outcroppings, and boulder-covered hillsides. In rocky outcrops, they are known to construct dens in the cracks between boulders. Cactus patches are also a favorite den site.	<b>Known to occur.</b> The biological study area contains suitable coastal sage scrub habitat and rock outcrops.
<i>Lepus californicus bennettii</i> <i>San Diego black-tailed jackrabbit</i>	SSC	The black-tailed jackrabbit is a habitat generalist occurring in open areas or semi-open country, typically in grasslands, agricultural fields, or sparse coastal scrub. Jackrabbits typically are not found in high grass or dense brush.	<b>Known to occur.</b> Observed during the field surveys. The biological study area contains suitable sparse habitat. This species is known to occur within the Lake Perris SRA and throughout western Riverside County.

**TABLE 3.3-2  
 SPECIAL STATUS-SPECIES WITH POTENTIAL TO OCCUR WITHIN THE BIOLOGICAL STUDY AREA**

Scientific Name/ Common Name	Status	General Habitat Description	Potential for Occurrence
<i>Puma concolor</i> mountain lion	Special Protection	Mountain lions use many habitats, including desert scrub, chaparral, swamps, and forests. They avoid agricultural areas, flat shrubless desert, and other habitats that lack topographic or vegetative cover. It feeds primarily on mule deer and tends to be found where deer can be obtained. Mountain lions use rocky areas, cliffs, and ledges that provide cover within open woodlands and chaparral, as well as riparian areas that provide protective habitat connections for movement between fragmented core habitat.	<b>Known to occur.</b> The biological study area contains suitable habitats to support this species. The Lake Perris SRA supports mule deer populations to support the mountain lion. Though known to occur in the area, impacts to this species are not expected because they are highly mobile and have a large home range.
<i>Taxidea taxus</i> American badger	SSC	Badgers occur from alpine meadows to elevations as low as Death Valley. In California, badgers occupy a diversity of habitats. The principal requirements seem to be sufficient food, friable soils, and relatively open, uncultivated ground. Badgers are generally associated with dry, open, treeless regions, prairies, parklands, and cold desert areas. They seem to occur primarily in areas of low to moderate slope.	<b>Known to occur.</b> The biological study area contains suitable open grassland habitats and ground squirrel populations to support this species.

**California Native Plant Society Status**

**CNPS 1B** = Native California species, subspecies or varieties that are rare, threatened, or endangered in California and throughout its range.  
**CNPS 2** = Native California species, subspecies or varieties that are rare, threatened or endangered in California, but more common outside of the state.  
**CNPS 3** = Native California species, subspecies or varieties that more information is needed to assign them to one list or another or to reject them.

**California Native Plant Society Threat Codes**

**0.1** means it is seriously endangered in California.  
**0.2** means it is fairly endangered in California.  
**0.3** means it is not very endangered in California.

SOURCES: Psomas 2008 and ESA 2014

**Federal Status**

**FE** = federally endangered  
**FT** = federally threatened  
**FC** = federal candidate for listing

**California State Status**

**SE** = California state endangered  
**ST** = California state threatened  
**SSC** = species of special concern  
**Fully protected** = CDFW fully protected  
**Special Protection** = Section 4800 of the Fish and Game Code

### ***Special-Status Wildlife***

Table 3.3-2 summarizes the results and conclusions from the literature review and field surveys regarding the potential for occurrence of special-status wildlife species within the biological study area. A standard in the professional practice of wildlife biology is to conclude species absence only after sufficient review of the literature, appropriately timed field surveys, or implementation of agency approved species-specific survey protocols that includes but are not limited to:

- Where the species known range and historic range is over 25 miles from the proposed project site.
- Suitable habitat is clearly absent.
- Seasonally appropriate and/or protocol surveys have been conducted, or surveys over several years have not detected the species.

In general and outside of these limited cases, even with field surveys, wildlife biologists assess probability of occurrence rather than make definitive conclusions about species presence or absence. Failure to detect a species is not definitive and may be due to variable effects associated with fire, rainfall patterns, and/or season.

During the field surveys, many species of wildlife that could potentially use the proposed project site may not have been present because they occur only on a seasonal basis. Many species are nocturnal, move about a territory, or may have become dormant for the season. A single day survey cannot be used to conclusively determine absence except when potentially suitable habitat can be determined to be absent. However, the potential for the site to provide suitable habitat for special-status species was evaluated.

### **Listed Endangered, Threatened, Candidate, and Fully Protected Species**

Based on surveys conducted on-site (Table 3.3-1), six listed or fully protected species have been observed within the biological study area or have a medium to high potential to occur within the biological study area: bald eagle, American peregrine falcon, least Bell's vireo, white-tailed kite, golden eagle, and Stephens' kangaroo rat. No other wildlife species listed as fully protected or endangered, threatened, or candidate pursuant to the federal or state Endangered Species Acts were observed within or adjacent to the proposed project site during the field surveys.

As a result of the field surveys and the literature review, it was concluded that only one listed wildlife species, the Stephens' kangaroo rat, has a moderate or high potential to occur within the proposed project impact area. This species is described below in detail. The remaining five species, which are avian species, may be found within the riparian habitat just north of the proposed levees where trees are present for foraging and nesting. Suitable foraging, nesting, or wintering habitat for these avian species would not be found within the grassland and coastal sage scrub habitat where project construction would occur and they would not be directly impacted by implementation of the proposed project. For descriptions of other listed species found with the potential to occur within the biological study area, refer to the Biological Resource Evaluation included in Appendix C1.

