

**ATTACHMENT A - EXHIBIT 1 - A**

**Appendix G - Biological Resources Assessments**

# HARMSWORTH ASSOCIATES

## Environmental Consultants

February 14, 2014

Matt Nelson  
Gresham Savage Nolan & Tilden  
550 East Hospitality Lane, Suite 300  
San Bernardino, CA 92408

Dear Mr. Nelson:

### **Re: Wildomar WalMart Project Site Biological Surveys**

This letter report presents the findings a biological survey and site assessment for the Wildomar WalMart project site, Riverside County, California. The purpose of the survey is to provide information on the current status of the site. The surveys were conducted under contract to Gresham Savage Nolan & Tilden. Surveys were conducted on 4 February 2014.

### **Project location, site description**

The Wildomar WalMart project site is located in Wildomar, Riverside County, California; and is located within two U.S. Geological Survey (USGS) topographic maps: Wildomar and Lake Elsinore quadrangles. The site is bound by the I-15 freeway to the west, Bundy Canyon Road to the north, Monte Vista Drive to the east and an existing rural residential development to the south (Figures 1 and 2).

The 24.5 acre project site consists of a vacant lot, including abandoned residential developments. Site topography is mostly flat and occurs at an elevation of approximately 1,420ft. The soils in the project site consist of sandy loam soils that developed on alluvial fans and terraces including Greenfield sandy loam, Monserate sandy loam, Placentia fine sandy loam and Ramona sandy loam.

### **Survey methods**

The site visit was conducted on 4 February, 2014 by Harmsworth Associate biologist Paul Galvin. The habitat assessment and survey consisted of a general walk-around to all portions of the site, documenting site vegetation; habitats and evidence of wildlife presence.

### **Site conditions and vegetation communities**

The project site consists of a vacant lot. All areas of the site have been regularly disked and impacted by trails and foot traffic. The site can be divided into three vegetation cover types, Riversidean sage scrub, non-native grassland and developed areas (Photographs 1 through 6; Appendix F).

Each vegetation type was classified into vegetation communities described by the Holland (1986)<sup>1</sup> system; with the equivalent category under Sawyer *et al.* 2009<sup>2</sup> also included. The distribution of vegetation communities is shown in Figure 3.

### **Non-native grassland**

This vegetation type describes areas dominated by non-native European annual grasses, with a large component of ruderal forbs. It is mapped as California annual grassland series by Sawyer *et al.* 2009. On the project site, the non-native grassland is associated with areas of historic grazing, disking and off-road recreational vehicle use. Soils are generally deep, well-drained sand to fine sandy loam. Most areas were sparsely vegetated with non-native grasses and weeds or completely devoid of vegetation due to recent disking. Dominant species included cheatgrass (*Bromus tectorum*), soft chess (*Bromus hordeaceus*), red brome (*Bromus madritensis* ssp. *rubens*), barley (*Hordeum murinum*), summer mustard (*Hirschfeldia incana*) and red-stemmed filaree (*Erodium cicutarium*). Exotic trees included pines (*Pinus* spp.) and pepper trees (*Schinus molle*) occurred sporadically throughout the grassland area.

A total of 15.6 acres of non-native grassland occurred in the project site (Figure 3).

### **Riversidean sage scrub**

Riversidean Sage Scrub is the most xeric expressions of Coastal Sage Scrub (Holland 1996). Riversidean sage scrub is composed of low growing, soft, woody, drought-deciduous shrubs and herbaceous plants that grow on steep slopes, severely drained soils, or clays that slowly release soil moisture. Mesic sites generally occur in microhabitats characterized by north-facing slopes in canyons and small drainages. Xeric habitats typically occur in areas on ridges and south-facing slopes. Species composition and diversity is determined by soil factors, fire, and topography. It is mapped under the California buckwheat and black sage series by Sawyer *et al.* 2009.

At the project site Riversidean sage scrub occurred in three small patches in the eastern half of the site and also occurred along the fence lines that bound the site. It is likely that the entire area was dominated by Riversidean sage scrub in the past but has been mostly eliminated by disking. The Riversidean sage scrub that currently exist onsite is disturbed, low in diversity and of low quality. The Riversidean sage scrub was dominated almost entirely by California buckwheat (*Eriogonum fasciculatum*), deerweed (*Acmispon glaber* var. *glaber*) and bromes (*Bromus* spp.).

A total of 5.9 acres of Riversidean sage scrub occurred in the project site (Figure 3).

### **Developed areas**

Developed areas included two former residential properties and associated exotic landscaping. In both areas the buildings have been removed and all that currently

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<sup>1</sup> Holland, R. F. 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California. Nongame-Heritage Program. California Department of Fish and Game. Sacramento, CA. 156 pp.

<sup>2</sup> Sawyer J.O., T. Keeler-Wolf and J.M. Evens. 2009. A Manual of California Vegetation, 2<sup>nd</sup> Edition. California Native Plant Society. Sacramento, CA.

remains are the concrete pads and landscaping. Exotic trees present included pines, oaks (*Quercus* sp.), pepper trees and gum trees (*Eucalyptus* spp.).

A total of 3.0 acres of Riversidean sage scrub occurred in the project site (Figure 3).

### **Wetlands and Jurisdictional Areas**

One drainage crosses the project site. The drainage enters the site on the east side and crosses the site diagonally exiting the site on the west side. The drainage was narrow, ranging from one to six feet wide, with shallow banks and a sandy substrate and was dry at the time of the survey. The drainage was mostly un-vegetated but in places did support some western cottonwoods (*Populus fremontii* ssp. *fremontii*), mulefat (*Baccharis salicifolia*) and buckwheat.

The drainage is subject to the jurisdiction to the US Army Corps of Engineers 404 program and the California Department of Fish and Wildlife 1600 program.

The site does not contain any wetlands or vernal pools.

### **Wildlife**

Wildlife was sparse due to the lack of native habitats and the location of the site in a developed area. Species detected were typical of disturbed and built-up areas and included mourning dove (*Zenaida macroura*), house finch (*Carpodacus mexicanus*) and California ground squirrel (*Spermophilus beecheyi*).

### **Special Status Species**

One special status wildlife species<sup>3</sup>, California horned lark (*Eremophila alpestris actia*), was detected at the site. A small flock of larks occurred in the non-native grassland in the northern portion of the site. Horned larks are common in disturbed grassland in winter. There are no historic site records for any other special status wildlife species.

No special status plant<sup>4</sup> species were detected at the site and there are no historic site records for any special status plant species.

A few special status plant and wildlife species have been documented in the region but all these records either pre-date the development of the city (pre-1950) or are from currently undeveloped areas in the region (CNDDDB 2014<sup>5</sup>). None of the records are from the project site.

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<sup>3</sup> Special status wildlife species = federal or state listed threatened or endangered species, or proposed endangered, threatened or candidate species, or otherwise sensitive species.

<sup>4</sup> Special status plant species = federal or state listed threatened or endangered species, or proposed endangered, threatened or candidate species, California Native Plant Society Species List (CNPS list 1-4), or otherwise sensitive species.

<sup>5</sup> Lake Elsinore and Wildomar CNDDDB February 2014.

The site has suitable habitat for one additional special status species, the burrowing owl (*Athene cunicularia*); however no burrowing, owl sign or suitable burrows were documented onsite during the survey. Burrowing owl focused surveys are not required at this site under the MSHCP.

The site has no suitable habitat for any additional special status plant or wildlife species and has no potential to support any additional special status species.

## **MSHCP**

The entire project area is within the western Riverside County multiple species habitat conservation plan (MSHCP) area and therefore requires compliance with the plan.

The project site is not within any conservation area or linkage area under the MSHCP. In addition, no focused surveys are required for this site under the MSHCP (Appendix B). Compliance with the MSHCP can be achieved by payment of the MSHCP development fees.

The drainage onsite is considered a riparian/riverine area under the MSHCP. Since the project would result in impacts to riparian/riverine areas, a Determination of Biologically Equivalent or Superior Preservation (DBESP) is also required.

## **Biological constraints**

The site is disked and has minimal vegetation. The site has no potential to support any special status plant or wildlife species (other than burrowing owl, which was absent) or wildlife movement. The site could support nesting birds and does support one drainage.

### Nesting birds

Impacts to nesting birds can be avoided and, compliance with the federal Migratory Bird Treaty Act of 1918 (MBTA) can be accomplished by the following:

- If possible, all vegetation removal activities shall be scheduled from August 1 to February 15, which is outside the nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly,
- If vegetation is to be cleared during the nesting season (February 15 – July 31), all suitable habitat will be thoroughly surveyed for the presence of nesting birds by a qualified biologist 72 hours prior to clearing. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 50-foot buffer and up to 300 feet for raptors, with the final buffer distance to be determined by the qualified biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist will be present on the site to monitor the vegetation removal to

ensure that any nests, which were not detected during the initial survey, are not disturbed.

MSHCP

If impacts occur to the drainage onsite then a Determination of Biologically Equivalent or Superior Preservation (DBESP) would also be required. The DBESP must be approved by the RCA and would require mitigation for impacts to the drainage.

Corps of Engineers (Corps)

If impacts occur to the drainage onsite then a Corps 404 permit would also be required. The permit would require mitigation for impacts to the drainage.

California Regional Water Quality Control Board (Reg Board)

If impacts occur to the drainage onsite then a Reg. Board 401 certification would also be required. The certification would require mitigation for impacts to the drainage.

California Department of Fish and Wildlife (CDFW)

If impacts occur to the drainage onsite then a CDFW streambed alteration agreement would also be required. The agreement would require mitigation for impacts to the drainage.

If you have any questions or require additional information, please call me at (714) 389-9527.

Sincerely

**Harmsworth Associates**

A handwritten signature in black ink, appearing to read "Paul Galvin". The signature is written in a cursive, flowing style.

Paul Galvin, M.S.  
Vice President

## APPENDICES

### Appendix A: Weather data

Public information national weather service San Diego CA; 2012-2013 rainfall season in review, <http://www.nws.noaa.gov/climate>

A drier than normal rainfall season ended on 30 June 2013. During the fall and winter all stations were below average. The late spring was average. All of California ended up below normal for rainfall totals, with an average for the region of approximately 43% the normal rainfall.

