
4.4 - Biological Resources

4.4.1 - Introduction

This section describes the existing biological resources and potential effects from project implementation on the sites their surrounding areas. Descriptions and analysis in this section are based on information contained in the General Habitat Assessment prepared in June 2008 by MBA, included in this EIR as Appendix B.

4.4.2 - Regulatory and Resource Management Requirements

The PSEC project sites are located across a vast area and are subject to more than a dozen different management plans, regulations, or similar directives that determine how biological resources are to be managed. This section discusses each of these plans and directives and identifies which of them applies to each site.

Western Riverside Multiple Species Habitat Conservation Plan (WRMSHCP)

Overview

The WRMSHCP is a multi-jurisdictional Habitat Conservation Plan focusing on conservation of species and their associated habitats on non-federal lands in western Riverside County. The WRMSHCP allows participating jurisdictions within the plan area to incorporate projects onto the County's incidental "take" permit by complying with a series of implementing requirements, including payment of a Development Mitigation Fee. It is the intent of this process to give participants full mitigation under CEQA, NEPA, CESA, and FESA for impacts to the species and habitats covered by the WRMSHCP. The WRMSHCP is administered by the Riverside County Regional Conservation Authority (RCA). Exhibit 4.4-1 identifies the PSEC sites that are located within the WRMSHCP area.

Implementation

A critical component of the WRMSHCP process is the submittal of a habitat assessment and a Habitat Evaluation and Acquisition Negotiation Strategy (HANS) application. Anyone seeking a discretionary permit for property must first conduct a habitat assessment of the site to document site conditions. If the project site is in a criteria cell or conservation area, they must also fill out a HANS application. A criteria cell is land that has been identified as an area where conservation potentially needs to occur. Criteria cells were created to help guide the assembly of reserve lands and to preserve identified core habitat areas. Once the habitat assessment and HANS application is deemed complete, the jurisdictional agency will issue a Consistency Determination Letter. The application and letter is then reviewed by the RCA.

Certain areas within the WRMSHCP boundaries require focused surveys be conducted in areas where suitable habitat exists to support certain species and resources, such as vernal pool plants, burrowing owl, riparian areas, and riparian plant and wildlife species. If it can be shown that an area clearly does not contain suitable habitat, this requirement can be eliminated. If additional surveys are

required and depending on their outcome, the area could be considered occupied suitable habitat and if it is unfeasible to conserve 90 percent of this area, then the applicant must submit an analysis supporting a Determination of Biologically Equivalent or Superior Preservation (DBESP). The DBESP discussion lists why avoidance is not possible, quantifies unavoidable impacts, proposes project design features and mitigation measures that reduce indirect effects, and demonstrates that the project would be biologically equivalent or superior to “avoidance.”

Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)

Overview

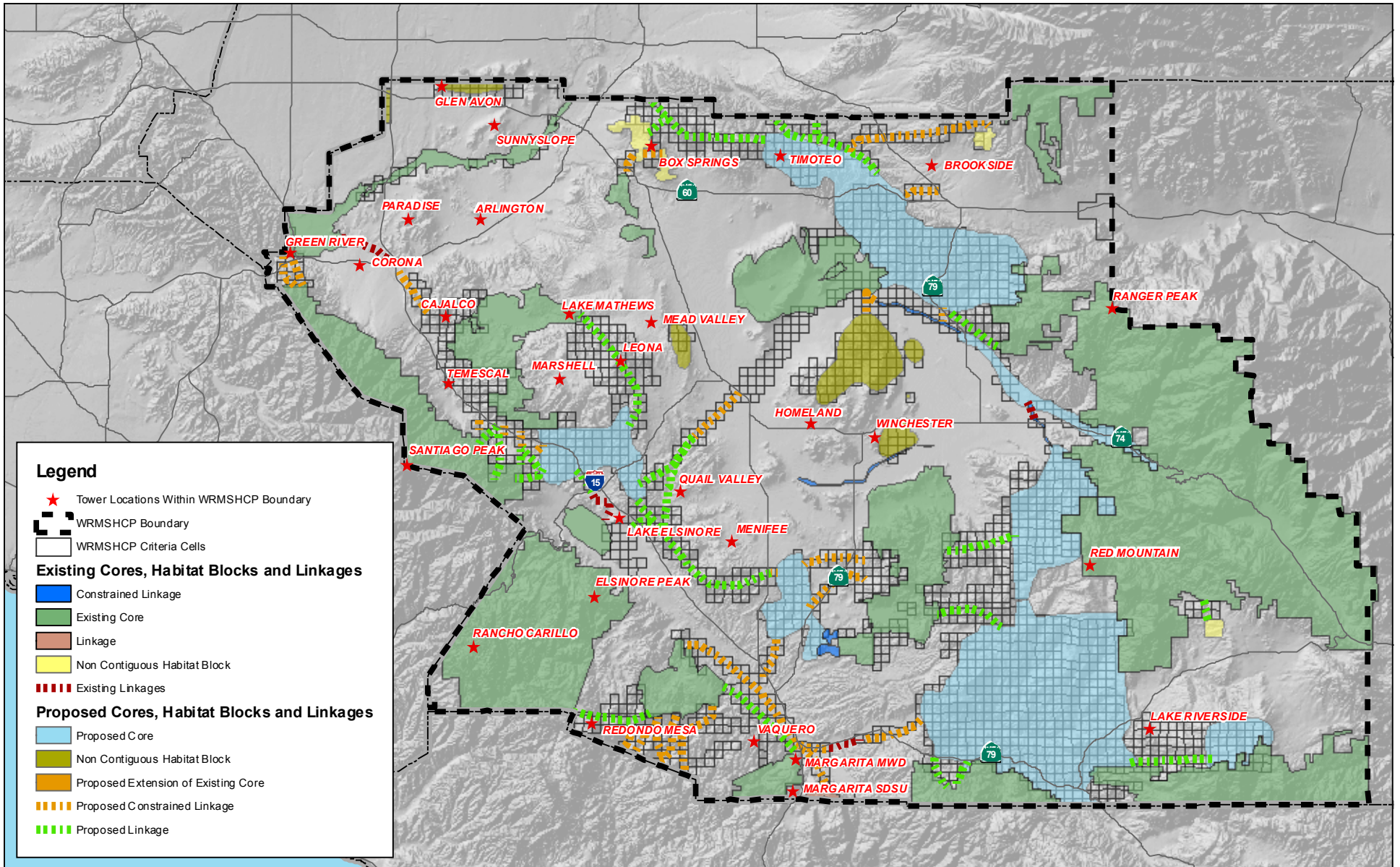
As with the WRMSHCP, the objective of the CVMSHCP is to balance environmental protection and economic development objectives in the plan area and simplify compliance with endangered species and related laws on non-federal lands. The CVMSHCP is intended to satisfy the legal requirements for the issuance of permits that will allow the take of species covered by the CVMSHCP in the course of otherwise lawful activities. The CVMSHCP will, to the maximum extent practicable, minimize and mitigate the impacts of the taking and provide for conservation of the covered species. Exhibit 4.4-2 identifies the PSEC sites that are located within the CVMSHCP area.

The CVMSHCP plan has yet to be adopted but is expected to be adopted in the near future. Once adopted, the plan will be administered by the Coachella Valley Conservation Commission (CVCC). In the interim, the County and the Coachella Valley Association of Governments (CVAG) are administrators of an interim program in advance of the final approval and adoption of the CVMSHCP. This interim process mirrors the requirements of the CVMSHCP and all projects need to demonstrate consistency with the requirements of the interim plan.

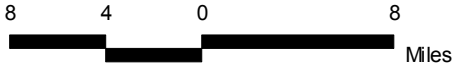
Implementation

With the final adoption of the CVMSHCP, the establishment of the CVMSHCP reserve system will result in assembled lands from within 21 conservation areas. For each conservation area, conservation objectives are articulated for conserving core habitat for covered species, essential ecological processes necessary to maintain habitat viability, biological corridors and linkages as needed, and the less common, conserved natural communities. At this time, core habitat have not been delineated for all species. Where they have not been delineated, conservation objectives are stated for either acres of habitat or known occurrences. At this time, it remains unclear exactly what specific requirements must be met for projects within designated conservation areas, but general guidance within the CVMSHCP is as follows:

The USFWS and CDFG and the permittee shall jointly review proposed permittee projects that are within designated Conservation Areas. Permittees shall submit project information to the USFWS and CDFG and CVCC, including, at a minimum, a project description and a concept map indicating the location of the proposed project. USFWS and CDFG or the permittee may schedule a meeting to discuss a proposed project. CVCC shall be invited to participate in this meeting.



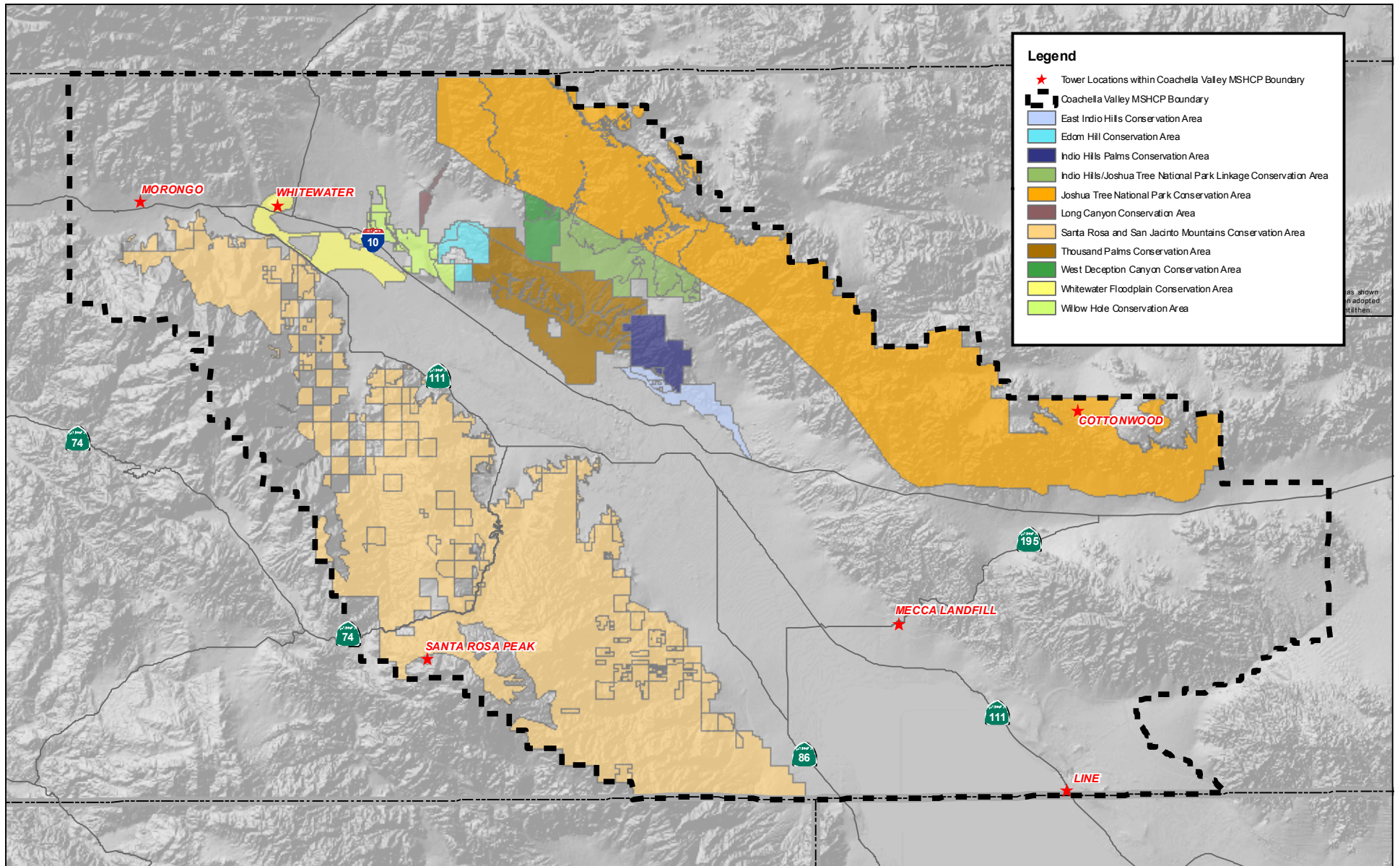
Source: USGS NED, Riverside County MSHCP, Census 2000 data.



