

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

[Insert Project Name]

[Permittee Name]
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[Applicant Name]
[Applicant Contact]

[Consultant Name]
[Consultant Contact]

DATE

MSHCP Consistency Analysis

Contents

| | | |
|-------|--|----|
| 1 | EXECUTIVE SUMMARY | 6 |
| 2 | INTRODUCTION..... | 6 |
| 2.1 | Project Area..... | 6 |
| 2.2 | Project Description | 7 |
| 2.3 | Covered Roads..... | 7 |
| 2.4 | Covered Public Access Activities..... | 8 |
| 2.5 | General Setting..... | 9 |
| 3 | RESERVE ASSEMBLY ANALYSIS | 9 |
| 3.1 | Public Quasi-Public Lands..... | 12 |
| 3.1.1 | Public Quasi-Public Lands in Reserve Assembly Analysis | 12 |
| 3.1.2 | Project Impacts to Public Quasi-Public Lands | 12 |
| 4 | VEGETATION MAPPING..... | 13 |
| 5 | PROTECTION OF SPECIES ASSOCIATED WITH RIPARIAN/RIVERINE AREAS AND VERNAL POOLS (SECTION 6.1.2)..... | 14 |
| 5.1 | Riparian/Riverine | 15 |
| 5.1.1 | Methods | 15 |
| 5.1.2 | Existing Conditions and Results | 15 |
| 5.1.3 | Impacts | 16 |
| 5.1.4 | Mitigation | 17 |
| 5.2 | Vernal Pools | 17 |
| 5.2.1 | Methods..... | 17 |
| 5.2.2 | Existing Conditions and Results | 17 |
| 5.2.3 | Impacts | 18 |
| 5.2.4 | Mitigation | 18 |
| 5.3 | Fairy Shrimp | 18 |
| 5.3.1 | Methods | 18 |
| 5.3.2 | Existing Conditions and Results | 19 |
| 5.3.3 | Impacts | 19 |
| 5.3.4 | Mitigation | 19 |
| 5.4 | Riparian Birds..... | 20 |
| 5.4.1 | Methods..... | 20 |
| 5.4.2 | Existing Conditions and Results | 20 |
| 5.4.3 | Impacts | 21 |
| 5.4.4 | Mitigation | 21 |

MSHCP Consistency Analysis

| | | |
|------------|--|-----------|
| 5.5 | Other Section 6.1.2 Species | 22 |
| 6 | PROTECTION OF NARROW ENDEMIC PLANT SPECIES (SECTION 6.1.3)..... | 22 |
| 6.1 | <i>Methods</i> | 22 |
| 6.2 | <i>Existing Conditions and Results</i> | 23 |
| 6.3 | <i>Impacts</i> | 24 |
| 6.4 | <i>Mitigation</i> | 24 |
| 7 | ADDITIONAL SURVEY NEEDS AND PROCEDURES (SECTION 6.3.2)..... | 24 |
| 7.1 | Criteria Area Plant Species | 24 |
| 7.2 | Amphibians..... | 25 |
| 7.2.1 | Methods | 25 |
| 7.2.2 | Existing Conditions and Results | 25 |
| 7.2.3 | Impacts | 25 |
| 7.3 | Burrowing Owl | 26 |
| | State whether or not the proposed project falls within the mapped survey area for burrowing owl..... | 26 |
| 7.3.1 | Methods..... | 26 |
| 7.3.2 | Existing Conditions and Results | 27 |
| 7.3.3 | Impacts | 27 |
| 7.4 | Mammals..... | 28 |
| 7.4.1 | Methods | 28 |
| 7.4.2 | Existing Conditions and Results | 29 |
| 7.4.3 | Impacts | 29 |
| 7.4.4 | Mitigation | 29 |
| 8 | INFORMATION ON OTHER SPECIES..... | 31 |
| 8.1 | Delhi Sands Flower Loving Fly | 31 |
| 8.1.1 | Methods..... | 31 |
| 8.1.2 | Existing Conditions and Results | 31 |
| 8.1.3 | Impacts | 31 |
| 8.1.4 | Mitigation | 32 |
| 8.2 | Species Not Adequately Conserved | 32 |
| 9 | GUIDELINES PERTAINING TO THE URBAN/WILDLANDS INTERFACE (SECTION 6.1.4)..... | 33 |
| 10 | BEST MANAGEMENT PRACTICES (VOLUME I, APPENDIX C)..... | 34 |
| 11 | REFERENCES..... | 34 |
| | JPR DOCUMENT - SUPPORTING APPENDICES..... | 35 |
| | OTHER TIPS FOR A COMPLETE AND ADEQUATE SUBMITTAL..... | 36 |