*Stephens' kangaroo rat*

The Stephens' kangaroo rat is a small burrowing rodent adapted for arid environments with long, strong hind legs and short, relatively small front legs. The Stephens' kangaroo rat is found almost exclusively in open grasslands or sparse shrublands such as coastal sage scrub with cover of less than 50 percent. They prefer areas with buckwheat, chamise, brome grasses, and filaree. They avoid areas with dense grass cover. As a fossorial (burrowing) animal, they are typically found in well-drained gravelly or sandy and sandy loam soils with low clay content and avoid rocky soils. However, there are exceptions where they can use the burrows of pocket gophers and California ground squirrels.

The Stephens' kangaroo rat is found in western Riverside County in patches from the Corona Hills to Anza Valley, in the Temecula area to Potrero Valley, and in the Badlands (RCIP, 2003). The San Jacinto Wildlife Area–Lake Perris SRA is a core reserve area for Stephens' kangaroo rat (RCIP, 2003). Stephens' kangaroo rat has been found in the grassland habitat east of Lake Perris and in portions of the grassland areas below the dam (**Figure 3.3-3**). Stephens' kangaroo rat trapping was conducted at Lake Perris by the Riverside County Resource Conservation Agency (RCA) as part of the Western Riverside County MSHCP monitoring program in 2006. There was one trapping grid below the dam, located at the northwest end of the dam. Two Stephens' kangaroo rats were captured as part of the 2006 trapping events by the RCA.

Protocol surveys were conducted in 2008, 2012, and 2013 for Stephens' kangaroo rat; these surveys included the construction impact areas. No Stephens' kangaroo rats were found within the proposed impact areas. Stephens' kangaroo rats were located in the grassland areas below the dam's right reach, and a small patch of habitat below the corner of the dam's left reach (Figure 3.3-3). As shown on Figure 3.3-3, documented occupied Stephens' kangaroo rat habitat within the SRA would not be impacted by the proposed project construction.



SOURCE: NAIP Imagery; SJM Biological Consultants, Inc.

Perris Dam Emergency Release Facility . 120083.02

**Figure 3.3-3**  
Small Mammal Capture Data

### Non-Listed Special-Status Wildlife Species

As a result of the field surveys and the literature review, it was concluded that the following 31 non-listed special-status wildlife species either have been known to occur or have a moderate or high potential to occur within the biological study area. Habitat requirement summaries and observations of probability for occurrence within the study area are shown in Table 3.3-2 and further detailed in the background Biological Evaluation Report included in Appendix C1, *Biological Resource Evaluation of the Lake Perris Dam Remediation Project*.

- Northern Harrier
- Sharp-shinned Hawk
- Cooper's Hawk
- Ferruginous Hawk
- Mountain Plover
- Burrowing Owl
- Long-eared Owl
- Loggerhead Shrike
- California Horned Lark
- San Diego Cactus Wren
- Yellow Warbler
- Yellow-breasted Chat
- Southern California Rufous-crowned Sparrow
- Bell's Sage Sparrow
- Tricolored Blackbird
- San Diego Banded Gecko
- Coast (San Diego) Horned Lizard
- Orange-throated Whiptail
- Coastal Whiptail
- Silvery Legless Lizard
- Coastal Rosy Boa
- Northern Red-diamond Rattlesnake
- Northwestern San Diego Pocket Mouse
- Los Angeles Pocket Mouse
- Bryant's Woodrat
- San Diego Desert Woodrat
- San Diego Black-tailed Jackrabbit
- Mountain Lion
- American Badger

### Jurisdictional Resources

Wetlands and permanent and intermittent drainages, creeks, and streams identified as waters of the United States are generally subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB) under Section 404 and Section 401, respectively, of the federal Clean Water Act (CWA). See **Figure 3.3-4** for all of the delineated USACE and RWQCB jurisdictional areas within the proposed biological study area.

Streambeds are subject to regulation by the CDFW under Section 1602 of the California Fish and Game Code. A stream is defined under these regulations as a body of water that flows at least periodically or intermittently through a bed or channel with banks and that supports fish or other aquatic life. This definition includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation. CDFW jurisdiction typically extends to the edge of the riparian vegetation canopy.

A Preliminary Jurisdictional Delineation was conducted in 2013 and is included in Appendix C3. See Figure 3.3-4 for all delineated CDFW jurisdictional areas within the proposed biological study area.



SOURCE: NAIP Imagery

Perris Dam Emergency Release Facility . 120083.02

**Figure 3.3-4**  
Jurisdiction Delineation

## 3.3.2 Regulatory Framework

### Federal

#### ***Federal Endangered Species Act***

The USFWS, in the Department of the Interior, has responsibility for administration of the Federal Endangered Species Act (FESA) that provides a process for listing species as either threatened or endangered, and methods of protecting listed species. FESA provides broad protection for species of fish, wildlife, and plants that are listed as threatened or endangered in the United States or elsewhere. FESA has four major components: (1) provisions are made for listing species, (2) requirements for federal agency consultation with USFWS or National Marine Fisheries Service, (3) prohibitions against “take” of listed species, and (4) the provisions for permits that allow incidental take of listed species for otherwise lawful activities. The FESA also requires the preparation of recovery plans and the designation of critical habitat for listed species.