Areas	2012-2013 Total	Normal Total	% of Normal
Santa Barbara	9.31	17.73	53
Lancaster	1.22	5.1	24
downtown Los Angeles	5.84	14.77	40
Long Beach Airport	6.63	12.72	52
John Wayne Airport	4.85	12.76	38
Fullerton	6.19	14.72	42
Riverside	4.11	10.12	41
Oceanside Airport	5.99	10.54	57
San Diego	6.59	10.13	65
Palm Springs	1.16	5.49	21

### ELSINORE, CALIFORNIA (042805)

Period of Record Monthly Climate Summary

Period of Record : 3/10/1897 to 3/31/2013

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	65.4	67.5	71.0	76.3	81.8	90.5	98.1	98.1	93.5	83.7	74.1	66.9	80.6
Average Min. Temperature (F)	36.4	38.7	41.2	44.7	49.8	54.1	59.4	59.8	55.8	48.8	41.1	36.5	47.2
Average Total Precipitation (in.)	2.47	2.54	2.03	0.75	0.23	0.02	0.08	0.12	0.26	0.51	0.99	2.01	12.01
Average Total SnowFall (in.)	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.6
Average Snow Depth (in.)	0	0	0	0	0	0	0	0	0	0	0	0	0

Percent of possible observations for period of record.

Max. Temp.: 92.9% Min. Temp.: 92% Precipitation: 96.8% Snowfall: 97% Snow Depth: 96.9%

Check [Station Metadata](#) or [Metadata graphics](#) for more detail about data completeness.

**Appendix B: Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)**

<b>APN</b>	<b>Cell</b>	<b>Cell Group</b>	<b>Acres</b>	<b>Area Plan</b>	<b>Sub Unit</b>
367100033	Not A Part	Independent	1.01	Elsinore	Not a Part
367100034	Not A Part	Independent	0.82	Elsinore	Not a Part
367100035	Not A Part	Independent	2.61	Elsinore	Not a Part
367100037	Not A Part	Independent	21.68	Elsinore	Not a Part

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## **Background**

The final MSHCP was approved by the County Board of Supervisors on June 17, 2003. The federal and state permits were issued on June 22, 2004 and implementation of the MSHCP began on June 23, 2004.

For more information concerning the MSHCP, contact your local city or the County of Riverside for the unincorporated areas. Additionally, the Western Riverside County Regional Conservation Authority (RCA), which oversees all the cities and County implementation of the MSHCP, can be reached at:

Western Riverside County Regional Conservation Authority  
3403 10th Street, Suite 320  
Riverside, CA 92501

Phone: 951-955-9700  
Fax: 951-955-8873

[www.wrc-rca.org](http://www.wrc-rca.org)

**Appendix C: Plant species detected at the Wildomar project site, 2014.**

<b>SCIENTIFIC NAME</b>	<b>COMMON NAME</b>
<b>PINACEAE</b>	<b>PINE FAMILY</b>
<i>Pinus sp.</i>	Exotic Pine
<b>ADOXACEAE</b>	<b>MUSKROOT FAMILY</b>
<i>Sambucus nigra spp. caerulea (= S. mexicana)</i>	Blue Elderberry
<b>ANACARDIACEAE</b>	<b>SUMAC or CASHEW FAMILY</b>
<i>Rhus integrifolia</i>	Lemonade Berry
<i>Schinus molle*</i>	Peruvian Pepper Tree
<b>ASTERACEAE</b>	<b>SUNFLOWER FAMILY</b>
<i>Artemisia californica</i>	California Sagebrush
<i>Artemisia dracunculus</i>	Dragon Sagewort or Tarragon
<i>Baccharis salicifolia</i>	Mulefat
<i>Heterotheca grandiflora</i>	Telegraph Weed
<i>Logfia filaginoides (= Filago californica)</i>	California Filago or Fluffweed
<b>BRASSICACEAE</b>	<b>MUSTARD FAMILY</b>
<i>Hirschfeldia incana*</i>	Shortpod or Summer Mustard
<b>FABACEAE</b>	<b>LEGUME FAMILY</b>
<i>Acmispon glaber var. glaber (= Lotus scoparius var. scoparius)</i>	Coastal Deerweed, Coastal Deer Broom, California Broom
<i>Parkinsonia aculeata*</i>	Jerusalem-Thorn or Mexican Palo Verde
<b>FAGACEAE</b>	<b>OAK FAMILY</b>
<i>Quercus sp.</i>	Exotic Oak
<b>MYRTACEAE</b>	<b>MYRTLE FAMILY</b>
<i>Eucalyptus sp.</i>	Gum Tree
<b>POLYGONACEAE</b>	<b>BUCKWHEAT FAMILY</b>
<i>Eriogonum fasciculatum</i>	California Buckwheat
<b>SALICACEAE</b>	<b>WILLOW FAMILY</b>
<i>Populus fremontii ssp. fremontii</i>	Western Cottonwood
<i>Salix lasiolepis</i>	Arroyo Willow
<b>SOLANACEAE</b>	<b>NIGHTSHADE FAMILY</b>
<i>Datura stramonium*</i>	Jimsonweed
<b>POACEAE</b>	<b>GRASS FAMILY</b>
<i>Bromus hordeaceus*</i>	Soft Chess
<i>Bromus madritensis ssp. rubens*</i>	Foxtail Chess or Red Brome
<i>Bromus tectorum*</i>	Cheat Grass
<i>Hordeum murinum ssp. leporinum*</i>	Hare Barley or Foxtail Barley

KEY: Asterix (\*) = non-native species; + = sensitive species; Sources: Taxonomy - Jepson Flora Project (eds.) 2013. Common names and non-native species designations according to Allen & Roberts (2013), then Jepson Flora Project (eds.) 2013.

## **Appendix D: California Native Plant Society Categories**

CNPS Status based on California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (Tibor 2001):

### **List 1A: Plants Presumed Extinct in California**

The plants of List 1A are presumed extinct because they have not been seen or collected in the wild for many years. Although most of them are restricted to California, a few are found in other states as well. There is a difference between "extinct" and "extirpated." A plant is extirpated if it has been locally eliminated. It may be doing quite nicely elsewhere in its range. All of the plants constituting List 1A meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection) of the California Department of Fish and Game Code and are eligible for state listing.

### **List 1B: Plants Rare, Threatened or Endangered in California and Elsewhere**

The plants of List 1B are rare throughout their range. All but a few are endemic to California. All of them are judged to be vulnerable under present circumstances or to have a high potential for becoming so because of their limited or vulnerable habitat, their low numbers of individuals per population (even through they may be wide ranging), or their limited number of populations. All of the plants constituting List 1B meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection) of the California Department of Fish and Game Code and are eligible for state listing.

### **List 2: Plants Rare, Threatened or Endangered in California, But More Common Elsewhere**

Except for being common beyond the boundaries of California, the plants of List 2 would have appeared on List 1B. Based on the "Native Plant Protection Act," plants are considered without regard to their distribution outside the state. All of the plants constituting List 2 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection) of the California Department of Fish and Game Code and are eligible for state listing.

### **List 3: Plants About Which We Need More Information—A Review List**

The plants that comprise List 3 are an assemblage of taxa that have been transferred from other lists or that have been suggested for consideration. The necessary information that would assign most to a sensitivity category is missing.

### **List 4: Plants of Limited Distribution—A Watch List**

The plants in this category are of limited distribution in California and their vulnerability or susceptibility to threat appears low at this time. While these plants cannot be called "rare" from a statewide perspective, they are uncommon enough that their status should be monitored regularly. Many of them may be significant locally. Should the degree of endangerment or rarity of a plant change, they will be transferred to a more appropriate list.

### **Threat Code Extensions and their meanings:**

- .1- Seriously endangered in California
- .2- Fairly endangered in California
- .3- Not very endangered in California

**Appendix E: Wildlife species detected at the Wildomar project site, 2014.**

<b>FAMILY/SPECIES NAME</b>	<b>COMMON NAME</b>
<b>REPTILIA</b>	<b>REPTILES</b>
<b>PHRYNOSOMATIDAE</b>	<b>NORTH AMERICAN SPINY LIZARDS &amp; RELATIVES</b>
<i>Sceloporus occidentalis</i>	Western Fence Lizard
<b>AVES</b>	<b>BIRDS</b>
<b>FALCONIDAE</b>	<b>CARACARAS &amp; FALCONS</b>
<i>Falco sparverius</i>	American Kestrel
<b>COLUMBIDAE</b>	<b>PIGEONS &amp; DOVES</b>
<i>Columba livia</i>	Rock Pigeon
<i>Zenaida macroura</i>	Mourning Dove
<b>TROCHILIDAE</b>	<b>HUMMINGBIRDS</b>
<i>Calypte anna</i>	Anna's Hummingbird
<b>TYRANNIDAE</b>	<b>TYRANT FLYCATCHERS</b>
<i>Sayornis nigricans</i>	Black Phoebe
<i>Sayornis saya</i>	Say's Phoebe
<i>Tyrannus vociferans</i>	Cassin's Kingbird
<b>CORVIDAE</b>	<b>JAYS, MAGPIES &amp; CROWS</b>
<i>Corvus brachyrhynchos</i>	American Crow
<b>ALAUDIDAE</b>	<b>LARKS</b>
<i>Eremophila alpestris actia</i> <sup>+</sup>	California Horned Lark
<b>STURNIDAE</b>	<b>STARLINGS &amp; ALLIES</b>
<i>Sturnus vulgaris</i>	European Starling
<b>PARULIDAE</b>	<b>WOOD WARBLERS &amp; RELATIVES</b>
<i>Dendroica coronata</i>	Yellow-Rumped Warbler
<b>FRINGILLIDAE</b>	<b>FRINGILLINE FINCHES</b>
<i>Carpodacus mexicanus</i>	House Finch
<b>MAMMALIA</b>	<b>MAMMALS</b>
<b>LEPORIDAE</b>	<b>RABBITS &amp; HARES</b>
<i>Sylvilagus audubonii</i>	Desert Cottontail
<b>SCIURIDAE</b>	<b>SQUIRRELS, CHIPMUNKS &amp; MARMOTS</b>
<i>Spermophilus beecheyi</i>	California Ground Squirrel

**Sources:**

Reptiles and amphibians: North American Herpetology (NAH) nomenclature updates:

<http://www.naherpetology.org/nameslist>

Birds: American Ornithologists' Union Checklist of North American Birds - 7th Edition (2005):

<http://www.aou.org/checklist/index.php3>

Mammals: Baker, R. J., L. C. Bradley, R. D. Bradley, J. W. Dragoo, M. D. Engstrom, R. S. Hoffmann, C. A. Jones, F. Reid, D. W. Rice, and C. Jones. 2003. Revised Checklist of North American Mammals North of Mexico. Museum of Texas Tech University. OP-229.