MSHCP Consistency Analysis

MSHCP Consistency Analysis

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 is intended to assist proposed discretionary projects located within the MSHCP Criteria Area 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 template is intended to provide general guidance to assist the Permittees and Applicant's biologist with the JPR process. Information necessary to demonstrate consistency is not always specifically laid out in the detail in the MSHCP. In those situations, the analysis should not only include specified requirements, but also consider how the proposed project will best meet the overall goals and objectives of the MSHCP, maintain habitat functions and values, and protect species.

Please note that while it is not required that JPR supporting documents follow the MSHCP 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 (BTR) has been prepared for the project, this MSHCP Consistency Analysis report template should still be included either as its own chapter or as a separate document.

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 App:

<http://wrcrca.maps.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 MSHCP Consistency Analysis Report. The following information should be included:

- Total Acres of Project Site: Total project site acreage; Include off-site acreage as a separate number, if applicable.
- Total Acres Planned for Development: This is the project footprint acreage (or expected impact area). This should be separated into temporary and permanent (if applicable)

MSHCP Consistency Analysis

and into on-site and off-site (if applicable). Include any proposed staging areas that may be physically located separate from the project area.

- Total Acres Planned for Conservation: Only include if the acreage is being offered for conservation. Avoidance acreages should not be listed here.
- List of Assessor Parcel Numbers (APNs): Note that the County has updated some of their APNs rendering some of the APNs invalid. Updated valid APNs should be provided.

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

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 involves any off-site improvements or staging areas.
- The project involves both temporary and permanent impact areas.
- The project proposes any avoidance and/or conservation areas.
- The project is a non-County action.

GIS data should include all clearly labeled permanent and temporary impact areas, off-site features (e.g., road improvements, staging areas, work areas, etc.), and avoidance and/or conservation areas. Note that RCA may not begin to review of the JPR application/documentation without GIS shapefiles (if applicable).

Figure Requirements: Maps and graphics should depict all development and avoidance/conservation areas, clearly labelled as such. Where applicable, all temporary and permanent impact areas and any off-site project features should also be clearly shown and labeled. Applicable survey buffers (e.g., burrowing owl) should also be shown and labeled.

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 Riverside Conservation Authority (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 (USACE), and Regional Water Quality Control Board (RWQCB), prior to the initiating the JPR Process. For more information and to reserve a date/time for either the

MSHCP Consistency Analysis

monthly RCA/Wildlife Agencies or the Pre-Application Meetings, please contact Kristin Staudenmaier at kristins@wrcrca.org.

JPR Review Timeframes: RCA has 14 calendar days following receipt of a complete application (electronic copies; see 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, and 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. See Figure 1 for a flow chart of the JPR review process.

Note that all revised JPR document submittals should include fully revised reports, not just a “Responses to Comments” document provided in lieu of 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).

MSHCP Consistency Analysis Template: For ease of use, guidance in this document 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 shall 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 Report 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 Wildlife Agencies, following receipt of the JPR Findings and supporting documentation, have 10 working days to issue comments requesting additional information or provide concurrence. Note that if a DBESP Report is included, the Wildlife Agencies have 60 working 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.

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

MSHCP Consistency Analysis

The 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 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 recommended that Wildlife Agency review of the DBESP and other MSHCP requirements be completed prior to release of the draft CEQA document.