Species are listed as either endangered or threatened under Section 4 of the FESA, which defines as “endangered” any plant or animal species that is in danger of extinction throughout all or a significant portion of its range and defines a species as “threatened” if the species is likely to become endangered in the foreseeable future. Section 9 of the FESA prohibits take of listed threatened or endangered species. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in such conduct. Harm under the definition of take includes disturbance or loss of habitats used by a threatened or endangered species during any portion of its life history. Under the regulations of the FESA, the USFWS may authorize take when it is incidental to, but not the purpose of, an otherwise lawful act.

The Western Riverside County MSHCP serves as the vehicle through which parties may comply with FESA, the California Endangered Species Act (CESA), and the Natural Communities Conservation Plan (NCCP) Act in western Riverside County for the incidental take of federal- and state-listed endangered and threatened species. Under the Riverside County MSHCP, DWR is considered a “Participating Special Entity” and can apply for Take Authorization by the RCA by completing a detailed application containing a description of the proposed project, and an analysis of its potential impacts to Covered Species and their habitats and to the MSHCP Conservation Area. Take authorization for a “Participating Special Entity” can then be granted by the MSHCP RCA.

#### ***The Migratory Bird Treaty Act of 1918***

The Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S. Code 703–711) makes it unlawful to possess, buy, sell, purchase, barter, or take any migratory bird listed in Title 50 of the Code of Federal Regulations Part 10. Take is defined as possession or destruction of migratory birds, their nests, or eggs. Disturbances that cause nest abandonment and/or loss of reproductive effort or the loss of habitats upon which these birds depend may be a violation of the MBTA.

#### ***Clean Water Act Section 404***

Wetlands are generally considered to be areas that are periodically or permanently inundated by surface or ground water, and support vegetation adapted to life in saturated soil. Wetlands are recognized as important features on a regional and national level because of their high inherent

value to fish and wildlife, use as storage areas for storm and floodwaters, and water recharge, filtration, and purification functions. Technical standards for delineating wetlands have been developed by USACE, which generally defines wetlands through consideration of three criteria: hydrology, soils, and vegetation. Under Section 404 of the CWA, USACE is responsible for regulating the discharge of dredged or fill material into waters of the United States. The term “waters” includes wetlands and non-wetland bodies of water that meet specific criteria as defined in the Code of Federal Regulations.

## **State**

### ***California Endangered Species Act***

CESA is similar to the main provisions of FESA and is administered by CDFW. Unlike its federal counterpart, CESA applies the take prohibitions to not only listed threatened and endangered species, but also to state candidate species for listing. Section 86 of the Fish and Game Code defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” The CDFW maintains lists for Candidate-Endangered Species and Candidate-Threatened Species, which have the same protection as listed species. Under CESA the term “endangered species” is defined as a species of plant, fish, or wildlife that is “in serious danger of becoming extinct throughout all, or a significant portion of its range” and is limited to species or subspecies native to California.

### ***California Department of Fish and Game Codes***

All birds, and raptors specifically, and their nests, eggs, and parts thereof are protected under Sections 3505, 3503.5, and 3511 of the California Fish and Game Code. Disturbance that causes nest abandonment and/or loss of reproductive effort (e.g., killing or abandonment of eggs or young) is considered a violation of this code. Additionally, Section 3513 prohibits the take or possession of any migratory non-game bird listed by the MBTA. The CDFW has jurisdiction over the conservation, protection, and management of wildlife, native plants, and habitat necessary to maintain biologically sustainable populations (California Fish & Game Code Section 1802). The CDFW, as a trustee agency under California Environmental Quality Act (CEQA) Guidelines Section 15386, provides expertise in reviewing and commenting on environmental documents and makes and regulates protocols regarding potential negative impacts to biological resources held in California.

### ***Non-Listed Species Management and Conservation Concerns***

Species of Special Concern is an informal designation used by CDFW for some declining wildlife species that are not proposed for listing as threatened or endangered. This designation does not provide legal protection, but signifies that these species are recognized as declining by CDFW.

In addition, CNPS has developed an inventory of California’s sensitive plant species. This inventory summarizes information on the distribution, rarity, and endangerment of California’s vascular plants. The inventory is divided into four lists based on the rarity of the species. CNPS also provides an inventory of plant communities that are considered natural communities of

special concern by the state and federal resource agencies, academic institutions, and various conservation groups.

Natural communities of special concern are those that support concentrations of special-status plant or wildlife species, are of relatively limited distribution, or are of particular value to wildlife. The determination of the level of significance of impacts on plant species and natural communities is based on the number and size of remaining occurrences as well as recognized threats. Natural communities of special concern are not afforded legal protection unless they are designated critical habitat for federally listed threatened or endangered species, support formally listed species, or are jurisdictional wetland habitats.

### ***Clean Water Act Section 401/Porter-Cologne Act***

The State of California regulates water quality related to discharge of dredge or fill material into waters of the State pursuant to Section 401 of the CWA. Section 401 compliance is a federal mandate regulated by the State. The local RWQCBs have jurisdiction over all those areas defined as jurisdictional under Section 404 of the CWA. In addition, the RWQCBs regulate water quality for all waters of the State, which may also include isolated wetlands, as defined by the California Porter-Cologne Water Quality Control Act (Porter-Cologne; Ca. Water Code, Div. 7, Section 13000 et seq.). The RWQCB regulates discharges that can affect water quality of both waters of the United States and waters of the State. If there is no significant nexus to a traditional navigable water body and thus no USACE jurisdiction over waters of the United States, then the RWQCB regulates water quality of waters of the State through a Waste Discharge Permit, as required to comply with the Porter-Cologne Water Quality Control Act.

