

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

[Insert Project Name]

[Permittee Name]
[Permittee Contact]

[Applicant Name]
[Applicant Contact]

[Consultant Name]
[Consultant Contact]

DATE

[Note: Date must be updated with each revised document submittal]

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MSHCP Consistency Analysis Report Template

Welcome to the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP; Plan) Consistency Analysis report template! The guidance in this template, provided by the Regional Conservation Authority (RCA), is intended to assist proposed discretionary projects located within the MSHCP Criteria Area (Cell[s] or Cell Group, [whichever is applicable]) with meeting the goals and objectives of the Reserve System (Reserve) and to demonstrate consistency with the MSHCP Implementation Structure. All projects subject to discretionary actions within the Criteria Area are also subject to a Joint Project Review (JPR) unless exempt (e.g., single-family home). All projects are unique, and while it is not always possible to anticipate all issues prior to submittal of the JPR documents, this Consistency Analysis (or Analysis) report template is intended to provide general guidance to assist the Permittees, applicants, and biologists with the JPR process. Information necessary to demonstrate consistency is not always specifically laid out in detail in the MSHCP. In those situations, the Analysis should include specified requirements, where applicable, but then also consider how the proposed project will best meet the overall goals and objectives of the MSHCP, maintain habitat functions and values, and protect Covered Species.

Please note that while it is not required that JPR supporting documents follow the Consistency Analysis report template verbatim, the documents should follow the general structure of this template and provide the requested information, when and where applicable. If a more comprehensive Biological Resources Technical Report has been prepared for a project, this Analysis should still be included either as its own chapter or as a separate document. In some cases, the Biological Resources Technical Report may be an attachment to the Consistency Analysis.

This template may not be fully comprehensive, is subject to change, and will be revised/improved as needed. It is the responsibility of the Permittees and/or biological consultants to check periodically for updates to this template. Also, note that this template supersedes all previous guidance.

Applicable Plan criteria and survey requirements for a proposed project can be determined with use of the RCA MSHCP Information Map: <https://www.arcgis.com/apps/webappviewer/index.html?id=a73e69d2a64d41c29ebd3acd67467abd>.

JPR Application: The JPR Application is completed by the Permittee and should match the information provided in the Consistency Analysis. The following information should be included:

- **Total Acres of Project Site:** Total project site acreage (Note: all parcel acreages should use the geographic acreage provided in the MSHCP Information Map Tool) with any off-site acreage provided as a separate acreage number. If the proposed project is located both inside and outside of the Criteria Area, total project area acreages should be presented as separate acreages inside and outside the Criteria Area. If applicable, the same acreage breakdown would apply to any off-site improvements/staging and work areas that are both inside and outside of the Criteria Area. Note: RCA will review proposed project areas inside the Criteria Area only.
- **Total Acres Planned for Development:** This is the project footprint acreage (may in some case equal the expected impact area). Acreages should be separated into permanent and temporary, and into on-site and off-site acreages (if applicable). Similar to the bullet

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above, if the proposed project is located both inside and outside of the Criteria Area, total project area acreages should be presented as separate acreages inside and outside the Criteria Area, as well as separated into permanent and temporary impacts, and into on-site and off-site acreages (if applicable). Remember to include any proposed staging areas, work areas, road improvements, access routes, utility connections, etc., that may be physically located off site, separate from the project area.

- Total Acres Planned for Conservation: Only include if acreage is being proposed for conservation, conveyed either (1) as a donation to RCA, or (2) for purchase by RCA. Avoidance acreages are not the same as conveyance of conservation land, and thus, should not be included under the category of conservation.
- List of Assessor's Parcel Numbers (APNs): Note that the County of Riverside has updated some of their APNs rendering some of the older APNs invalid. Updated valid APNs must be provided.

It is important to ensure *all* acreages within the JPR Application are presented consistently throughout all JPR documentation.

Geographic Information System (GIS) Data: GIS shapefiles should always be provided if any one of the following apply:

- The JPR is not intended to cover the entirety of the APN(s) in which the project is located
- The project is located both inside and outside of the Criteria Area
- The project involves any off-site improvements (roads, access routes, utility connections, etc.) and/or off-site staging or work areas
- The project involves both temporary and permanent impact areas
- The project proposes any avoidance and/or conservation areas
- The project includes fuel modification zones

As noted, all APN acreages should use the geographic acreage listed in the MSHCP Information Map Tool. RCA can provide the GIS files for parcels, if needed. GIS data should include the vegetation communities and/or land covers and clearly label all permanent and temporary impact areas, Section 6.1.2 riparian and riverine resources (if applicable), off-site features (e.g., road improvements, staging areas, work areas, etc.), fuel modification zones, and avoidance and/or conservation areas. Note that RCA may not begin review of the JPR application/documentation without GIS shapefiles.

Figure Requirements: Maps and graphics should clearly depict and label the following:

- All development and avoidance and/or conservation areas, clearly labeled as such
- Boundaries and appropriate labeling of vegetation communities and/or land covers that represent existing conditions
- All permanent and temporary impact areas and any off-site project features

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- If the proposed project is located both inside and outside of the Criteria Area, all figures clearly depicting development and avoidance/conservation areas inside and outside the Criteria Area
- Any identified resources, including suitable habitat, identified consistent with Section 6.1.2 (riparian habitat, riverine features, vernal pools, fairy shrimp habitat, riparian bird habitat), Section 6.1.3 (narrow endemic plant species), and Section 6.3.2 (criteria area plant species, amphibians, burrowing owl, small mammals)
- Designated survey areas and required survey buffers (e.g., burrowing owl)
- Graphics depicting weed abatement/fuel modification zones

Anticipated Issues: If a proposed project is anticipated to encounter environmental or planning constraints, the applicant is encouraged to coordinate early at one or more of the monthly meetings with the RCA, California Department of Fish and Wildlife (CDFW), and U.S. Fish and Wildlife Service (USFWS), the latter two agencies collectively referred to as the “Wildlife Agencies.” In addition, if it is anticipated the proposed project will encounter issues relative to riparian/riverine resources, applicants are encouraged to attend one or more of the monthly pre-application meetings with the RCA, CDFW, USFWS, U.S. Army Corps of Engineers, and Regional Water Quality Control Board, prior to the initiating the JPR process, or at least during the early phase of the JPR process. For more information and to reserve a date/time for either the monthly RCA/Wildlife Agencies or the Pre-Application Meetings, please contact Betsy Dionne at bdionne@rctc.org.

JPR Review Timeframes: RCA has 14 calendar days following receipt of a complete application (electronic copies; refer below for additional application requirements) and the full deposit¹ to either issue comments to the Permittee requesting additional information or submit JPR Findings to the Wildlife Agencies. If RCA provides comments, depending on the nature of the comments, the JPR process will be placed on hold. When documents (revised per RCA comments) are received, the 14-day review period may start over, dependent upon the adequacy of revisions and the need to provide additional comments. Once the documents have been sufficiently revised and no additional information is required, RCA will issue a consistency determination in the form of JPR Findings that are subsequently sent to the Wildlife Agencies. The Wildlife Agencies, following receipt of the JPR Findings and supporting documentation, have 10 working days in which to issue comments requesting additional information or to provide concurrence. Refer to Exhibit 1 for a flow chart of the JPR review process.

Note that all revised JPR document submittals should include fully revised reports. If possible, it would also be helpful to provide revised reports in MS Word with all changes shown in track changes (in addition to the fully revised PDFs). In some cases, if requested by the Permittee/applicant, the Comments Table with Responses may be submitted first as an avenue to discuss the necessary document revisions before submitting fully revised supporting documentation.

¹ Note that Public Projects are not required to pay review fees and, therefore, are not required to provide a review fee deposit.

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MSHCP Consistency Analysis Template: For ease of use, guidance in this template has been provided in distinct bullet points, but please ensure to provide a standard, high-quality reporting document that demonstrates command of the subject matter with clear, concise text.

All Consistency Analysis documents should follow the headings within this template; however, subject matter within each heading may vary. If a specific heading is not applicable to the proposed project, please indicate this as such.

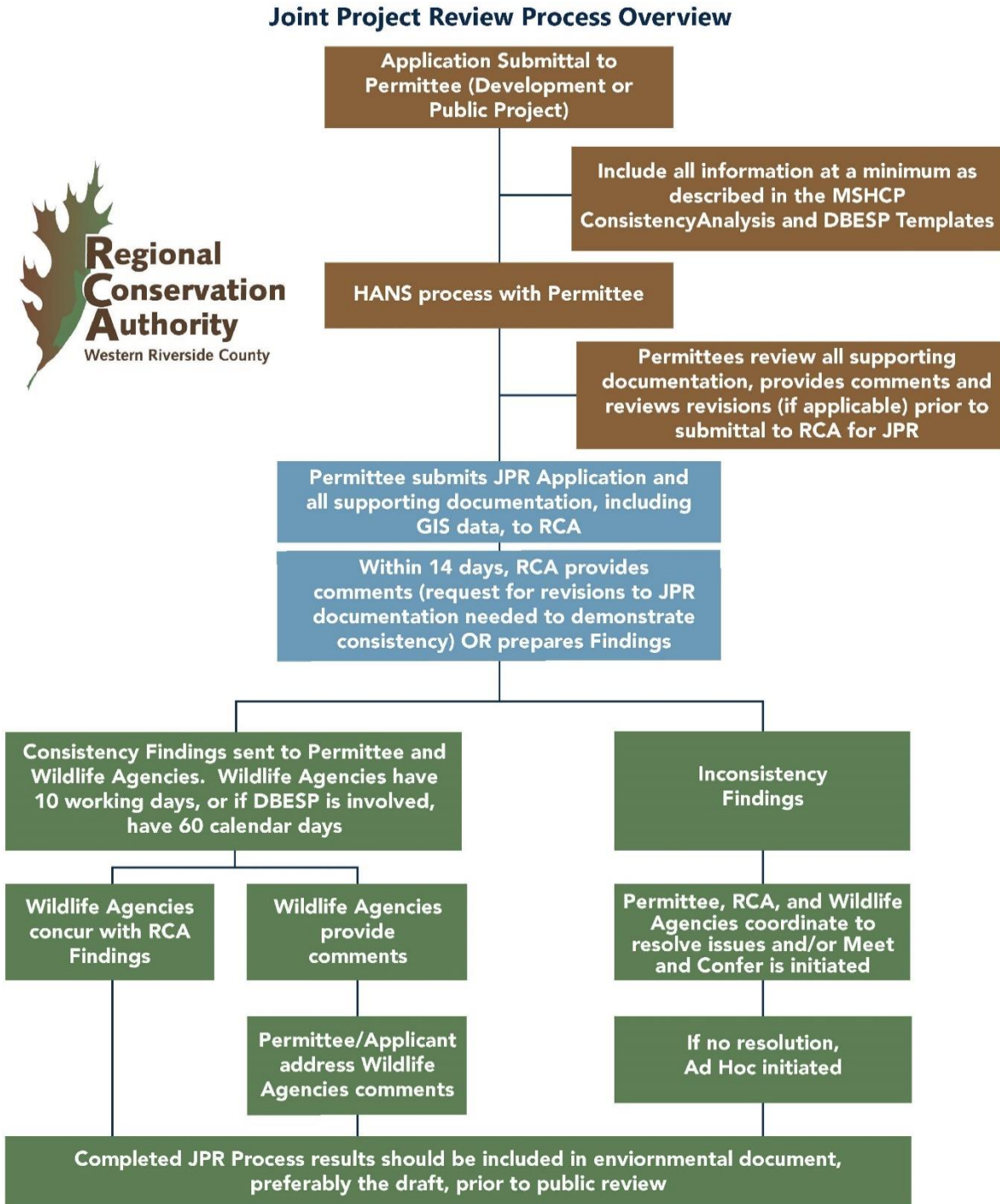
Determination of Biological Equivalent or Superior Preservation (DBESP): For DBESP guidance, refer to the DBESP template provided under separate cover. RCA strongly encourages that the DBESP be provided as a separate standalone document, or at a minimum, be prepared as a separate chapter or appendix that can easily be pulled from the main Consistency Analysis and reviewed as a standalone document. The DBESP should include its own figures to support existing resources, impacted resources (permanent and temporary), avoidance of resources, and mitigation (if on site and/or adjacent off site). The applicable MSHCP resources and thresholds of when a DBESP is required/triggered, and eventual release from surveys/avoidance, if applicable, are presented in Attachment A of this document template.