<http://www.nsr1.ttu.edu/pubs/opapers.htm>

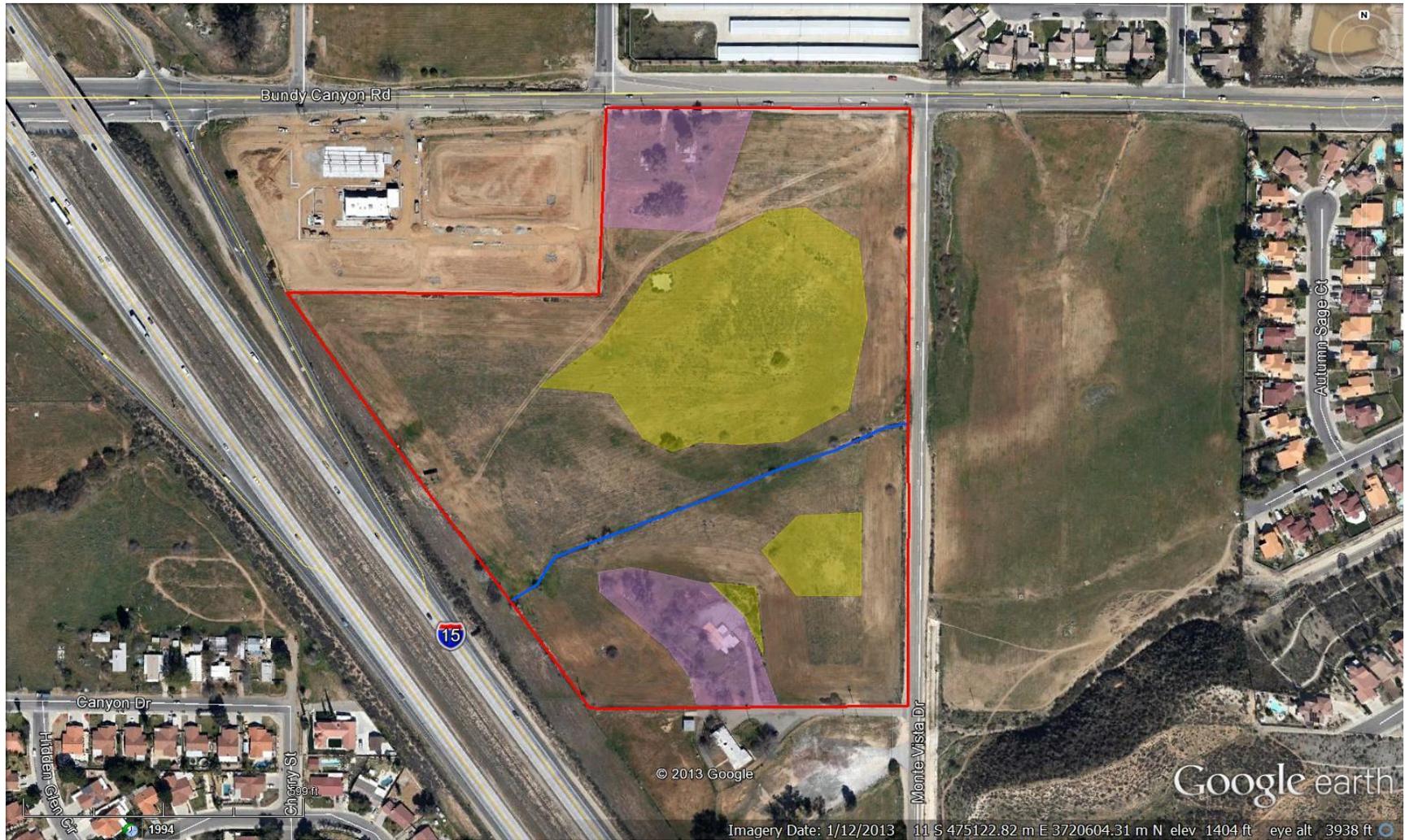
Common names: Grenfell, W. E., M. D. Parisi, and D. McGriff. 2003. Complete List of Amphibians, Reptiles, Birds and Mammals in California. California Department of Fish and Game & California Interagency Wildlife Task Group. [http://www.dfg.ca.gov/whdab/pdfs/species\\_list.pdf](http://www.dfg.ca.gov/whdab/pdfs/species_list.pdf); and Perrins, C. M., and A. L. A. Middleton (Eds.). 1983. The Encyclopedia of Birds. Andromeda Oxford Limited. 463pp.

Special Status Designations + : California Department of Fish and Game, California Natural Diversity Database (July 2013): <http://www.dfg.ca.gov/whdab/html/cnddb.html>





**Figure 2:** Location of Wildomar WalMart project site, Riverside County, California. Source: Google Earth, Inc.



**Figure 3:** Vegetation communities at the Wildomar WalMart project site, Riverside County, California. Yellow = Riversidean sage scrub; purple = developed areas; blue line = drainage; remaining areas = non-native grassland. Source: Google Earth, Inc.



**Photograph 1:** Project site, looking southwest from northeast corner.



**Photograph 2:** Project site, looking west along northern boundary.



**Photograph 3:** Project site, looking north from eastern boundary.



**Photograph 4:** Project site, looking north from center of site.



**Photograph 5:** Project site, showing drainage entering site.



**Photograph 6:** Project site, looking west along drainage.

**WILDOMAR WALMART**  
**JURISDICTIONAL DELINEATION REPORT**

**Prepared for:**

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**Prepared by:**

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**March 2014**

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## **1.0 INTRODUCTION**

### **1.1 Project summary**

WalMart is preparing to develop the Wildomar Walmart Project located within the City of Wildomar, in Riverside County. The project consists of a proposed 207,800 square feet of new retail/commercial uses within a 24.5-acre site. The purpose of the project is to provide jobs-producing retail/commercial uses to the City of Wildomar and local community; increase the economic benefits of the City of Wildomar through increased tax generation and job creation; capitalize on the site's regional freeway access and develop a project that is sensitive to the surrounding land uses.

The Wildomar WalMart project site is located in Wildomar, Riverside County, California; and is located within two U.S. Geological Survey (USGS) topographic maps: Wildomar and Lake Elsinore quadrangles. The site is bound by the I-15 freeway to the west, Bundy Canyon Road to the north, Monte Vista Drive to the east and an existing rural residential development to the south (Figures 1 and 2).

The proposed project would result in minor permanent impacts to an un-named drainage that may be jurisdictional to the Army Corps of Engineers (Corps) and California Department of Fish and Wildlife (CDFW).

### **1.2 Project description**

The proposed Wildomar Walmart Project will realize approximately 207,800 square feet of new retail/commercial uses within a 24.5-acre site, located within the City of Wildomar, in Riverside County. The Project is a comprehensively designed shopping center that includes a major retail anchor building and associated freestanding retail tenant. The perimeter of the site features enhanced setbacks with plantings clusters and themed landscaping treatments, which are echoed in parking lot plantings and pedestrian path planters. The area along the freeway includes dense landscaping to obscure views into the site from the motoring public. Pedestrian circulation connects the onsite uses, while minimizing conflicts between pedestrians and vehicles. Additionally, truck circulation has been designed to minimize conflicts with both pedestrians and cars. The site is currently comprised of four (4) legal parcels. A tentative tract map is proposed to merge the parcels into two (2) legal parcels.

Two detention/Infiltration basins will be located onsite; one in the westerly portion of the site along the I-15, and the other in the southerly portion of the site, along Canyon Drive. The western infiltration basin will have a top surface area of 1.44 acres and a maximum

depth of 9 feet. The southern detention basin will have a top surface area of 0.20 acre and a maximum depth of 6 feet. The basins will be used to control offsite discharges and prevent downstream capacity issues. All onsite runoff from buildings and parking areas will be conveyed through porous landscape detention areas (PLDs) before being routed to the detention/infiltration basins via a system of underground pipes and catch basins. From the basins, runoff will be routed underground to existing inlets located underneath I-15.

The project will use an appropriate combination of BMPs during construction and post construction operations and will mandate that its construction contractor prepare and abide by an approved SWPPP to ensure that all potential water course impacts will be minimal and/or avoided altogether.

Additionally, an EIR is being completed and is expected to be circulated in April 2014.

Construction duration would be approximately 12 to 18 months, between October 2014 and April 2016.

Impacts would include permanent impacts to a mostly un-vegetated intermittent streambed. Permanent impacts would total approximately 933 linear feet and 0.051 acres of the drainage. The drainage may be jurisdictional to the Army Corps of Engineers (Corps) and California Department of Fish and Wildlife (CDFW).