### ***Section 1602 Lake and Streambed Alteration Agreement***

Jurisdictional authority of the CDFW over the bed, bank, or channel of a river, stream, or lake is established under Section 1600 et seq. of the California Fish and Game Code, which pertains to activities that would disrupt the natural flow or alter the channel, bed, or bank of any lake, river, or stream. The California Fish and Game Code stipulates that it is unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream, or lake resulting in a substantial effect on a fish or wildlife resource without notifying the CDFW and completing the Streambed Alteration Agreement process.

## **Local**

### ***Western Riverside County Multi-Species Habitat Conservation Plan***

The proposed project site lies within the boundary of the Western Riverside County MSHCP. The MSHCP involves the assembly and management of a 500,000-acre Conservation Area for the conservation of natural habitats and their constituent wildlife populations. The approval of the MSHCP and the Implementing Agreement (IA) by the USFWS and CDFW allow signatories of the IA to issue take authorizations for the 146 species covered by the MSHCP (termed “covered species”), including state-listed and federally listed species as well as other identified sensitive species. The “take” authorization includes impacts to the habitats of the covered species. The

signatories considered “permittees” include Riverside County, 14 cities in western Riverside County, Caltrans, and the California Department of Parks and Recreation (State Parks).

The MSHCP allows the permittees to take (permit the loss of) the plant and animal species covered by the MSHCP through their local land use planning and development review processes. DWR is not a permittee under the MSHCP; however, any regional public facility provider such as a utility or a public district or agency, including a water district that operates and/or owns land within the MSHCP Plan Area, and can apply for take authorization as a Participating Special Entity. The MSHCP is designed to provide compliance with federal and state endangered species requirements.

The proposed project site lies within the Lake Perris SRA, which is designated a Public/Quasi-Public Land by the MSHCP. The Recreation Area is under the jurisdiction of State Parks. Although State Parks does not own all of the land, it does maintain, manage, and control access and the uses within the boundaries of the project area. Maintenance of existing public facilities in Public/Quasi-Public Lands is permitted by the MSHCP. The maintenance must occur within existing disturbance areas and without any changes in facility operation that would affect covered species.

If Public/Quasi-Public Lands would be used in a way that alters the land use so that the land would not contribute to covered species conservation, then replacement land must be acquired or otherwise permanently protected. The replacement must be at a minimum ratio of 1:1 replacement taking into account direct and indirect effects of Public/Quasi-Public Lands in one location with Public/Quasi-Public Lands in another location. The replacement land must be biologically equivalent or superior to the land that would be affected.

### ***Stephens' Kangaroo Rat Habitat Conservation Plan***

The proposed Project is located within the boundary of the adopted Habitat Conservation Plan (HCP) for the endangered Stephens' kangaroo rat implemented by the Riverside County Habitat Conservation Agency (RCHCA). The Stephens' kangaroo rat HCP mitigates impacts from development on the Stephens' kangaroo rat by establishing a network of preserves and a system for managing and monitoring them. Through implementation of the Stephens' kangaroo rat HCP, more than \$45 million has been dedicated to the establishment and management of a system of regional preserves designed to ensure the persistence of Stephens' kangaroo rats in the plan area. This effort has resulted in the permanent conservation of approximately 50 percent of the Stephens' kangaroo rats occupied habitat remaining in the HCP area. Through direct funding and in-kind contributions, Stephens' kangaroo rat habitat in the regional reserve system is managed to ensure its continuing ability to support the species.

### ***Riverside County Ordinance No. 559***

Riverside County Ordinance No. 559 regulates the removal of trees within unincorporated Riverside County and states that no native trees shall be removed on parcels greater than 1 acre in

size without first obtaining a permit from the County. However, an exemption exists (Section 4B) for projects occurring within lands owned by the State of California.

### 3.3.3 Impacts and Mitigation Measures

#### Significance Criteria

The following criteria from Appendix G of the CEQA Guidelines are used as thresholds of significance to determine the impacts of the proposed project as related to biological resources. The proposed project would have a significant impact if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any [plant, ground dwelling, or avian] species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by CDFW or USFWS
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or state HCP

#### *Methodology*

The analysis of biological resources is based on a review of available literature, consultation with resource agencies, and extensive field surveys within the biological study area (Figure 3.3-1) which includes the project footprint and adjacent terrestrial habitats.

#### Impact Analysis

**Impact 3.3-1a: The proposed project could have a significant impact if it would have a substantial adverse impact, either directly or through habitat modifications, on any [plant] species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.**

No plants listed as endangered, threatened, candidate, or state rare pursuant to the federal or state Endangered Species Acts, and no plants listed as rare by the CNPS, were observed during the field surveys conducted by Psomas in 2007 and 2008. Based on literature review and previous surveys conducted at the site, it is unlikely that listed plant species have more than a low potential

to occur on or adjacent to the proposed project area. However, because of the age of the surveys conducted and the potential for plants to have colonized the area in the interim time, **Mitigation Measure BIO-1** should be implemented to reduce the potential for the proposed project to impact listed, endangered, threatened, candidate, or state rare plant species to a less-than-significant level.