As stated previously, the Wildlife Agencies have 10 working days to issue comments requesting additional information or provide concurrence with the JPR Findings. However, if a DBESP report is included, the Wildlife Agencies have 60 calendar days to review the DBESP. It is possible to get the Riparian/Riverine DBESP 60-day review period reduced to 30 days if the applicant attends a Pre-application Meeting and RCA and the Wildlife Agencies concur with the mitigation approach in advance of JPR submittal.

MSHCP's Relation to the California Environmental Quality Act (CEQA): According to the CEQA Guidelines, question Bio (f) states "Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?" In order to adequately address this CEQA requirement, it is strongly recommended that the JPR process, including Wildlife Agency review, be completed prior to release of the draft CEQA document for public review. Similarly, for projects located outside of the MSHCP Criteria Area (i.e., no JPR), but for which a DBESP is required, it is strongly recommended that Wildlife Agency review of the DBESP and that other MSHCP requirements be completed prior to release of the draft CEQA document. While it is the Permittee's decision, acting as the CEQA lead agency, regarding when the MSHCP consistency process is completed relative to CEQA, note that issues of incomplete or deferred analysis can result in challenges, increased risk of CEQA document recirculation, and delays to project schedules.

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Exhibit 1. Joint Project Review Process Overview



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1 EXECUTIVE SUMMARY

Provide an overview of the proposed project in relation to Western Riverside Multiple Species Habitat Conservation Plan (MSHCP; Plan) requirements. Include applicable Criteria Cell(s) or Cell Group (both, as applicable), Cores and Linkages, surveys required by the MSHCP, summary of survey results, summary of impacts including temporary and/or permanent, any off-site areas (if applicable) including but not limited to road improvements and staging areas outside of the main project footprint, and proposed mitigation (if applicable). Please note that the Regional Conservation Authority (RCA) review is only applicable to portions of the project located within the Criteria Area; therefore, all information relative to MSHCP Consistency should include a breakdown of acreages and resources within the Criteria Area separate from those outside the Criteria Area. This is applicable to all sections further discussed below.

2 INTRODUCTION

Insert standard language used in an Introduction section, such as “The purpose of this Consistency Analysis is to summarize the biological data for the proposed [insert project name] and to document the project’s consistency with the goals and objectives of the Western Riverside County Multiple Species Habitat Conservation Plan. The proposed project consists of the development of [insert text accordingly].”

2.1 Project Description and Area

- Provide consistent valid project Assessor’s Parcel Numbers (APNs).
- The project description should include, but not be limited to, text that describes the type of proposed project; the type and location of on-site activities that will occur; whether detention basins or other water quality features are proposed (this is relevant to downstream drainage/hydrology concerns for downstream existing or described conservation areas); road improvements; and locations of all off-site features relative to the project site, including off-site roads and site access.
- The project description text should be accompanied by a detailed site plan.
- All project acreages should be clearly and consistently reported among all Joint Project Review (JPR) documents, figures, and the JPR Application form. The project description should include project acreages (geographic) for both on-site and off-site features, as well as any proposed staging areas. *Note that if the proposed project does not include any off-site improvements or staging areas, this should be clearly stated.* If the proposed project does include these features, they should be depicted on all project figures and in the geographic information system (GIS) shapefiles, submitted as part of the JPR submittal package.
- Impact acreages should be clearly and consistently reported among all JPR documentation and the JPR Application form. Impacts should be separated as permanent and temporary and separated by habitat type. Note that if the proposed project does not include any proposed temporary impacts, this should be clearly stated. Tables are often the most concise way to present this information. The spatial distribution of impacts should be depicted on a project figure and shown relative to the

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vegetation communities or land covers mapped within and around the project site, as well as included in GIS data submitted as part of the JPR submittal package.

- All proposed avoidance or conservation areas need to be depicted on project figures, clearly labeled as such, and provided in the GIS data.
- If the project proposes conservation, it should be specified whether the conservation lands will be conveyed to RCA through a donation OR through purchase by RCA. A commitment should be included that indicates whether the proposed conservation areas acreage will be donated or conveyed to RCA prior to ground disturbance.
- For larger projects or projects with an extended construction period, include an estimated start time and duration for which construction activities will occur. This is also relevant to sensitive species or habitat on site that may be temporarily impacted.
- Note that weed abatement/fuel modification zones should be clearly shown/labeled separately as these zones may be impacted by ongoing vegetation removal activities and would be considered permanently impacted. If the specific design of the fuel modification zone is not yet known, then “worst-case” assumptions must be made to ensure that all fuel modification zones are included within the permanent impact zone of the project.

2.2 Covered Roads

- This section would only apply if the proposed project entails the construction of, or improvements to, one or more Covered Roads. If the proposed project is only a Covered Road project, and does not involve any other associated development, download the appropriate Public Project JPR Application Form from the RCA website.
- “Covered Roads” are only those roadways that were planned at the time the MSHCP was initiated (MSHCP Figure 7-1). All Covered Roads must remain within the allowable widths assigned to them as provided in the MSHCP Covered Roads layer. As such, the Consistency Analysis must demonstrate that the Covered Roads will not exceed the maximum allowable widths as provided in the MSHCP Covered Roads data layer. The Permittee should be able to provide the MSHCP Covered Roads data layer to applicants, but if not, RCA can provide this upon request.
- The proposed Covered Road impact footprint should be inclusive of all project components (e.g., landscaping, safety requirements, curb and gutter, manufactured slopes, fuel modification zones, etc.). Any of these components located outside of the allowable width could require land replacement at equivalent or superior biological value. In these cases, early coordination with RCA and the Wildlife Agencies should be initiated.
- Any proposed new roadways that were not already planned (i.e., not included on MSHCP Figure 7-1 and/or included in Covered Roads layer) would require early coordination with and approval by RCA and the Wildlife Agencies. Prior to going through the JPR process, contact RCA to discuss the possible need for a Minor Amendment and road exchange.

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- For road exchanges, the new or realigned road must replace a road or road alignment currently on MSHCP Figure 7-1 that will not be built because of the new roadway. (i.e., Permittee trade of a planned road right-of-way in exchange for the proposed non-planned road right-of-way). No net increase in impact acreage can occur. Furthermore, an equivalency analysis document to justify that the exchange has no net increase in impacts to MSHCP resources or mitigation can demonstrate post-new road project conditions are biological equivalent or superior to the existing configuration of planned roadways. The equivalency analysis must meet the Minor Amendment standards (contact RCA for additional information regarding these standards).
- Although RCA can assist the Permittee and facilitate communication between the Permittee and Wildlife Agencies, the Wildlife Agencies oversee the Minor Amendment process. If the Wildlife Agencies do not concur with the analysis supporting the Minor Amendment, the project would be subject to a Major Amendment.
- Siting, design, and construction of these planned Covered Roads are subject to the guidelines provided in MSHCP Sections 7.5.1, 7.5.2, and 7.5.3. Discuss the project and any associated Covered Roads relative to these MSHCP sections.
- Note that the JPR for Covered Roads applies only to “capacity-enhancing” covered roadway projects, not basic operations and maintenance projects. Projects proposed for the purpose of addressing safety issues would also be subject to JPR if any part of the road safety improvements project would result in impacts outside of the existing roadway.
- New Covered Roads sited within the Criteria Area are not subject to Reserve Assembly analysis nor subject to replacement land requirements unless they extend outside of their allowable width. Nevertheless, the analysis should still qualitatively describe the Reserve Assembly requirements relevant to the area. In addition, it must be demonstrated that the roadway project is located within the least environmentally sensitive area(s).
- Roads with special environmental issues due to their locations within particularly sensitive areas are listed MSHCP Table 7-4, which identifies specific considerations for design and alignment of these roads. Where applicable, also discuss how the roads will demonstrate consistency with MSHCP Section 7.5.2, Guidelines for Construction of Wildlife Crossings. This includes ensuring that all wildlife undercrossings are appropriately sited and sized to facilitate wildlife movement. Siting and design of wildlife crossings needs to be reviewed and approved by RCA and the Wildlife Agencies as early in the project design (e.g., 35% design level) as possible to allow for meaningful coordination prior to the initiation of construction activities.
- These facilities are also subject to the best management practices identified in MSHCP Volume I, Appendix C. Include a discussion regarding how each of the best management practices will be implemented.
- For Covered Roads that impact Public/Quasi-Public (PQP) Lands, refer below to Section 3.1.2, Project Impacts to Public Quasi-Public Lands, in this template.

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2.3 Covered Public Access Activities

- This section would only apply if the proposed project entails the construction of, or improvements to, covered public access activities. If the proposed project is a Public Project, download the appropriate Public Project JPR Application Form from the RCA website.
- The covered public access uses within the MSHCP Conservation Area will be composed of trails, facilities, and passive recreational activities. The primary public access component within the MSHCP Conservation Area will be trails. There are two types of trails that are expected within the MSHCP Conservation Area. The first type is existing community trails, which are primarily used by equestrian users (MSHCP Figure 7-3). No impacts will be covered, and no improvements will be allowed on any of these existing community trails under the MSHCP. The second type of trail is existing adopted regional trails and future proposed regional trails (MSHCP Figure 7-4). In addition to the trails and facilities that directly affect land within the MSHCP Conservation Area, passive recreational activities will also be covered within the MSHCP Conservation Area. However, these uses may only include activities that do not impact land within the MSHCP Conservation Area and/or would only cause minimal disturbance to resources within the MSHCP Conservation Area.
- If the proposed project involves any construction or improvements to trails or other public access facilities, refer to MSHCP Section 7.4.2, Conditionally Compatible Uses, specifically the Guidelines for Siting and Design of Trails and Facilities, and Guidelines for Operations and Maintenance. All of these provisions must be evaluated relative to the project in order to demonstrate MSHCP consistency. Furthermore, if the public facility is located within existing Conserved Lands, the project must demonstrate that there would be no loss of Conserved Land functions and values. Otherwise, the project may need to propose replacement land, with a not less than a 1:1 acreage replacement ratio, and would need to include an equivalency analysis to demonstrate that the land proposed as replacement is equivalent or superior to the land being impacted.
- If the proposed project is a Covered Trail, the Consistency Analysis must include information demonstrating that the Covered Trail will not exceed the maximum allowable width of 20 feet. This width should include all project components (e.g., landscaping, curb and gutter, manufactured slopes, fuel modification zones, etc.).

2.4 General Setting

This section should be brief and include only a general setting of the area. Any information specific to existing conditions relative to each policy/requirement in the MSHCP should be incorporated according to each of the species/habitat sections below.

3 RESERVE ASSEMBLY ANALYSIS

The Reserve Assembly analysis should be the first step in the analysis and be described in detail in the Consistency Analysis. Efforts should be focused early on the Reserve Assembly goals (acres and function) to ensure that they are still achievable even with development of a given project site. If there are anticipated issues, it is helpful to coordinate as soon as possible with the Permittee, RCA, and the Wildlife Agencies.

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Note that for JPRs covering Public Projects (Permittee-sponsored), a Reserve Assembly analysis is not required.