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Exhibit 4.4-1
 Western Riverside County
 Multiple Species Habitat Conservation Plan Map

COUNTY OF RIVERSIDE • PSEC PROJECT



Legend

- ★ Tower Locations within Coachella Valley MSHCP Boundary
- ▬ Coachella Valley MSHCP Boundary
- East Indio Hills Conservation Area
- Edom Hill Conservation Area
- Indio Hills Palms Conservation Area
- Indio Hills/Joshua Tree National Park Linkage Conservation Area
- Joshua Tree National Park Conservation Area
- Long Canyon Conservation Area
- Santa Rosa and San Jacinto Mountains Conservation Area
- Thousand Palms Conservation Area
- West Deception Canyon Conservation Area
- Whitewater Floodplain Conservation Area
- Willow Hole Conservation Area

Source: CVAG.

Exhibit 4.4-2
 Coachella Valley Multiple Species Habitat
 Conservation Plan Map



Once the CVMSHCP is fully in place, the approval of the CVMSHCP and execution of the implementing agreement will allow signatories to issue “take” authorizations for all species covered by the CVMSHCP, including state and federally listed species as well as other identified covered species and/or their habitats. Each jurisdiction within the Coachella Valley will impose a development mitigation fee for projects within their jurisdiction. Compliance with the CEQA, NEPA, CESA, and FESA will be achieved by compliance with the survey requirements of the CVMSHCP and payment of the mitigation fees.

Stephen’s Kangaroo Rat Habitat Conservation Plan (SKRHCP)

Overview

Prior to the adoption and implementation of the WRMSHCP, the County had previously adopted a separate Habitat Conservation Plan (HCP) for Stephens’ kangaroo rat (SKR). This plan remains in effect and must be complied with separate from the WRMSHCP. Stephens’ kangaroo rat is federally listed as endangered and state listed as threatened. As with the WRMSHCP, participants of the SKRHCP can incorporate projects into the incidental “take” permit for SKR if the project complies with the requirements of the SKRHCP. Payment of the mitigation fees and compliance with the SKRHCP provides full mitigation under CEQA, NEPA, and the CESA and FESA for impacts to SKR. Compliance with the WRMSHCP accounts for impacts to SKR habitat outside of the SKRHCP boundaries but inside the WRMSHCP boundaries. Exhibit 4.4-3 illustrates the PSEC sites that are within the SKRHCP area.

Implementation

In addition to the fee requirement for projects developed within an SKRHCP Fee Area, several reserve areas have been established that are intended to conserve suitable habitat for the species. Proposed projects within these areas are required to conduct focused surveys for the species and undergo review by the appropriate agency.

In order to carry out their responsibility to ensure the health, safety, and welfare of the general public, public agencies in the SKRHCP area must maintain their ability to construct public facilities identified in General Plans, Transportation Improvement Plans, Capital Improvement Plans, and other adopted documents. Accordingly, under the terms of the SKRHCP public agencies are permitted to construct public facilities including, but not limited to, the following:

- 1) Construction of public roadways to their ultimate width as identified in adopted General Plans;
- 2) Construction of improvements identified in adopted local Transportation Improvement Programs;
- 3) Construction of cooperative projects undertaken between public agencies in the SKRHCP area and other cities, counties, water districts, Caltrans, the U.S. Army Corps of Engineers (USACE), and any other federal and State agencies; and

- 4) Construction of other public facilities and projects identified in adopted local General Plans or Capital Improvement Programs.

Construction of the above public facilities are permitted in core reserves provided that the sponsoring agency mitigates on a 1:1 basis for all SKR occupied habitat disturbed as a result of the project. Specifically, for each acre of SKR occupied habitat disturbed in a core reserve, the sponsoring agency will acquire and permanently dedicate to SKR conservation a replacement acre of SKR occupied habitat. The location of such replacement acreage is be subject to approval by USFWS and CDFG.

Federal Endangered Species Act (FESA)

Overview

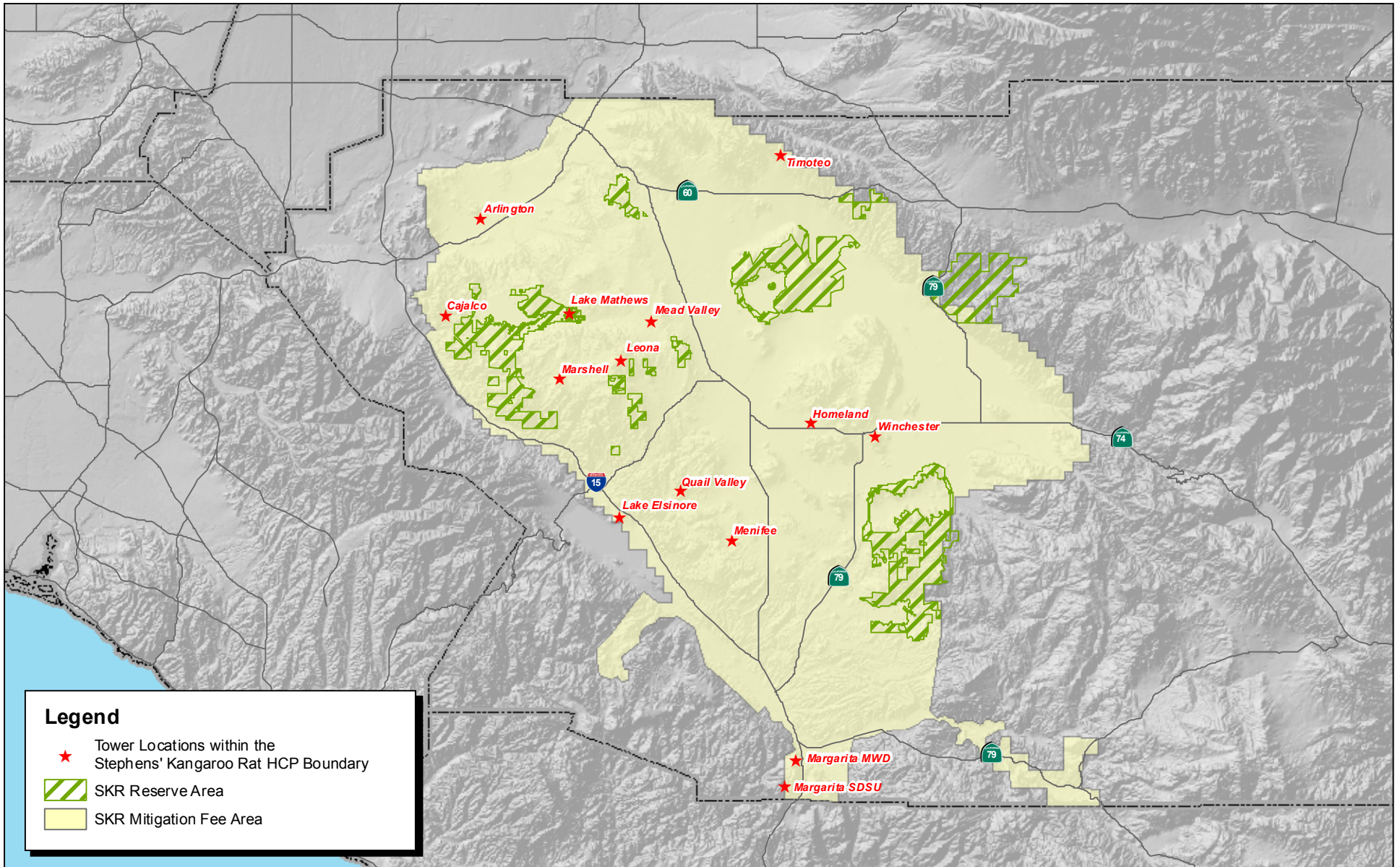
The U.S. Fish and Wildlife Service (USFWS) administers the FESA. The FESA provides a process for listing species as either threatened or endangered, and methods of protecting listed species. The FESA defines as “endangered” any plant or animal species that is in danger of extinction throughout all or a significant portion of its known geographic range. A “threatened” species is a species that is likely to become endangered. A “proposed” species is one that has been officially proposed by the USFWS for addition to the federal threatened and endangered species list.

FESA prohibits “take” of threatened or endangered species. The term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in such conduct. Take can include disturbance to habitats used by a threatened or endangered species during any portion of its life history. The presence of any federally threatened or endangered species in a project area generally imposes severe constraints on development, particularly if development would result in “take” of the species or its habitat. Under the regulations of the FESA, the USFWS may authorize “take” when it is incidental to, but not the purpose of, an otherwise lawful act.

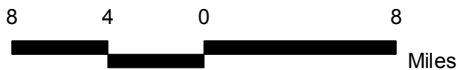
Section 7 and Section 10 Compliance

There are two sections of the FESA, Sections 7 and 10, that authorize incidental take. Section 7 regulates take associated with federal projects or projects that require a federal permit. Section 10 regulates take on non-federal lands or for projects without a federal nexus.

Federal agencies must undertake programs for the conservation of endangered and threatened species, and are prohibited from authorizing, funding, or carrying out any action that will jeopardize a listed species, in addition to its “critical habitat.” As defined in the FESA, “individuals, organizations, states, local governments, and other non-federal entities are affected by the designation of critical habitat only if their actions occur on federal lands, require a federal permit, license, or other authorization, or involve federal funding.”



Source: USGS NED, Riverside County MSHCP, Census 2000 data.



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Exhibit 4.4-3 Stephens' Kangaroo Rat Habitat Conservation Plan Map

COUNTY OF RIVERSIDE • PSEC PROJECT

Even though the project is being undertaken by a non-federal entity (the County), the PSEC project is subject to Section 7 of the FESA due to the presence of critical habitat at several of the sites. Before the project can utilize public airwaves, the project will also need to receive licenses from the Federal Communications Commission (FCC), which is a federal agency. In addition, many of the sites are located on lands that are managed by either the Bureau of Land Management (BLM) or the U.S. Forest Service (USFS), and these federal agencies will need to grant authorization and issue use permits for sites proposed on their lands. Therefore, a federal nexus is established and the rules of Section 7 of the FESA will apply to the project. Generally, the FCC allows applicants for licenses that require Section 7 consultation to consult directly with the USFWS themselves.

Sites that are located within the boundaries of an approved Multiple Species Habitat Conservation Plan (MSHCP) must also follow procedures specific to the plan's implementation. This is an independent process from the Section 7 process. Some procedures are incorporated into MSHCPs to streamline the Section 7 process but are specific to each MSHCP. In these cases, Section 7 consultation is not required, so long as conservation measures required under the terms of the MSHCP are followed. Exhibit 4.4-4 identifies the PSEC sites that are located within designated critical habitat areas.

California Endangered Species Act (CESA)

Overview

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy; a threatened species as one present in such small numbers throughout its range that it is considered likely to become an endangered species in the near future in the absence of special protection or management; and a rare species as one present in such small numbers throughout its range that it may become endangered if its present environment worsens. The designation "rare species" applies only to California native plants. State threatened and endangered species include both plants and wildlife (not including invertebrates) and are legally protected against "take" as this term is defined in the CESA.

California Species of Special Concern (CSC) status applies to animals not listed under the FESA or CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. CSC species share one or more of the following criteria:

- 1) Occur in small, isolated populations or in fragmented habitat, and are threatened by further isolation and population reduction;
- 2) Show marked population declines. Population estimates are unavailable for the vast majority of taxa. Species that show a marked population decline, yet are still abundant, do not meet the Special Concern definition, whereas marked population decline in uncommon or rare species is an inclusion criterion;

- 3) Depend on a habitat that has shown substantial historical or recent declines in size. This criterion infers the population viability of a species based on trends in the habitats upon which it specializes. Coastal wetlands, alluvial fan sage scrub and coastal sage scrub in the southern coastal basins, and arid scrub in the San Joaquin Valley, are examples of California habitats that have seen dramatic reductions in size in recent history. Species that specialize in these habitats generally meet the criteria for Threatened or Endangered status or Special Concern status;
- 4) Occur only in or adjacent to an area where habitat is being converted to land uses incompatible with the animal's survival;
- 5) Have few California records, or which historically occurred here but for which there are no recent records; and
- 6) Occur largely on public lands, but where current management practices are inconsistent with the animal's persistence.