### **Mitigation Measure**

**BIO-1:** DWR shall conduct preconstruction rare plant surveys during the blooming period of the plants with potential to occur on-site. If rare plants are found to be present within or near the project impact area, the construction zone limits shall be staked, flagged, fenced, or otherwise clearly delineated by a qualified biologist to ensure that the construction zone is limited to minimize impacts on special-status plant species. These limits shall be identified in the construction drawings. No earth-moving equipment shall be allowed outside demarcated construction zones unless preapproval is obtained from a qualified biologist and in coordination with the USFWS and CDFW.

**Significance Determination:** Less than Significant with Mitigation.

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**Impact 3.3-1b: The proposed project could have a substantial adverse impact, either directly or through habitat modifications, on any [ground-dwelling wildlife] species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.**

### **Listed Endangered, Threatened and Candidate Species**

Figure 3.3-2 shows the permanent and temporary habitat impacts of the proposed project. The proposed project would, in the Western Segment, permanently impact approximately 8.5 acres of non-native grassland and would temporarily impact approximately 3.1 acres of non-native grassland and 6.5 acres of agricultural lands. The non-native grassland habitat along the Western Segment consists of low-quality, disturbed non-native grassland habitat. Impacts to agricultural lands are further discussed in Section 3.9 *Land Use and Planning/Agriculture and Forestry Resources*. Impacts within the Lake Perris SRA include permanent impacts to 0.4 acre of Riversidean sage scrub habitat for construction of the channel associated with the Fairgrounds Segment. Habitat impacts associated with the SRA Segment would mainly be considered temporary for staging areas and levees. However, a total of approximately 1.9 acres of habitat (both non-native grassland and Riversidean sage scrub) would be permanently converted to a non-vegetated condition as a 20-foot access road over the proposed levees (see Figure 2-6). To compensate for additional roadway surfaces created on top of the levees, an equal quantity of existing roadways within the SRA would be decommissioned and restored with native vegetation, approximately 2.3 acres (Figure 2-6).

Only one listed ground-dwelling species has a medium to high potential to occur within the proposed impact areas, the Stephens' kangaroo rat. The Stephens' kangaroo rat is a ground-dwelling rodent found almost exclusively in open grasslands or sparse shrub habitats such as coastal sage scrub.

Protocol surveys for Stephens' kangaroo rat encompassing the project footprint area were conducted in 2008, 2012, and 2013. Although Stephens' kangaroo rats were found below the dam north of the construction footprint, no Stephens' kangaroo rats were found within the proposed emergency release facility impact areas. Stephens' kangaroo rats were captured in the grassland areas below the dam's right reach in 2008, and within a small patch of habitat below the corner of the dam's left reach in 2012 (Figure 3.3-3). Suitable Stephens' kangaroo rat habitat does not exist within the Western or Fairgrounds Segments. Although no Stephens' kangaroo rats have been found within areas to be impacted by construction, they could move into the temporary construction areas along the SRA Segment prior to construction occurring. To ensure that no take occurs, pre-construction surveys would be conducted prior to the start of construction activities as described in **Mitigation Measure BIO-2** to determine if Stephens' kangaroo rats have migrated to proposed project impact areas. If Stephens' kangaroo rats are found during pre-construction surveys, DWR would purchase credits from a mitigation bank or provide land in permanent conservation that is currently occupied with Stephens' kangaroo rats with RCHCA approval prior to the impact occurring. Implementation of **Mitigation Measure BIO-2** would reduce potential construction-related impacts to the species to a less than significant level.

In addition, the proposed project is being designed within the SRA to minimize permanent impacts to small mammal habitat. As part of the project design, soil placed on the levee at a gentler slope would allow small mammals to continue to use the area as a viable habitat, allowing access across levees and creation of burrows within the sides of the levees. DWR has designed the levees, with 3:1 side slopes (2:1 slopes are typical for levees) and a 2-foot and greater layer of loosely compacted soil suitable for creating burrows. Further, local soils stockpiled during the project's initial excavation for the levees and construction of the channels, would be used to construct the levees. With implementation of **Mitigation Measure BIO-2**, impacts to ground-dwelling, listed endangered, threatened or candidate species are considered to be less than significant.

The probability that an emergency drawdown operation of the reservoir will ever be required is extremely low. The project currently underway to strengthen the Perris Dam foundation will further reduce the likelihood that an emergency release will ever be needed. Nevertheless, in the event that such a drawdown is required, the inundation area below the dam within the SRA would increase from approximately 70 acres under current condition to 90 acres after project implementation (see Figure 3.9-3). The project's inundation impacts are discussed further in *Chapter 3.9 Hydrology, Water Quality, and Groundwater*. Although no Stephens' kangaroo rats have been found within areas that could become inundated in the event of an emergency drawdown operation (see Figure 3.9-3), they could migrate into the area in the future. In order to mitigate for potential inundation of occupied Stephens' kangaroo rat habitat during an emergency drawdown operation, **Mitigation Measure BIO-2** would be implemented requiring coordination

with the RCHCA to determine the appropriate mitigation required for compensation following the drawdown.

Refer to Impact 3.3-7 for a discussion on project impacts related to the Stephens' kangaroo rat HCP.