Reserve Assembly analysis guidance for all non-public projects is as follows:

- The Reserve Assembly analysis should evaluate acreage goal requirements of the applicable Cell(s) or Cell Group, as well as include a review of the project relative to maintaining the function and connectivity of the Reserve feature that is the focus of the Criteria description (Core, Linkage, etc.). This analysis should also include a discussion of the applicable Planning Species intended to be protected through meeting the acreage and functional goals of the Reserve feature.
- Do not include a map of the Conceptual Reserve Design. If needed for the Reserve Assembly discussion, graphically depict an interpretation of the Cell or Cell Group criteria text relative to the proposed project. Given that the MSHCP is a “soft-line” plan and that the criteria goals are intended to provide some level of flexibility, including a Conceptual Reserve Design graphic misrepresents the Plan as being “hard-lined.”
- The Reserve Assembly analysis should include review of any Covered Roads (Table 7-3 of the MSHCP) in the area of the project site with the understanding that the maximum right-of-way footprint for each Covered Road counts towards development (i.e., acreages calculated are lost from future potential conservation). If the proposed project includes road improvements or the addition of new roadways, ensure that these roads are consistent with MSHCP Covered Roads (as depicted on Figure 7-1 of the MSHCP). Requirements for specific Covered Roads are listed in MSHCP Sections 7.2, 7.3.4, and 7.3.5. The GIS layer for Covered Roads is available to the Permittees from the RCA upon request.
- Note that roadways are located throughout the Reserve. The MSHCP was written with the understanding that existing and future roads are anticipated to intersect the Reserve, and the Reserve was designed to accommodate the existence of these roads. However, roadways cannot preclude any area described for conservation from functioning as conservation nor can roadways reduce conservation values.
- Acreages should be provided for all of the following:
 - Cell or Cell Group (whichever is applicable).
 - Described Conservation – If range is required, use mid-range goals. In some situations, and subject to RCA and Wildlife Agencies approval, the low range may be acceptable.
 - Proposed Project.
 - Existing and Approved Pending Development (the Permittee may obtain the previously approved JPRs GIS layer from RCA):

Existing development is any developed area within the Cell/Cell Group such as single-family home, subdivisions, commercial or industrial buildings, roads, or other improved public facilities (fire stations, flood control channel, etc.). It may, in some cases, be appropriate to exclude as developed the undeveloped portion of single-family homes on large lots (greater than 1 acre) if the undeveloped portion of the lot may contribute to Reserve Assembly. Existing homes, generally on large lots,

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may specifically be described for conservation as part of a linkage/constrained linkage with no other viable route; therefore, a portion of these large lots may be able to be categorized as "Potential Conservation." Note: lot size should not be reduced below minimum lot size allowed by local agency zoning.

Approved development refers to projects already reviewed under a JPR that are not yet developed. JPR layer data is needed for this analysis and may be requested by the Permittee from RCA. The Permittee should provide any pre-MSHCP-approved project information that is not be reflected on the RCA's JPR layer.

- Covered Roads (existing and proposed) – Covered roads not yet built should also be counted as future development. Covered roads layer data is used for this analysis and may also be requested by the Permittee from RCA.
- Existing and Pending Conservation – Existing MSHCP Additional Reserve Land (ARL) acres can be counted towards Cell/Cell Group Reserve Assembly goals. Conservation planned through a completed JPR but not yet conveyed to RCA is counted as pending conservation. JPR layer data is also the source for conservation information. Conserved Land shapefiles are available and may be downloaded from <http://data-wrcrca.opendata.arcgis.com/>.

Note that PQP acreage (already included in the baseline 347,000-acre existing conserved lands inventory) does not count towards the described ARL goal (153,000 acres) in the Cell or Cell Group, whichever is applicable. Cell/Cell Group acreage goals describe new conservation (ARL) acres beyond the PQP baseline. In some cases, RCA may allow the PQP to be included as existing conservation, but this will need to be handled on a case-by-case basis and in coordination with the Wildlife Agencies.

- Avoidance Areas (must be protected by, or proposed to be protected by, deed restriction or conservation easement, and these avoided areas cannot include manufactured slopes, vegetation management, or fuel modification zones).
 - Undeveloped Areas Potentially Available for Future Conservation – Existing disturbed/developed areas, such as agricultural lands, that may still be potentially available for acquisition as future conservation may also be considered in this category. These areas should be labeled using their current land use. All of these areas that are "undeveloped" or "existing disturbed/developed" that are being considered as potentially available *must* be located in the area that can functionally contribute to the Reserve, specifically the Reserve feature (Core and/or Linkage) that is the focus of the Cell or Cell Group criteria.
- Large projects may need to evaluate multiple Cells/Cell Groups.
 - After the acreages described above are obtained, provide an analysis regarding how the Cell or Cell Group (whichever is applicable) acreage goals will be able to be achieved and thus will be able to contribute to the overall Reserve Assembly goals.
 - Note that being able to meet acreage goals is only the first step in a Reserve Assembly analysis. The next step is to determine if developing the project site would result in impeding the functionality of the Reserve feature that is the focus of the Cell or Cell

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Group criteria. Likewise, if the project is proposing to conserve any part of the project site, it should be demonstrated that this area would functionally contribute to the Reserve feature.

- Include a discussion of the suitability of project site to support Planning Species in the applicable Subunit and as part of the applicable Reserve feature (Core and/or Linkage). Note that any Reserve Assembly analysis should include an evaluation of ALL Planning Species that could potentially occur on or adjacent to the project site. This may be best presented in a “potential to occur” table format.
- Include a discussion of the suitability of the Undeveloped Areas Potentially Available for Conservation to support Planning Species in the applicable Subunit and as part of the applicable Reserve feature (Core and/or Linkage).
- Given that one of the broad objectives of the MSHCP is to facilitate and maintain connectivity for wildlife, this should be considered during the JPR process, particularly relative to evaluation of long-term conservation value (LTCV)² of habitats that support Covered Species.
- RCA can provide further assistance on how to run this analysis if needed, including providing example mapping and an acreage table from previous example projects.

3.1 Public Quasi-Public Lands

3.1.1 Public Quasi-Public Lands in Reserve Assembly Analysis

The Consistency Analysis should describe whether the project will directly or indirectly impact PQP lands.

3.1.2 Project Impacts to Public Quasi-Public Lands

- As stated under Section 3.2.1 of the MSHCP, “In the event a Permittee elects to use property currently depicted as PQP lands on the MSHCP map (Figure 3-1) in a way that alters the land use such that it would not contribute to Reserve Assembly, the Permittee shall locate and acquire, or otherwise encumber, replacement acreage at the minimum ratio of 1:1 replacement taking into account direct and indirect effects to PQP Lands....The Permittee should make findings that the replacement acreage is biological equivalent or superior to the existing property as set forth in Section 6.5 of the MSHCP, Volume I.”
- If required, this analysis to demonstrate biological equivalent or superior replacement is typically done through describing the functions and values of the land pre-project and comparing them with post-project conditions.
- The PQP biological equivalency or superior analysis (MSHCP Section 6.5) shall address the effects on habitats; Covered Species; core areas (as identified on the MSHCP Core and Linkage Map); linkages and constrained linkages (as identified on the MSHCP Core and Linkage Map); non-contiguous habitat blocks; Reserve configuration and management (such as increases or decreases in edge); ecotones (defined as the areas of

² “Long-term conservation value” is not clearly defined in the MSHCP but should be understood as the **potential** for any given habitat area or species population to be established currently or in the future, and the biological functions and values to be maintained over the long-term.

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adjoining vegetation communities, generally characterized by greater biological diversity) and other conditions affecting species diversity (such as invasion by exotic species); equivalent or greater acreage contributed to the Reserve; and applicant-demonstrated control over the replacement land. The equivalency analysis should be submitted in narrative and graphic form comparing the impacted PQP land with the replacement land.

- Note that proposed replacement land cannot include lands that are already described for conservation. Otherwise, this would result in a net loss to the overall conservation land "inventory."
- Because of temporal loss, even temporary impacts may need to be replaced at a 1:1 ratio. If it is a small area, PQP replacement may not be required but will require additional coordination with RCA.
- Temporary impacts to PQP lands must be restored, including the potential commitment for success monitoring and reporting. Note that all restoration (e.g., final seed mix, etc.) must be reviewed and approved by RCA.
- If impacts are anticipated to occur within PQP lands, coordinate with RCA for additional direction and next steps.
- PQP landowners may have additional requirements for loss of lands, which will vary depending on the landowner and property restrictions (e.g., Bureau of Land Management, State Wildlife Areas, other Habitat Conservation Plan reserves, etc.).
- Specific to Covered Roads and Covered Public Access Activities that intersect PQP lands:
 - For PQP lands not owned by RCA, the project needs replacement of all impacts of at least 1:1 (or higher depending on function and values).
 - For PQP lands that are owned by RCA, the applicant only needs to demonstrate replacement for impacts that are greater than the allowable width of the covered activity.

4 VEGETATION MAPPING AND SPECIES COMPENDIA

A project-level vegetation map is required for projects that (1) need to demonstrate consistency with Criteria, (2) are subject to the Protection of Species Associated with Riparian/Riverine and Vernal Pools policies included in Section 6.1.2 of the MSHCP, (3) are subject to the Narrow Endemic Plant Species policies included in Section 6.1.3 of the MSHCP, (4) are subject to the Additional Survey Needs and Procedures described in Section 6.3.2 of the MSHCP, (5) are seeking criteria refinements as described in Section 6.5 of the MSHCP, and/or (6) need to demonstrate support of Reserve Assembly.

Though the MSHCP states that not all situations may require project-level vegetation mapping, in general, vegetation mapping is applicable to most projects and helps with describing the current conditions, the species that may or may not be supported on site, and the proposed project impacts. Include vegetation mapping separated out by habitat type/community, and permanent and temporary impacts to each. Vegetation mapping should also be depicted on project figures.

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Discuss mapping methods, provide existing vegetation communities, provide impact acreages to each vegetation community resulting from construction (temporary) and operation (permanent) of the project, and depict vegetation communities on project figures. Vegetation community classification should utilize current industry standard practices (e.g., A Manual of California Vegetation, 2nd Edition, Sawyer et al. 2009).

Include a compendium each for plant and wildlife species resulting from associated habitat assessments and focused surveys, as applicable.

5 PROTECTION OF SPECIES ASSOCIATED WITH RIPARIAN/RIVERINE AREAS AND VERNAL POOLS (SECTION 6.1.2)

All projects should assess their sites for Section 6.1.2 resources, including riparian/riverine resources, vernal pool fairy shrimp, and riparian birds, and should follow the guidance below. The intention with this section is to protect resources used by MSHCP Covered Species as well as existing and future downstream conservation areas.

According to Section 6.1.2 of the MSHCP:

Riparian/Riverine Areas are lands which contain Habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year.

Vernal pools are seasonal wetlands that occur in depression areas that have wetlands indicators of all three parameters (soils, vegetation and hydrology) during the wetter portion of the growing season but normally lack wetlands indicators of hydrology and/or vegetation during the drier portion of the growing season. Obligate hydrophytes and facultative wetlands plant species are normally dominant during the wetter portion of the growing season, while upland species (annuals) may be dominant during the drier portion of the growing season. The determination that an area exhibits vernal pool characteristics, and the definition of the watershed supporting vernal pool hydrology, must be made on a case-by-case basis. Such determinations should consider the length of the time the area exhibits upland and wetland characteristics and the manner in which the area fits into the overall ecological system as a wetland. Evidence concerning the persistence of an area's wetness can be obtained from its history, vegetation, soils, and drainage characteristics, uses to which it has been subjected, and weather and hydrologic records.

Fairy Shrimp. For Riverside, vernal pool and Santa Rosa fairy shrimp, mapping of stock ponds, ephemeral pools and other features shall also be undertaken as determined appropriate by a qualified biologist.

With the exception of wetlands created for the purpose of providing wetlands Habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating characteristics as described above which are artificially created are not included in these definitions.

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5.1 Riparian/Riverine

5.1.1 *Methods*

- Include a detailed description regarding when, where, and how the riparian/riverine resources were defined and evaluated in the field.
- Note that riverine features include any feature that is natural in origin as well as past natural features that have been heavily modified and/or redirected and can include features indirectly created through human manipulation of the landscape, including channelization of a historic riverine feature. If these features connect to nearby downstream resources that are either existing or described conservation lands, they would be considered riverine.
- Discuss and attach the Jurisdictional Delineation, if applicable.