MSHCP Consistency Analysis



Joint Project Review Process Overview

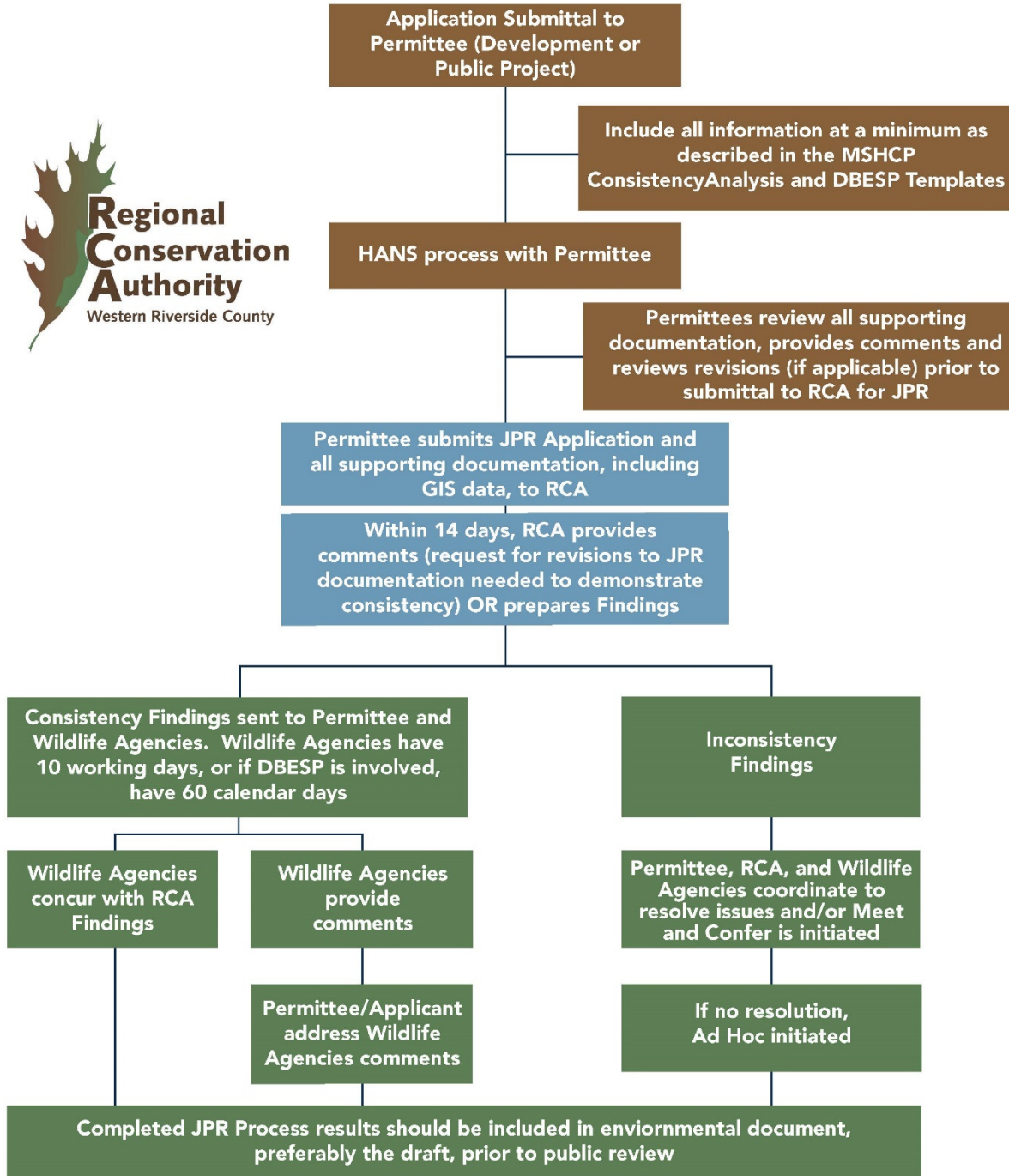


Figure 1. Joint Project Review Process Overview

MSHCP Consistency Analysis

1 EXECUTIVE SUMMARY

Provide an overview of the proposed project in relation to the MSHCP requirements. Include applicable Criteria Cell(s) or Cell Group (both, as applicable), Cores and Linkages, surveys required by the MSHCP, survey results, impacts including temporary and/or permanent, off-site areas (if applicable), proposed staging areas outside of the main project footprint, and proposed mitigation (if applicable).