### **Non-Listed Special-Status Species**

The proposed project would result in both temporary and permanent impacts to Riversidean sage scrub, non-native grasslands, and agricultural lands due to construction and implementation of the proposed project (Figure 3.3-2). Fourteen sensitive ground-dwelling wildlife species were found to have moderate to high potential to occur on the project site, including the San Diego banded gecko, coast horned lizard, orange throated whiptail, coastal whiptail, silvery legless lizard, coastal rosy boa, northern red-diamond rattlesnake, northwestern San Diego pocket mouse, Los Angeles pocket mouse, Bryant's woodrat, San Diego desert woodrat, San Diego black-tailed jackrabbit, mountain lion, and American badger. Both temporary and permanent impacts on Riversidean sage scrub, non-native grasslands, and agricultural lands present within the project impact areas would result in the loss of habitat for these species to the extent they occur within the project site. Furthermore, project implementation could result in mortality to individuals should they occur within the active project areas.

Three small mammal trapping surveys have been conducted within the impact area for the SRA Segment, one of which also includes the other two segments. These surveys found no Los Angeles pocket mice or other special-status small mammal species within the Western or Fairgrounds Segments; however, several Los Angeles pocket mice were captured below the dam within the SRA Segment (Figure 3.3-3). Other special-status species captured during the surveys within the SRA Segment included Bryant's woodrat, San Diego pocket mouse, and *Dulzura* kangaroo rat (see Appendices C1 and C4 for detailed information regarding each survey).

As previously described, the proposed project is being designed within the SRA specifically to allow small mammals to continue to use the area as a viable habitat, allowing for movement across levees and creation of burrows along the slopes. The levees would be seeded with native vegetation similar to that existing on-site to ensure suitable habitat for small mammal species is achieved. The levee walls would be maintained with natural vegetation suitable for small mammal habitation connected with and similar to the surrounding grassland habitat. Existing roads would also be decommissioned and restored with native vegetation to compensate for any loss of habitat due to construction of levee access roads. In addition, as part of typical construction-related Best Management Practices (BMPs), DWR would stake, flag, fence, or otherwise clearly delineate the construction ROW as needed to avoid impacts to wildlife habitat and species beyond the boundary of the approved construction zone. Impacts to ground-dwelling, non-listed special-status species are considered to be less than significant with mitigation.

## Mitigation Measure

**BIO-2:** DWR shall implement the following measures:

- DWR shall have a qualified biologist with a Stephens' kangaroo rat handling permit conduct preconstruction surveys for the Stephens' kangaroo rat within the grassland habitat to determine and map the location and extent of Stephens' kangaroo rat occurrence(s) within the project impact area. Confirmed Stephens' kangaroo rat precincts shall be avoided with the establishment of a nondisturbance buffer zone approved by USFWS and CDFW.
- Where avoidance of confirmed Stephens' kangaroo rat precincts is infeasible, DWR shall purchase credits at an approved Stephens' kangaroo rat mitigation bank or replace occupied-habitat at a 1:1 ratio, or as approved by the RCHCA.
- If an emergency drawdown inundates grasslands within the SRA, DWR shall coordinate with the RCHCA to determine the appropriate compensation or remediation, if necessary. The consultation shall consider known and potential Stephen's kangaroo rat occurrences at the time of the drawdown event.

**Significance Determination:** Less than Significant with Mitigation.

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**Impact 3.3-1c: The proposed project could have a significant impact if it would have a substantial adverse impact, either directly or through habitat modifications, on any [avian wildlife] species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.**

The MBTA and the California Fish and Game Code consider the loss of active nests (nests with eggs or young) of all native bird species as unlawful. Consequently, the loss or abandonment of nests of common bird species as a result of construction-related activities is considered a potentially significant impact and would conflict with state and federal laws.

Suitable burrowing owl habitat exists throughout the SRA Segment. Protocol burrowing owl surveys were conducted in 2013 and determined that burrowing owls are not present within any of the proposed project impact areas. Nevertheless, should the proposed project impact areas become inhabited by burrowing owls, implementation of **Mitigation Measures BIO-3** and **BIO-4** would reduce any potential impacts to burrowing owls to a less-than-significant level. The Burrowing Owl Survey Memorandum can be found within Appendix C5.

Several non-native trees and large shrubs located along the Lake Perris Fairgrounds fence line, adjacent to the Ramona Expressway, would be removed during construction of the Fairgrounds Segment. These trees could provide suitable nesting habitat for species covered under the MBTA. These trees are located adjacent to an active motocross facility and are adjacent to Ramona Expressway, a highly used road. Nevertheless, birds have the potential to nest within these areas,

and implementation of **Mitigation Measures BIO-5** and **BIO-6** would ensure that any impacts to nesting migratory birds are reduced to less-than-significant levels.

Riparian habitat is located just north of the proposed project area where least Bell's vireo, white-tailed kite, and other special-status avian species have been recorded. Direct impacts to these species would not occur as a result of project implementation, as no riparian habitat would be disturbed as a result of the project. However, indirect impacts due to construction activity could occur during the nesting season. Implementation of **Mitigation Measures BIO-3 through BIO-6** would ensure any indirect impacts to nesting birds in surrounding areas would be reduced to less-than-significant levels.