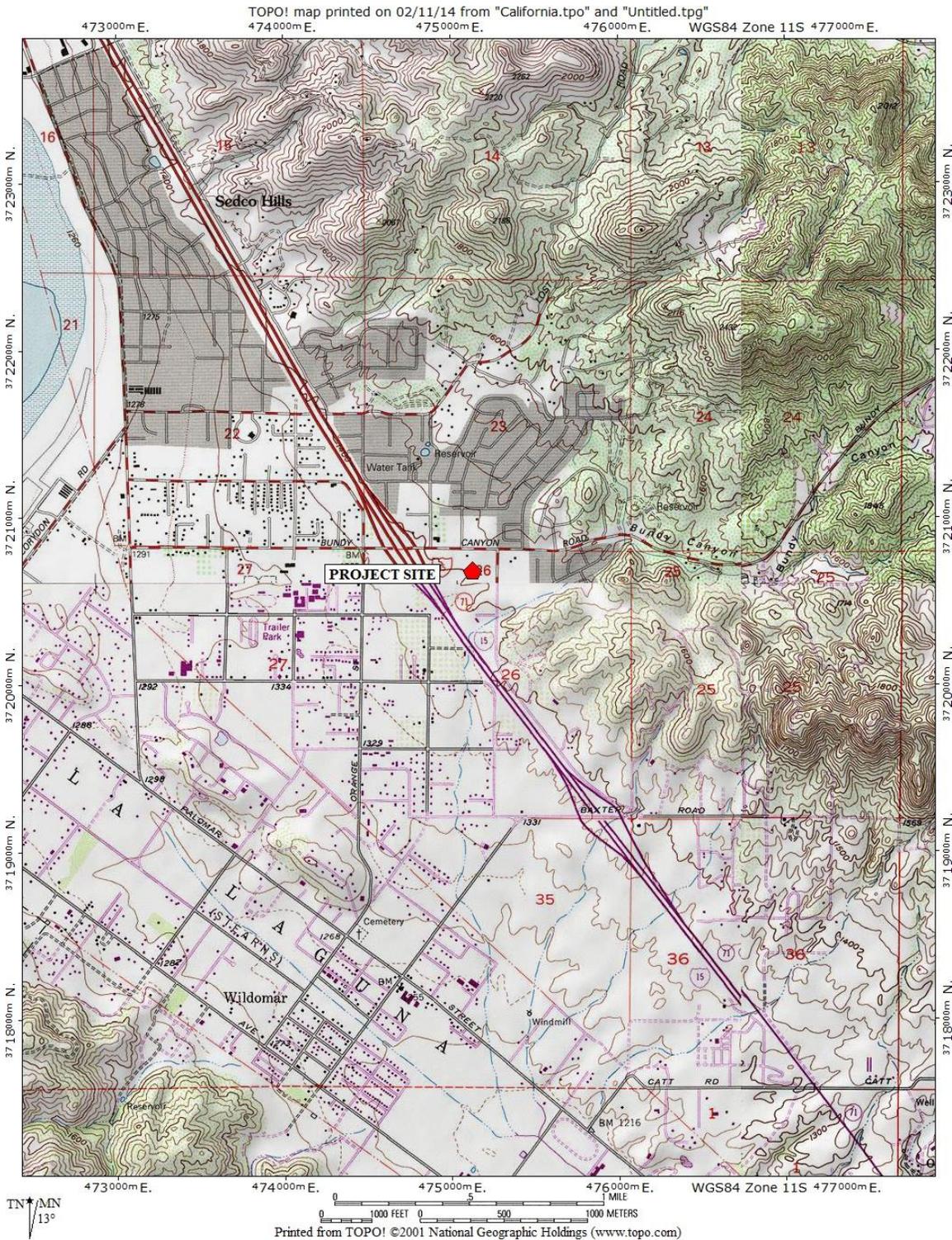
### **1.3 Responsible parties**

Permittee:

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Preparer of Permit Application:

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Harmsworth Associates  
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**Figure 1:** Location of Wildomar WalMart project site, Riverside County, California. Source: Wildomar U.S.G.S. quadrangle.



**Figure 2:** Location of Wildomar WalMart project site, Riverside County, California. Source: Google Earth, Inc.

## 2.0 SITE DESCRIPTION

### 2.1 Location

The Wildomar WalMart project site is located in Wildomar, Riverside County, California; and is located within two U.S. Geological Survey (USGS) topographic maps: Wildomar and Lake Elsinore quadrangles. The site is bound by the I-15 freeway to the west, Bundy Canyon Road to the north, Monte Vista Drive to the east and an existing rural residential development to the south (Figures 1 and 2).

The project site includes the development and all permanent and temporary work areas.

### 2.2 Site description

The 24.5 acre project site consists of a vacant lot, including abandoned residential developments. Site topography is mostly flat and occurs at an elevation of approximately 1,420ft. The climate in the area is typified by a Mediterranean type climate, with hot dry summers and cool relatively wet winters. Annual precipitation for the region averages 12 inches, and average annual temperature ranges from 47<sup>0</sup> to 80<sup>0</sup> F (Appendix A).

The soils in the project site consist of sandy loam soils that developed on alluvial fans and terraces including Greenfield sandy loam, Monserate sandy loam, Placentia fine sandy loam and Ramona sandy loam. The following soil type is mapped within the project area (Knecht 1971; NRCS 2014), Figure 3:

#### **Greenfield sandy loam, 2 to 8 percent slopes, eroded (GyC2); 8 to 15 percent slopes, eroded (GyD2)**

This well-drained soil developed in alluvium consisting of granitic materials and occurs on alluvial fans and terraces. The upper 26 inches consists of dark brown (10YR 3/3) and very dark grayish brown (10YR 3/2) sandy loam. This soil is used for dryland grain and pasture, irrigated citrus, peaches, truck crops and home sites.

#### **Monserate sandy loam, shallow, 5 to 15 percent slopes, eroded (MnD2)**

This moderately-drained soil occurs on alluvial fans and terraces, and is derived from granitic alluvium. The upper 24 inches consist of brown (7YR 5/4), dark brown (7YR 4/4) when moist, fine sandy loam and clay loam. This soil is used for irrigated crops, alfalfa, pasture and non-farm purposes.

#### **Placentia fine sandy loam, 5 to 15 percent slopes (PID)**

This moderately-drained soil occurs on alluvial fans and terraces, and is derived from granitic materials. The upper 18 inches consist of brown (10YR 5/3), very dark brown

(10YR 4/3) and pale-brown (10YR 6/3) fine sandy loam and loam. This soil is used for dryland grain, pasture and non-farm purposes.

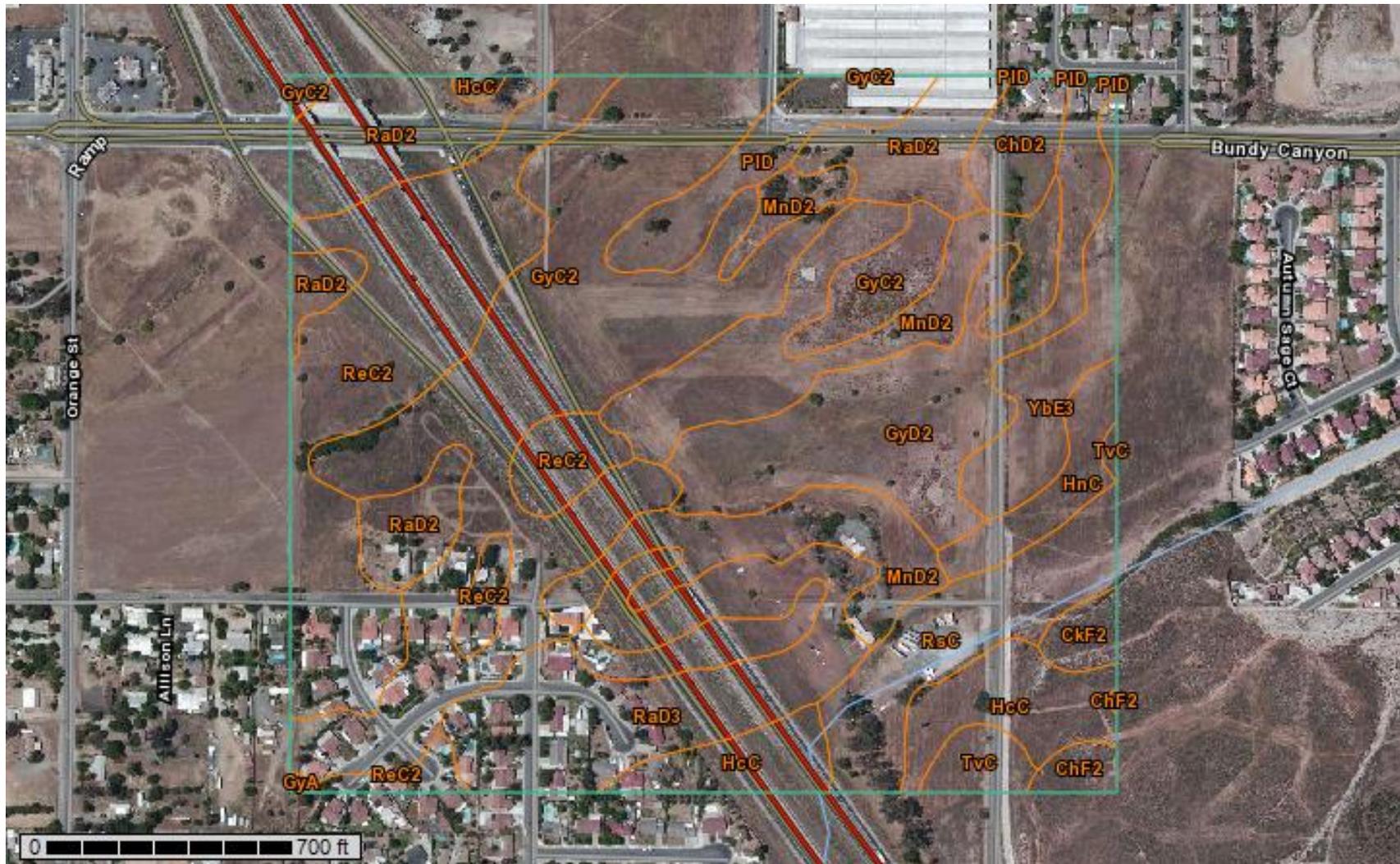
**Ramona sandy loam, 8 to 15 percent slopes, eroded (RaD2); 8 to 15 percent slopes, severely eroded (RaD3); 0 to 8 percent slopes, eroded (ReC2)**

The Ramona series consists of well-drained soils on alluvial fans and terraces, that developed mainly from granitic materials. The upper 23 inches consist of brown (10YR 5/3) and dark brown (10YR 3/3) sandy loam and fine sandy loam. These soils are used for irrigated citrus, peaches, grain, range, dryland grain, pasture and non-farm purposes.

None of the soil types mapped in the project area are listed as a hydric soil in the publication, *Hydric Soils of the United States*.<sup>1</sup>

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<sup>1</sup>United States Department of Agriculture, Soil Conservation Service. 1991. *Hydric Soils of the United States*, 3rd Edition, Miscellaneous Publication Number 1491. National Technical Committee for Hydric Soils.



**Figure 3:** Soils at the Wildomar WalMart project site, Riverside County, California. Source: NRCS Soil Survey 2014.

### **3.0 METHODS**

#### **3.1 Biological Resources Information sources**

In addition to the site visit, field surveys, vegetation mapping, wildlife inventories, and habitat assessments information on the biological resources of the project site was obtained by reviewing existing available data. Databases such as the California Natural Diversity Database (CNDDDB 2014) and California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (Tibor 2001, CNPS 2014) were reviewed regarding the potential occurrence of any special status species or sensitive habitat within or in close proximity of the project site.