2 INTRODUCTION

Insert standard language used in an Introduction section, such as “The purpose of this Consistency Analysis (Analysis) report is to summarize the biological data for the proposed [insert project name] and to document 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 Area

- Provide consistent valid project Assessor Parcel Numbers (APNs).
- All project acreages should be clearly and consistently reported among all JPR documents and the JPR Application form. The project description should include project acreages for both on-site and off-site features, as well as any proposed staging areas. *Note that if the proposed project does not include 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 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 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.
- Note that weed abatement and fuel modification zones should be labeled separately as these zones may be impacted by ongoing vegetation removal activities and would be considered permanently impacted.

MSHCP Consistency Analysis

- If portions of the proposed project occur outside of the Criteria [Cell(s) or Cell Group, (whichever is applicable)], include acreages by APN(s) that occur within and outside of the Criteria Cell(s) or Cell Group (whichever is applicable).

2.2 Project Description

- The project description should include, but is not limited to, the type of proposed project, the type of activities that will occur on-site, where project activities will occur within the project site, 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 on- and off-site locations of all features relative to the project site.
- As mentioned above, the inclusion of a site plan is required, but it is important to also include a qualitative project description within this section.
- For larger projects or projects with an extended construction period, include an estimated time and duration construction activities will occur. This is also relevant to sensitive species or habitat on site that may be temporarily impacted.
- All proposed avoidance or conservation areas should be depicted in project figures clearly labeled as such, and GIS shapefiles that clearly label these features should be submitted with the JPR application materials.
- Discuss weed abatement and fuel modification zones as these zones may be impacted by ongoing vegetation removal activities and would be considered permanently impacted.

2.3 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 involve any other associated development, contact the RCA to obtain the appropriate Public Project JPR Application Form.
- "Covered Roads" are only those roadways that were planned at the time the MSHCP was initiated (MSHCP Figure 7-1). Any new roadways that were not already planned at the time the MSHCP was initiated would require early coordination with and approval by the RCA and Wildlife Agencies.
- Prior to going through the JPR process, a Minor Amendment to the MSHCP would be required that would include an appropriate road exchange. 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

MSHCP Consistency Analysis

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 is 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).

- If the Wildlife Agencies do not concur with the analysis supporting the Minor Amendment, the project shall be subject to a Major Amendment.
- Siting, design, and construction of these planned roadways 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 applies only to “capacity-enhancing” covered roadway projects, not basic operation and maintenance projects. Projects proposed for the purpose of addressing safety issues would also be subject to JPR if any part of the project would result in increased capacity or traffic volumes on the roadway.
- Note that although new Covered Roads sited within Conserved Lands are not subject to Reserve Assembly analysis nor the Conserved Lands replacement land requirements, it must be demonstrated that they are being 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.
- These facilities are also subject to the Best Management Practices (BMPs) identified in MSHCP Appendix C. Include a discussion regarding how each of the BMPs will be implemented.

2.4 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, contact the RCA to obtain the appropriate Public Project JPR Application Form.
- The covered public access uses within the MSHCP Conservation Area will be comprised 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

MSHCP Consistency Analysis

community trails, which are primarily used by equestrian users (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 (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 facility, 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.

2.5 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 Consistency Analysis. Efforts should be focused early on to ensure that Assembly goals (acreages and function) are still achievable with development of a project site. If there are anticipated issues, it is helpful to coordinate early with the Permittee, RCA, and the Wildlife Agencies.

- 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 (Core, Linkage, etc.) that is the focus of the Criteria description. This analysis should also include a discussion of the applicable Planning Species for the Reserve feature, the applicable Subunit goals, and whether the proposed project impedes the overall function of the feature or the use of the feature by these species.

MSHCP Consistency Analysis

- Do not include a map of the Conceptual Reserve Design (CRD). If needed for the Reserve Assembly discussion, graphically depict a project-specific interpretation of the Cell or Cell Group criteria text. Given that the MSHCP is a “soft-line” Plan and that the criteria is intended to provide some level of flexibility, including a CRD 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 counts towards development (i.e., acreage calculated as 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. A GIS layer of Covered Roads is available to the Permittee provided by 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 from functioning as conservation nor 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 (> 1 acre) if the undeveloped portion of the lot may contribute to Reserve Assembly. Existing homes, generally on large lots, 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.