### **Mitigation Measures**

**BIO-3:** DWR shall have a qualified biologist conduct a preconstruction spring/summer active season reconnaissance survey for nesting migratory bird species, burrowing owls, and other nesting birds within 300 feet of the construction limits of each project element to determine and map the location and extent of special-status species occurrence(s) that could be affected by the project.

**BIO-4:** If potential burrowing owl habitat or signs of owls are found to be present, appropriate protocol surveys must be conducted no more than 1 year prior to project implementation between February 1 and August 31 in accordance with the 2012 CDFW *Staff Report on Burrowing Owl Mitigation*. Avoidance of burrowing owls during the nesting season shall be required, and if burrowing owls are found outside of the nesting season, either passive or active relocation shall be required in consultation with CDFW. If CDFW determines that burrowing owl relocation is required, a qualified biologist shall prepare a burrowing owl relocation plan for approval by CDFW, and a qualified biologist with the appropriate handling permit shall implement the relocation activities and procedures described in the relocation plan.

**BIO-5:** DWR shall avoid direct impacts on any nesting birds located within the limits of construction by removing plant material outside of the typical breeding season (which is February 1 through August 31).

**BIO-6:** If construction and vegetation removal is proposed during the bird nesting period (February 1 through August 31) then active nest sites located during the preconstruction surveys shall be avoided and a nondisturbance buffer zone established dependent on the species. The type and intensity of buffer will be determined in the field by the qualified biologist. Nest sites shall be avoided with nondisturbance buffer zones until the adults and young are no longer reliant on the nest site for survival, as determined by a qualified biologist.

**Significance Determination:** Less than Significant with Mitigation.

**Impact 3.3-2: The proposed project could have a significant impact if it would have a substantial adverse impact on riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by CDFW or USFWS.**

The proposed project would temporarily affect non-native grassland within the Lake Perris SRA. This habitat is not considered to be a sensitive natural community by CDFW, but it does provide habitat for sensitive species and as such contributes to open space and wildlife values within the SRA. The vegetation of the levees as part of the proposed project would ensure that these values are maintained. In addition, each levee would include a dirt access road at the top, for a total impact of approximately 1.9 acres (see Figure 2-6) of habitat. As discussed in Impact 3.3-1b and seen in Figure 2-6, the acreage of the levee access road would be slightly greater than the acreage of the existing access roads that would be rehabilitated to grassland habitat in other parts of the project area, resulting in no net loss of non-native grassland within the Lake Perris SRA. The Western Segment would permanently impact 8.5 acres of non-native grass. However, the vegetation along this segment and within the DWR ROW is of very poor quality and is not suitable for special status species (Psomas, 2009, SJM, 2013). In addition, non-native grassland is not considered a sensitive habitat and additional measures to protect specific special status species will be incorporated as discussed under Impact 3.3-1.

The proposed project would alter and replace existing drainages that are within the jurisdiction of the CDFW as waters of the State. The drainages would be replaced by the emergency release facility. Prior to impacting the drainages, DWR would be required to consult with CDFW and obtain a Streambed Alteration Agreement required under 1602 of the California Fish and Game Code. Impacts to drainages would be less than significant.

Riparian habitat is present within the biological study area (see Figure 3.3-1), located north of the proposed SRA Segment impact area. The CNDDDB search yielded four natural communities of special concern tracked by the CDFW: Southern Coast Live Oak Riparian Forest, Southern Cottonwood Willow Riparian Forest, Southern Sycamore Alder Riparian Woodland, and Southern Riparian Scrub. None of these communities are found within the proposed project impact areas. Impacts to riparian habitat due to project construction activities would be considered less than significant.

**Significance Determination:** Less than Significant.

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**Impact 3.3-3: The project could have a significant impact if it would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.**

A preliminary Jurisdictional Wetland Delineation was conducted for the project impact area in 2013 (Appendix C3). No wetlands, as defined by section 404 of the CWA, exist within the proposed project impact areas. However, based on the Preliminary Jurisdictional Delineation conducted in 2013, the unvegetated channel features within the vicinity of project impacts were

identified as non-wetland waters of the U.S. under the jurisdiction of USACE (Figure 3.3-4), as indicated by the presence of wetland hydrology and determination of hydrologic connectivity to a traditional navigable water. These non-wetland waters were determined to be connected to Canyon Lake via the Perris Valley Channel. In addition, these unvegetated channels were also identified as state waters under the jurisdiction of the CDFW and RWQCB (Figure 3.3-4).

DWR has designed the proposed project to avoid jurisdictional resources, where feasible. Where avoidance of jurisdictional waters is not feasible, DWR will obtain compliance documentation or enter into permit agreements with USACE (CWA Section 404 permit), CDFW (Section 1602, Streambed Alteration Agreement), and RWQCB (CWA Section 401 permit). By complying with the terms of those permits, project impacts will be reduced to less than significant.

**Significance Determination:** Less than Significant.

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**Impact 3.3-4: The project could have a significant impact if it would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.**

Wildlife corridors are pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, and other natural or human-induced factors, such as urbanization.

The proposed project area is not located within an established wildlife movement corridor. However, the SRA Segment would be constructed within the Lake Perris SRA, which is designated as Core H under the MHSCP and connects to several other established or proposed Core areas within the plan. A core is a block of habitat appropriately sized with vegetation characteristics suited to support the life history requirements of one or more MSHCP-covered species. Construction is proposed along the southeastern edge of Core H, in close proximity to Ramona Expressway. In addition, once constructed, the proposed levees would not create a barrier or hinder wildlife movement within the area.

