

4.4.1 INTRODUCTION

This section describes the affect on biological resources which would result from implementation of the Project, as well as recommended mitigation measures to reduce potential impacts. The analysis of biological resources presented in this section is based on the 2003 *Riverside County General Plan* (GPA No. 618), Open Space Element, *Western Riverside County's Multiple Species Habitat Conservation Plan* (2003), the *Biological Resources Technical Memorandum for the Wine Country Community Plan Area* (2011), the *Southwest Area Plan*, proposed Temecula Valley Wine Country Policy Area (2011), Wine Country zones of Ordinance No. 348, and the *Temecula Valley Wine Country Design Guidelines*.

4.4.2 EXISTING CONDITIONS

ENVIRONMENTAL SETTING

Regional Setting

The Project area is generally located in the southwestern portion of unincorporated Riverside County. The Project area is made up of approximately 18,990 partially developed acres. The Project area sits to the east of the City of Temecula, south of Lake Skinner and generally west of DePortola Road, and extends from Tualota Creek south to Highway 79, including a small area to the south of Highway 79.

Project Setting

The majority of the Project area supports residential development and agricultural uses at a low to moderate density. These developed areas no longer support native vegetation and have either been fully developed or currently support agricultural crops such as vineyards and citrus orchards. The remaining open spaces support a mixture of upland habitats, primarily coastal sage scrub, disturbed coastal sage scrub and disturbed or ruderal habitat (mostly fallow agricultural fields), as well as wetland or riparian habitats that border several creeks, streambeds, and ephemeral washes found throughout the area.

Western Riverside County's Multiple Species Habitat Conservation Plan (MSHCP)

The County's applicable MSHCP is a comprehensive, multi-jurisdictional habitat conservation plan approved by the US Fish and Wildlife Service (USFWS). The MSHCP focuses on the conservation of species and their associated habitats in Western Riverside County. Rather than deal with endangered species on a case-by-case basis, the MSHCP focuses on conservation of 146 species throughout western Riverside County and will develop a reserve system of approximately 500,000 acres of which 347,000 acres are currently within public ownership and 153,000 acres are in private ownership. The MSHCP governs development of both private and public lands to help streamline the resources regulatory process and to support the final assemblage of the proposed Conservation Area. The MSHCP has been in place since June 17, 2003.

The MSHCP consists of 17 different Area Plans, each containing conservation goals and biological objectives developed specifically for each Area Plan. The Project area is entirely within the Southwest Area Plan (SWAP) of the MSHCP. The Project area falls within a portion of the SWAP that is relatively unconstrained by the MSHCP conservation goals and objectives. Thirty-four (34) criteria cells have been

designated within the Project boundaries, primarily along the northwest and southeastern boundaries. The existence of a criteria cell does not necessarily deny development within the cell boundaries but does require that development within that cell be evaluated against the biological goals and objectives established by the MSHCP for that cell¹ to make sure the development is consistent with the conservation requirements of the MSHCP. The process of making this determination has been labeled the Habitat Acquisition and Negotiation Strategy (HANS) process and is administered by the Western Riverside County Regional Conservation Authority (RCA).

The Project area is located within the MSHCP. According to the MSHCP, three wildlife management areas occur along the north boundary of the Project area: the Southwest Riverside Multi-species Reserve that surrounds Diamond Valley Lake, the Lake Skinner Recreation Area, and the Johnson Ranch Area, as shown in Exhibit 4.4-1, *Existing Conserved Lands*.

The Project area includes two large open areas that have supported agricultural uses or are undeveloped, including approximately 1,500 acres in the northwest corner of the Project area (refer to Exhibits 4.4-2A, *MSHCP Criteria Cells* and 2B, *Criteria Cells (Northwest Corner)*), and approximately 1,500 acres in the southern portion of Project area along Temecula Creek running eastward and abutting the core habitat identified for conservation surrounding Vale Lake (see Exhibit 4.4-2A, *MSHCP Criteria Cells* and 2C, *Criteria Cells (Southern End)*). Both areas have been identified by the County for conservation consideration.

4.4.3 REGULATORY FRAMEWORK

Threatened and endangered species are listed by the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). In California, three agencies generally regulate activities within inland streams, wetlands, and riparian areas: U.S. Army Corps of Engineers (ACOE); the CDFG; and the Regional Water Quality Control Board (RWQCB). The ACOE Regulatory Branch regulates activities pursuant to Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. The CDFG regulates activities under CDFG Code Sections 1600-1607. The RWQCB regulates activities pursuant to Section 401 of the CWA and the California Porter-Cologne Act.