The resources used in this thorough archival review included the following;

- California Natural Diversity Data Base (CNDDDB) for the USGS 7.5' quadrangle which comprised the study area: Wildomar, Lake Elsinore and neighboring quads for pertinent data,
- California Native Plant Society Inventory of rare and endangered vascular plants of California (Tibor 2001; CNPS On-line Inventory),
- Special Animals (including California Species of Special Concern), CDFW, Natural Heritage Division, January 2011,
- Special Vascular Plants, Bryophytes, and Lichens List, CDFW, Natural Heritage Division, January 2014,
- State and Federally Listed Endangered, Threatened and Rare Plants of California, CDFW, Natural Heritage Division, January 2014,
- State and Federally Listed Endangered and Threatened Animals of California, CDFW, Natural Heritage Division, October 2013,
- Review of previous biological assessment reports and species lists for the region and neighboring areas,
- Published literature (Sibley 2000, Small 1994, Moyle *et al.* 1995, Jennings and Hayes 1994, Stebbins 1985, Webster *et al.* 1980, Burt and Grossenheider 1976).

#### **3.2 Vegetation mapping, habitat assessment for special status plant species and general botanical surveys**

Vegetation mapping, habitat assessments and general botanical surveys were conducted on 4 February 2014 by Paul Galvin. Vegetation mapping was conducted by walking throughout the study area (Figure 4). Vegetation types within the project site were mapped according the state-wide Holland classification system (Holland 1986). This system is roughly equivalent to mapping at the association level and consists of using the common name of the two most common species in the designation along with the

vegetation type. Identification and mapping of vegetation also incorporated habitat descriptions provided by Sawyer *et al.* 2009. A general plant species list was compiled concurrently with the vegetation mapping surveys (Appendix B). Scientific nomenclature follows Hickman (1993) and common names per Calflora (2014).

Initial reconnaissance surveys of existing habitats within the study area were conducted to qualify potential sensitive plant habitats, and establish the accuracy of the data generated from the literature, maps, and aerial photographs. Aerial photographs and topographic vegetation maps were used to determine the community types, and other physical habitat features that may support sensitive and uncommon taxa or communities within the study area.

The habitat assessment for special status plant species was conducted concurrently with the vegetation mapping, and concentrated on habitats with the highest potential for yielding special status species, although all areas of the project site were checked. Each habitat within the study area was traversed on foot, examining the areas for particular features such as seeps, unique geologic types, exposures, etc., that would indicate the presence of a preferred habitat for special status plant species.

### **3.3 Wildlife surveys and habitat assessment for special status wildlife**

Field surveys for wildlife and habitat assessment for special status wildlife species were conducted on 4 February 2014 by Paul Galvin. All portions of the site (Figure 2), were traversed on foot to survey each vegetation community, look for evidence of wildlife presence and conduct an assessment of potential habitat for special status species. Wildlife species were detected during the field surveys by sight, vocalizations, burrows, tracks, scat, scrapings and other sign. No specialized techniques, such as trapping, mist nets or taped calls, were used during the surveys.

Latin and common names of wildlife referred to in this report follow Powell and Hogue (1979), Hogue 1993 and NatureServe (<http://www.natureserve.org/explorer/>) for invertebrates; NatureServe for fish; North American Herpetology (<http://www.naherpetology.org/nameslist>) for amphibians and reptiles; American Ornithologists' Union Checklist of North American Birds - 7th Edition (2005) for birds; Baker *et al.* 2003 for mammals; and Grenfell *et al.* 2003, California Department of Fish and Game & California Interagency Wildlife Task Group ([http://www.DFW.ca.gov/whdab/pdfs/species\\_list.pdf](http://www.DFW.ca.gov/whdab/pdfs/species_list.pdf)) and Perrins *et al.* 1983 for common names.

### 3.4 Wetland Delineation

Prior to beginning the field delineation, a base map showing the project limits and the Wildomar and Lake Elsinore USGS topographic quads, were examined to determine the locations of potential areas of Corps/CDFW jurisdiction. The project area was checked in the field for the presence of streambeds, definable channels, wetland and riparian vegetation, and hydric soils. All areas of topographic relief suspected of representing historic drainage patterns were closely inspected on-foot. Field visits were conducted on 14 February, 2014; covering the project site and the off-site survey areas (Figure 2). Data on vegetation, soils and hydrology were recorded at representative sampling points, including photographic documentation.

#### 3.4.1 Determination of U.S. Army Corps of Engineers Jurisdiction

The Corps regulates the discharge of dredged and/or fill material into waters of the United States (pursuant to Section 404 of the Clean Water Act). The term "waters of the United States" is defined in Corps regulations at 33 CFR Part 328.3(a) as:

- 1) *All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;*
- 2) *All interstate waters including interstate wetlands;*
- 3) *All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa takes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:*
  - (i) *Which are or could be used by interstate or foreign travelers for recreational or other purposes; or*
  - (ii) *From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or*
  - (iii) *Which are used or could be used for industrial purpose by industries in interstate commerce;*
- 4) *All impoundments of waters otherwise defined as waters of the United States under the definition;*
- 5) *Tributaries of waters identified in paragraphs (a)(1)-(4) of this section;*
- 6) *The territorial seas;*
- 7) *Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1)-(6) of this section.*

The limits of Corps jurisdiction in non-tidal waters when wetlands are not present, such as ephemeral or intermittent streams, extends to the ordinary high water mark (OHWM), which is defined at 33 CFR 328.3(e) as:

*that line on the shore established by the fluctuation 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.*

Further evaluation includes a classification of watercourses at the site. An ephemeral stream is defined as has having flowing water only during, and for a short duration after, storm events in a typical year. Ephemeral streams are located above the water table, and runoff from rainfall is the primary source for stream flows. An intermittent stream is defined as having flowing water during certain times of the year, and rainfall is a supplemental source of flows. The presence of well-developed riparian vegetation is a secondary indicator frequently used to identify intermittent streams. A perennial stream, however, has flowing water year-round during most years, and the streambed is located below the water table for most of the year and groundwater is its primary source.

Waters that are not considered “waters of the U.S.” are defined at 33 CFR Preamble to 328.3 as:

*Non-tidal drainage/irrigation ditches on dry land,  
Artificially irrigated areas,  
Artificial lakes/ponds on dry land used for stock watering, irrigation,  
settling basins, rice,  
Artificial reflecting, swimming, ornamental pools on dry land,  
Incidental construction and borrow pits until abandoned.*

One subset of the “waters of the U.S.” is wetlands. Wetlands are defined at 33 CFR 328.3(b) as

*those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.*

The U.S. Army Corps of Engineers 1987 Wetland Delineation Manual<sup>2</sup> is used in determining jurisdictional wetland boundaries. The methodology set forth in the 1987 Wetland Delineation Manual generally requires that in order to be classified as a jurisdictional wetland the vegetation, soils, and hydrology of an area should exhibit at least minimal hydric characteristics. A jurisdictional wetland should normally meet each of the following three criteria:

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<sup>2</sup>Environmental Laboratory. 1987. *Corps of Engineers Wetlands Delineation Manual*, Technical Report Y-87-1, U.S. Army Engineer Waterways Experimental Station, Vicksburg, Mississippi.

- greater than 50 percent of the dominant plant species at the site must be typical of wetlands (i.e., rated as facultative or wetter in the *National List of Plant Species that Occur in Wetlands*<sup>3</sup>);
- soils must exhibit physical and/or chemical characteristics indicative of permanent or periodic saturation (e.g., a gleyed color or redoxymorphic features within a matrix of low chroma<sup>4</sup>).and,
- hydrologic characteristics must indicate that the ground is saturated to within 12 inches of the surface for at least five percent of the growing season during a normal rainfall year.<sup>5</sup>

On January 9, 2001 the U.S. Supreme court issued a ruling that affected the Corps jurisdiction over “water of the U.S.” The case (referred to as SWANCC) related to the whether or not the Clean Water Act had jurisdiction over isolated, non-navigable, interstate waters used as habitat by migratory birds.<sup>6</sup> The Supreme Court held that the Corps' application of § 328.3(a)(3) was invalid in SWANCC, but the Court did not strike down §328.3(a)(3) or any other component of the regulations defining "waters of the U.S." The court's actual holding was narrowly limited to CWA regulation of "nonnavigable, isolated, intrastate" waters based solely on the use of such waters by migratory birds. The Corps and EPA have issued a guidance and a memorandum relating to this decision.<sup>7</sup> The guidance and memorandum state:

“The following subsection of the regulatory definition of "waters of the U.S." is the provision primarily affected by SWANCC:

*“a(3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which could affect interstate or foreign commerce .”*

Waters covered solely by subsection a(3) that could affect interstate commerce **solely** by virtue of their use as habitat by migratory birds are no longer considered "waters of the U.S."

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<sup>3</sup>Reed, P.B., Jr. 1988. *National List of Plant Species that Occur in Wetlands*. U.S. Fish and Wildlife Service Biological Report 88(26.10).

<sup>4</sup> USDA, Natural Resources Conservation Service. 2003. *Field Indicators of Hydric Soils in the United States, A Guide for Identifying and Delineating Hydric Soils*.

<sup>5</sup> For most of low-lying southern California, five percent of the growing season is equivalent to 18 days.

<sup>6</sup> Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers, (referred to as SWANCC).

<sup>7</sup> Guidance for Corps and EPA Field Offices Regarding Clean Water Act Section 404 Jurisdiction Over Isolated Waters in Light of United States v. James J. Wilson United and Corps Memorandum relating to Supreme court ruling concerning CWA jurisdiction over isolated waters.

The SWANCC case only affects “nonnavigable, isolated, (and) intrastate” waters, all other “waters of the U.S.” as defined in 33 CFR Part 328.3(a) are unaffected by SWANCC and are used in this report to define jurisdictional waters of the U.S.

On June 19, 2006 the U.S. Supreme court issued a significant ruling that affected the Corps jurisdiction over “water of the U.S.” The consolidated cases (referred to as Rapanos) *Rapanos v. United States* and *Carabell v. United States* address the jurisdiction over waters of the United States under the Clean Water Act. In Rapanos, the Supreme Court addressed where the Federal government can apply the Clean Water Act, specifically by determining whether a wetland or tributary is a “water of the United States.” The justices issued five separate opinions in Rapanos (one plurality opinion, two concurring opinions, and two dissenting opinions), with no single opinion commanding a majority of the Court.