Fencing already exists along the Western and Fairgrounds Segments and the proposed project would not impact wildlife movement within this area. The proposed project would not interfere with wildlife movement or any native resident or migratory wildlife species and would not be constructed within a native wildlife nursery site, thus impacts are considered to be less than significant.

**Significance Determination:** Less than Significant.

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**Impact 3.3-5: The project could have a significant impact if it would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.**

No native trees would be removed as part of the proposed project. Although the Riverside County tree ordinance (Ordinance No. 559) exempts projects located on lands owned by the State of California (Section 4B), no trees listed in the Riverside County tree ordinance would be affected. Therefore, the project would be consistent with the ordinance. In addition, as described in detail in Impact 3.3-6 below, the project would be subject to and consistent with the Western Riverside County MSHCP and the Stevens' kangaroo rat HCP. Therefore, the proposed project would be consistent with and would not conflict with any local policies or ordinances protecting biological resources, such as tree ordinances and HCPs. No impact would occur.

**Significance Determination:** No Impact.

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**Impact 3.3-6: The project could have a significant impact if it would conflict with the provisions of an adopted HCP, natural community conservation plan, or other approved local, regional, or state HCP.**

***Western Riverside County Multiple Species Habitat Conservation Plan***

The project falls within the Western Riverside County MSHCP. The Western Riverside County MSHCP involves the assembly and management of a 500,000-acre Conservation Area for the conservation of natural habitats and their constituent wildlife populations. The approval of the MSHCP and the IA by USFWS and CDFW allow signatories of the IA to issue take authorizations for the 146 species covered by the MSHCP (termed "covered species"), including state-listed and federally listed species as well as other identified special-status species. The take authorization includes impacts to the habitats of the covered species. The Western Riverside County MSHCP includes the entire western Riverside County, and any new development in this area is required to pay an acreage fee established by the County in Ordinance No. 810 and 810.2, to support the financing for the MSHCP. The fee provides for compliance with FESA and CESA.

The MSHCP is further broken down into core areas and linkages, which are the focus of reserve and preservation actions. The proposed project lies within Core H, which is comprised of Lake Perris SRA, San Jacinto Wildlife Area, private lands and lands with preexisting conservation agreements. Core H provides habitat for wildlife species and contains soils suitable for some Narrow Endemic Plant Species. The proposed project area does not lie within any of the proposed or existing criteria areas or any wildlife movement corridors.

As previously discussed, the proposed project would not impact any state-listed or federally-listed plant or wildlife species. Therefore, DWR would not need to seek take coverage/authorization under the MSHCP as a Participating Special Entity. In addition, the proposed project would not impact riparian, wetlands, or vernal pool habitat. Further, impacts within the MSHCP Public/Quasi Public land would be considered temporary during construction since the levees

would be revegetated and could be used by small mammals and other wildlife species in the area as habitat. Therefore, construction of the levees within the Lake Perris SRA would not alter the land use so that the land would not contribute to covered species conservation.

Should the proposed impact areas become occupied by state- or federally-listed species, or species covered under the MSHCP prior to construction activities, DWR would coordinate with the RCA prior to project construction activities and would comply with the requirements of the MSHCP.

### ***Stephens' Kangaroo Rat Habitat Conservation Plan***

The proposed project falls within the Stephens' kangaroo rat HCP fee area. The Stephens' kangaroo rat HCP mitigates impacts from development on the Stephens' kangaroo rat by establishing a network of preserves and a system for managing and monitoring them. Through implementation of the Stephens' kangaroo rat HCP, more than \$45 million has been dedicated to the establishment and management of a system of regional preserves designed to ensure the persistence of Stephens' kangaroo rat in the plan area. This effort has resulted in the permanent conservation of approximately 50 percent of the habitat occupied by Stephens' kangaroo rat remaining in the HCP area. The HCP requires that direct and indirect impacts to the Stephens' kangaroo rat, including habitat destruction of occupied land be mitigated either via on-site preservation of land, or the payment of the mitigation fee set out by the County ordinance. Mitigation fees are used to finance the implementation of the Stephens' kangaroo rat HCP.

DWR would comply with all requirements of the Stephens' kangaroo rat HCP and would consult with the RCHCA accordingly. DWR will submit the proposed project to the RCHCA for review and seek a determination of no significant environmental effect, since currently, the areas of project disturbance are not occupied by Stephens' kangaroo rat (according to protocol Stephens' kangaroo rat surveys conducted within the biological study area in 2008, 2012, and 2013). However, should the area become occupied, implementation of **Mitigation Measure BIO-2** would ensure compliance with the Stephens' kangaroo rat HCP and coordination with the RCHCA, thereby reducing impacts to the Stephens' kangaroo rat to a less-than-significant level.

In addition, the levees within the Lake Perris SRA have been designed to allow for small mammal movement and burrowing, and would not alter the availability of potential Stephens' kangaroo rat habitat below the dam. The Fairgrounds Segment does not contain potential Stephens' kangaroo rat habitat and the Western Segment consists only of low-quality, disturbed non-native grassland habitat not suitable for Stephens' kangaroo rat.

### **Mitigation Measure**

Implement **Mitigation Measure BIO-2**.

**Significance Determination:** Less than Significant with Mitigation.

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