5.1.2 *Existing Conditions and Results*

- Both vegetated and unvegetated drainages may be MSHCP resources. It is helpful to distinguish between riparian (vegetated) and riverine (unvegetated) in this section and provide acreages for each, as applicable. In addition to the length, the width of all riparian/riverine resources should be clearly depicted on the graphics. This may involve providing graphics zoomed in at each impact location.
- Discussion should be limited to MSHCP resources, not blue-line streams or waters regulated by the U.S. Army Corps of Engineers, Regional Water Quality Control Board, or California Department of Fish and Wildlife. Discussion of regulated waters does not replace the required discussion of riparian/riverine.
- Note that resources that were once natural but are now altered (human-made) may still have drainage/connectivity to downstream existing or future (described for) Conservation Areas and therefore may also be MSHCP resources. This includes concrete or riprap drainage features.
- If surrounding development has historically caused water to pool or flow onto the proposed project site, this does not negate the need for the applicant to address the feature. The feature may still be considered a riparian or riverine resource.
- Also review for any hydrologic connection that may be indirect and not immediately apparent (e.g., on-site riverine feature that may convey water downstream to a Conserved Area or area described for conservation that is not adjacent to the project site). Note that stating that a feature deposits into a storm drain and therefore is not connected is not acceptable unless it is demonstrated that the storm drain does not connect to downstream existing conservation areas nor connect to other areas described for future conservation.
- This section should include a discussion of the function and value of any riparian/riverine features within the project site and the role of riparian/riverine within the entire ecological system. Factors to be considered include hydrologic regime, flood storage and flood flow modification, nutrient retention and transformation, sediment trapping and transport, toxicant trapping, public use, wildlife habitat, and aquatic habitat. The description should also be relative to any riparian-associated species as listed in the MSHCP. The impact of the loss of these functions and values should also be discussed.

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5.1.3 *Impacts*

- Impacts (permanent and temporary, direct and indirect) to riparian or riverine resources should be both qualitatively and quantitatively discussed in this section. This section should include a discussion of the impacts to functions and values as described in the preceding section. A detailed description of the functions and values can be found in the document library of the RCA website located at https://www.wrc-rca.org/wp-content/uploads/2022/06/Section6_1_2_Riparian_RiverineFunctions_and_Values_Factors_List_FINAL_20220620.pdf.
- Consider and evaluate indirect impacts (i.e., runoff) to adjacent riparian/riverine resources and provide appropriate measures to attenuate these impacts.
- Maps should be included identifying if these resources will be avoided or impacted, and consistently depict what has been included in the text. Make sure that both permanent impact areas and temporary impact areas are identified.
- If riparian or riverine resources are proposed for avoidance, the project report should include a commitment to place a conservation easement or deed restriction over the area in order to demonstrate that the area will be protected in perpetuity and should include when this will be completed. Per Section 6.1.2 of the MSHCP, "If an avoidance alternative is selected, measures shall be incorporated into the project design to ensure the long-term conservation of the area to be avoided, and associated functions and values, through the use of deed restriction, conservation easement, or other appropriate mechanisms. If an avoidance alternative is not feasible, a practicable alternative that minimizes direct and indirect effects to riparian/riverine areas and vernal pools and associated functions and values to the greatest extent possible shall be selected. Those impacts that are unavoidable shall be mitigated such that the lost functions and values as they relate to Covered Species are replaced as set forth under the [DBESP]." Based on this, note that if the proposed project cannot demonstrate how it will ensure the long-term conservation and sustainability of the existing resource, all or a portion of the riparian/riverine resource(s) may also be considered permanently impacted and will require additional mitigation.
- Any riparian or riverine resources that would be impacted by ongoing vegetation management or fuel modification should be considered permanently impacted.

5.1.4 *Mitigation*

- If riparian/riverine resources are proposed for avoidance, the project report should include a commitment to place a conservation easement or deed restriction over the area in order to demonstrate that the area will be protected in perpetuity and should include when this will be completed. This area should also be depicted on project figures and included in the GIS shapefiles with the JPR Application submittal.
- If the proposed project cannot demonstrate avoidance of riparian/riverine habitat in perpetuity (permanently and temporarily), a Determination of Biological Equivalent or Superior Preservation (DBESP) Report would be required in which to propose mitigation that demonstrates equivalent or superior function and value. Indirect impacts, including any impacts to the supporting hydrology, must also be addressed. If there are indirect impacts

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only, this may not necessarily result in the need to prepare a DBESP, but if no DBESP is required, these indirect impacts must be addressed in the JPR (if inside Cells) and California Environmental Quality Act (CEQA) documentation (if inside or outside of Cells).

- For mitigation banks, mitigation terminology should be consistent with current terms (e.g., Establishment, Re-establishment, Rehabilitation, Enhancement, and/or Preservation). Always include the acreage amount of mitigation for each mitigation type and provide the location of the proposed mitigation. Acreages proposed for permanent impacts would need to be mitigated at a minimum through establishment, re-establishment, or some combination thereof.
- For any applicant-sponsored mitigation approaches (on or off site), the extensive details that would need to be included in a DBESP should also be summarized in the Consistency Analysis report. At a minimum, details would include location of mitigation area, type of mitigation, acreages, weeding plan, when the mitigation would be implemented, success criteria, monitoring plan (e.g., years/duration, frequency, etc.), reporting, management entity, and contingency plan in the event the mitigation is not successful. Also, refer to bullet below.
- Mitigation areas for riparian/riverine resources would need to be protected in perpetuity. If RCA is the intended recipient of this land, it is advised to begin coordination as early in the process as possible.

Assessment/delineation and mitigation requirements for riparian/riverine resources will continue to apply for the life of the MSHCP.

5.2 Vernal Pools

5.2.1 Methods

- Describe the criteria used to determine whether there are vernal pools on the project site. The following should be considered: the watershed supporting vernal pool hydrology, length of time the area exhibits upland and wetland characteristics (inundated or not), evidence for the persistence of wetness using historical information (e.g., aerials), vegetation, soils, drainage characteristics, uses to which the site has been subjected, and weather and hydrologic records.
- Include when and where the assessment occurred.

5.2.2 Existing Conditions and Results

- Include results of vernal pool assessments. Map resources that fit the MSHCP definition of a vernal pool. The figure should also include the survey area, vegetation communities, the boundaries of the project site, and the proposed impacts. The documentation should provide a description of the site conditions to support a determination of the presence/absence of vernal pools.
- Avoid use of the term "seasonal depression." Unless it can clearly be demonstrated, using MSHCP or regulatory-approved terminology, that these features differ from vernal pools, seasonal depressions may be considered similar to vernal pools and can support vernal pool species.

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5.2.3 Impacts

- Impacts (permanent and temporary, direct and indirect) to vernal pool resources should be both qualitatively and quantitatively discussed.
- Discuss whether changes associated with the proposed project will cut off hydrology to vernal pools within or adjacent to the project site. Discuss the function and value of any vernal pool within the project site and the role of vernal pool within the entire ecological system. Note that this discussion is required even if the proposed project intends to avoid vernal pool resources.

5.2.4 Mitigation

- If vernal pool resources are proposed for avoidance, the project report should include a commitment to place a conservation easement or deed restriction over the area in order to demonstrate that the area will be protected in perpetuity and should include when this will be completed. This area should also be depicted on project figures and included in the GIS shapefiles with the JPR Application submittal.
- If the proposed project cannot avoid impacts (permanent or temporary) to vernal pool habitat, a DBESP report would be required in which to propose mitigation that demonstrates equivalent or superior function and value. Indirect impacts, including any impacts to the supporting hydrology, must also be addressed. If there are indirect impacts only, this may not necessarily result in the need to prepare a DBESP, but if no DBESP is required, these indirect impacts must be addressed in the JPR (if inside Cells) and CEQA documentation (if inside or outside of Cells).
- For applicant-sponsored mitigation (on or off site), the extensive details that would need to be included in a DBESP should also be summarized in the Consistency Analysis report. At a minimum, details would include location of mitigation area, type of mitigation, acreages, weeding plan, when the mitigation would be implemented, success criteria, monitoring plan (e.g., years/duration, frequency, etc.), reporting, management entity, and contingency plan in the event the mitigation is not successful. Also, refer to bullet below.
- Mitigation areas for vernal pools would need to be protected in perpetuity. If RCA is the intended recipient of this land, it is advised to begin coordination as early in the process as possible.

Assessment/delineation and mitigation requirements for vernal pool resources will continue to apply for the life of the MSHCP.

5.3 Fairy Shrimp

5.3.1 Methods

- If vernal pools or other suitable fairy shrimp habitats are located within the project site then fairy shrimp surveys must be conducted pursuant to the USFWS Survey Guidelines for the Listed Large Branchiopods (USFWS 2017), which includes six listed fairy shrimp species, including those species covered under the MSHCP Section 6.1.2.

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- Fairy shrimp can be found in non-vernal pool features such as stock ponds, ephemeral pools, road ruts, human-made depressions, or other depressions that may pond water. As such, these features are not exempt from evaluation as fairy shrimp habitat, and the possible need for focused surveys is still applicable. Discuss all factors that support presence or absence of fairy shrimp such as describing soils, ability of any features to hold water long enough to support fairy shrimp, topography, etc.
- Note that disking and disturbed conditions of the site cannot be used as a sole basis for determining absence of MSHCP resources, including fairy shrimp. This is especially true when poorly drained soils or soils known to support fairy shrimp are present. Also note that disking has also been known to cause the movement of fairy shrimp cysts into other parts of a proposed project site.
- Where any of the above conditions occur, two seasons of fairy shrimp surveys are required. While the MSHCP Covered Fairy Shrimp Objectives require one wet or dry season survey, U.S. Fish and Wildlife Service (USFWS) Permit TE-088609-0, Special Terms and Conditions, states that “[i]n the event of a discrepancy, the special terms and conditions of this permit included herein, the IA, and MSHCP, including its associated volumes (exclusive of the IA) and the errata letter to the MSHCP from the County of Riverside, dated May 21, 2004, are the controlling documents in the above order regarding the conditions and authorizations of this permit.” Consequently, all projects should demonstrate that they have followed the most updated USFWS protocol in western Riverside County. As such, the survey protocol requires a second survey where the first survey produced negative results. Without the two seasons of fairy shrimp surveys, or without concurrence from USFWS that having only one seasonal survey is acceptable, a project cannot be determined consistent with MSHCP Section 6.1.2 requirements for fairy shrimp.
- Include when and where surveys were conducted, if applicable.
- If the project conducted a pond check(s) to evaluate features for suitable habitat, please frame the discussion in the context of the USFWS 2017 protocol (e.g., pond checks were conducted within 24 hours of rainfall, and ponds with depth greater than 3 centimeters were evaluated following 7 days).

5.3.2 Existing Conditions and Results

- Fairy shrimp survey results should be both qualitatively and quantitatively discussed. A figure depicting vernal pools or other suitable fairy shrimp habitat locations, survey area, project site boundary, proposed project impacts, and any detected fairy shrimp should also be included.

5.3.3 Impacts

- Impacts (permanent and temporary, direct and indirect) to fairy shrimp should be both qualitatively and quantitatively discussed in this section.
- Discuss whether changes associated with the proposed project will impede the hydrology that supports features occupied by fairy shrimp. Note that this discussion is required even if the proposed project intends to avoid these resources.