MSHCP Consistency Analysis

Approved development refers to projects already reviewed under a JPR, but are not yet developed. JPR layer data is needed for this analysis and may be requested by the Permittee from the RCA. The Permittee should provide any pre-MSHCP approved project information that would 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 the 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 the 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 Public/Quasi-Public [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, and should not include 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 MSHCP Reserve Assembly goals.

MSHCP Consistency Analysis

- 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 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 value² of habitats that support MSHCP 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 Analysis should describe whether or not 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 Plan 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

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.

MSHCP Consistency Analysis

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 PQP lands are going to be impacted, the PQP biological equivalency or superior analysis 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), MSHCP Conservation Area configuration and management (such as increases or decreases in edge), and ecotones (defined as the areas of adjoining vegetation communities, generally characterized by greater biological diversity), and other conditions affecting species diversity (such as invasion by exotic species). The equivalency analysis should be submitted in narrative and graphic form comparing the impacted PQP land with the replacement land.
- Note that replacement land must be lands not already described for conservation.
- Because of temporal loss, even temporary impacts may have to be replaced at a 1:1 ratio. If it is a small area, PQP replacement may not be required, but these areas will require additional coordination with RCA, and shall be restored.
- If impacts are anticipated to occur within PQP lands, coordinate with RCA for 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., BLM, State Wildlife Areas, other HCP reserves, etc.).

4 VEGETATION MAPPING

A project-level vegetation map may be 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, 3) are subject to the Narrow Endemics Plant Species policies included in Section 6.1.3, 4) are subject to the Additional Survey Needs and Procedures described in Section 6.3.2, 5) are seeking criteria refinements as described in Section 6.5, 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

MSHCP Consistency Analysis

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.

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 pools 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

MSHCP Consistency Analysis

alteration of natural stream courses, areas demonstrating characteristics as described above which are artificially created are not included in these definitions.”

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 the MSHCP has a separate definition for “riparian” and for “riverine.”
- 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 man-made 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 ACOE, RWQCB, or CDFW regulated waters. Discussion of regulated waters does not replace the required discussion of riparian/riverine.
- Note that resources that were once natural but are now altered (man-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 rip/rap 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

MSHCP Consistency Analysis

connected is not acceptable unless it is demonstrated that the storm drain does not connect to downstream existing conservation areas, or 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. 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.

5.1.3 Impacts

- Impacts 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.
- 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 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.

MSHCP Consistency Analysis

- 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 the proposed project cannot avoid riparian/riverine habitat, a Determination of Biologically Equivalent or Superior Preservation (DBESP) Report would be required in which to propose mitigation that demonstrate equivalent or superior function and value.
- Mitigation terminology should be consistent with current terms, such as re-establishment and establishment. Always include the acreage amount of mitigation for each mitigation type. Acreages proposed for permanent impacts would need to be mitigated at a minimum through establishment and/or re-establishment.
- If the proposed project intends to place riparian or riverine resources under conservation, include the administrator responsible for managing the land to ensure it is conserved in perpetuity. If RCA is the intended recipient of this land, it is advised to begin early coordination.

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 historic 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.

MSHCP Consistency Analysis

5.2.3 Impacts

- Impacts 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. Note that this discussion is required even if the proposed project intends to avoid vernal pool resources.
- If the proposed project cannot avoid vernal pool resources, a DBESP Report is required.

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 intends to place vernal pool resources under conservation, include the administrator responsible for managing the land to ensure it is conserved in perpetuity. If RCA is the intended recipient of this land, it is advised to begin early coordination.
- Any mitigation for direct impacts to vernal pool resources should be summarized in an accompanying DBESP Report.

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 *USFWS Survey Guidelines for the Listed Large Branchiopods* (May 31, 2015), which includes six listed fairy shrimp species, including those species covered under the MSHCP Section 6.1.2.
- 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

MSHCP Consistency Analysis

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, USFWS Permit TE-088609-0, Special Term and Condition 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 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 occurred, if applicable.

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 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.
- If the proposed project cannot avoid at least 90% of the long-term conservation value of the habitat, a DBESP Report is required. Solid support for how the 90% and 10% determinations were made is required.