### **The Rapanos Decision**

Four justices, in a plurality opinion authored by Justice Scalia, rejected the argument that the term “waters of the United States” is limited to only those waters that are navigable in the traditional sense and their abutting wetlands. However, the plurality concluded that the agencies’ regulatory authority should extend only to “relatively permanent, standing or continuously flowing bodies of water” connected to traditional navigable waters, and to “wetlands with a continuous surface connection to” such relatively permanent waters.

Justice Kennedy did not join the plurality’s opinion but instead authored an opinion concurring in the judgment vacating and remanding the cases to the Sixth Circuit Court of Appeals. Justice Kennedy agreed with the plurality that the statutory term “waters of the United States” extends beyond water bodies that are traditionally considered navigable. Justice Kennedy, however, found the plurality’s interpretation of the scope of the CWA to be “inconsistent with the Act’s text, structure, and purpose[.]” and he instead presented a different standard for evaluating CWA jurisdiction over wetlands and other water bodies.<sup>11</sup> Justice Kennedy concluded that wetlands are “waters of the United States” “if the wetlands, either alone or in combination with similarly situated lands in the region, significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as ‘navigable.’ When, in contrast, wetlands’ effects on water quality are speculative or insubstantial, they fall outside the zone fairly encompassed by the statutory term ‘navigable waters.’”

Four justices, in a dissenting opinion authored by Justice Stevens, concluded that EPA’s and the Corps’ interpretation of “waters of the United States” was a reasonable interpretation of the Clean Water Act.

When there is no majority opinion in a Supreme Court case, controlling legal principles may be derived from those principles espoused by five or more justices. Thus, regulatory jurisdiction under the CWA exists over a water body if either the plurality’s or Justice Kennedy’s standard is satisfied.

The Corps and EPA have issued a guidance and a memorandum relating to this decision to ensure that jurisdictional determinations, permitting actions, and other relevant actions are consistent with the decision and supported by the administrative record.<sup>8</sup> Specifically, this guidance identifies those waters over which the agencies will assert jurisdiction categorically and on a case-by-case basis, based on the reasoning of the Rapanos opinions. Summary of Corps and EPA jurisdiction under Rapanos decision:

**The agencies will assert jurisdiction over the following waters:**

- Traditional navigable waters
- Wetlands adjacent to traditional navigable waters
- Non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (e.g., typically three months)
- Wetlands that directly abut such tributaries

**The agencies will decide jurisdiction over the following waters based on a fact-specific analysis to determine whether they have a significant nexus with a traditional navigable water:**

- Non-navigable tributaries that are not relatively permanent
- Wetlands adjacent to non-navigable tributaries that are not relatively permanent
- Wetlands adjacent to but that do not directly abut a relatively permanent non-navigable tributary

**The agencies generally will not assert jurisdiction over the following features:**

- Swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow)
- Ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water

**The agencies will apply the significant nexus standard as follows:**

- A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters
- Significant nexus includes consideration of hydrologic and ecologic factors

### **3.4.2 Determination of California Department of Fish and Wildlife Jurisdiction**

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<sup>8</sup> Guidance for Corps and EPA. Clean Water Act Jurisdiction following the U.S. Supreme Court's Decision in Rapanos v. United States & Carabell v. United States.

Pursuant to Division 2, Chapter 6, Sections 1600-1616 of the California Fish and Game Code, CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake that supports fish or wildlife.

CDFW defines a "stream" (including creeks and rivers) at (Section 1.72, Title 14<sup>9</sup>) as:

***a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation.***

***CDFW's definition of a "lake" includes "natural lakes or man-made reservoirs.***

CDFW jurisdiction within altered or artificial waterways is based upon the value of these waterways to fish and wildlife. CDFW Legal Advisor has prepared the following opinion:

***Natural waterways that have been subsequently modified and which have the potential to contain fish, aquatic insects and riparian vegetation will be treated like natural waterways...***

***Artificial waterways that have acquired the physical attributes of natural stream courses and which have been viewed by the community as natural stream courses, should be treated by CDFW as natural waterways...***

***Artificial waterways without the attributes of natural waterways should generally not be subject to Fish and Game Code provisions...***

Thus, the boundaries of CDFW jurisdiction closely reflect those of the Corps. However, CDFW jurisdiction generally covers a broader zone, which commonly includes the Corps jurisdictional OHWM but also extends across the bank to the edge of the riparian tree canopy. In some cases it is difficult to determine the edge of the riparian tree canopy, for example where the riparian oak community extends beyond the streambed and continues into uplands as oak woodlands. CDFW has the following guidelines to determine the edge of the riparian canopy (and hence CDFW 1603 jurisdiction) in these cases, in descending order:

- *abrupt change in vegetation,*
- *break in tree canopy,*
- *change in understory vegetation,*
- *100 year floodplain,*
- *canopy of oaks (or other trees) rooted in streambed.*

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<sup>9</sup> *A Field Guide to Lake and Streambed Alteration Agreements, Sections 1600-1607, California Fish and Game Code, Environmental Services Division, 1994.*

CDFW jurisdiction does not include isolated wetlands (those not associated with a river, stream, or lake), and the occurrence of riparian plants/habitat not associated with a river, stream, or lake. CDFW jurisdiction does include artificial stock ponds and irrigation ditches constructed on uplands, if they have acquired the physical attributes of natural stream courses. CDFW may take jurisdiction within the 100-year floodplain or any streambed and its associated riparian habitat regardless of the boundaries of Corps jurisdiction or federal wetland status.

Unlike the Corps, CDFW regulates not only the discharge of dredged or fill material into streambeds, but monitors and authorizes all activities that alter streams and their associated riparian habitats. A CDFW 1600 Agreement is required for all activities resulting in impacts to streambeds and their riparian vegetation.

## 4.0 BIOLOGICAL RESOURCES

### 4.1 Vegetation resources

The biological resources at the site were assessed during biological studies conducted in the project vicinity in 2014. These surveys included database searches, general flora and fauna surveys, vegetation mapping, habitat assessments.

The project site consists of a vacant lot. All areas of the site have been regularly disked and impacted by trails and foot traffic. The site can be divided into three vegetation cover types, Riversidean sage scrub, non-native grassland and developed areas (Photographs 1 through 6; Appendix E). Each vegetation type was classified into vegetation communities described by the Holland (1986) system; with the equivalent category under Sawyer *et al.* 2009 also included. The distribution of vegetation communities is shown in Figure 4. The following vegetation communities were located within the project footprint.

#### **Non-native grassland**

This vegetation type describes areas dominated by non-native European annual grasses, with a large component of ruderal forbs. It is mapped as California annual grassland series by Sawyer *et al.* 2009. On the project site, the non-native grassland is associated with areas of historic grazing, disking and off-road recreational vehicle use. Soils are generally deep, well-drained sand to fine sandy loam. Most areas were sparsely vegetated with non-native grasses and weeds or completely devoid of vegetation due to recent disking. Dominant species included cheatgrass (*Bromus tectorum*), soft chess (*Bromus hordeaceus*), red brome (*Bromus madritensis* ssp. *rubens*), barley (*Hordeum murinum*), summer mustard (*Hirschfeldia incana*) and red-stemmed filaree (*Erodium cicutarium*). Exotic trees included pines (*Pinus* spp.) and pepper trees (*Schinus molle*) occurred sporadically throughout the grassland area.

A total of 15.6 acres of non-native grassland occurred in the project site (Figure 4).

#### **Riversidean sage scrub**

Riversidean Sage Scrub is the most xeric expressions of Coastal Sage Scrub (Holland 1996). Riversidean sage scrub is composed of low growing, soft, woody, drought-deciduous shrubs and herbaceous plants that grow on steep slopes, severely drained soils, or clays that slowly release soil moisture. Mesic sites generally occur in microhabitats characterized by north-facing slopes in canyons and small drainages. Xeric habitats typically occur in areas on ridges and south-facing slopes. Species composition and diversity is determined by soil factors, fire, and topography. It is mapped under the California buckwheat and black sage series by Sawyer *et al.* 2009.

At the project site Riversidean sage scrub occurred in three small patches in the eastern half of the site and also occurred along the fence lines that bound the site. It is likely that the entire area was dominated by Riversidean sage scrub in the past but has been mostly eliminated by disking. The Riversidean sage scrub that currently exist onsite is disturbed, low in diversity and of low quality. The Riversidean sage scrub was dominated almost entirely by California buckwheat (*Eriogonum fasciculatum*), deerweed (*Acmispon glaber var. glaber*) and bromes (*Bromus spp.*).

A total of 5.9 acres of Riversidean sage scrub occurred in the project site (Figure 4).

### **Developed areas**

Developed areas included two former residential properties and associated exotic landscaping. In both areas the buildings have been removed and all that currently remains are the concrete pads and landscaping. Exotic trees present included pines, oaks (*Quercus sp.*), pepper trees and gum trees (*Eucalyptus spp.*).

A total of 3.0 acres of Riversidean sage scrub occurred in the project site (Figure 4).

No special status plant<sup>10</sup> species were detected at the site and there are no historic site records for any special status plant species. A few special status plant species have been documented in the region but all these records either pre-date the development of the city (pre-1950) or are from currently undeveloped areas in the region (CNDDDB 2014<sup>11</sup>). None of the records are from the project site.

No MSHCP Narrow Endemic Plants<sup>12</sup> or Criteria Area Plants<sup>13</sup> have been recorded at the project during surveys nor are there any current or historic site records for any of these species.

Due to lack of appropriate habitat, current and historic site disturbances, absence of historic site records and absence of the species during current surveys no special status plant species has the potential to occur in the project site.

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<sup>10</sup> Special status plant species = federal or state listed threatened or endangered species, or proposed endangered, threatened or candidate species, California Native Plant Society Species List (CNPS list 1-4), or otherwise sensitive species.

<sup>11</sup> Lake Elsinore and Wildomar CNDDDB February 2014.

<sup>12</sup> Under the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) certain special status plants are categorized as Narrow Endemic Plants.

<sup>13</sup> Under the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) certain special status plants are categorized as Criteria Area Plants.



**Figure 4:** Vegetation communities at the Wildomar WalMart project site, Riverside County, California. Yellow = Riversidean sage scrub; purple = developed areas; remaining areas = non-native grassland. Source: Google Earth, Inc.