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5.3.4 Mitigation

- If fairy shrimp habitat is proposed for avoidance, the project report should include a commitment to place a conservation easement or deed restriction over the area in order to demonstrate that the area will be protected in perpetuity and should include when this will be completed. This area should also be depicted on project figures and included in GIS shapefiles with the JPR Application submittal.
- If the proposed project cannot demonstrate 90% avoidance (permanent and temporary) of occupied portion(s) of the property that provide LTCV, a DBESP report would be required in which to propose mitigation that demonstrates equivalent or superior function and value. Avoidance of LTCV would also include avoidance of supporting hydrology. A solid support for how the 90% and 10% determinations were made is required. Note that not all habitat has to be occupied in order for it to be considered to have LTCV.
- Similar to mitigation for vernal pools, for applicant-sponsored mitigation (on or off site), the extensive details that would need to be included in a DBESP should also be summarized in the Consistency Analysis report. At a minimum, details would include location of mitigation area, type of mitigation, acreages, when the mitigation would be implemented, success criteria, monitoring plan (e.g., years/duration, frequency, etc.), reporting, management entity, and contingency plan in the event the mitigation is not successful. Also, refer to bullet below.
- Mitigation areas for fairy shrimp would need to be protected in perpetuity. If RCA is the intended recipient of this land, it is advised to begin coordination as early in the process as possible.

Assessment/focused survey and mitigation requirements for fairy shrimp species will continue to apply for the life of the MSHCP.

5.4 Riparian Birds

5.4.1 Methods

- Describe the criteria used to determine whether suitable habitat for riparian bird species (including least Bell's vireo, southwestern willow flycatcher, or yellow-billed cuckoo) is present on the project site.
- If a project site is evaluated to have suitable habitat (nesting and/or foraging) for riparian bird species, then protocol-level focused surveys are required if the habitat will not be avoided and/or direct or indirect impacts to the riparian/riverine functions and values as they relate to Covered Species is unavoidable. This includes evaluation of off-site suitable habitat, if accessible, in the event that the 100-meter permanent setback applies to the project. Evaluation of off-site habitat is also required where applicable pursuant to the Migratory Bird Treaty Act. Note that MSHCP does not ever provide take for impacts to nesting birds.
- If focused surveys for riparian birds were conducted, include details regarding when and where surveys were conducted. Also, include the methodology implemented for the surveys. Surveys should be conducted according to accepted USFWS protocols

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specific for each species (least Bell's vireo – USFWS 2001; southwestern willow flycatcher – Sogge et al. 2010; yellow-billed cuckoo – USFWS 2016). Note that per USFWS protocol for southwestern willow flycatcher (Sogge et al. 2010), focused surveys for least Bell's vireo, yellow-billed cuckoo, or other special-status species should not be conducted concurrently with southwestern willow flycatcher focused surveys. If protocol surveys are conducted on the same day, it is recommended that surveys be conducted sequentially, with surveys for southwestern willow flycatcher being conducted first (i.e., first thing in the morning) and surveys for the least Bell's vireo conducted afterwards. An example is a linear survey route following a stream: southwestern willow flycatcher would be surveyed from the starting point to the end; least Bell's vireo would then be surveyed on the way back to the starting point.

- Note that a pre-construction survey is not sufficient to rule out presence. A pre-construction survey is valuable to determine distance of exclusion buffers, observations of nesting behavior, status of existing nests, etc. Absence of riparian birds can only be concluded after completing the required protocol-level surveys.

5.4.2 Existing Conditions and Results

- Include results of focused surveys. Occupied areas should be depicted on an accompanying figure. The figure should also include the survey area (including applicable buffer), vegetation communities, the boundaries of the project site, and the proposed impacts.
- If the proposed project does not include riparian resources, clearly state whether the project includes suitable habitat for riparian birds. While it can be assumed that if there is no riparian vegetation then there is no suitable habitat for riparian birds, this information should be clearly stated.

5.4.3 Impacts

- Impacts (permanent and temporary, direct and indirect) to riparian bird habitat should be both qualitatively and quantitatively discussed in this section.
- Identify occupied areas and quantify affected acreage. Address both direct and indirect impacts to riparian birds. It is important to also consider and evaluate indirect impacts to adjacent riparian/riverine resources.
- Take of occupied habitat during breeding season (March 15 to September 30) is prohibited (described in the MSHCP permit conditions, not in the MSHCP document).

5.4.4 Mitigation

- Similar to riparian habitat, if riparian bird habitat is proposed for avoidance, the project report should include a commitment to place a conservation easement or deed restriction over the area in order to demonstrate that the area will be protected in perpetuity and should include when this will be completed. This area should also be depicted on project figures and included in GIS shapefiles with the JPR Application submittal.

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- If the proposed project cannot avoid impacts (permanent and temporary) to riparian vegetation, previously determined as occupied by riparian birds, during the breeding season, all construction activities should be conducted outside of the applicable breeding season.
- For portions of the property with positive surveys results for least Bell's vireo, if the proposed project cannot demonstrate 90% avoidance of least Bell's vireo occupied portion(s) of the property that provide LTCV, a DBESP report would be required in which to propose mitigation that demonstrates equivalent or superior function and value. This includes 100 meters of undeveloped landscape [on the property] adjacent to the habitat conserved. A solid justification regarding how the 90% and 10% determinations were made is required. Note that not all habitat has to be occupied in order for it to be considered to have LTCV.
- For portions of the property with positive survey results for southwestern willow flycatcher or yellow-billed cuckoo, if the proposed project cannot avoid and demonstrate 100% conservation of the property that provides LTCV, a DBESP report would be required in which to propose mitigation that demonstrates equivalent or superior function and value. Similar to least Bell's vireo, this includes 100 meters of undeveloped landscape [on the property] adjacent to the habitat conserved.
- Provide appropriate measures to address both direct (e.g., riparian vegetation removal) and indirect (e.g., noise, changes in hydrology that support their habitat, etc.) impacts. This may include committing to only constructing outside of nesting season. On a case-by-case basis, and subject to the approval of the Wildlife Agencies, the use of sound walls that are installed outside of nesting season may be a mitigation option. However, because the 100-meter setback [on the property] is an MSHCP requirement, if the sound wall option is being considered, early coordination (prior to JPR submittal) with RCA and the Wildlife Agencies should be initiated.
- Note that in some areas, least Bell's vireo have become accustomed to loud bursts of noise sustained over numerous years but are negatively affected by new sources of noise. As such, it should not be assumed that adding new sources of noise in an area where loud sources of noise already exist would not impact least Bell's vireo.
- Provide appropriate measures to address indirect impacts. For example, if habitat occupied by least Bell's vireo is present within 300 feet of proposed construction activities, and the project cannot avoid constructing outside of nesting season, a pre-construction clearance survey would be required to determine territory and/or nesting status. If least Bell's vireo are determined present and confirmed nesting, an exclusion buffer would need to be established around the location, and no construction could occur within the established exclusion buffer until the nesting cycle is completed and young have fledged or it is determined, by a qualified biologist, that the nest(s) has been abandoned/lost. The distance of the exclusion buffer would be determined by the qualified biologist based on ambient noise levels, topography, visual/noise shielding, nest progress, and the type of construction and associated disturbance. Ambient noise measurements would be taken by a qualified biological monitor during a full daylight period (sunrise to sunset), and subsequently, the median average ambient noise level shall be used as the baseline on

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which to determine when and where work would occur. The qualified biological monitor must be present to measure noise levels at the edge of all suitable habitat and work shall cease if, at any time, noise levels exceed the median ambient noise levels.

- Should applicant-sponsored mitigation (on or off site) be proposed for impacts to riparian habitat that also encompasses riparian birds, the extensive details that would need to be included in a DBESP should also be summarized in the Consistency Analysis report. At a minimum, details would include location of mitigation area, whether the mitigation area is occupied with riparian bird species, type of mitigation, acreages, when the mitigation would be implemented, success criteria, monitoring plan (e.g., years/duration, frequency, etc.), reporting, management entity, and contingency plan in the event the mitigation is not successful. Also, refer to bullet below.
- Mitigation areas for riparian birds would need to be protected in perpetuity. If RCA is the intended recipient of this land, it is advised to begin coordination as early in the process as possible.

Least Bell's vireo assessment/focused survey requirements, avoidance, and/or mitigation will continue for life of the MSHCP. Southwestern willow flycatcher and yellow-billed cuckoo assessment/focused survey requirements will be waived upon demonstrating that the species-specific objectives contained in MSHCP Volume I, Section 9.2 and Table 9-2, and Volume II, Section B have been achieved.

5.5 Other Section 6.1.2 Species

- Section 6.1.2 describes the process through which protection of riparian/riverine areas and vernal pools would occur within the MSHCP area and includes a number of other plant and wildlife species, in addition to fairy shrimp and riparian birds. Note that the purpose of Section 6.1.2 is to ensure that the biological functions and values of riparian/riverine areas and vernal pools throughout the MSHCP area are maintained such that habitat values are maintained for ALL Section 6.1.2 species.
- All Section 6.1.2 plant and wildlife species should be acknowledged and discussed in the context of impacts to riparian/riverine areas and vernal pools. This may be best presented in a "potential to occur" table format. Information on suitable habitat that can support the species and current site conditions (e.g., information on soil, vegetation communities, hydrology, known occurrence data within site and in the vicinity, etc.), and other relevant information or evidence should be provided to justify "potential to occur" determinations.
- For any of these species that may be present, and thus potentially impacted, include a discussion regarding the LTCV of the area and how this value would or would not change with implementation of the proposed project. Example discussion points include prevalence of the species in the region, population size and status, and population viability that may be lost with implementation of the proposed project.
- Some of these species commonly associated with riparian/riverine and vernal pool resources, if impacted outside of their designated survey area (e.g., Narrow Endemic Plant Species Survey Area, Criteria Area Species Survey Area, small mammals, etc.), do

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not require additional mitigation over and above mitigation specific to riparian/riverine or vernal pools. This is based on the assumption that the mitigation for riparian/riverine resources and vernal pools will also benefit most of these species.

- Note that other species (e.g., southwestern pond turtle) may require the implementation of additional avoidance/minimization/mitigation measures. If there is a potential for impacts (permanent or temporary) to Section 6.1.2 species to occur, please coordinate with RCA for appropriate next steps.

6 PROTECTION OF NARROW ENDEMIC PLANT SPECIES (SECTION 6.1.3)

All projects located within a Section 6.1.3 Narrow Endemic Plant Species Survey Area should follow the guidance below. If the proposed project is not located within a Narrow Endemic Plant Species Survey Area, include a statement to this effect.

6.1 Methods

- Include methodology used to determine whether focused surveys were necessary (i.e., results of habitat assessment). Include when and where the assessment occurred. If a habitat assessment yields suitable habitat for narrow endemic plant species, then focused surveys during the appropriate blooming season are required.
- Focused surveys should be conducted in accordance with accepted botanical survey protocols including CNPS Botanical Survey Guidelines (CNPS 2001); Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018); and the USFWS's General Rare Plant Survey Guidelines (Cypher 2002).
- Focused surveys should be conducted during the appropriate blooming period for each target species, as stated in MSHCP Table 6-1. Include a discussion regarding consistency of the survey timeframes identified in Table 6-1.
- Note whether surveys were conducted during a year with average rainfall or within a drought year. Not being able to observe these species above ground during drought years should not lead to an assumption that the seedbank for these species is not present, especially if soils and other conditions are suitable. In other words, if surveys were conducted during drought years, additional justification to rule out the presence of these species is required.
- If surveys are conducted outside of the appropriate blooming period *or* during a drought year, reference populations should be checked to ensure the validity of the survey. Note that reference population checks located in areas that are artificially irrigated are not acceptable. Reference population checks should indicate which species populations were visited, locations, dates, and status (e.g., flowering, vegetative, fruiting) of the species. If reference population checks were not completed, this also should be clearly stated. If focused surveys are conducted during a drought year, not observing them above ground does not mean that seedbank is not present especially if soils and other conditions are suitable.

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- Note that disking and disturbed conditions of the site are not acceptable as a sole basis for determining absence of MSHCP resources, including narrow endemic plant species. Also note that disking has also been known to cause the dissemination of seedbank into other parts of a proposed project site.