EXISTING FEDERAL REGULATIONS

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) was promulgated to protect any species of plant or animal which is endangered or threatened with extinction. "Take" of endangered species is prohibited under Section 9 of the ESA.²

Section 7 of the Act requires federal agencies to consult with the USFWS on proposed federal actions (actions authorized, funded, or carried out by federal agencies) which may affect threatened or endangered species or result in the destruction or adverse modification of critical habitat. Section 7 also requires federal agencies to confer with the USFWS if the agency determines that its action is likely to

¹ Refer to Section 3 of the MSHCP.

² "Take" as defined under the FESA means to "harass, harm, pursue, hunt, wound, kill, trap, capture, collect, or attempt to engage in any such conduct" [16 U.S.C. § 1532(19)].

jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat.

Section 10 of the FESA provides the regulatory mechanism which allows the incidental take of a listed species by private interests and non-federal government agencies during lawful land, water, and ocean use activities. Under these conditions, habitat conservation plans (HCPs) for the impacted species must be developed, approved by the USFWS, and implemented by the permitted. It is the goal through the HCP to minimize impacts to the species and develop viable mitigation measures to offset the unavoidable impacts.

Clean Water Act, Section 404

The U.S. Army Corps of Engineers (Corps) regulates discharges of dredged or fill material into waters of the U.S. These waters include wetlands and non-wetland bodies of water that meet specific criteria. Corps regulatory jurisdiction pursuant to Section 404 of the Federal Clean Water Act is founded on a connection or nexus between the water body in question and interstate commerce. This connection may be direct, through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce, or may be indirect, through a nexus identified in the Corps regulations. The following definition of waters of the U.S. is taken from the discussion provided at 33 CFR 328.3:

“The term waters of the U.S. means:

- all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce...;
- all interstate waters including interstate wetlands;
- all other waters such as intrastate lakes, rivers, streams (including intermittent streams) ...the use, degradation or destruction of which could affect interstate or foreign commerce...;
- all impoundments of waters otherwise defined as waters of the U.S. under the definition; and
- tributaries of waters defined in paragraphs (a) (1)-(4) of this section.”

The Corps typically regulates as waters of the *U.S.* any body of water displaying an *ordinary high water mark* (OHWM). Corps jurisdiction over non-tidal waters of the U.S. extends laterally to the OHWM or beyond the OHWM to the limit of any adjacent wetlands, if present. The OHWM is defined as “that 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 area.” Jurisdiction typically extends upstream to the point where the OHWM is no longer perceptible.

Clean Water Act, Section 401

The California Regional Water Quality Control Boards (RWQCB) are responsible for the administration of Section 401 of the Clean Water Act. Riverside County is within the jurisdiction of the Santa Ana, San Diego, and Colorado River RWQCB. The Project area, specifically, is located within the San Diego RWQCB’s jurisdiction. Typically, the areas subject to jurisdiction of the RWQCB coincide with those of the Corps (i.e., waters of the United States including any wetlands). The RWQCB’s responsibility is to ensure that the quality of down stream areas (“receiving waters”) are not adversely impacted.

EXISTING STATE REGULATIONS

California Endangered Species Act

The State of California has promulgated the California Endangered Species Act (CESA). This CESA is similar to the FESA in that its intent is to protect species of fish, wildlife, and plants that are in danger of, or threatened with, extinction because their habitats are threatened with destruction, adverse modification, or severe curtailment, or because of overexploitation, disease, predation, or other factors.

The threshold for take under the FESA is lower than that under the California ESA. "Take" as defined under the CESA means hunt, pursue, capture, or kill, or attempt to hunt, pursue, capture, or kill. Under certain conditions, the CESA has provisions for take through a 2081 permit or a 2081 Memorandum of Understanding. The impacts of the authorized take must be minimized and fully mitigated. No permit may be issued if the issuance of the permit would jeopardize the continued existence of the species. The California Department of Fish and Game (CDFG) is the primary regulatory agency for enforcement of species protection laws in the state.