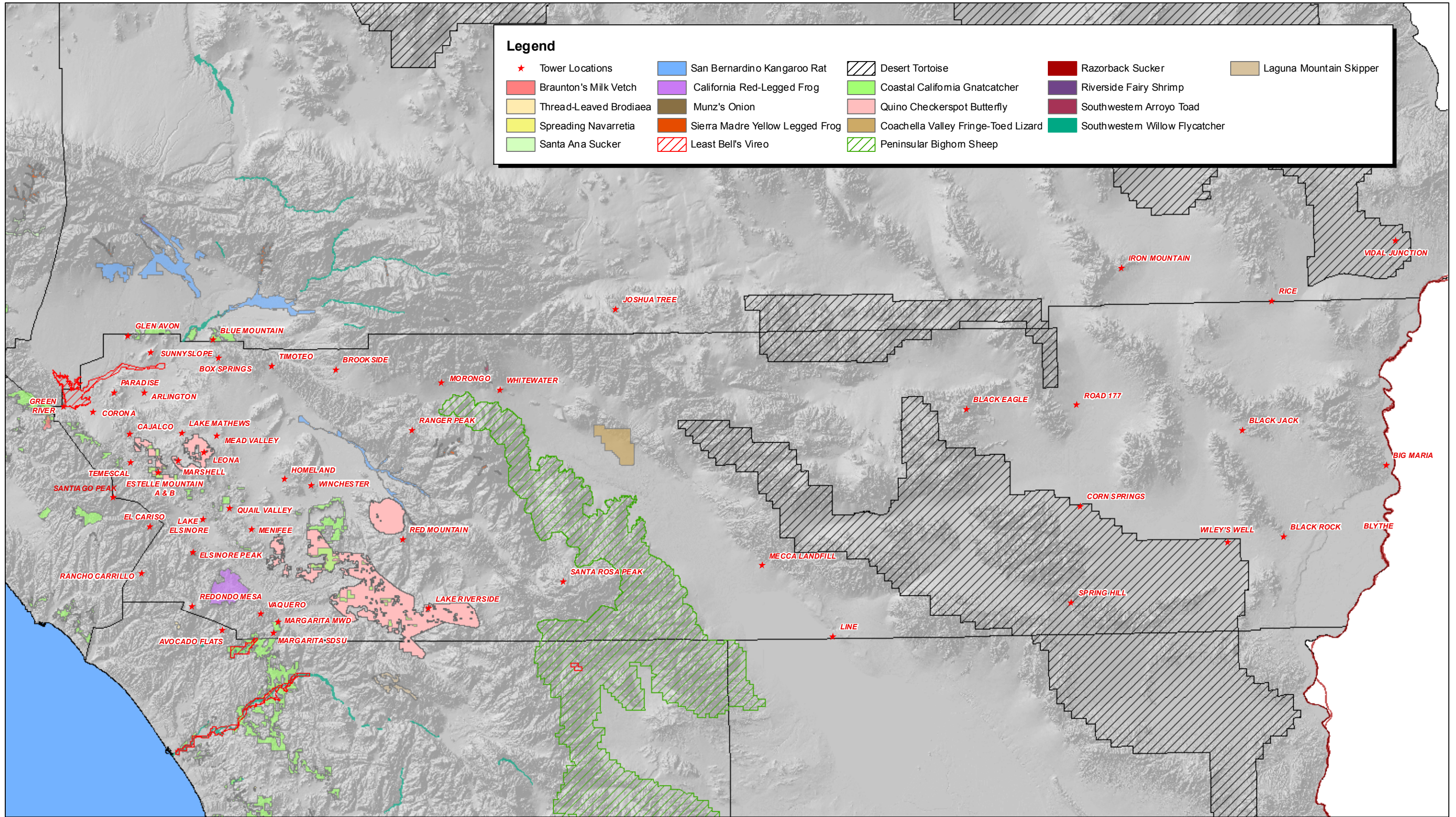
This designation is intended to result in special consideration for these species by the California Department of Fish and Game (CDFG), land managers, and others, and is intended to focus attention on the species to help avert the need for costly listing under federal and State endangered species laws and cumbersome recovery efforts that might ultimately be required. This designation does not provide specific legal protection, but signifies that these species are recognized as vulnerable by CDFG.

National Forest Land Management Plans

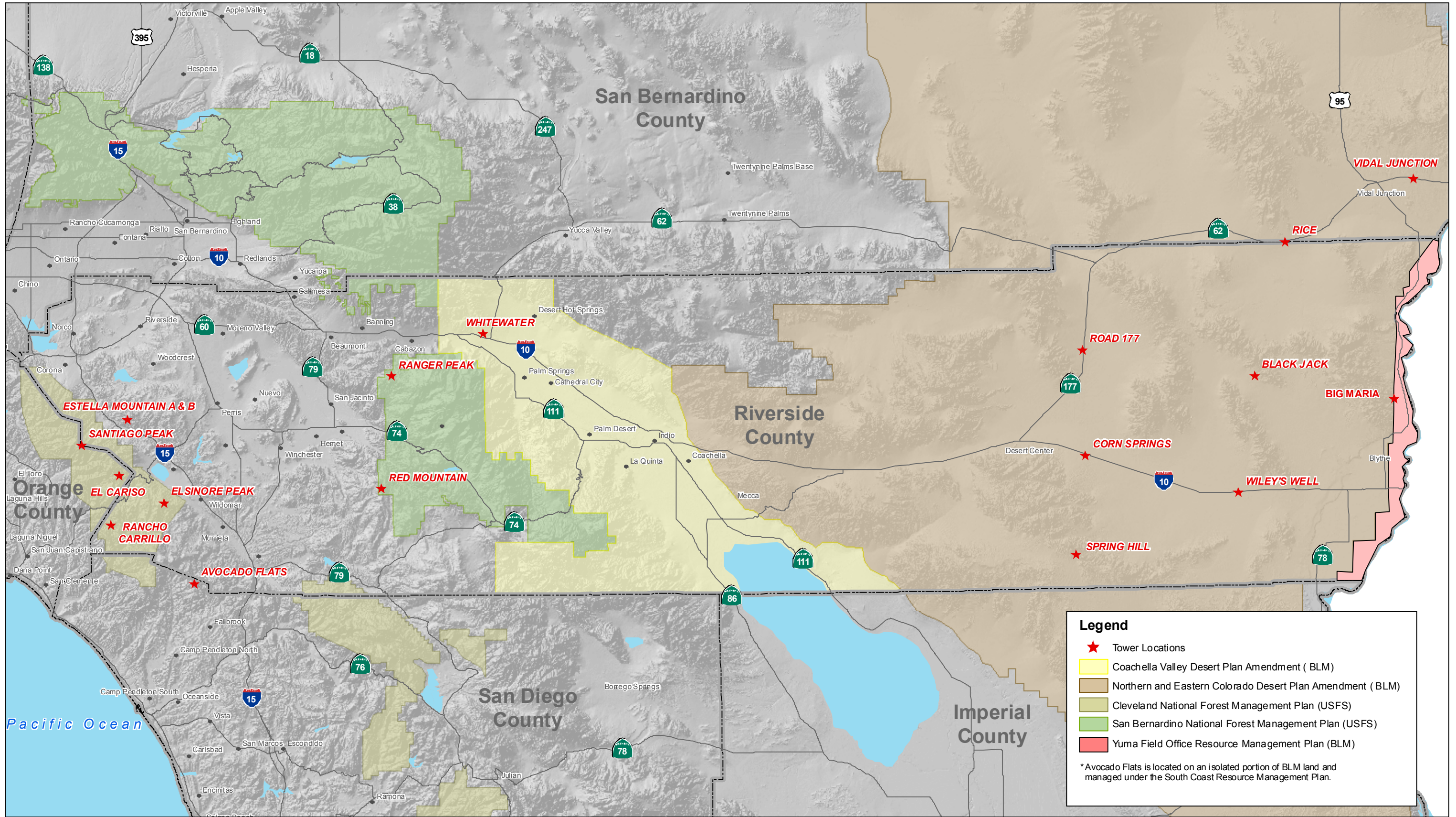
Public lands managed by the USFS either on the Cleveland National Forest (CNF) or the San Bernardino National Forest (SBNF) are subject to their respective Land Management Plans. The strategic direction delineated in the two plans is used to guide all natural resource management activities upon the CNF and SBNF. The plans define the desired conditions on the forests and provide direction for land use zoning, design criteria, and the monitoring required to achieve those desired conditions. As such, any project that is proposed in these areas must be evaluated in terms of its ability to meet the desired conditions of the national forest. Both land management plans provide specific guidance in regards to the management of biological resources. Region 5 of the USFS (all national forests in California) maintains a Special Status Species List that identifies species within the region that are of special concern to the agency, and sites located on USFS lands are subject to analysis for species on the list. Exhibit 4.4-5 identifies the PSEC sites that are located upon USFS-managed lands.

Bureau of Land Management Resource Management Plans

Public lands managed by the BLM are subject to the Resource Management Plans that have been prepared for the various BLM management areas in southern California. Exhibit 4.4-5 identifies the PSEC sites that are located upon BLM-managed lands. The discussion below presents information on all of the BLM plans currently in effect within the PSEC project area.



Source: US Census data and Riverside County.



Source: US Census data and Riverside County.

California Desert Conservation Area Plan

California Desert Conservation Area Plan (CDCA) was approved in 1980 and provides a multiple use management blueprint for the lands under BLM jurisdiction within a 25-million-acre area in Southern California. The CDCA includes land within Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, and San Bernardino Counties. Six regional amendments have been approved within the CDCA and currently provide specific direction and policy for BLM lands within specific regions. Sites proposed for the PSEC project are located within two of these amendment areas, described below.

Northern and Eastern Colorado Desert Plan Amendment to the CDCA

The Northern and Eastern Colorado Desert (NECD) Plan Amendment to the CDCA was created in 2002 and incorporates 3.8 million acres of desert, which provides aid in the recovery of the desert tortoise and the Coachella Valley milk-vetch. The plan amendment also focuses on conservation of approximately 60 other sensitive species and their habitats on federal lands within Imperial, Riverside and San Bernardino counties, as well as a streamlined process for the issuance of land use permits. The primary goals of the amendment include establishing standards and guidelines for land health, establishing desert wildlife management areas for desert tortoise and bighorn sheep, and establishing land acquisition priorities.

Coachella Valley Amendment to the CDCA

The Coachella Valley Amendment (CVA) to the CDCA was completed in 2002. This amendment for 331,000 acres of public land was developed in conjunction with the CVMSHCP addressing 27 plant and animal species, 10 of which are federally listed. The primary goals of the amendment include habitat conservation, wild and scenic river eligibility, standards, and guidelines for land health, designation of routes of travel, criteria for land tenure adjustment, and establishment of special recreation management areas.

South Coast Resource Management Plan (SCRMP)

The South Coast Resource Management Plan (SCRMP) was originally completed in 1994 and is currently undergoing revision. The SCRMP provides direction for 129,000 acres of land managed by the BLM in the highly urbanized coastal regions of Los Angeles and Orange counties, and the western portions of Riverside, San Bernardino and San Diego counties. The primary management goals include land tenure adjustment, special status and endangered species, open space, recreation and public access, and mineral exploration and development.

Yuma Resources Management Plan

The Yuma Resource Management Plan (YRMP) has recently been revised and is within the final stage of approval. The YRMP provides direction for the Yuma Field Office, which manages 1.3 million acres of lands within southwestern Arizona and southeastern California along the Colorado River. Issues addressed in the YRMP include fish and wildlife management, wild horse and burro management, recreation management, and maintaining lands with wilderness characteristics.