6.2 Existing Conditions and Results

- A conclusion that no suitable habitat for narrow endemic plant species is present on the site should be supported with solid evidence (e.g., soil types, topography, existing development). Discuss each target species in terms of associated soil types, topography, associated vegetation communities, etc. This may be more easily presented in a table for ease of reference. Frequent disking or other disturbance is not acceptable as a sole basis for ruling out suitable habitat in an area. Do not discount the presence of seedbank without supporting evidence.
- Rare plant survey results should be both qualitatively and quantitatively discussed. A figure depicting vegetation communities present and identifying suitable habitat, the survey area, project site boundary, proposed project impacts, and any detected target species, including population totals, should also be included.
- This section should include a description of the LTCV of the habitat for the narrow endemic plant species. This would include, but is not limited to, a description of the population viability, the proximity of other local populations, and the surrounding environment.

6.3 Impacts

- Impacts (permanent or temporary, direct and indirect) to narrow endemic plant species should be both qualitatively and quantitatively discussed.
- For any species that requires specific hydrologic conditions, the proposed project should also evaluate any changes in the hydrology expected as a result of project implementation. Note that this discussion is required even if the proposed project intends to avoid these plant species.
- If avoidance of narrow endemic plant species is proposed, the project would need to demonstrate how the area will be avoided (e.g., fencing, signage, etc.). Avoidance areas should also be depicted on project figures and included in GIS shapefiles with the JPR Application submittal.

6.4 Mitigation

- For portions of the property with positive survey results, if the proposed project cannot avoid (permanent and temporary) at least 90% of the occupied portion(s) of the property that contributes to the LTCV of the species, a DBESP report is required. A solid justification regarding how the 90% and 10% determinations were made is required. Note that not all habitat has to be occupied in order for it to be considered to have LTCV.
- Should applicant-sponsored mitigation (on or off site) be proposed, the extensive details that would need to be included in a DBESP should also be summarized in the Consistency Analysis report. At a minimum, details would include location of mitigation

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area, type of mitigation, acreages, when the mitigation would be implemented, weeding plan, success criteria, monitoring plan (e.g., years/duration, frequency, etc.), reporting, management entity, and contingency plan in the event the mitigation is not successful. Also, refer to bullet below.

- If the proposed project intends to place the mitigation area under conservation, identify the land administrator that will ensure this habitat is conserved until the subject plant species are determined by the Wildlife Agencies as adequately conserved as required by the MSHCP. If RCA is the intended recipient of this land, it is advised to begin coordination as early in the process as possible.

The assessment/focused survey requirements and 90% avoidance requirements will be waived upon demonstrating that the species-specific objectives contained in MSHCP Volume I, Section 9.2 and Table 9-2, and Volume II, Section B have been achieved.

7 ADDITIONAL SURVEY NEEDS AND PROCEDURES (SECTION 6.3.2)

All projects located within a mapped survey area described in Section 6.3.2 Additional Survey Needs and Procedures should follow the guidance below. If the proposed project is not located within a Section 6.3.2 survey area, include a statement to this effect.

7.1 Criteria Area Plant Species

State whether the proposed project falls within a mapped survey area for Criteria Area plant species. Be specific regarding which plant species require surveys.

This section should follow the same general format and requirements provided in the Protection of Narrow Endemic Plant Species section (Refer to Section 6) above in this template.

7.2 Amphibians

State whether the proposed project falls within the mapped survey area for amphibian species. Be specific regarding which amphibian species require surveys.

7.2.1 Methods

- Include methodology used to determine whether focused surveys were necessary (i.e., based on results of habitat assessment). Include when and where the assessment occurred. If a habitat assessment yields suitable habitat for amphibians, then focused surveys are required.
- Focused surveys should be conducted in accordance with accepted survey protocols including those for the arroyo toad (USFWS 1999), California red-legged frog (USFWS 2005), and mountain yellow-legged frog (USFWS protocol pending; MSHCP Mountain Yellow-Legged Frog [*Rana muscosa*] Survey Report 2005 describes a general protocol [Western Riverside County 2006]).

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7.2.2 Existing Conditions and Results

- Concluding that no suitable habitat for amphibians is present on the site should be supported with solid evidence (e.g., hydrology, substrate, topography, existing development, existing vegetation communities).
- Focused survey results should be both qualitatively and quantitatively discussed. A figure depicting suitable habitat, the survey area, project site boundary, proposed project impacts, and any detected target species should also be included.
- This section should include a description of the LTCV of the habitat for the amphibians. This would include, but is not limited to, a description of the population viability, the proximity of other local populations, and the surrounding environment.

7.2.3 Impacts

- Impacts (permanent and temporary, direct and indirect) to amphibian-occupied habitat should be both qualitatively and quantitatively discussed.
- The proposed project should also evaluate any changes in the hydrology expected as a result of project implementation. Note that this discussion is required even when the proposed project intends to avoid these species.
- If avoidance of occupied habitat is proposed, the project would need to demonstrate how the area will be avoided (e.g., fencing, signage, etc.). Avoidance areas should also be depicted on project figures and included in GIS shapefiles with the JPR Application submittal.

7.2.4 Mitigation

- For portions of the property with positive survey results, if the proposed project cannot avoid (permanent and temporary) at least 90% of the occupied portion(s) of the property that contributes to the LTCV of the species, a DBESP report is required. A solid justification regarding how the 90% and 10% determinations were made is required. Note that not all habitat has to be occupied in order for it to be considered to have LTCV.
- Should applicant-sponsored mitigation (on or off site) be proposed, the extensive details that would need to be included in a DBESP should also be summarized in the Consistency Analysis report. At a minimum, details would include location of mitigation area, type of mitigation, acreages, when the mitigation would be implemented, success criteria, monitoring plan (e.g., years/duration, frequency, etc.), reporting, management entity, and contingency plan in the event the mitigation is not successful. Also, refer to bullet below.
- If the proposed project intends to place the mitigation area under conservation, identify the land administrator that will ensure this habitat is conserved until the subject amphibian species are determined by the Wildlife Agencies as adequately conserved as required by the MSHCP. If RCA is the intended recipient of this land, it is advised to begin coordination as early in the process as possible.

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- If the proposed project intends to place amphibian habitat under conservation, identify the land administrator that will ensure this habitat is conserved in perpetuity. If RCA is the intended recipient of this land, it is advised to begin coordination as early in the process as possible.

The assessment/focused survey requirements and 90% avoidance requirements will be waived upon demonstrating that the species-specific objectives contained in MSHCP Volume I, Section 9.2 and Table 9-2, and Volume II, Section B have been achieved.

7.3 Burrowing Owl

State whether the proposed project falls within the mapped (i.e., designated) survey area for burrowing owl.

7.3.1 *Methods*

- All surveys must be conducted in accordance with the MSHCP Burrowing Owl Survey Instructions (RCA 2006). Methodology should be separated into discussions for Step I (habitat assessment), Step II-A (focused burrow survey), and Step II-B (focused burrowing owl surveys), as applicable. Describe in detail how each step from the Burrowing Owl Survey Instructions was followed, including width of transects and the survey buffer distance around the project site. Provide dates, survey times, and weather conditions. A table is often the most concise way to present this information.
- If other methodologies are followed (e.g., CDFW 2012), provide further justification regarding why the survey methods implemented yielded optimal results even when the accepted protocol (RCA 2006) was not followed.
- Include criteria used to determine whether focused surveys were necessary based on results of Step I habitat assessment finding habitat suitable for burrowing owl. Include when and where the assessment occurred. If a habitat assessment yields suitable habitat for burrowing owl, then a Step II-A focused burrow survey is required within the suitable habitat and 150 meters around the suitable habitat.
- If suitable burrows are found during the Step II-A survey within the suitable habitat, including the 150-meter buffer, then Step II-B focused burrowing owl surveys are required.
- All four focused owl survey visits should be conducted during the breeding season (survey window is March 1–August 31) when suitable habitat is present. Visits are strongly encouraged to be spaced no less than 1 to 2 weeks apart, not conducted back-to-back early or late in the season when owls may not be present. All focused surveys must be completed prior to JPR submittal.

7.3.2 *Existing Conditions and Results*

- Map(s) should clearly depict all suitable burrowing owl habitat, including suitable potential burrows (e.g., openings 4 inches or greater), human-made features with interstitial space (e.g., debris piles, catch basins, pipes, etc.), and occurrences of individual and/or burrowing owl pairs or locations of burrowing owl signs (feathers, pellets). The map should also depict the 150-meter survey buffer around the project site

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that should have also been walked using transects or surveyed with 100% visual coverage of the ground surface (RCA 2006). Photo log of suitable habitat and burrows should also be provided.

- The presence/absence of California ground squirrels and their burrows should be noted in the JPR documentation. If potential owl burrows are present, note the diameter of the opening (supports the assertion that the burrow is or is not suitable). Shrub/vegetation density and cover (percent coverage is best) should be provided. Provide dates, survey times, and weather conditions (all important criteria for species detection probability). Mapped burrows should be identified as occupied or absent of burrowing owl and/or sign.
- Burrowing owl can occur in many areas; therefore, most sites will support suitable habitat. Concluding that no suitable habitat is present on the site should be supported with solid evidence (e.g., no ground squirrel burrows, no other human-made potential burrows [e.g., boulder piles, concrete, pipes, catch basins, etc.], completely paved areas, loose soils, etc.). Simply stating that "there is no suitable habitat on site" is too vague and does not sufficiently support absence. Furthermore, note that burrowing owl are attracted to certain types of disturbance; therefore, disturbance alone is not an acceptable reason to preclude a site for burrowing owl suitability.

7.3.3 Impacts

- Impacts (permanent and temporary, direct and indirect) to burrowing owl occupied areas should be discussed both qualitatively and quantitatively, including direct and indirect.

7.3.4 Mitigation

- If burrowing owl are not found during focused surveys, documentation should include a written commitment "...to conduct pre-construction surveys for BUOW [burrowing owl] in areas of suitable BUOW habitat not more than 30 days prior to the initiation of ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging, grading, etc.) to ensure that no owls have colonized the site in the days or weeks preceding the ground-disturbing activities. If burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities, the project proponent will immediately inform the Regional Conservation Authority (RCA) and the Wildlife Agencies, and will need to coordinate further with RCA and the Wildlife Agencies, including the possibility of preparing a Burrowing Owl Protection and Relocation Plan, prior to initiating ground disturbance. If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure burrowing owl has not colonized the site since it was last disturbed. If burrowing owl is found, the same coordination described above will be necessary."
- For portions of the property with positive survey results, if the proposed project cannot avoid (permanent and temporary) at least 90% of the occupied portion(s) of the property that contributes to the LTCV of the species, a DBESP report is required. A solid justification regarding how the 90% and 10% determinations were made is required. Note that not all habitat has to be occupied in order for it to be considered to have LTCV.

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- Note that the JPR documentation should NOT assume that any type of relocation (passive or active) is acceptable without first coordinating with RCA and the Wildlife Agencies. Eviction/passive relocation may be acceptable if suitable conserved habitat and natural or artificial burrows are within 75–100 meters, but only if done in coordination with and approval from RCA and the Wildlife Agencies.
- Note that eviction without regard to nearby suitable habitat and available refuge should not be the standard CEQA mitigation.
- If burrowing owl are confirmed present and would be impacted directly or indirectly, the applicant would also be required to prepare a Burrowing Owl Protection and Relocation Plan. This would need to be reviewed, approved, and coordinated with RCA and Wildlife Agencies, including the state banding permit office and federal Migratory Bird Treaty Act office, if active relocation is needed.
- In accordance with Objective 5, if the project site (including adjacent areas) supports three or more pairs of burrowing owl, is greater than 35 acres of suitable habitat, and is non-contiguous with MSHCP conservation land, at least 90% of the occupied portion(s) of the property with LTCV shall be conserved on site.
- If the proposed project intends to place burrowing owl-occupied habitat under conservation, include the administrator responsible for managing the land to ensure it is conserved until burrowing owl is determined by the Wildlife Agencies to be adequately conserved as required by the MSHCP.
- Note that addressing burrowing owl impacts and mitigation approach generally requires extensive coordination and in some cases may result in avoidance being more feasible.