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 when this will

MSHCP Consistency Analysis

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 intends to place occupied fairy shrimp habitat under conservation, include the administrator responsible for managing the land to ensure it is conserved in perpetuity. If RCA is the intended recipient of this land, it is advised to begin early coordination.
- Any mitigation for impacts to fairy shrimp should be summarized in an accompanying DBESP Report.

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 [LBVI; *Vireo bellii pusillus*], southwestern willow flycatcher [SWFL; *Empidonax traillii extimus*], or yellow-billed cuckoo [YBCU; *Coccyzus americanus*]) is present on the project site.
- If a project site is evaluated to have suitable habitat (nesting and/or foraging) for riparian bird species (including LBVI, SWFL, or YBCU) then protocol-level focused surveys are required if the habitat will not be avoided. 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 when and where surveys were conducted. Also, include the followed methodology here. Surveys should be conducted according to accepted USFWS protocols specific for each species (LBVI—USFWS 2001; SWFL—USFWS 2000; YBCU—USFWS 2015).
- 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 by 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.

MSHCP Consistency Analysis

- 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

- 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 is prohibited (described in the permit conditions, not in the MSHCP).
- If the proposed project includes impacts to riparian vegetation that was previously occupied by riparian birds during the breeding season, all impacts should be conducted outside of the applicable breeding season and a DBESP should be prepared.

5.4.4 Mitigation

- All Analyses should consider Species Conservation Objective 3 for LBVI within the MSHCP, which states that if surveys are positive for LBVI then “90% of the occupied portions of the property that provide for long-term conservation value for the vireo shall be conserved in a manner consistent with conservation of the vireo. This will involve including 100 meters of undeveloped land adjacent to the habitat conserved.” The approach of not assessing/surveying adjacent riparian habitat potentially suitable for LBVI is not an acceptable basis for not addressing this or concluding that the 100-meter setback is not required.
- Provide appropriate measures to address both direct (e.g., riparian vegetation removal) and indirect impacts (e.g., noise, changes in hydrology that support their habitat, etc.). 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 is a 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.
- Proposed mitigation for the loss of occupied LBVI habitat should be summarized in an accompanying DBESP Report.

MSHCP Consistency Analysis

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 Plan 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 Plan Area are maintained such that habitat values are maintained for ALL 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.
- For any of these species that may be present, and thus potentially impacted, include a discussion regarding the long-term conservation value 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, if impacted outside of their specified survey area requirements (e.g., NEPSSA, CASSA, small mammals, etc.), may 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. However, please 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 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 NEPSSA, 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 USFWS (2002) and CDFW (2009).

MSHCP Consistency Analysis

- Focused surveys should be conducted during the appropriate blooming period for each target species, as stated in Table 6-1 of the Plan. 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, location, 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.
- 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 soils 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 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 long-term conservation value of the habitat for the narrow endemic plant species. This would include, but is not limited to,

MSHCP Consistency Analysis

a description of the population viability, the proximity of other local populations, the surrounding environment, etc.

6.3 *Impacts*

- Impacts 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 the proposed project cannot avoid at least 90% of the long-term conservation value of the habitat, a DBESP Report is required. A solid support for how the 90% and 10% determinations were made is required.

6.4 *Mitigation*

- If avoidance of narrow endemic plant species is proposed, 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 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 intends to place narrow endemic plant species 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 early coordination.
- Any mitigation for direct impacts to narrow endemic plant species should be summarized in an accompanying DBESP Report.

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 or not the proposed project falls within a mapped survey area for Criteria Area plant species. Be specific regarding which plant species require surveys.

MSHCP Consistency Analysis

This section should follow the same general format and requirements provided in the Protection of Narrow Endemic Plant Species section (Section 6.0) above.

7.2 Amphibians

State whether or not 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., 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).

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, topography, existing development).
- 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 long-term conservation value 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, the surrounding environment, etc.

7.2.3 *Impacts*

- Impacts to amphibians should be both qualitatively and quantitatively discussed.
- Note that avoidance is required if focused surveys yield positive results for amphibians.
- 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.

7.2.4 *Mitigation*

MSHCP Consistency Analysis

- Because full avoidance of amphibians is required, 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 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 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 early coordination.