California Desert Native Plants Act (CDNPA)

Overview

The California Desert Native Plants Act (CDNPA) was created to protect specific naturally occurring native desert plant species growing in Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego Counties. The act has two principal sections, and different levels of protection are provided for the various plants listed in each section. Species listed in Section 80072 of the act are afforded a greater level of protection than those listed in Section 80073.

CDNPA Section 80072 Plants

The plant species listed in Section 80072 of the CDNPA can only be harvested or impacted under a scientific or educational permit as issued by the appropriate County Agricultural Commissioner. These plant species include saguaro cactus, (*Carnegiea gigantea*), barrel cactus (*Ferocactus acanthodes*), crucifixion thorn (*Castela emoryi*), panamint dudleya (*Dudleya saxosa*), bristlecone pine (*Pinus longaeva*), fan palm (*Washingtonia filifera*), and all species of elephant tree (Burseraceae family).

With the exception of barrel cactus, all of the plant species listed above either do not occur within the area of the PSEC project or they occur only sporadically. Typically, avoidance of specific plants is the best method to minimize impacts to these plants. If avoidance is not feasible, then the County will be required to obtain a scientific or educational permit for their removal at the Morongo site, and the removal will need to be undertaken by a qualified biologist.

CDNPA Section 80073 Plants

The plant species listed in Section 80073 of the CDNPA may be harvested or impacted by a much broader range of activities, including construction activities, but a permit from the appropriate County Agricultural Commissioner or Sheriff's Department must be obtained prior to impacts. These plant species include all species of the Agavaceae (agave) and Fouquieriaceae (ocotillo) families, all species of the Prosopis (mesquite) and Cercidium (palo verde) genus, catclaw acacia (*Acacia greggii*), desert-holly (*Atriplex hymenelytra*), smoke tree (*Dalea spinosa*) and desert ironwood (*Olneya tesota*). All the plant species of the cactus (Cactaceae) family are also included, with the exception of those listed in Section 80072.

California Native Plant Society (CNPS)

Overview

The CNPS is a statewide resource conservation organization that has developed an inventory of California's special-status plant species. This inventory is a summary of information on the distribution, rarity, and endangerment of California's vascular plants. This rare plant inventory consists of four lists. CNPS presumes that List 1A plant species are extinct in California because they have not been seen in the wild for many years. CNPS considers List 1B plants as rare, threatened, or endangered throughout their range. List 2 plant species are considered rare, threatened, or

endangered in California, but more common in other states. Plant species on lists 1A, 1B, and 2 meet CDFG criteria for endangered, threatened, or rare listing. Plant species for which CNPS requires additional information in order to properly evaluate their status are included on List 3. List 4 plant species are those of limited distribution in California whose susceptibility to threat is considered low at the current time.

The CNPS listing is a guideline for lead agencies to assist in identification of plant species that are rare in California. The goal is to establish awareness of native plants and take action to avoid or reduce impacts to plants on the list.

Nesting and Migratory Birds

Overview

The Migratory Bird Treaty Act (MBTA) protects all common wild birds found in the United States except the house sparrow, starling, feral pigeon, and resident game birds such as pheasant, grouse, quail, and wild turkey. Resident game birds are managed separately by each state. The MBTA makes it unlawful for anyone to kill, capture, collect, possess, buy, sell, trade, ship, import, or export any migratory bird including feathers, parts, nests, or eggs.

The CDFG administers the California Fish and Game Code (CFG Code). There are particular sections of the CFG Code that are applicable to natural resource management. For example, Section 3503 states it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird that is protected under the MBTA. The code further protects all birds of prey such as hawks and owls and their eggs and nests from any form of take.

Implementation

Based on the requirements of the MBTA and the CFG Code, it is unlawful to disturb the nests of birds during nesting season. Nesting season is typically considered to begin on February 1 and run through August 31, and disturbance to nesting birds may not occur during that time period. Avoidance of nesting birds is the only way to eliminate impacts during nesting season. Obviously, the best way to avoid impacts to nesting birds is to perform any potential nest-disturbing activities such as construction outside of the nesting season (i.e., September 1 through January 31). If construction must occur during the nesting season, then preconstruction nesting bird surveys must be conducted no more than 7 days prior to initiation of construction. If nests are discovered, they must be avoided by an appropriate buffer, as determined by a qualified wildlife biologist. The temporary “no construction” area would need to be maintained until the nest has completed its cycle, as determined by a qualified wildlife biologist. Once the nesting cycle has been completed, construction in the area may resume. The procedures noted above would need to be followed for all PSEC sites where nesting bird habitat is present.

Jurisdictional Waters and Wetlands

Impacts to natural drainage features and wetland areas are regulated by the U.S. Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB), and CDFG based upon the policies and regulations discussed below.

United States Army Corps of Engineers Regulations

Federal Clean Water Act – Section 404

USACE administers Section 404 of the federal Clean Water Act (CWA). This section regulates the discharge of dredge and fill material into waters of the U.S. USACE has established a series of nationwide permits that authorize certain activities in waters of the U.S., if a proposed activity can demonstrate compliance with standard conditions. Normally, USACE requires an individual permit for an activity that will affect an area equal to or in excess of 0.5 acre of waters of the U.S. Projects that result in impacts to less than 0.5 acre can normally be conducted pursuant to one of the nationwide permits, if consistent with the standard permit conditions. Use of any nationwide permit is contingent on the activities having no impacts to endangered species.

Waters of the United States

Waters of the U.S., as defined in the Code of Federal Regulations, include all waters or tributaries to waters such as lakes, rivers, intermittent and perennial streams, mudflats, sand-flats, natural ponds, wetlands, wet meadows, and other aquatic habitats. Frequently, waters of the U.S., with at least intermittently flowing water or tidal influences, are demarcated by an ordinary high water mark (OHWM). The OHWM is defined as the line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. In the southern California region, where streams are typically intermittent in their flows, the OHWM is typically indicated by the presence of an incised streambed with defined bank shelving.

In 2001, the USACE South Pacific Division issued *Guidelines for Jurisdictional Delineations for Waters of the United States in the Arid Southwest*. The purpose of this document was to provide background information concerning physical characteristics of dry land drainage systems. These guidelines were reviewed and used to identify jurisdictional drainage features at each of the PSEC sites.

Wetlands

According to the USACE Wetlands Delineation Manual, three criteria must be satisfied to classify an area as a jurisdictional wetland:

- 1) A predominance of plant life that is adapted to life in wet conditions (hydrophytic vegetation);

- 2) Soils that saturate, flood, or pond long enough during the growing season to develop anaerobic conditions in the upper part (hydric soils); and;
- 3) Permanent or periodic inundation or soils saturation, at least seasonally (wetland hydrology).

Wetland vegetation is characterized by vegetation in which more than 50 percent of the composition of dominant plant species are obligate wetland, facultative wetland, and/or facultative species that occur in wetlands. A wetland must show connectivity to a stream course in order for such a feature to be considered jurisdictional.

United States Army Corp of Engineers Regulated Activities

The USACE regulates the discharge of dredged or fill material including, but not limited to, grading, placing of rip-rap for erosion control, pouring concrete, laying sod, and stockpiling excavated material. Activities that generally do not involve a regulated discharge, if performed specifically in a manner to avoid discharges, include driving pilings, drainage channel maintenance, temporary mining and farm/forest roads, and excavating without stockpiling.

Regional Water Quality Control Board Regulations

Clean Water Act – Section 401

Per Section 401 of the CWA, “any applicant for a federal permit for activities that involve a discharge to waters of the State, shall provide the federal permitting agency a certification from the state in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the Federal Clean Water Act.” Therefore, before the USACE will issue a Section 404 permit, applicants must apply for and receive a Section 401 water quality certification from the RWQCB.

Porter-Cologne Water Quality Act

The RWQCB regulates actions that would involve “discharging waste, or proposing to discharge waste, within any region that could affect the water of the state,” pursuant to provisions of the Porter-Cologne Water Quality Act. “Waters of the State” are defined as “any surface water or groundwater, including saline waters, within the boundaries of the state.”

Regional Water Quality Control Board Regulated Activities

Under Section 401 of the CWA, the RWQCB regulates all activities that are regulated by the USACE. Additionally, under the Porter-Cologne Water Quality Act, the RWQCB regulates all activities, including dredging, filling, or discharge of materials into waters of the state that are not regulated by the USACE due to a lack of connectivity with a navigable water body and/or lack of an OHWM.

Dischargers whose projects disturb one or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ). Construction activity subject to

this permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP should contain a site map(s), which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project. The SWPPP must list Best Management Practices (BMPs) the discharger will use to protect storm water runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303 (d) list for sediment. Section A of the Construction General Permit describes the elements that must be contained in a SWPPP.

If a single project traverses more than one RWQCB jurisdiction, a complete Notice of Intent package (Notice of Intent, site map, and fee) and Notice of Termination (upon completion of each section), must be filed with each RWQCB.

California Department of Fish and Game Regulations

California Fish and Game Code – Sections 1600 to 16003

The CFG Code mandates that “it is unlawful for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds, without first notifying the department of such activity.” CDFG jurisdiction includes ephemeral, intermittent, and perennial watercourses, including dry washes, characterized by the presence of hydrophytic vegetation, the location of definable bed and banks, and the presence of existing fish or wildlife resources.

Furthermore, CDFG jurisdiction is often extended to habitats adjacent to watercourses, such as oak woodlands in canyon bottoms or willow woodlands that function as part of the riparian system. Historic court cases have further extended CDFG jurisdiction to include watercourses that seemingly disappear, but re-emerge elsewhere. Under the CDFG definition, a watercourse need not exhibit evidence of an OHWM to be claimed as jurisdiction. However, CDFG does not regulate isolated wetlands; that is, those that are not associated with a river, stream, or lake.

California Department of Fish and Game Regulated Activities

The CDFG regulates activities that involve diversions, obstruction, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife resources.

4.4.3 - Existing Conditions

The PSEC project is comprised of approximately 50 sites spread across the 4.6 million-acre County and surrounding areas. Terrains and habitats are highly varied, and it is impractical to provide a description here of existing conditions at each site. The discussion that follows is a summary of the findings contained in the General Habitat Assessment provided as Appendix B of this DEIR. The individual site descriptions presented in the appendix of that document contain detailed information for each site regarding existing conditions, sensitive biological resources, applicable management plans, and other information used in this analysis. The site descriptions also contain site photographs, topographic maps, aerial photographs, and soils maps for each project site. Readers desiring detailed information about a particular site are directed to the General Habitat Assessment in Appendix B.

Each of the PSEC sites was assessed for its potential to support sensitive biological resources. Each site was also analyzed within the context of the applicable management plans and directives that are in place throughout the project area. The discussions below summarize the findings. A final summary is presented in tabular format at the end of this section.

Sites within the Western Riverside Multiple Species Habitat Conservation Plan

Approximately half of the PSEC project sites are proposed to be located within the boundaries of the WRMSHCP and are covered by the plan. None of these sites are located on federal lands. All sites have had a habitat assessment completed and many have been determined to be consistent with the requirements without any further documentation. Table 4.4-1 identifies these sites, lists survey requirements, and indicates whether or not the sites are within a Criteria Cell or conservation area. Exhibit 4.4-1 shows the locations of these sites.

Table 4.4-1: Sites within the WRMSHCP

Site Name	Located within a Criteria Cell or Conservation Area?	Focused Survey Requirements*
Arlington	No	No
Box Springs	Yes	No
Brookside	No	No
Cajalco	Yes	San Diego Ambrosia, Brand’s Phacelia, San Miguel Savory
Corona	No	No
Glen Avon	Yes	San Miguel Savory
Green River	Yes	Braunton’s Milk-Vetch, Burrowing Owl, San Miguel Savory
Homeland	No	No
Lake Elsinore	No	No

Table 4.4-1 (Cont.): Sites within the WRMSHCP

Site Name	Located within a Criteria Cell or Conservation Area?	Focused Survey Requirements*
Lake Mathews	No	Burrowing Owl, Stephens' Kangaroo Rat, San Miguel Savory
Lake Riverside	Yes	No
Leona	Yes	Burrowing Owl
Margarita (MWD)	Yes	No
Margarita (SDSU)	No	No
Marshell	No	San Miguel Savory
Mead Valley	No	No
Menifee	No	No
Paradise	No	No
Quail Valley	No	No
Redondo Mesa	Yes	
Sunnyslope	No	San Diego Ambrosia, Brand's Phacelia, San Miguel Savory
Temescal	Yes	San Diego Ambrosia, San Miguel Savory
Timoteo	Yes	No
Vaquero	No	No
Winchester	No	San Diego Ambrosia
* Focused surveys are not required if the general habitat assessment of the area indicates that suitable habitat for a species is not present on the site. For more information on specific habitat attributes at each site, see the individual site descriptions in Appendix A.		