The assessment/focused survey requirements and 90% avoidance requirements will be waived upon demonstrating that the species-specific objectives contained in MSHCP Volume I, Section 9.2 and Table 9-2, and Volume II, Section B have been achieved.

7.4 Mammals

- State whether the proposed project falls within a mapped survey area for mammal species. Be specific regarding which mammal species require surveys.

7.4.1 Methods

- Include methodology used to determine whether focused surveys were necessary (i.e., results of habitat assessment). Include when and where the assessment occurred. If a habitat assessment yields suitable habitat for mammals, then focused surveys are required.
- There is no official survey protocol (assessment and trapping) in the MSHCP; however, the MSHCP Biological Monitoring Program has developed and refined a survey protocol that should be used as a guide to assess if adequate Aguanga kangaroo rat (AKR), Los Angeles pocket mouse (LAPM), and San Bernardino kangaroo rat (SBKR) surveys have been conducted (refer to LAPM and SBKR Survey Reports appended to the Annual Reports on the MSHCP website; <https://www.wrc-rca.org/document-library/annual-reports/>).

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7.4.2 Existing Conditions and Results

- Concluding that no suitable habitat for mammals is present on the site should be supported with solid evidence (e.g., soils, topography, and existing development).
- Focused survey results should be discussed both qualitatively and quantitatively. A figure depicting vegetation communities present and identifying suitable habitat (including suitable burrows), the survey area, project site boundary, proposed project impacts, and any detected target species should also be included.
- This section should include a description of the LTCV of the habitat for the mammalian species. This would include, but is not limited to, a description of the population viability, the proximity of other local populations, and the surrounding environment.

7.4.3 Impacts

- Impacts (permanent and temporary, direct and indirect) to small mammal-occupied habitat should be discussed both qualitatively and quantitatively.
- If avoidance of occupied habitat is proposed, the project would need to demonstrate how the area will be avoided (e.g., fencing, signage, etc.). Avoidance areas should also be depicted on project figures and included in GIS shapefiles with the JPR Application submittal.

7.4.4 Mitigation

- For portions of the property with positive survey results, if the proposed project cannot avoid (permanent and temporary) at least 90% of the occupied portion(s) of the property that contributes to the LTCV of the species, a DBESP report is required. A solid justification regarding how the 90% and 10% determinations were made is required. Note that not all habitat has to be occupied in order for it to be considered to have LTCV.
- Should applicant-sponsored mitigation (on or off site) be proposed, the extensive details that would need to be included in a DBESP should also be summarized in the Consistency Analysis report. At a minimum, details would include location of mitigation area, type of mitigation, acreages, when the mitigation would be implemented, success criteria, monitoring plan (e.g., years/duration, frequency, etc.), reporting, management entity, and contingency plan in the event the mitigation is not successful. Also, refer to bullet below.
- If the proposed project intends to place the mitigation area under conservation, identify the land administrator that will ensure this habitat is conserved until the subject small mammal species are determined by the Wildlife Agencies to be adequately conserved as required by the MSHCP. If RCA is the intended recipient of this land, it is advised to begin coordination as early in the process as possible.

The assessment/focused survey requirements and 90% avoidance requirements will be waived upon demonstrating that the species-specific objectives contained in MSHCP Volume I, Section 9.2 and Table 9-2, and Volume II, Section B have been achieved.

8 INFORMATION ON OTHER SPECIES

8.1 Delhi Sands Flower-Loving Fly

State whether the proposed project falls within an area with Delhi soils mapped using the MSHCP baseline data.

8.1.1 *Methods*

- If Delhi soil types are mapped within the MSHCP baseline data on the proposed project, an assessment of habitat for the Delhi Sands flower-loving fly (DSFLF) is required.
- It is understood that focused surveys would be conducted within suitable habitat areas of the mapped Delhi soils as determined by the surveying biologist. If suitable habitat is identified, 2 years of focused surveys for the DSFLF are required.
- Surveys shall be conducted according to accepted USFWS protocol (USFWS 2004); surveys are conducted 2 times per week from July 1 to September 20 for 2 consecutive years under suitable conditions.
- Include a description of the followed methodology, including when and where the assessment or focused surveys occurred.

8.1.2 *Existing Conditions and Results*

- Concluding that no suitable habitat for DSFLF is present on the site should be supported with solid evidence, especially when open areas (i.e., non-developed, non-paved, etc.) remain on the site, regardless of other disturbance conditions.
- Focused survey results should be both qualitatively and quantitatively discussed. A figure depicting suitable habitat (including soils), the survey area, project site boundary, proposed project impacts, and any detected target species should also be included.
- This section should include a description of the LTCV of the habitat for the DSFLF. This would include, but is not limited to, a description of the population viability, the proximity of other local populations, and the surrounding environment.

8.1.3 *Impacts*

- Impacts (permanent and temporary, direct and indirect) to DSFLF-occupied habitat should be both qualitatively and quantitatively discussed with reference to the species conservation objectives outlined in MSHCP Table 9-2.
- If DSFLF habitat is proposed for avoidance, the project report would need to demonstrate how the area will be avoided (e.g., fencing, signage, etc.). Avoidance areas should also be depicted on project figures and included in GIS shapefiles with the JPR Application submittal.

8.1.4 *Mitigation*

- In accordance with Table 9-2, Species Objective 1B, if the project site is determined occupied by DSFLF, then 75% of mapped Delhi soils on the site must be conserved. A solid justification regarding how the 75% determination was made is required and must

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be conducted in coordination with USFWS. Note that any variation to this conservation goal must be in accordance with Species Objective 1B.

- Any mitigation for permanent and temporary impacts to DSFLF should be summarized in an accompanying DBESP report.
- Note that due to the extremely narrow habitat requirements of this species and the declining availability of suitable habitat within the Plan area, impacts to DSFLF habitat may be challenging to mitigate.
- If the proposed project intends to place DSFLF habitat under conservation, include the administrator responsible for managing the land to ensure it is conserved until the DSFLF is determined by the Wildlife Agencies to be adequately conserved as required by the MSHCP.

As provided in Table 9-2, Species Objective 1B, after 220 acres are conserved within geographic areas identified in the MSHCP, no further surveys or conservation will be required. The exception to the above is Cells 21, 22, and 55 within Jurupa Area Plan, Subunit 3. For projects located within these Cells, surveys shall not be required. Instead, 50 acres of Additional Reserve Lands shall be acquired.

8.2 Coastal California Gnatcatcher

- Although protocol-level surveys for California gnatcatcher are not required per the MSHCP, Permittees are required (per the USFWS Special Terms and Conditions for Permit TE-088609-0) to avoid clearing California gnatcatcher-occupied habitat in the Criteria Area and in PQP lands between March 1 and August 15. Therefore, include a discussion regarding the presence of suitable coastal California gnatcatcher habitat (regardless of occupancy) within the Criteria Area. If occupied habitat is present, include a commitment that all habitat clearing, grubbing, grading, and associated construction actions will be timed to avoid the active breeding season for California gnatcatcher (March 1 to August 15) within the Criteria Cells and/or PQP lands.
- Note that although focused surveys for California gnatcatcher are not required, sightings and calls are often incidentally observed/heard during other assessments/surveys. If this species is detected and could be potentially occupied, and the habitat (Riversidian sage scrub [RSS], including disturbed RSS) cannot be avoided, this habitat cannot be removed from March 1 to August 15 without conducting focused protocol-level surveys to prove absence.
- Furthermore, note that the MSHCP does not allow for the take of any nesting birds, regardless of the time of year, as protected pursuant to applicable California Fish and Game Codes and the Migratory Bird Treaty Act.

8.3 Species Not Adequately Conserved

- If any of the MSHCP Table 9-3 species (28 species) occur on the site, the Consistency Analysis should also include a relevant discussion as appropriate. This may be best presented in a "potential to occur" table format. Information on suitable habitat that can support the species and current site conditions (e.g., information on soil, vegetation

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communities, hydrology, known occurrence data within site and in the vicinity, etc.), and other relevant information or evidence should be provided to justify “potential to occur” determinations. Contact RCA for information regarding whether the Species Objectives have been met. This information is also provided in the MSHCP Status of Covered Species Not Adequately Conserved (Table 9-3 Species) within the Document Library on RCA’s website (<https://www.wrc-rca.org/document-library/>).

- For those species occurring on the project site, and for which the Species Objectives have not yet been met, additional actions may be required. However, this will be determined in coordination with RCA on a case-by-case basis.
- Note that disturbance is not a sole factor for concluding absence of the Table 9-3 species for which the Species Objectives have not yet been met. For example, some plant species listed on Table 9-3 may have seed banks that can persist for years even under disturbed conditions. Provide all factors that could support absence of Table 9-3 species and include any previously recorded occurrences on or near the project site, as applicable.
- Take is very limited or is not available for the following species³:
 - Santa Rosa Plateau fairy shrimp
 - Bald eagle
 - Golden eagle
 - Peregrine falcon
 - White-tailed kite

9 GUIDELINES PERTAINING TO THE URBAN/WILDLANDS INTERFACE (SECTION 6.1.4)

- To preserve the integrity of areas described as existing or future MSHCP Conservation Areas, the guidelines contained in Section 6.1.4, Urban Wildlands Interface Guidelines, shall be implemented by the Permittee in their actions relative to the project. The intent is to control the potential adverse effects of development on adjacent existing and future MSHCP conservation areas.
- All proposed projects that are located adjacent or have on-site connection to either existing conservation or land described for conservation are required to address how they plan to implement all of the Urban Wildlands Interface Guidelines:
 - Measures should be incorporated to control the quantity and quality of runoff from the site entering the MSHCP Conservation Area, either directly or indirectly. Best management practices should be included to ensure that siltation and erosion are minimized during construction and incorporated into the final design of future development projects in order to ensure that future water quality is not degraded. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into existing natural drainage courses

³ All the raptor species listed here are State Fully Protected Species.

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- and/or MSHCP Conservation Areas. Any water quality or other drainage discharges should be reviewed by RCA prior to conveyance into the MSHCP Conservation Area.
- Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bio-products, such as manure; that are potentially toxic; or that may adversely affect wildlife species, habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. The greatest risk is from landscaping fertilization overspray and runoff.
 - The siting and design of fencing cannot impede wildlife movement unless the purpose of the fencing is to prevent potential harm to wildlife (e.g., deter wildlife from entering a heavily trafficked road). Design features may include, but not be limited to, jump-outs, pass-through gates, and/or one-way gates. Any description of fencing should include a commitment to routine maintenance. Fencing plans must be submitted to RCA for review and approval prior to grading permit.
 - Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate, in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping into the MSHCP Conservation Areas. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms. If proposed land uses are located adjacent to MSHCP Conservation Areas, a fencing plan shall be submitted to RCA for review and approval prior to grading permit.
 - Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.
 - Proposed noise-generating land uses affecting the MSHCP Conservation Area shall incorporate setbacks, berms, or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards.
 - Invasive species (refer to MSHCP Table 6-2) should not be used in development or restoration plan activities.
 - Manufactured slopes are not permitted to extend within existing or planned Conservation Areas.
 - Weed abatement and fuel modification zones may not encroach into existing or planned Conservation Areas or avoidance areas.

10 CONSTRUCTION GUIDELINES (SECTION 7.5.3)

The following practices are applicable to covered facilities within the Criteria Area and PQP Lands.

- Describe and commit to implementation of each of the construction guidelines in MSHCP Section 7.5.3, as applicable.

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- Of special consideration in Section 7.5.3 and to all projects in general, note that timing of construction activities must consider seasonal requirements for breeding birds and migratory non-resident species and that habitat clearing will be avoided during species active breeding season.