7.3 Burrowing Owl

State whether or not the proposed project falls within the mapped 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. Described 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 was not followed.
- Include criteria used to determine whether focused surveys were necessary (i.e., results of Step I habitat assessment). Include when and where the assessment occurred. If a habitat assessment yields suitable habitat for burrowing owl then focused surveys during the appropriate season are required.
- Except for the habitat assessment, all focused surveys should be conducted during the breeding season (survey window is March 1–August 31) when suitable habitat is present. Visits should be spaced not less than 1–2 weeks apart, nor should all four visits be conducted back-to-back early or late in the season when owls may not be present. Ensure that all focused surveys are completed prior to JPR submittal.

MSHCP Consistency Analysis

7.3.2 *Existing Conditions and Results*

- Map(s) should clearly depict all suitable BUOW habitat, including suitable potential burrows (e.g., openings 4-inches or greater), man-made features with interstitial space (e.g., debris piles), as well as all occurrences of individual and/or BUOW pairs or locations of burrowing owl sign (feathers, pellets). The map should also depict the 150-meter survey buffer around the project site that should have also been walked using transects (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 BUOW 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 BUOW and/or sign.
- BUOW can occur in many areas; therefore, most sites will support suitable habitat. Concluding that no suitable BUOW habitat is present on the site should be supported with solid evidence [e.g., no ground squirrel burrows, no other man-made potential burrows (boulder piles, concrete), 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 BUOW suitability.

7.3.3 *Impacts*

- Impacts to burrowing owl should be discussed both qualitatively and quantitatively, including direct and indirect.
- If BUOW are found during the focused surveys, a DBESP is required to ensure that an appropriate mitigation strategy will be approved and implemented.

7.3.4 *Mitigation*

- If BUOW are not found during focused surveys, documentation should include a written commitment to conduct pre-construction surveys for BUOW 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). If BUOW have colonized the project site prior to the initiation of construction, the project proponent will immediately inform RCA and the Wildlife Agencies, and will need to prepare a

MSHCP Consistency Analysis

Burrowing Owl Protection and Relocation Plan for approval by RCA and the Wildlife Agencies 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 has not colonized the site since it was last disturbed. If burrowing owl is found, the same coordination described above will be necessary. **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.**

- If BUOW are detected during the focused surveys, a DBESP is required to ensure that an appropriate mitigation strategy will be implemented. Discussion should provide justification regarding why direct and indirect impacts to BUOW cannot be avoided.
- Eviction/passive relocation may be acceptable if suitable conserved habitat and natural or artificial burrows are within 75–100 meters.
- If adjacent or nearby suitable habitat is not conserved, eviction may still be acceptable.
- Coordinate with RCA and CDFW on all evictions.
- Note that eviction without regard to nearby suitable habitat and available refuge should not be the standard CEQA mitigation.
- If BUOW were confirmed present, 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 State banding permit office and Federal MBTA 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 area with long-term conservation value will be conserved on-site.
- Note that addressing BUOW impacts generally requires extensive coordination, and in some cases may result in avoidance being more feasible.

7.4 Mammals

State whether or not 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

MSHCP Consistency Analysis

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 Los Angeles pocket mouse (LAPM; *Perognathus longimembris brevinasus*) and San Bernardino Kangaroo Rat (SBKR; *Dipodomys merriami parvus*) surveys have been conducted (see LAPM and SBKR Survey Reports at the MSHCP website; <http://wrc-rca.org/about-rca/monitoring/monitoring-surveys/>).

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 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 long-term conservation value 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, the surrounding environment, etc.

7.4.3 Impacts

- Impacts to mammals should be discussed both qualitatively and quantitatively, including direct and indirect impacts.
- If the proposed project cannot avoid at least 90% of the long-term conservation value of the habitat, a DBESP Report is required. A solid support for how the 90% and 10% determinations were made is required.

7.4.4 Mitigation

- If mammals 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 when this will be completed. This area should also be depicted on project figures and included in GIS shapefiles with the JPR Application submittal.

MSHCP Consistency Analysis

- If the proposed project intends to place mammal 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 early coordination.
- Any mitigation for direct impacts to mammals should be summarized in an accompanying DBESP Report.

MSHCP Consistency Analysis

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 within the MSHCP baseline data.