As stated earlier, those sites that are within a Criteria Cell must have a HANS application submitted before development can proceed. Sites that have been identified as having potentially suitable habitat for identified sensitive species must conduct focused surveys and submit the result to the County to document the presence or absence of the species. The HANS application and focused survey results are reviewed by the RCA to determine the project's consistency with the WRMSHCP.

Sites within the Coachella Valley Multiple Species Habitat Conservation Plan

The PSEC project proposes five sites that are located within the boundaries of the CVMSHCP that are not located on federal lands. Table 4.4-2 **Error! Reference source not found.** identifies these sites and indicates whether or not the sites are within a conservation area. Exhibit 4.4-2 shows the locations of these sites. Since the plan has not yet been fully adopted, it is unclear exactly what specific requirements must be met for projects within conservation areas. Interim guidance suggests that consultation between the County and the USFWS, CDFG, and CVAG will be required on sites that have proposed development inside proposed conservation areas. The exact measures required to

comply are not known and presumably will vary dependant on the conservation area, the species to be impacted and the size of the disturbance.

Table 4.4-2: Sites within the CVMSHCP

Site Name	Located Within a Conservation Area
Line	No
Mecca Landfill	No
Moronggo	No
Santa Rosa Peak	No
Whitewater	Yes

Sites within the Stephen’s Kangaroo Rat Habitat Conservation Plan

In addition to the fee requirement for projects developed within the SKRHCP Fee Area, several reserve areas have been established that are intended to conserve suitable habitat for the species. Proposed projects that occur within a reserve are required to conduct focused surveys for the species and undergo review by the Riverside County Habitat Conservation Agency. Table 4.4-3 identifies the PSEC sites that are within a reserve area and those sites that will require focused surveys. Exhibit 4.4-3 shows the locations of these sites.

Table 4.4-3: Sites within the SKRHCP Fee Area and Preserve Areas

Site Name	Located within a SKR Reserve Area?	Focused Survey Requirements for SKR
Arlington	No	No
Box Springs	No	No
Cajalco	No	No
Homeland	No	No
Lake Elsinore	No	No
Lake Mathews	Yes	Yes
Leona	No	No
Margarita (MWD)	No	No
Margarita (SDSU)	No	No
Marshell	No	No
Mead Valley	No	No
Menifee	No	No
Quail Valley	No	No
Timoteo	No	No
Winchester	No	No

Sites within U.S. Fish and Wildlife Service Designated Critical Habitat

The PSEC project proposes several sites that are located within designated Critical Habitat but not within the boundaries of an approved MSHCP. A Section 7 Consultation with the USFWS will be required. Table 4.4-4 identifies these sites and indicates the species in whose habitat the sites are proposed. Exhibit 4.4-4 shows the locations of these sites.

Table 4.4-4: Sites in Critical Habitat and Not Within an MSHCP

Site Name	Species Name
Blue Mountain	Coastal California Gnatcatcher
Corn Springs	Desert Tortoise
Elsinore Peak	Munz’s Onion
Estelle Mountain (A)	Quino Checkerspot Butterfly
Estelle Mountain (B)	Quino Checkerspot Butterfly
Spring Hill	Desert Tortoise
Vidal Junction	Desert Tortoise
Wileys Well	Desert Tortoise

For the sites listed above that are not located upon federal lands, the County will be required to consult with the USFWS on potential impacts to species and habitat before issuing a permit. For sites located on federal lands, the appropriate federal land management agency (BLM or USFS) will need to initiate consultation. At their discretion, the agencies may authorize the County to directly initiate consultation with the USFWS on their behalf.

Sites on National Forest Lands

The PSEC project proposes six sites that are located within the boundaries of the CNF and SBNF. Table 4.4-5 identifies these sites and Exhibit 4.4-5 shows the locations of these planning areas.

Table 4.4-5: Sites within the CNF and SBNF

Site Name	National Forest
El Cariso	CNF, Trabuco Ranger District
Elsinore Peak	CNF, Trabuco Ranger District
Rancho Carrillo	CNF, Trabuco Ranger District
Ranger Peak	SBNF, San Jacinto Ranger District
Red Mountain	SBNF, San Jacinto Ranger District
Santiago Peak	CNF, Trabuco Ranger District

Sites located on national forest lands will be expected to submit an analysis of the project impacts for review by the respective national forest before use authorization can be granted. These sites will also be required to undergo separate analysis under the National Environmental Policy Act (NEPA) to evaluate all their potential environmental impacts. Sites located on national forest lands are not subject to either the WRMSHCP or the CVMSHCP.

Sites on Bureau of Land Management Lands

The PSEC project proposes 11 sites on lands managed by the BLM. Table 4.4-6 identifies these sites and their applicable resource management plans. Exhibit 4.4-5 shows the locations of these planning areas.

Table 4.4-6: Sites within BLM Resource Management Plan Areas

Site Name	Resource Management Plan
Avocado Flats	SCRMP
Big Maria	YRMP
Black Jack	NECD
Corn Springs	NECD
Estelle Mountain (A)	SCRMP
Estelle Mountain (B)	SCRMP
Rice	NECD
Road 177	NECD
Spring Hill	NECD
Vidal Junction	NECD
Whitewater	CVA
Wileys Well	NECD

Sites located on BLM lands will be expected to submit an analysis of the project's impacts for review by the respective BLM Field Office before use authorization to construct can be granted. These sites will also be required to undergo separate analysis under NEPA to evaluate their potential environmental impacts. Sites located on BLM lands are not subject to the WRMSHCP. However, sites located within the BLM's Coachella Valley Amendment planning area are subject to the CVMSHCP.

Sites with California Desert Native Plants Act Protected Species

Table 4.4-7 lists all of the sites that have CDNPA listed plants on the project site. Avoidance is the best method to eliminate impacts to these plants, but if avoidance is not feasible then an appropriate

permit will need to be obtained and removal will need to occur under the parameters prescribed in the CDNPA.

Table 4.4-7: Sites with CDNPA Listed Plants Onsite

Site Name	CDNPA Plant Species	Applicable CDNPA Section
Black Jack	Catclaw Acacia	80073
Corn Springs	Desert Ironwood	80073
Lake Riverside	Mojave Yucca, Beavertail Cactus	80073
Leona	Snake Cholla	80073
Morongo	Snake Cholla, Barrel Cactus	80072 and 80073
Red Mountain	Chaparral Yucca	80073
Rice	Beavertail Cactus	80073
Santiago Peak	Chaparral Yucca	80073
Spring Hill	Jumping Cholla, Ocotillo	80073
Sunnyslope	Snake Cholla	80073
Timoteo	Chaparral Yucca	80073

Sites with Habitat for Nesting and Migratory Birds

During the habitat assessment for each site, those sites with and without suitable habitat were identified. Sites without suitable habitat included areas that were paved or completely devoid of adequate vegetation, burrows, or other cover that could serve as habitat for nesting birds. Table 4.4-8 identifies those sites that were determined not to contain suitable habitat.

Table 4.4-8: Sites without Suitable Nesting Bird Habitat

Site Name
Arlington
Big Maria
Black Eagle
Blue Mountain
Brookside
Corona
Iron Mountain
Joshua Tree
Mead Valley
Menifee

Sites with Potential to Impact Jurisdictional Waters and Wetlands

During the habitat assessment for each site, each area was reviewed for the presence of potential jurisdictional waters that could be impacted by the proposed project. Those sites where potential impacts were identified are listed below in Table 4.4-9.

Table 4.4-9: Sites with Potential to Impact Jurisdictional Areas

Site Name
Brookside
Corn Springs
El Cariso
Line
Margarita (MWD)
Vidal Junction
Wileys Well

It is important to note that none of the potential jurisdictional features identified at any of the sites are located within the proposed footprint of any project site. Rather, these features are instead located outside of the project footprints. Therefore, none of these areas will be directly impacted (i.e., destruction or modification of a drainage). The potential impacts to these areas would likely be indirect only, such as impacts that could arise during construction if flows from within the project footprint were to carry sediment or other materials into these potentially jurisdictional areas.

Summary of Existing Conditions

As was noted earlier, this description of existing conditions serves only to summarize the findings of the general habitat assessments that were conducted on all of the PSEC project sites. A tabular summary that contains all of the existing conditions topics discussed above is provided below in Table 4.4-10. Again, readers desiring detailed information about a particular site are directed to the General Habitat Assessment in Appendix B of this DEIR.

4.4.4 - Thresholds of Significance

According to the CEQA Guidelines' Appendix G, Environmental Checklist, to determine whether impacts to biological resources are significant environmental effects, the following questions are analyzed and evaluated. Would the project:

- a.) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFG or USFWS?

- b.) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFG or USFWS?
- c.) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?
- d.) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- e.) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

4.4.5 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the project and provides mitigation measures where appropriate. A table that identifies which mitigation measures are required at each site is presented in Section 4.4.5 at the end of this section.

Effect on Species

Impact BR-1	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
	[CEQA Biological Resources Threshold 4(a)]

Impact Analysis

The PSEC project proposes a total of eight sites that are located within designated Critical Habitat but are not within the boundaries of an approved MSHCP. Tables 4.4-4 and 4.4-10 identify those sites. Section 7 consultation with the USFWS will be required for these sites. As part of this process, a biological assessment will need to be prepared and submitted to the USFWS that describes the project, the likely impacts (if any) to the listed species and avoidance, minimization, and mitigation measures to offset an identified impact. If suitable habitat is present, part of the biological assessment process will involve conducting focused surveys to determine if the site is occupied by the listed species. However, given the small size and low level of impact of the project sites, it is assumed that for this project, formal consultation may not be required and that informal consultation may be sufficient. Such consultation includes phone contacts, meetings, conversations, letters, project modifications and concurrences that occur prior to the USFWS's determination that formal consultation is not necessary. Once this determination has been made and the USFWS has concurred that the project will not negatively affect a listed species, a "not likely to adversely affect" concurrence may be issued by the USFWS and the project may proceed.