## 4.2 Wildlife resources

Wildlife was sparse due to the lack of native habitats and the location of the site in a developed area. Species detected were typical of disturbed and built-up areas and included mourning dove (*Zenaida macroura*), house finch (*Carpodacus mexicanus*) and California ground squirrel (*Spermophilus beecheyi*) (Appendix D).

One special status wildlife species<sup>14</sup>, California horned lark (*Eremophila alpestris actia*), was detected at the site. A small flock of larks occurred in the non-native grassland in the northern portion of the site. Horned larks are common in disturbed grassland in winter. Horned larks are a covered species under the MSHCP.

The site has suitable habitat for one additional special status species, the burrowing owl (*Athene cunicularia*); however no burrowing, owl sign or suitable burrows were documented onsite during the survey. Burrowing owl focused surveys are not required at this site under the MSHCP.

A few special status wildlife species have been documented in the region but all these records either pre-date the development of the city (pre-1950) or are from currently undeveloped areas in the region (CNDDDB 2014<sup>15</sup>). None of the records are from the project site. The site has no suitable habitat for any additional special status wildlife species and has no potential to support any additional special status species.

## 4.3 Jurisdictional resources

The site does not contain any wetlands or vernal pools.

One un-named drainage crosses the project site (Figure 5). The drainage starts upstream, off-site, from a culvert out of the storm drain system, directly from under Monte Vista Drive and is primarily runoff from Monte Vista Drive and Bundy Canyon Road. The drainage is not fed by any upstream natural drainage.

From its starting point at Monte Vista Drive the drainage runs south, off-site, adjacent the east side of Monte Vista Drive for approximately 600 feet where it turns west and crosses under Monte Vista Drive via a two-foot wide culvert. It enters the project site via this culvert on the west side of Monte Vista Drive.

After entering the site the drainage crosses the site diagonally in a southwesterly direction. The drainage was narrow, ranging from one to six feet wide, with shallow

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<sup>14</sup> Special status wildlife species = federal or state listed threatened or endangered species, or proposed endangered, threatened or candidate species, or otherwise sensitive species.

<sup>15</sup> Lake Elsinore and Wildomar CNDDDB February 2014.

banks and a sandy substrate. In places there was no clear channel or banks and the water flowed either sub-surface or by sheet flow over the surface.

The drainage was dry at the time of the survey but did show evidence of water flows from a recent rainstorm. The drainage was mostly un-vegetated but in places did support some western cottonwoods (*Populus fremontii ssp. fremontii*), mulefat (*Baccharis salicifolia*), buckwheat and pepper trees.

The drainage exits the project site on the west side and enters a culvert via sheet flow. The culvert connects with a 30 inch drain that runs under the freeway in a southwest direction and daylights at Cherry Street on the west side of the I-15 freeway. There is no drainage on this side, water flows over the surface and eventually into the storm drain system associated with the development at Cherry Street and Canyon Drive.

On the project site the drainage was approximately 933 linear feet and the total area of the drainage was approximately 0.051 acres.

The drainage is man-made and supported by run-off from the upstream developments. It does not connect upstream or downstream to any natural drainage, wetlands or other natural system. The drainage is therefore isolated and does not connect with any navigable Waters of the US.

The drainage is likely not subject to the jurisdiction to the US Army Corps of Engineers 404 program or the California Department of Fish and Wildlife 1600 program but only these agencies can make the final determination.



**Figure 5:** Drainages at the Wildomar WalMart project site, Riverside County, California. Blue line = entire length of drainage; showing both on-site and off-site areas. Source: Google Earth, Inc.

## **5.0 IMPACT ANALYSIS**

The Wildomar Walmart Project would develop the entire 24.5-acre project site (Figure 6). All existing natural resources on the site would be permanently removed, including the drainage the crosses the site.

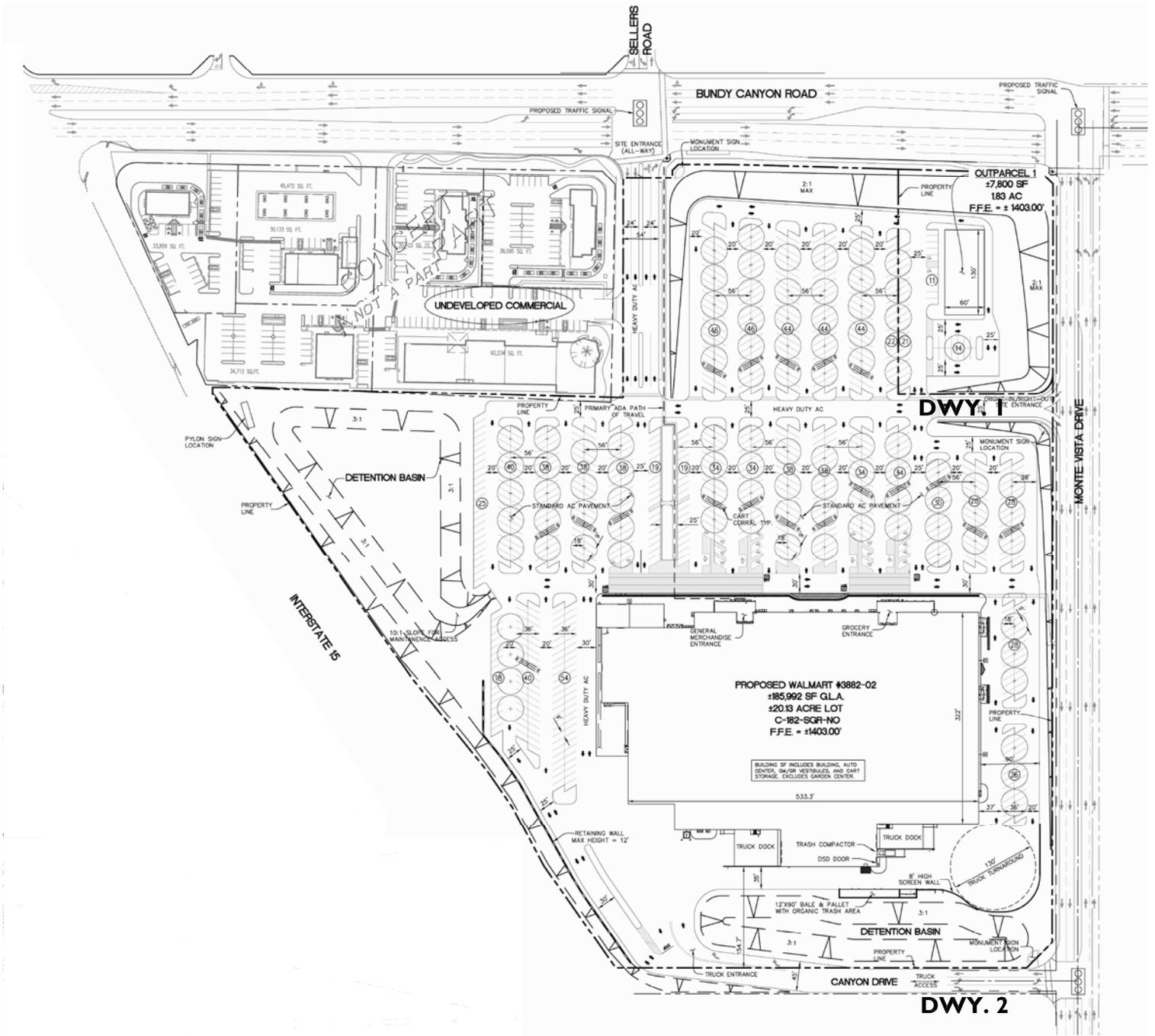
Impacts to the on-site drainage would total 0.051 acres and 933 linear feet.

If the Corps and/or CDFW take jurisdiction over the drainage then permits would be required from these agencies.

Impacts to uplands (ruderal agricultural land) are addressed through the Western Riverside County MSHCP program. The project is in compliance with the MSHCP program.

**Figure 6:** Project footprint map.

# EXHIBIT 2 PRELIMINARY SITE PLAN



## 6.0 MINIMIZATION MEASURES

Potential temporary construction related impacts to natural resources would be minimized through a series of measures, as discussed below. With these minimization measures, potential impacts from the proposed project would be minimized to the extent possible.

### Minimization measures

1. Within 30 days prior to disturbance at the project site, a pre-construction survey will be conducted for burrowing owl (*Athene cunicularia*), and if owls are present they can be relocated following accepted protocols to comply with the MSHCP.
2. All temporary work areas, including stockpiles, will be located outside the Corps/CDFG jurisdictional areas.
3. The limits of the work will be flagged prior to start of work.
4. The contractor will install appropriate sediment management facilities within the project limits including sandbag check-dams, sandbag desiltation basins, and slope erosion protection for excavated and/or exposed soil areas. These BMPs will serve to control erosion and sediment during a rain event during.
5. All work in jurisdictional areas will be conducted during dry periods.
6. A biologist will be onsite to monitor all vegetation clearing.
7. A biologist will make periodic site visits to ensure compliance with all permit conditions.
8. To avoid impacts to nesting birds and to comply with the federal Migratory Bird Treaty Act of 1918 (MBTA), the following mitigation measure is proposed;
  - If possible, all vegetation removal activities shall be scheduled from September 15 to February 15, which is outside the nesting season. This would ensure that no active nests would be disturbed and that removal could proceed rapidly,
  - If vegetation is to be cleared during the nesting season (February 15 – September 15), all suitable habitat will be thoroughly surveyed for the presence of nesting birds by a qualified biologist 72 hours prior to clearing. If any active nests are detected, the area shall be flagged and mapped on the construction plans along with a minimum 200-foot buffer and up to 500 feet for raptors, with the final buffer distance to be determined by the qualified biologist. The buffer area shall be avoided until the nesting cycle is complete or it is determined that the nest has failed. In addition, the biologist will be present on the site to monitor the vegetation removal to ensure that any nests, which were not detected during the initial survey, are not disturbed.

## **7.0 MITIGATION MEASURES**

No mitigation is required if the drainage is not jurisdictional to the Corps, CDFW or the MSHCP.

If mitigation is required WalMart proposes to participate in an “in lieu fee” Habitat Restoration Program like the Santa Ana Watershed Association (SAWA) “in lieu fee” program or other conservation group or another arrangement as directed by CDFW and/or Corps.

## **8.0 MSHCP**

The project is in compliance with the Western Riverside County MSHCP. All required MSHCP surveys have been completed. All MSHCP conditions and required fees will be implemented/paid prior to starting work on this project.