8.1.1 *Methods*

- If Delhi soil types are mapped within the MSHCP baseline data on the proposed project, two (2) years of focused surveys for the Delhi Sands flower-loving fly (DSFLF) are required.
- Surveys are to be conducted according to accepted USFWS protocol (2004); surveys are conducted two 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 soil remains on the site, regardless of disturbance (i.e., non-suitable = 100% developed).
- 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.
- Note that the USFWS have 60 days to review survey results, and the USFWS review and concurrence should be completed prior to submitting the JPR to the RCA.
- This section should include a description of the long-term conservation value 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, the surrounding environment, etc.

8.1.3 *Impacts*

- Impacts to DSFLF habitat should be both qualitatively and quantitatively discussed with reference to the species conservation objectives outlined in MSHCP Table 9-2.
- If the proposed project cannot avoid at least 90% of the long-term conservation value of the habitat, a DBESP Report is required. A solid support for how the 90% and 10% determinations were made is required. Note that conservation of Delhi sands is part of the MSHCP annual reporting requirements relative to Rough Step analysis.

MSHCP Consistency Analysis

8.1.4 Mitigation

- If DSFLF 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 when this action will be completed. This area should also be depicted on project figures and included in GIS shapefiles with the JRP Application submittal.
- If the proposed project intends to place DSFLF habitat under conservation, include the administrator responsible for managing the land to ensure it is conserved in perpetuity. If RCA is the intended recipient of this land, it is advised to begin early coordination.
- Any mitigation for direct 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.

8.2 Species Not Adequately Conserved

- If any of the MSHCP Table 9-3 species (28 species) occur on the site, the analysis should also include a relevant discussion as appropriate. This may be best presented in a “potential to occur” table format. Contact RCA for information regarding whether or not the Species Objectives have been met. This information is also provided in the MSHCP Annual Report, available on RCA’s website.
- 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 not available for the following species³:
 - Santa Rosa Plateau fairy shrimp
 - Bald eagle
 - Golden eagle

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

MSHCP Consistency Analysis

- 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 (UWIG) 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 UWIG 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 (BMPs) should be included to ensure that siltation and erosion are minimized during construction, and also 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 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. 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.
 - 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 Consistency Analysis

- MSHCP Conservation Areas. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms.
- 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 BEST MANAGEMENT PRACTICES (VOLUME I, APPENDIX C)

- Describe and commit to implementation of each of the BMPs in Appendix C.
- Of special consideration in 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.

11 REFERENCES

USFWS (United States Fish and Wildlife Service). 2000. *Southwestern Willow Flycatcher Protocol Revision 2000*. Sacramento, California: USFWS. <https://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/SWWFlycatcher.2000.protocol.pdf>

USFWS. 2001. *Least Bell's Vireo Survey Guidelines*. January 19, 2001. Sacramento, California: USFWS. https://www.fws.gov/cno/es/Recovery_Permitting/birds/least_bells_vireo/LeastBellsVireo_SurveyGuidelines_20010119.pdf

USFWS. 2015. *A Natural History Summary and Survey Protocol for the Western Distinct Population Segment of the Yellow-Billed Cuckoo*. Prepared by M. Halterman, M.J. Johnson, J.A. Holmes, and S.A. Laymon. Sacramento, California: USFWS. April 2015.

MSHCP Consistency Analysis

https://www.fws.gov/southwest/es/Documents/R2ES/YBCU_SurveyProtocol_FINAL_DR_AFT_22Apr2015.pdf

JPR DOCUMENT - SUPPORTING APPENDICES

Attach supporting documentation, including all survey reports and the Jurisdictional Delineation, if applicable.

MSHCP Consistency Analysis

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 is not adequate if not also accompanied by revised JPR documentation.
- 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.
- 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) Delhi Sands Flower-loving Fly (2 years of surveys required; no updated future surveys needed), and 3) acceptance of "outdated" surveys discussed and agreed upon by RCA (e.g., riparian birds, NEPSSA/CASSA, 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 and current site 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. Note that this discussion is required even if the proposed project intends to avoid said resources.

MSHCP Consistency Analysis

- 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 long-term conservation value of connected habitats for potentially impacted species.
- If you or others 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.