Table 4.4-10: Existing Conditions Summary

Site Name	Site Located within Critical Habitat?	Applicable Management Plan	Site Located within a Criteria Cell or Conservation Area?	Site Located within an SKRHCP Reserve or Fee Area?	Potentially Jurisdictional Waters in Vicinity of Site?	CDNPA Listed Plants Onsite?	Nesting Bird Habitat Onsite?	Suitable Habitat for Protected Species Onsite?	Focused Surveys Required?
Arlington	No	WRMSHCP – Cities of Riverside and Norco Area Plan	No	Fee Area	No	No	No	None	None
Avocado Flats	No	BLM – SCRMP	No	No	No	No	Yes	Coastal California gnatcatcher	None
Big Maria	No	BLM – YRMP	No	No	No	No	No	None	None
Black Eagle	No	None	No	No	No	No	No	None	None
Black Jack	No	BLM – NECD	No	No	No	Catclaw acacia	Yes	Desert tortoise	Desert tortoise
Blue Mountain	Coastal California gnatcatcher	None	No	No	No	No	No	None	None
Box Springs	No	WRMSHCP – Reche Canyon/Badlands Area Plan, SU-1 Sycamore Canyon/Box Springs Sub-unit	Criteria Cell 640	Fee Area	No	No	Yes	None	None
Brookside	No	WRMSHCP – The Pass Area Plan	No	No	Yes	No	No	None	None

Table 4.4-10 (Cont.): Existing Conditions Summary

Site Name	Site Located within Critical Habitat?	Applicable Management Plan	Site Located within a Criteria Cell or Conservation Area?	Site Located within an SKRHCP Reserve or Fee Area?	Potentially Jurisdictional Waters in Vicinity of Site?	CDNPA Listed Plants Onsite?	Nesting Bird Habitat Onsite?	Suitable Habitat for Protected Species Onsite?	Focused Surveys Required?
Cajalco	No	WRMSHCP – Temescal Canyon Area Plan, SU4-Sierra Hills/Lake Mathews West Sub-unit	Criteria Cell 7355	Fee Area	No	No	Yes	San Diego ambrosia, Stephens’ kangaroo rat, Brand’s phacelia, San Miguel savory	San Diego ambrosia, Brand’s phacelia, San Miguel savory
Corn Springs	Desert tortoise	BLM – NECD	No	No	Yes	Desert ironwood	Yes	Desert tortoise	Desert tortoise
Corona	No	WRMSHCP – Temescal Canyon Area Plan	No	No	No	No	No	None	None
El Cariso	No	CNFMP	No	No	Yes	No	Yes	None	None
Elsinore Peak	Munz’s onion	CNFMP	No	No	No	No	Yes	Munz’s onion	Munz’s onion
Estelle Mountain A	Quino checkerspot butterfly	BLM – SCRMP	No	No	No	No	Yes	Quino checkerspot butterfly, Stephens’ kangaroo rat	Quino checkerspot butterfly, Stephens’ kangaroo rat
Estelle Mountain B	Quino checkerspot butterfly	BLM – SCRMP	No	No	No	No	Yes	Quino checkerspot butterfly, Stephens’ kangaroo rat	Quino checkerspot butterfly, Stephens’ kangaroo rat

Table 4.4-10 (Cont.): Existing Conditions Summary

Site Name	Site Located within Critical Habitat?	Applicable Management Plan	Site Located within a Criteria Cell or Conservation Area?	Site Located within an SKRHCP Reserve or Fee Area?	Potentially Jurisdictional Waters in Vicinity of Site?	CDNPA Listed Plants Onsite?	Nesting Bird Habitat Onsite?	Suitable Habitat for Protected Species Onsite?	Focused Surveys Required?
Glen Avon	No	WRMSHCP – Jurupa Area Plan SU2-Jurupa Mountains sub-unit	Criteria Cell 42	Fee Area	No	No	Yes	San Miguel savory	San Miguel savory
Green River	No	WRMSHCP – Temescal Canyon Area Plan, SU2-Prado Dam sub-unit	Criteria Cell 1520	No	No	No	Yes	Braunton’s milk-vetch, Coastal California gnatcatcher, San Miguel savory, Burrowing owl	Braunton’s milk-vetch, San Miguel savory, Burrowing owl
Homeland	No	WRMSHCP – Harvest Valley/ Winchester Area Plan	No	Fee Area	No	No	Yes	None	None
Iron Mountain	No	None	No	No	No	No	No	None	None
Joshua Tree	No	None	No	No	No	No	No	None	None
Lake Elsinore	No	WRMSHCP – Elsinore Area Plan	No	Fee Area	No	No	Yes	Stephens’ kangaroo rat	None
Lake Mathews	No	WRMSHCP – Lake Mathews/Woodcrest Area Plan	No	Fee and Reserve Area	No	No	Yes	Stephens’ kangaroo rat, San Miguel savory, Burrowing owl	Stephens’ kangaroo rat, San Miguel savory, Burrowing owl

Table 4.4-10 (Cont.): Existing Conditions Summary

Site Name	Site Located within Critical Habitat?	Applicable Management Plan	Site Located within a Criteria Cell or Conservation Area?	Site Located within an SKRHCP Reserve or Fee Area?	Potentially Jurisdictional Waters in Vicinity of Site?	CDNPA Listed Plants Onsite?	Nesting Bird Habitat Onsite?	Suitable Habitat for Protected Species Onsite?	Focused Surveys Required?
Lake Riverside	Quino checkerspot butterfly	WRMSHCP – REMAP Area Plan, SU4- Tule Creek/Anza Valley subunit	Criteria Cell 7113	No	No	Mojave Yucca, Beavertail Cactus	Yes	Quino checkerspot butterfly	None
Leona	Quino checkerspot butterfly	WRMSHCP – Lake Mathews/Woodcrest Area Plan, SU3- Gavilan Hills West subunit	Criteria Cell 2858	Fee Area	No	Snake Cholla	Yes	Coastal California gnatcatcher, Quino checkerspot butterfly, Burrowing owl,	Burrowing owl
Line	No	CVMSHCP	No	No	Yes	No	Yes	None	None
Margarita (MWD)	Coastal California gnatcatcher	WRMSHCP – Southwest Area Plan, SU1- Murrieta Creek Sub-unit	Criteria Cell 7355	Fee Area	Yes	No	Yes	Coastal California gnatcatcher, Stephens’ kangaroo rat	None
Margarita (SDSU)	No	WRMSHCP – Southwest Area Plan, SU1- Murrieta Creek Sub-unit	No	Fee Area	No	No	Yes	Quino checkerspot butterfly	None
Marshell	No	WRMSHCP – Lake Mathews/Woodcrest Area Plan	No	Fee Area	No	No	Yes	Stephens’ kangaroo rat, San Miguel savory	San Miguel savory

Table 4.4-10 (Cont.): Existing Conditions Summary

Site Name	Site Located within Critical Habitat?	Applicable Management Plan	Site Located within a Criteria Cell or Conservation Area?	Site Located within an SKRHCP Reserve or Fee Area?	Potentially Jurisdictional Waters in Vicinity of Site?	CDNPA Listed Plants Onsite?	Nesting Bird Habitat Onsite?	Suitable Habitat for Protected Species Onsite?	Focused Surveys Required?
Mead Valley	No	WRMSHCP – Mead Valley Area Plan	No	Fee Area	No	No	No	None	None
Mecca Landfill	No	CVMSHCP	No	No	No	No	Yes	None	None
Menifee	No	WRMSHCP – Sun City/ Menifee Valley Area Plan	No	Fee Area	No	No	No	None	None
Morongo	No	CVMSHCP	No	No	No	Snake Cholla, Barrel Cactus	Yes	Desert tortoise, Coachella Valley milk-vetch	None
Paradise	No	WRMSHCP – Cities of Riverside and Norco Area Plan	No	No	No	No	Yes	Stephens’ kangaroo rat, San Diego ambrosia	None
Quail Valley	No	WRMSHCP – Sun City / Menifee Valley Area Plan	No	Fee Area	No	No	Yes	Quino checkerspot butterfly, Coastal California gnatcatcher, Stephens’ kangaroo rat	None
Rancho Carrillo	No	CNFMP	No	No	No	No	Yes	None	None

Table 4.4-10 (Cont.): Existing Conditions Summary

Site Name	Site Located within Critical Habitat?	Applicable Management Plan	Site Located within a Criteria Cell or Conservation Area?	Site Located within an SKRHCP Reserve or Fee Area?	Potentially Jurisdictional Waters in Vicinity of Site?	CDNPA Listed Plants Onsite?	Nesting Bird Habitat Onsite?	Suitable Habitat for Protected Species Onsite?	Focused Surveys Required?
Ranger Peak	No	SBNFMP	No	No	No	No	Yes	None	None
Red Mountain	No	SBNFMP	No	No	No	Chaparral yucca	Yes	Quino checkerspot butterfly	Quino checkerspot butterfly
Redondo Mesa	No	WRMSHCP - Southwest Area Plan, SU7 - Tenaja sub-unit	Criteria Cell 7025	No	No	No	Yes	None	None
Rice	No	BLM – NECD	No	No	No	Beavertail cactus	Yes	Desert tortoise	Desert tortoise
Road 177	No	BLM – NECD	No	No	No	No	Yes	Desert tortoise	Desert tortoise
Santa Rosa Peak	No	CVMSHCP	No	No	No	No	Yes	None	None
Santiago Peak	No	CNFMP	No	No	No	Chaparral yucca	Yes	None	None
Spring Hill	Desert tortoise	BLM – NECD	No	No	No	Ocotillo, Jumping cholla	Yes	Desert tortoise	Desert tortoise
Sunnyslope	No	WRMSHCP – Jurupa Area Plan	No	No	No	Snake Cholla	Yes	San Diego ambrosia, Coastal California gnatcatcher, San Miguel savory, Brand’s phacelia	San Diego ambrosia, San Miguel savory, Brand’s phacelia

Table 4.4-10 (Cont.): Existing Conditions Summary

Site Name	Site Located within Critical Habitat?	Applicable Management Plan	Site Located within a Criteria Cell or Conservation Area?	Site Located within an SKRHCP Reserve or Fee Area?	Potentially Jurisdictional Waters in Vicinity of Site?	CDNPA Listed Plants Onsite?	Nesting Bird Habitat Onsite?	Suitable Habitat for Protected Species Onsite?	Focused Surveys Required?
Temescal	No	WRMSHCP – Temescal Area Plan, SU3 - Temescal Wash West sub-unit	Criteria Cell 3035	No	No	No	Yes	San Diego ambrosia, Stephens' kangaroo rat, San Miguel savory	San Diego ambrosia, San Miguel savory
Timoteo	No	WRMSHCP – Reche Canyon/Badlands Area Plan, SU3 - Badlands North sub-unit	Criteria Cell 562	Fee Area	No	Chaparral Yucca	Yes	Nevin's barberry, Stephens' kangaroo rat	Nevin's barberry was not present
Vaquero	No	WRMSHCP – Southwest Area Plan	No	No	No	No	Yes	None	None
Vidal Junction	Desert tortoise	BLM – NECD	No	No	Yes	No	Yes	Desert tortoise	Desert tortoise
Whitewater	No	CVMSHCP BLM Coachella Valley Amendment to the California Desert Conservation Area Plan	Upper Mission Creek/ Big Morongo Canyon Conservation Area	No	No	No	Yes	Desert tortoise, Burrowing owl	Desert tortoise, Burrowing owl

Table 4.4-10 (Cont.): Existing Conditions Summary

Site Name	Site Located within Critical Habitat?	Applicable Management Plan	Site Located within a Criteria Cell or Conservation Area?	Site Located within an SKRHCP Reserve or Fee Area?	Potentially Jurisdictional Waters in Vicinity of Site?	CDNPA Listed Plants Onsite?	Nesting Bird Habitat Onsite?	Suitable Habitat for Protected Species Onsite?	Focused Surveys Required?
Wileys Well	Desert tortoise	BLM – NECD	No	No	Yes	No	Yes	Desert tortoise, Coachella Valley fringe-toed lizard	Desert tortoise, Coachella Valley fringe-toed lizard
Winchester	No	WRMSHCP – Harvest Valley/Winchester Area Plan	No	Fee Area	No	No	Yes	San Diego ambrosia, Stephens’ kangaroo rat, Coastal California gnatcatcher	San Diego ambrosia

BLM = Bureau of Land Management
 CDNPA = California Desert Native Plants Act
 CNFMP = Cleveland National Forest Management Plan
 CVMSHCP = Coachella Valley Multiple Species Habitat Conservation Plan
 NECD = Northern and Eastern Colorado Desert amendment to the California Desert Conservation Area Plan
 SBNFMP = San Bernardino National Forest Management Plan
 SCRMP = South Coast Regional Management Plan
 USFS = U.S. Forest Service
 WRMSHCP = Western Riverside Multiple Species Habitat Conservation Plan
 YRMP = Yuma Field Office Resource Management Plan

The principal consideration in regards to impacts to protected species arising from project implementation is the small size of each of the project sites. The typical size of a PSEC project site will be approximately 65 feet by 65 feet, or about half the size of a small residential lot. Impacts to sensitive species from development at any of these sites are therefore likely to be negligible. Nevertheless, the Section 7 process contains specific performance measures that would be required to be followed before any site in designated Critical Habitat could be developed. Execution of the Section 7 process and implementation of any requirements arising from that process would result in a less than significant impact in this regard. Mitigation requiring appropriate consultation is provided below.

The PSEC project proposes to develop several sites outside of approved MSHCP areas and Critical Habitat areas, but some of these sites are located in natural areas that may potentially impact state or federally protected species. To ensure that no “take” will occur, focused surveys will need to be conducted for those sites. Table 4.4-11 identifies these sites and indicates the legally protected species that may be potentially impacted without focused surveys.