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## 10.0 APPENDICES

### 10.1 Appendix A: Weather data

Public information national weather service San Diego CA; 2012-2013 rainfall season in review, <http://www.nws.noaa.gov/climate>

A drier than normal rainfall season ended on 30 June 2013. During the fall and winter all stations were below average. The late spring was average. All of California ended up below normal for rainfall totals, with an average for the region of approximately 43% the normal rainfall.

Areas	2012-2013 Total	Normal Total	% of Normal
Santa Barbara	9.31	17.73	<b>53</b>
Lancaster	1.22	5.1	<b>24</b>
downtown Los Angeles	5.84	14.77	<b>40</b>
Long Beach Airport	6.63	12.72	<b>52</b>
John Wayne Airport	4.85	12.76	<b>38</b>
Fullerton	6.19	14.72	<b>42</b>
Riverside	4.11	10.12	<b>41</b>
Oceanside Airport	5.99	10.54	<b>57</b>
San Diego	6.59	10.13	<b>65</b>
Palm Springs	1.16	5.49	<b>21</b>

### ELSINORE, CALIFORNIA (042805)

Period of Record Monthly Climate Summary

Period of Record : 3/10/1897 to 3/31/2013

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Average Max. Temperature (F)	65.4	67.5	71.0	76.3	81.8	90.5	98.1	98.1	93.5	83.7	74.1	66.9	80.6
Average Min. Temperature (F)	36.4	38.7	41.2	44.7	49.8	54.1	59.4	59.8	55.8	48.8	41.1	36.5	47.2
Average Total Precipitation (in.)	2.47	2.54	2.03	0.75	0.23	0.02	0.08	0.12	0.26	0.51	0.99	2.01	12.01
Average Total SnowFall (in.)	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.6
Average Snow Depth (in.)	0	0	0	0	0	0	0	0	0	0	0	0	0

Percent of possible observations for period of record.

Max. Temp.: 92.9% Min. Temp.: 92% Precipitation: 96.8% Snowfall: 97% Snow Depth: 96.9%

**10.2 Appendix B: Plant species detected at the Wildomar project site, 2014.**

<b>SCIENTIFIC NAME</b>	<b>COMMON NAME</b>
<b>PINACEAE</b>	<b>PINE FAMILY</b>
<i>Pinus sp.</i>	Exotic Pine
<b>ADOXACEAE</b>	<b>MUSKROOT FAMILY</b>
<i>Sambucus nigra spp. caerulea</i> (= <i>S. mexicana</i> )	Blue Elderberry
<b>ANACARDIACEAE</b>	<b>SUMAC or CASHEW FAMILY</b>
<i>Rhus integrifolia</i>	Lemonade Berry
<i>Schinus molle</i> *	Peruvian Pepper Tree
<b>ASTERACEAE</b>	<b>SUNFLOWER FAMILY</b>
<i>Artemisia californica</i>	California Sagebrush
<i>Artemisia dracunculoides</i>	Dragon Sagewort or Tarragon
<i>Baccharis salicifolia</i>	Mulefat
<i>Heterotheca grandiflora</i>	Telegraph Weed
<i>Logfia filaginoides</i> (= <i>Filago californica</i> )	California Filago or Fluffweed
<b>BRASSICACEAE</b>	<b>MUSTARD FAMILY</b>
<i>Hirschfeldia incana</i> *	Shortpod or Summer Mustard
<b>FABACEAE</b>	<b>LEGUME FAMILY</b>
<i>Acmispon glaber var. glaber</i> (= <i>Lotus scoparius var. scoparius</i> )	Coastal Deerweed, Coastal Deer Broom, California Broom
<i>Parkinsonia aculeata</i> *	Jerusalem-Thorn or Mexican Palo Verde
<b>FAGACEAE</b>	<b>OAK FAMILY</b>
<i>Quercus sp.</i>	Exotic Oak
<b>MYRTACEAE</b>	<b>MYRTLE FAMILY</b>
<i>Eucalyptus sp.</i>	Gum Tree
<b>POLYGONACEAE</b>	<b>BUCKWHEAT FAMILY</b>
<i>Eriogonum fasciculatum</i>	California Buckwheat
<b>SALICACEAE</b>	<b>WILLOW FAMILY</b>
<i>Populus fremontii ssp. fremontii</i>	Western Cottonwood
<i>Salix lasiolepis</i>	Arroyo Willow
<b>SOLANACEAE</b>	<b>NIGHTSHADE FAMILY</b>
<i>Datura stramonium</i> *	Jimsonweed
<b>POACEAE</b>	<b>GRASS FAMILY</b>
<i>Bromus hordeaceus</i> *	Soft Chess
<i>Bromus madritensis ssp. rubens</i> *	Foxtail Chess or Red Brome
<i>Bromus tectorum</i> *	Cheat Grass
<i>Hordeum murinum ssp. leporinum</i> *	Hare Barley or Foxtail Barley

KEY: Asterix (\*) = non-native species; + = sensitive species; Sources: Taxonomy - Jepson Flora Project (eds.) 2013. Common names and non-native species designations according to Allen & Roberts (2013), then Jepson Flora Project (eds.) 2013.

### 10.3 Appendix C: California Native Plant Society Categories

CNPS Status based on California Native Plant Society's Inventory of Rare and Endangered Vascular Plants of California (Tibor 2001):

#### **List 1A: Plants Presumed Extinct in California**

The plants of List 1A are presumed extinct because they have not been seen or collected in the wild for many years. Although most of them are restricted to California, a few are found in other states as well. There is a difference between "extinct" and "extirpated." A plant is extirpated if it has been locally eliminated. It may be doing quite nicely elsewhere in its range. All of the plants constituting List 1A meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection) of the California Department of Fish and Game Code and are eligible for state listing.

#### **List 1B: Plants Rare, Threatened or Endangered in California and Elsewhere**

The plants of List 1B are rare throughout their range. All but a few are endemic to California. All of them are judged to be vulnerable under present circumstances or to have a high potential for becoming so because of their limited or vulnerable habitat, their low numbers of individuals per population (even through they may be wide ranging), or their limited number of populations. All of the plants constituting List 1B meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection) of the California Department of Fish and Game Code and are eligible for state listing.

#### **List 2: Plants Rare, Threatened or Endangered in California, But More Common Elsewhere**

Except for being common beyond the boundaries of California, the plants of List 2 would have appeared on List 1B. Based on the "Native Plant Protection Act," plants are considered without regard to their distribution outside the state. All of the plants constituting List 2 meet the definitions of Sec. 1901, Chapter 10 (Native Plant Protection) of the California Department of Fish and Game Code and are eligible for state listing.

#### **List 3: Plants About Which We Need More Information—A Review List**

The plants that comprise List 3 are an assemblage of taxa that have been transferred from other lists or that have been suggested for consideration. The necessary information that would assign most to a sensitivity category is missing.

#### **List 4: Plants of Limited Distribution—A Watch List**

The plants in this category are of limited distribution in California and their vulnerability or susceptibility to threat appears low at this time. While these plants cannot be called "rare" from a statewide perspective, they are uncommon enough that their status should be monitored regularly. Many of them may be significant locally. Should the degree of endangerment or rarity of a plant change, they will be transferred to a more appropriate list.

#### **Threat Code Extensions and their meanings:**

- .1- Seriously endangered in California
- .2- Fairly endangered in California
- .3- Not very endangered in California

**10.4 Appendix D: Wildlife species detected at the Wildomar project site, 2014.**

FAMILY/SPECIES NAME	COMMON NAME
<b>REPTILIA</b>	<b>REPTILES</b>
<b>PHRYNOSOMATIDAE</b>	<b>NORTH AMERICAN SPINY LIZARDS &amp; RELATIVES</b>
<i>Sceloporus occidentalis</i>	Western Fence Lizard
<i>Uta stansburiana</i>	Side-blotched lizard
<b>AVES</b>	<b>BIRDS</b>
<b>FALCONIDAE</b>	<b>CARACARAS &amp; FALCONS</b>
<i>Falco sparverius</i>	American Kestrel
<b>COLUMBIDAE</b>	<b>PIGEONS &amp; DOVES</b>
<i>Columba livia</i>	Rock Pigeon
<i>Zenaida macroura</i>	Mourning Dove
<b>TROCHILIDAE</b>	<b>HUMMINGBIRDS</b>
<i>Calypte anna</i>	Anna's Hummingbird
<b>TYRANNIDAE</b>	<b>TYRANT FLYCATCHERS</b>
<i>Sayornis nigricans</i>	Black Phoebe
<i>Sayornis saya</i>	Say's Phoebe
<i>Tyrannus vociferans</i>	Cassin's Kingbird
<b>CORVIDAE</b>	<b>JAYS, MAGPIES &amp; CROWS</b>
<i>Corvus brachyrhynchos</i>	American Crow
<b>ALAUDIDAE</b>	<b>LARKS</b>
<i>Eremophila alpestris actia</i> <sup>+</sup>	California Horned Lark
<b>STURNIDAE</b>	<b>STARLINGS &amp; ALLIES</b>
<i>Sturnus vulgaris</i>	European Starling
<b>PARULIDAE</b>	<b>WOOD WARBLERS &amp; RELATIVES</b>
<i>Dendroica coronata</i>	Yellow-Rumped Warbler
<b>FRINGILLIDAE</b>	<b>FRINGILLINE FINCHES</b>
<i>Carpodacus mexicanus</i>	House Finch
<b>MAMMALIA</b>	<b>MAMMALS</b>
<b>LEPORIDAE</b>	<b>RABBITS &amp; HARES</b>
<i>Sylvilagus audubonii</i>	Desert Cottontail
<b>SCIURIDAE</b>	<b>SQUIRRELS, CHIPMUNKS &amp; MARMOTS</b>
<i>Spermophilus beecheyi</i>	California Ground Squirrel

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**10.5 Appendix E: Site photographs**



**Photograph 1:** Project site, looking southwest from northeast corner.



**Photograph 2:** Project site, looking west along northern boundary.



**Photograph 3:** Project site, showing drainage entering site, west side of Monte Vista Drive.



**Photograph 4:** Project site, looking west along drainage.



**Photograph 5:** Project site, looking west along drainage as channel disappears.



**Photograph 6:** Off-site area at I-15 freeway, looking north where drainage enters the culvert under the I-15 freeway.