11 BEST MANAGEMENT PRACTICES (MSHCP VOLUME I, APPENDIX C)

- The practices identified in MSHCP Volume I, Appendix C are applicable to all projects.
- Describe and commit to implementation of each of the best management practices in MSHCP Volume I, Appendix C.
- Of special consideration in MSHCP Volume I, Appendix C, please note that the inclusion of a qualified biological monitor is required for the duration of the project (i.e., to monitor any activity that could directly or indirectly impact MSHCP resources). This should be included in the list of Conditions of Approval for the proposed project.

12 JPR DOCUMENT – SUPPORTING APPENDICES

- Attach supporting documentation, including all survey reports (i.e., biological resources analysis, focused surveys, protocol-level surveys, etc.) and the Jurisdictional/Aquatic Resource Delineation Report, if applicable.

13 OTHER TIPS FOR A COMPLETE AND ADEQUATE SUBMITTAL

- For the JPR process, it is very important to maintain a complete documented record of the project's consistency with the MSHCP. Therefore, Permittees/applicants should submit JPR supporting documents that are accurate, adequate, and well organized. Furthermore, if multiple documents are submitted for a JPR, ensure that each document is consistent with the others. Higher quality supporting documentation also facilitates more efficient JPR processing.
- Revisions to JPR supporting documents must be incorporated into the documents, not in a separate "responses to RCA comments" document. It is helpful to the reviewer to also get a "responses to RCA comments" document, but that is not adequate if not also accompanied by revised JPR documentation. Additionally, dates on revised documents should be updated.
- Be cognizant of using terminology such as "low potential to occur," "unlikely to occur," etc. Any potential to occur, regardless of how minimal, is still a potential, and thus, surveys would then be required.
- Vague language is confusing and should not be used. Applicants should justify and support all conclusions using scientific, biological, or other technical information. Just stating "no suitable habitat" without supporting evidence is not adequate.
- Do not use the term "survey" to describe all fieldwork. Be definitive regarding the type of fieldwork, such as "habitat assessment," "focused survey," "protocol-level survey," etc. to describe the survey efforts.

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- Age of Surveys: To provide optimal survey results, surveys should not be greater than 1 to 2 years old. Exceptions to this include (1) fairy shrimp surveys that require two survey seasons within a 5-year period, (2) DSFLF (2 years of surveys required; no updated future surveys needed), and (3) acceptance of “outdated” surveys if discussed and agreed upon by RCA (e.g., riparian birds, Narrow Endemic Plant Species Survey Area/Criteria Area Species Survey Area, burrowing owl). Note that although the MSHCP does not include a specific requirement for age of surveys, biologists should consider that wildlife moves and plants spread and that concluding presence/absence is based on implementing optimal survey methodology as well as current site conditions. RCA follows all guidance on age of survey requirements as included within approved focused survey protocol (as described in the MSHCP permit conditions).
- It is important for the proposed project to also evaluate whether the hydrology within the vicinity is expected to change as a result of project implementation. Discuss whether changes associated with the proposed project will cut off hydrology to vernal pools, other fairy shrimp habitat, riparian resources, amphibians, or special-status plant species within or adjacent to the project site or within the watershed/subwatershed. Note that this discussion is required even if the proposed project intends to avoid said resources.
- Given that one of the broad yet critical objectives of the MSHCP is to facilitate movement and maintain connectivity for wildlife, this should be considered during the JPR process, particularly relative for discussions related to the LTCV of connected habitats for potentially impacted species.
- If you or other biological consultants have not yet attended the MSHCP Training for Biological Consultants, typically held at the end of each year (outside of survey season), we encourage you to do so. In late summer/early fall of each year, RCA will send out an email notice to biological firms/individual consultants for the training. Please feel free to forward the notice to others as needed.

This document template is subject to change and will be revised/improved as needed. It is the responsibility of the Permittees and/or biological consultants to check periodically for updates to this template.

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REFERENCES (used in preparing this Template)

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MSHCP Consistency Analysis

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Attachment A: DBESP Triggers and Eventual Release from Surveys/Avoidance

MSHCP Volume I Resources	Requires DBESP unless the following is implemented:	Comments
		<p>typically required in the review of all projects under existing regulations and procedures. The application of these existing regulations and procedures can contribute to the long-term conservation of functions and values of riparian/riverine areas and vernal pools within the MSHCP Plan area to ensure maintenance of functions and values within the MSHCP Conservation Area.</p> <p>Survey and mitigation requirements for Riparian/Riverine and Vernal Pools resources will continue to apply for the life of the MSHCP.</p>
<p>Section 6.1.2 Fairy Shrimp</p> <ul style="list-style-type: none"> • Riverside fairy shrimp • Santa Rosa Plateau fairy shrimp • vernal pool fairy shrimp 	<p>90% avoidance of <u>occupied</u> portion(s) of the property that provide LTCV. Avoidance of LTCV would also include avoidance of supporting hydrology.</p>	<p>Note that not all habitat has to be occupied in order for it to be considered to have LTCV.</p> <p>Survey and mitigation requirements for these three fairy shrimp species will continue to apply for the life of the MSHCP.</p>
<p>Section 6.1.2 Riparian Birds</p> <ul style="list-style-type: none"> • least Bell's vireo • southwestern willow flycatcher • western yellow-billed cuckoo 	<p>Least Bell's vireo – For portions of the property <u>with positive survey results</u>, 90% conservation of the property that provides for LTCV. This includes 100 meters of undeveloped landscape (on the property) adjacent to the habitat conserved.</p> <p>Southwestern willow flycatcher and western yellow-billed cuckoo – For portions of the</p>	<p>Note that not all habitat has to be occupied in order for it to be considered to have LTCV.</p> <p>Least Bell's vireo – Language re: future release from survey/avoidance requirements not found in Volume I, Volume II.B, nor Volume III (IA). Least Bell's vireo survey requirements, avoidance, and/or mitigation will continue for life of MSHCP.</p> <p>Southwestern willow flycatcher and western yellow-billed cuckoo – The survey requirements will be waived upon demonstrating that the species-specific objectives contained in MSHCP Volume I, Section 9.2 and Table 9-2, and Volume II, Section B have been achieved.</p>

Attachment A: DBESP Triggers and Eventual Release from Surveys/Avoidance

MSHCP Volume I Resources	Requires DBESP unless the following is implemented:	Comments
	<p>property <u>with positive survey results</u>, 100% conservation of the property that provides LTCV. Similar to least Bell's vireo, this includes 100 meters of undeveloped landscape adjacent to the habitat conserved.</p>	<ul style="list-style-type: none"> • Southwestern willow flycatcher – (from Table 9-2) This objective provides for conservation of 100% of the occupied portions of the property that provide for LTCV for the flycatcher • . The survey requirements within this objective will be waived upon demonstrating that at least two Core Areas contain at least 10 successful flycatcher breeding pairs and at least four additional Core Areas each support breeding populations of at least 5 pairs of flycatchers. • Western yellow-billed cuckoo – (from Table 9-2) 100% of the occupied portions of the property that provide for LTCV for the western yellow-billed cuckoo. In addition, implementation of Objective 3 for this species will maintain or, if feasible, improve the riparian habitats within the recent documented locations and potential habitat and potential habitat linkages within riparian areas by preserving the hydrological processes within the drainages that support the potential habitat and, if feasible, by selectively restoring, rehabilitating, or revegetating all such areas that are currently fragmented or otherwise degraded. The Conservation Strategy for this species includes (1) pre-construction surveys of potential habitat areas that cannot be avoided, (2) assessments of the current and future utility of habitat areas, and (3) the means to secure or otherwise conserve additional habitat areas to expand the MSHCP Conservation Area until the continuing preservation of the western yellow-billed cuckoo and its habitat results in the conservation of the species that is currently on the verge of extirpation within the Plan area and a large majority of California as a whole.

Attachment A: DBESP Triggers and Eventual Release from Surveys/Avoidance

MSHCP Volume I Resources	Requires DBESP unless the following is implemented:	Comments
Section 6.1.3 Narrow Endemic Plant Species (Table 6-1)	For portions of the property with positive survey results, 90% avoidance of property that provides LTCV.	Note that not all habitat has to be occupied in order for it to be considered to have LTCV. As provided in Section 6.1.3, the survey and 90% avoidance requirements will be waived upon demonstrating that the species-specific objectives contained in MSHCP Volume I, Section 9.2 and Table 9-2, and Volume II, Section B have been achieved.
Section 6.3.2 Criteria Area Plant Species (Table 6-1)	For portions of the property with positive survey results, 90% avoidance of property that provides LTCV.	Note that not all habitat has to be occupied in order for it to be considered to have LTCV. As provided in Section 6.3.2, the survey and 90% avoidance requirements will be waived upon demonstrating that the species-specific objectives contained in MSHCP Volume I, Section 9.2 and Table 9-2, and Volume II, Section B have been achieved.
Section 6.3.2 Amphibians <ul style="list-style-type: none"> • arroyo toad • California red-legged frog • mountain yellow-legged frog 	For portions of the property with positive survey results, 90% avoidance of property that provides LTCV.	Note that not all habitat has to be occupied in order for it to be considered to have LTCV. As provided in Section 6.3.2, the survey and 90% avoidance requirements will be waived upon demonstrating that the species-specific objectives contained in MSHCP Volume I, Section 9.2 and Table 9-2, and Volume II, Section B have been achieved.
Section 6.3.2 Burrowing Owl	For portions of the property with positive survey results, 90% avoidance of property that provides LTCV.	Note that not all habitat has to be occupied in order for it to be considered to have LTCV. As provided in Section 6.3.2, the survey and 90% avoidance requirements will be waived upon demonstrating that the species-specific objectives contained in MSHCP Volume I, Section 9.2 and Table 9-2, and Volume II, Section B have been achieved.
Section 6.3.2 Small Mammals <ul style="list-style-type: none"> • Aguanga kangaroo rat 	For portions of the property with positive survey results, 90% avoidance of property that provides LTCV.	Note that not all habitat has to be occupied in order for it to be considered to have LTCV. As provided in Section 6.3.2, the survey and 90% avoidance requirements will be waived upon demonstrating that the

Attachment A: DBESP Triggers and Eventual Release from Surveys/Avoidance

MSHCP Volume I Resources	Requires DBESP unless the following is implemented:	Comments
<ul style="list-style-type: none"> • San Bernardino kangaroo rat • Los Angeles pocket mouse 		species-specific objectives contained in MSHCP Volume I, Section 9.2 and Table 9-2, and Volume II, Section B have been achieved.
Volume I, Table 9-2 Delhi Sands Flower-Loving Fly	Fulfillment Table 9-2, Objective 1B, in combination with the other components of the MSHCP Conservation Strategy described in Volume II.B, Introduction to Species Accounts.	Excerpts from Table 9-2: After 220 acres are conserved within geographic areas identified in the MSHCP, no further surveys or conservation will be required. The exception to the above is Cells 21, 22 and 55 within Jurupa Area Plan, Subunit 3. For projects located within these Cells, surveys shall not be required. Instead, 50 acres of Additional Reserve Lands shall be acquired.

Notes:

- MSHCP = Multiple Species Habitat Conservation Plan; DBESP = Determination of Biological Equivalent or Superior Preservation; JPR = Joint Project Review; CEQA = California Environmental Quality Act; LTCV = long-term conservation value; WA = Wildlife Agencies.
- Consistency analysis must include detailed description regarding how the 90% and 10% calculations (quantitatively and qualitatively) were determined specifically relevant to LTCV.
- For all requirements involving avoidance, the consistency analysis should include avoidance of indirect impacts as well as direct impacts.
- Analysis of impacts must consider fuel modification zones. Impacts within these zones will be considered permanent.
- Analysis of impacts must consider temporal loss and justify how the temporal loss would not negatively affect LTCV.
- Restoration of temporary impacts back to pre-project conditions must include restoring LTCV for the species mentioned above.
- Avoidance shall not be considered "Conservation contributing to Reserve Assembly" unless the avoided populations are acquired by the Regional Conservation Authority and managed as Additional Reserve Lands.