Table 4.4-11: Sites with Potential for Take Outside an MSHCP or Critical Habitat

Site Name	Species Name	Action
Avocado Flats	Coastal California Gnatcatcher	Avoidance Only
Black Jack	Desert Tortoise	Focused Surveys
Rice	Desert Tortoise	Focused Surveys
Road 177	Desert Tortoise	Focused Surveys

The Avocado Flats site presents a special case since it is adjacent to potentially sensitive habitat for Coastal California Gnatcatcher. The site itself does not contain suitable habitat for listed species, but it is in close enough proximity to suitable habitat to warrant the implementation of avoidance measures to avoid inadvertent take during construction. This site will not require focused surveys, but will instead require pre-construction surveys to determine the presence or absence of the species (nesting birds) and whether or not the area should be avoided until it can be determined that the species is no longer in the area. Implementation of focused surveys for these areas and avoidance of the sensitive species would be necessary to avoid a potentially significant impact. Mitigation to that effect is provided below.

Since the project encompasses vast areas of Riverside County and small portions of adjacent counties, there are a large number of California Species of Special Concern (CSC) species that have a moderate to high potential to occur. Examples include the burrowing owl, a CSC that is also protected by the MBTA and CDFG Code. Other avian CSC species that are protected by the MBTA and CDFG Code include the Bell’s sage sparrow, Southern California rufous-crowned sparrow, California horned lark, Crissal thrasher, Le Conte's thrasher, and raptors such as Cooper’s hawk, and northern harrier. Due to

the limited size of suitable habitat for these species at each site, potential impacts can be considered potentially adverse but less than significant on a local or regional basis. In addition, impacts to many of the species are addressed by the WRMSHCP and CVMSHCP and each species is covered and considered adequately conserved in those areas so long as the MSHCP's requirements are followed.

Several of the project sites also contain suitable habitat for several reptile and mammal species of special concern that are specifically called out in both the WRMSHCP and the CVMSHCP, including coast (San Diego) horned lizard, northern red-diamond rattlesnake, orange-throated whiptail, northwestern San Diego pocket mouse, pallid San Diego pocket mouse, San Diego black-tailed jackrabbit, and San Diego desert woodrat. Although each of these species are CSC species, none are federally or state-listed as endangered or threatened. In addition, potential impacts to these species are covered with adherence to the requirements of the appropriate MSHCP and payment of the appropriate mitigation fee. Therefore, with payment of the fee and compliance with the terms of the appropriate MSHCP, no further action regarding these sensitive wildlife species is required.

Impacts to sensitive species could occur if ground-disturbing activities were to occur outside of the area that was surveyed for the General Habitat Assessment prepared for this DEIR. The assessment at each site was based upon surveys within specified areas around the geodetic coordinates provided by the PSEC project development team. If the final location of a tower were to move outside of the area that was surveyed, or if additional improvements such as roads or powerlines were proposed outside of the area surveyed, then it is possible that unanticipated impacts to sensitive species could occur. To avoid this scenario, expanded surveys would need to take place if development were proposed outside of the area originally surveyed. Performance measures would need to be in place to guide the surveys and any subsequent development within those areas. Mitigation to that effect is provided below.

Similarly, if the time between the date of the surveys and the starting of construction were to become excessive, then it is possible that conditions on the site could change in such a manner that sensitive species could begin to occupy sites where suitable habitat had not been present at the time of the surveys. Sites that had recently been burned in a wildfire or otherwise disturbed could potentially recover and suitable habitat could become available for sensitive species. To avoid this scenario, repeat surveys would need to be initiated to ascertain any possible changes in the habitat. Performance measures would need to be in place to guide the surveys and any subsequent development within those areas. Mitigation to that effect is provided below.

Level of Significance Before Mitigation

Potentially significant

Mitigation Measures

MM BR-1a If a proposed site is located within a USFWS-designated Critical Habitat area for a federally listed species, but is located outside of an established Habitat Conservation

Plan (HCP), then appropriate FESA consultation with the USFWS must be undertaken prior to site development. If suitable habitat for the species is present on or adjacent to the project, then focused surveys shall be undertaken to determine presence or absence of the listed species. This survey requirement may be avoided if the listed species' occupancy of the site is preemptively assumed.

MM BR-1b If a proposed site is located in an area of close proximity to suitable habitat for a species listed under the FESA or CESA as threatened or endangered, then pre-construction surveys of the area shall be performed by a qualified and/or USFWS permitted biologist to determine presence or absence of the species in the area. If it is determined that no listed species are present in the area, then development may commence without further impediment. If it is determined that a listed species is present in the area, then appropriate avoidance measures shall be implemented to avoid inadvertent take of the listed species. Avoidance measures may include, but may not be limited to: 1) Postponement of construction until the species has vacated the area; 2) The installation of exclusion fencing or other barriers to assure that the species does not enter the construction area; or 3) other avoidance measures as recommended by the biologist.

MM BR-1c If any construction related to the proposed project, such as access roads, is anticipated to occur outside of the area surveyed for the June 3, 2008 Habitat Assessment Report, then additional habitat assessments shall be conducted by a qualified biologist prior to development to evaluate potential impacts. If these expanded surveys find that sensitive biological resources are present in the area to be impacted, then appropriate measures consistent with applicable laws and policies in effect at the time of the survey shall be undertaken to avoid or mitigate identified impacts. If the expanded surveys do not find sensitive biological resources in the area to be impacted, then development may then commence unimpeded within the parameters of applicable laws and policies governing such development.

MM BR-1d If the amount of time between the date of the habitat assessment survey, indicated in Table 3 of the June 3, 2008 Habitat Assessment Report, and the commencement of construction exceeds 18 months, a qualified biologist must determine if potential changes in conditions on the site warrant the initiation of additional survey work. If the determination is made that additional survey work is required, then surveys must be conducted by a qualified biologist prior to site development. If subsequent surveys find that sensitive biological resources have taken up occupancy of the site and may be impacted by development, then appropriate measures consistent with applicable laws and policies in effect at the time of the survey shall be undertaken prior to site development to avoid or mitigate identified impacts. If conditions at the

site have not changed considerably and sensitive biological resources are not found, then development may commence unimpeded.

Level of Significance After Mitigation

Less than significant

Riparian Habitat and Federally Protected Wetlands

Impact BR-2	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? [CEQA Biological Resources Threshold 4(b) and 4(c)]
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Impact Analysis

There are no wetlands on any of the project sites. The bulk of the sites are located on top of topographic highpoints or other features where these types of resources are generally not present. The General Habitat Assessment did note, however, several sites where potentially jurisdictional features are located adjacent to the sites. Those sites are identified in Tables 4.4-9 and 4.4-10. It is important to note that none of the potential jurisdictional features identified at any of the sites are located within the proposed footprint of any project site. Rather, these features are instead located outside of the project footprints. Therefore, none of these areas will be directly impacted (i.e., destruction or modification of a drainage). The potential impacts to these areas would likely be indirect only, such as impacts that could arise during construction if flows from within the project footprint were to carry sediment into these potentially jurisdictional areas.

As per existing regulations, the project will be required to obtain a General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ) from the RWQCB. Issuance of the permit requires the development and implementation of a SWPPP that lists BMPs that will be implemented to protect storm water runoff from impacting jurisdictional features. BMPs include the use of straw bales or other temporary detention devices designed to control offsite flows. Therefore, implementation of the conditions contained in the permit should be satisfactory to minimize impacts to jurisdictional features. Mitigation to that effect is provided below.

Level of Significance Before Mitigation

Potentially significant

Mitigation Measures

MM BR-2a	Prior to the commencement of construction at any site, coverage must be obtained under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit 99-08-DWQ) from the
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appropriate RWQCB with jurisdiction over the site. As part of the permit process, a SWPPP must be developed that meets the requirements of the applicable RWQCB and lists BMPs that will be implemented to protect and control storm water runoff from the site.

Level of Significance After Mitigation

Less than significant

Wildlife Corridors and Nursery Sites

Impact BR-3	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites? [CEQA Biological Resources Threshold 4(d)]
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Impact Analysis

The project could create an impact to bird species if nests are disturbed or destroyed during construction. During the habitat assessment for each site, those sites with and without suitable nesting bird habitat were identified. Sites without suitable habitat included areas that were paved or completely devoid of adequate vegetation, burrows, or other cover that could serve as habitat for nesting birds. Several sites contain no suitable habitat, and those sites are identified in Tables 4.4-8 and 4.4-10. All other PSEC sites except those listed will be required to be constructed outside of nesting season or, if construction must take place during nesting season, they must undergo preconstruction surveys to determine if nesting birds are present. Avoidance is the only method available to eliminate impacts to nesting birds, and if nesting birds are found during the surveys, construction will not be allowed to commence in those areas until the nests have completed their cycle. If nesting birds are not found, then construction may commence without impediment. Mitigation that outlines the requirements for preconstruction nesting bird surveys is provided below.

The small size of the proposed sites, together with their non-linear shape, make it extremely unlikely that any site will substantially inhibit the movement of ground-moving animals. However, reasonable evidence is available that suggests that towers that are supported by guy-wires can result in high levels of avian mortality from birds colliding with the guy-wires (Manville, 2000). Additional evidence suggests that towers that are fitted with aircraft avoidance lighting can attract birds and also result in heightened levels of avian mortality if birds collide with tower structures. At the current time, one PSEC site (the Line site on the eastern side of the Salton Sea) is proposed to be constructed using guy-lines for support. Several other sites are proposed that due to their height or other considerations will be required by the Federal Aviation Administration (FAA) to be fitted with aircraft avoidance lighting.

To avoid impacts to birds, the construction of towers that utilize guy-wires should be avoided to the greatest extent feasible. However, it is recognized that site constraints or other factors may render the use of guy-wire supported towers as the only practical alternative at some locations. In these

instances, impacts to birds resulting from guy-wires can be minimized by limiting the number of guy-wires and by installing only the number of guy-lines that are necessary to meet the engineering requirements of the structure. Some guy-line towers are “over-engineered” and are equipped with numerous redundant wires that can add significantly to avian mortality. Therefore, the installation of overly-redundant wires should be avoided. Guy-wires that must be installed can be equipped with visual markers (e.g., bird diverter devices) that can serve to make the wires more visible to birds and thus lessen the potential for collisions. The installation of these devices is recommended for any PSEC tower that will utilize guy-wires for support. Mitigation to that effect is provided below.

Aircraft avoidance lighting will be required at some sites as per FAA requirements. However, these lighting devices can be installed in such a manner as to minimize their attraction to birds and thus avoid undue impacts to birds. Lights can be up-shielded and their intensity lessened to minimum required levels. In addition, the number of flashes per minute (i.e., the amount of time between flashes) can be lessened. These measures have been shown to lessen the light’s attractiveness to birds. Other evidence suggests that birds are less attracted to white strobe lights rather than solid red or pulsating red warning lights. Therefore, the installation of lighting consistent with these findings is recommended. The USFWS has published interim guidance on these matters and the suggestions contained therein should be followed to the extent feasible. Mitigation to that effect is provided below.

Level of Significance Before Mitigation

Potentially significant

Mitigation Measures

MM BR-3a If construction of a proposed site has the potential to impact nesting birds during avian nesting season as indicated in the “Potential to Impact Nesting Birds” column of Table 14 of the June 3, 2008 Habitat Assessment Report, then one of the following must occur: 1) Construction should occur outside of the avian nesting season (approximately February 1 through August 31); 2) If construction must occur during the nesting season, then a pre-construction nesting bird survey of the site shall be conducted by a qualified biologist no more than thirty days prior to construction activities. If active nests are found onsite, then they must be avoided by an appropriate buffer until any young birds have fledged and the nest has completed its cycle, as determined by a qualified biologist. If construction occurs outside of the avian nesting period, then construction may commence without further impediment.

MM BR-3b The use of towers utilizing permanent ground-anchored guy-wires should be avoided. If site constraints or other factors make the construction of a self-supporting tower infeasible and a guy-wire supported tower is identified as the only practical alternative, then each of the following measures must be implemented: 1) the number of guy-wires must be limited to the minimum number necessary to meet the

engineering requirements of the structure; 2) guy-wires shall be equipped with appropriate daytime visual markers (e.g., bird diverter devices) to lessen the potential for collision by birds with the guy-wires; 3) The services of a qualified professional shall be retained to develop specific requirements for the types of diverters, the spacing of the devices upon the wires, and other criteria necessary to minimize impacts to avian species.

MM BR-3c If a communication tower is proposed and is for whatever reason required to install and maintain aircraft warning lights, then the minimum amount of lighting required by the FAA shall be used. Where permissible by the FAA, only white strobe lights shall be used at night. These lights shall be up-shielded to minimize disruption to local residents, and shall be the minimum number, with minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowed by the FAA. Unless specifically required by the FAA, the use of solid red or pulsating red warning lights shall be avoided at night.

MM BR-3d Security lighting or other nighttime lighting for on-ground facilities and equipment shall be down-shielded to keep light within the boundaries of the site and to minimize its potential attraction for birds.

Level of Significance After Mitigation

Less than significant

Local Policies or Ordinances Protecting Biological Resources

Impact BR-4	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? [CEQA Biological Resources Threshold 4(e)]
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Impact Analysis

Surveys conducted at each of the sites identified numerous sites where plant species protected under the California Native Desert Plants Act (CDNPA) were present. Those sites are identified in Tables 4.4-7 and 4.4-10. Avoidance is the best method to eliminate impacts to these plants, but if avoidance is not feasible then an appropriate permit will need to be obtained and removal will need to occur under the parameters prescribed in the CDNPA. Mitigation to that effect is provided below.

Level of Significance Before Mitigation

Potentially significant

Mitigation Measures

MM BR-4a If the installation of a communication tower facility has the potential to impact native desert plants protected under the California Desert Native Plants Act as identified in the “Potential to Impact CDNPA Listed Plants” column of Table 14 of the June 3,

2008 Habitat Assessment Report, then those plant specimens shall be avoided to the maximum extent feasible. If a listed plant cannot be avoided, then the appropriate removal permit must be obtained from the relevant official. Permits may be obtained from the Agricultural Commissioner or Sheriff of the relevant county.

Level of Significance After Mitigation

Less than significant

Conservation Plans

Impact BR-5	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?
	[CEQA Biological Resources Threshold 4(f)]

Impact Analysis

The PSEC project sites are located across a vast area and are subject to more than a dozen different management plans, regulations, or similar directives that determine how biological resources are to be managed. More than half of the project sites are located within either the WRMSHCP or CVMSHCP plan areas. These sites are identified in Tables 4.4-1 and 4.4-2, respectively. A further 15 sites fall within the SKRHCP plan area, and those sites are identified in Table 4.4-3. Seventeen sites are located on federal lands managed by either the USFS or the BLM, and those sites are managed under the applicable management plans that have been adopted by those agencies. Those sites are identified in Tables 4.4-5 and 4.4-6. All of the sites and the various plans that apply to them are summarized in Table 4.4-10.

Each of these resource management plans provide specific requirements for development activities that occur within their planning areas. All sites that fall under the jurisdiction of any of these plans will be required to abide by specific performance measures within the plans that direct how projects are approved, constructed, and operated. Requirements of these plans are described in detail in Section 4.4.1 at the beginning of this section. If aspects of the PSEC project were to be conducted outside of the conditions imposed by these plans, then the project would be in conflict with those plans. However, if the project were to be implemented within the requirements of the plans, then there would be no conflict. Especially in the cases of the WRMSHCP, the CVMSHCP, and the SKRHCP, compliance with these plans is designed to provide full mitigation under CEQA, NEPA, CESA, and FESA for impacts to the species and habitats covered by them. Mitigation requiring consistency and compliance with these plans is provided below.

While MSHCPs provide some level of clearance for take of a listed species, they are not a blanket approval to unnecessarily impact covered plants or animals with complete impunity. Requirements must be in place that provide that all feasible avoidance measures must be implemented to ensure that no unauthorized take occurs. Mitigation to that effect is provided below.

Sites located on lands managed by the USFS and BLM are required to undergo development review and analysis under NEPA by their respective agency before they can be approved and constructed. Projects that are developed on federal lands are required to be consistent with the appropriate resource management plan in effect for the area in which the project is located. Mitigation to that effect is provided below.

Level of Significance Before Mitigation

Potentially significant

Mitigation Measures

- MM BR-5a** A consistency analysis shall be prepared for all sites governed by the WRMSHCP. This analysis may be presented as a master document that incorporates analysis for all of the sites rather than separate documents for each site. Regardless of the manner in which the analysis is presented, the development of each site must be found consistent with the WRMSHCP by the RCA and payment of the mandatory mitigation fee must be submitted prior to the site's development. Payment of the fee and a determination of consistency with the requirements of the WRMSHCP is intended to provide full mitigation under CEQA, NEPA, CESA, and FESA for impacts to the species and habitats covered by the WRMSHCP.
- MM BR-5b** If a site is located within a Criteria Cell as defined in the WRMSHCP, then the County shall enter into a HANS process with the Riverside County Environmental Planning Department (EPD) or the appropriate WRMSHCP participant. Once the HANS application is deemed complete, a HANS Criteria Determination Letter shall be issued. The application and letter must then be reviewed and accepted by the Regional Conservation Authority prior to site development.
- MM BR-5c** If a site is proposed to be located within an area that is governed by the WRMSHCP, and is also listed in the "Focused Surveys Required" column of Table 14 of the June 3, 2008 Habitat Assessment Report, then additional focused surveys must be conducted for those species according to established survey protocols. If the species is found to be present on the site, then the site shall be considered occupied suitable habitat, and, if it is not feasible to conserve at least 90 percent of the area, then the County must submit an analysis supporting a DBESP. The DBESP discussion shall list why avoidance is not possible, quantify unavoidable impacts, propose project design features and mitigation measures to reduce indirect effects, and demonstrate that the project would be biologically equivalent or superior to avoidance.
- MM BR-5d** A consistency analysis shall be prepared for all sites governed by the CVMSHCP. This analysis may be presented as a master document that incorporates analysis for all of the sites rather than separate documents for each site. Regardless of the manner

in which the analysis is presented, the development of each site must be found consistent with the CVMSHCP by the CVAG and payment of the mandatory mitigation fee must be submitted prior to the site's development. Payment of the fee and a determination of consistency with the requirements of the CVMSHCP are intended to provide full mitigation under CEQA, NEPA, CESA, and FESA for impacts to the species and habitats covered by the CVMSHCP.

- MM BR-5e** If a site is proposed to be located within a conservation area as designated by the CVMSHCP, then the proposed development shall be reviewed under the appropriate review process in effect at the time of application. During the interim period prior to final MSHCP adoption, participants in this review are assumed to be the USFWS and the CDFG. Following the MSHCP's adoption, the reviewing authority is assumed to be the CVCC. Regardless of the reviewing authority or process in effect at the time of application, appropriate review must take place and the specific direction of the reviewing authorities implemented prior to site development.
- MM BR-5f** If any federal or State listed threatened or endangered species are listed as potentially occurring upon any site and those species are covered under either the WRMSHCP or CVMSHCP, then all feasible avoidance measures will be implemented to ensure no take of the species occurs.
- MM BR-5g** If a site is proposed to be located within a SKRHCP Fee Area, then the mandatory mitigation fee shall be paid. Payment of the fee is intended to provide full mitigation to Stephens' kangaroo rat under CEQA, NEPA, CESA, and FESA through the SKRHCP.
- MM BR-5h** If a site is proposed to be located within an SKR Reserve Area, then focused surveys for Stephens' kangaroo rat shall be conducted to determine the occupancy status of the species on the site. If the species is determined to be present on the site, an area of suitable habitat, at a minimum replacement ratio of one to one and approved by both the CDFG and the USFWS, shall be purchased and managed as a reserve area.
- MM BR-5i** If a site is proposed to be located on lands managed by an agency of the federal government, then development of the site must be reviewed by the agency prior to site development and found to be consistent with the agency's applicable resource management plan.

Level of Significance After Mitigation

Less than significant

4.4.6 - Summary of Mitigation Measures

Table 4.4-12, below provides a listing of all of the PSEC sites and the mitigation measures that apply to each site.

Table 4.4-12: Mitigation Measures

Site Name	Mitigation Measures
Arlington	BR-1c, 1,d, 2a, 3c, 3d, 5a, 5g
Avocado Flats	BR-1b, 1c, 1,d, 2a, 3a, 3c, 3d, 5i
Big Maria	BR-1c, 1,d, 2a, 3c, 3d, 5i
Black Eagle	BR-1c, 1,d, 2a, 3c, 3d
Black Jack	BR-1c, 1,d, 2a, 3a, 3c, 3d, 4a, 5i
Blue Mountain	BR-1a, 1c, 1,d, 2a, 3c, 3d
Box Springs	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5b, 5g
Brookside	BR-1c, 1,d, 2a, 3c, 3d, 5a
Cajalco	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5b, 5c, 5f, 5g
Corn Springs	BR-1-a, 1c, 1,d, 2a, 3a, 3c, 3d, 4a, 5i
Corona	BR-1c, 1,d, 2a, 3c, 3d, 5a
El Cariso	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5i
Elsinore Peak	BR-1a, 1c, 1,d, 2a, 3a, 3c, 3d, 5i
Estelle Mountain (A)	BR-1a, 1c, 1,d, 2a, 3a, 3c, 3d, 5i
Estelle Mountain (B)	BR-1a, 1c, 1,d, 2a, 3a, 3c, 3d, 5i
Glen Avon	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5b, 5c, 5g
Green River	BR-1-b, 1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5b, 5c, 5f
Homeland	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5g
Iron Mountain	BR-1c, 1,d, 2a, 3c, 3d
Joshua Tree	BR-1c, 1,d, 2a, 3c, 3d
Lake Elsinore	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5g
Lake Mathews	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5c, 5h
Lake Riverside	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5b, 5f
Leona	BR-1c, 1,d, 2a, 3a, 3c, 3d, 4a, 5a, 5b, 5c, 5f, 5g
Line	BR-1c, 1,d, 2a, 3a, 3b, 3c, 3d, 5d
Margarita (MWD)	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5b, 5f, 5g
Margarita (SDSU)	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5f, 5g
Marshall	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5c, 5g
Mead Valley	BR-1c, 1,d, 2a, 3c, 3d, 5a, 5g

Table 4.4-12 (Cont.): Mitigation Measures

Site Name	Recommendation Measures
Mecca Landfill	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5d
Menifee	BR-1c, 1,d, 2a, 3c, 3d, 5a, 5g
Morongo	BR-1c, 1,d, 2a, 3a, 3c, 3d, 4a, 5d, 5f
Paradise	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a
Quail Valley	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5f, 5g
Rancho Carrillo	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5i
Ranger Peak	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5i
Red Mountain	BR-1c, 1,d, 2a, 3a, 3c, 3d, 4a, 5i
Redondo Mesa	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5b
Rice	BR-1c, 1,d, 2a, 3a, 3c, 3d, 4a, 5i
Road 177	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5i
Santa Rosa Peak	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5d
Santiago Peak	BR-1c, 1,d, 2a, 3a, 3c, 3d, 4a, 5i
Spring Hill	BR-1a, 1c, 1,d, 2a, 3a, 3b, 3c, 3d, 4a, 5i
Sunnyslope	BR-1c, 1,d, 2a, 3a, 3c, 3d, 4a, 5a, 5c, 5f
Temescal	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5b, 5c
Timoteo	BR-1c, 1,d, 2a, 3a, 3c, 3d, 4a, 5a, 5b, 5g
Vaquero	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a
Vidal Junction	BR-1a, 1c, 1,d, 2a, 3a, 3c, 3d, 5i
Whitewater	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5d, 5e, 5i
Wileys Well	BR-1a, 1c, 1,d, 2a, 3a, 3c, 3d, 5i
Winchester	BR-1c, 1,d, 2a, 3a, 3c, 3d, 5a, 5c, 5f, 5g