Natural Community Conservation Planning

The Natural Community Conservation Planning (NCCP) program takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. A NCCP program identifies and provides for the regional or area wide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. The NCCP program is a cooperative effort to protect habitats and species. The program, which began in 1991 under the State's Natural Community Conservation Planning Act, is broader in its orientation and objectives than the CESA and FESA. These laws are designed to identify and protect individual species that have already declined in number significantly. The primary objective of the NCCP program is to conserve natural communities at the ecosystem level while accommodating compatible land use. The program seeks to anticipate and prevent the controversies and gridlock caused by species' listings by focusing on the long-term stability of wildlife and plant communities and including key interests in the process. The MSHCP is a NCCP.

California Fish and Game Code, Section 1603

The CDFG, through provisions of the California Fish and Game Code (Section 1603), is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. Streams (and rivers) are defined by the presence of a channel bed and banks, and at least an intermittent flow of water. CDFG regulates wetland areas only to the extent that those wetlands are a part of a river, stream, or lake as defined by CDFG. While seasonal ponds are within the CDFG definition of wetlands, they are not part of a river, stream, or lake and are not subject to jurisdiction of CDFG under Section 1603 of the Fish and Game Code.

EXISTING COUNTY REGULATIONS

Western Riverside County Multiple Species Habitat Conservation Plan

The continued loss of habitat to new development and the cumbersome process of environmental review and habitat mitigation on a project-by-project basis led to preparation of the MSHCP. The MSHCP is a multi-jurisdictional effort that provides a regional conservation solution to species and habitat

issues. The underlying goal of the MSHCP is to protect multiple species by preserving a variety of habitat and providing linkages between different habitat areas and other undeveloped lands.

The MSHCP was adopted on June 17, 2003. The MSHCP is a comprehensive, multi-jurisdictional HCP focusing on the long-term conservation of species and their habitats in the Western Riverside County. The MSHCP serves as an HCP pursuant to Section 10(a)(1)(B) of the FESA as well as the NCCP under the State of California. USFWS issued a Biological Opinion and Section 10 permit for the MSHCP on June 22, 2004. CDFG also issued the NCCP Approval and Take Authorization for the MSHCP on the same date. As long as adherence to the policies and requirements of the MSHCP is maintained, participants in the MSHCP, which include the County of Riverside and sixteen cities, are allowed to authorize “incidental take” of plant and wildlife species of concern.

The MSHCP provides for the long-term survival of protected and sensitive species by designating a contiguous system of habitat to be added to existing public/quasi-public lands. The Plan includes an impact fee collected by the permittees, which is used to acquire these lands. In the case of the County, Ordinance No. 810 requires that the payment of the MSHCP development mitigation fee which is based on the type of type and extent of impacts caused by development and is not based on whether the subject site is located within a MSHCP Criteria Cell. Depending on the location of a private or public development project, certain biological studies may be required to comply with the MSHCP. These studies may identify the need for specific measures to avoid, minimize and reduce impacts to covered species and their habitat.

The MSHCP defines two distinct consistency processes for development projects based on their location within the MSHCP Plan Area, with separate processes for projects located outside of “Criteria Areas” and those within a Criteria Area.

Outside Criteria Areas

Projects outside of the Criteria Areas are subject to a consistency analysis based on an examination of “Other Plan Requirements” in accordance with the following sections from the MSHCP:

- Section 3.3.15 Southwester Area Plan. This section identifies target acreages, applicable Cores and Linkages, Area Plan Subunits and Criteria for the SWAP.
- Section 6.1 Local Implementation Measures. This provision establishes a development mitigation fee for the unincorporated area of the County to specifically provide for habitat acquisition pursuant to the MSHCP.
- Section 6.1.2 Riparian/Riverine Requirements. This provision sets forth the biological survey and report requirements regarding riparian/riverine habitat and associated species, focusing on riparian/riverine areas, vernal pools, and fairy shrimp habitat
- Section 6.1.3 Narrow Endemic Plant Species Requirement. This provision sets forth the biological survey and report requirements regarding narrow endemic plant species.
- Section 6.3.2. Additional Survey Needs and Procedures. This provision sets forth the biological survey and report requirements regarding Criteria Area plant species, amphibian species, burrowing owl, and mammal species.
- Section 6.1.4 Urban/Wildland Interface Guidelines. This provision sets forth a range of measures to eliminate, reduce, or minimize “edge” effects associated with the interface between development and the natural environment.

- Section 6.2 Agriculture. This provisions pertains to any expansion of existing agricultural activities where endangered species take permits are required.

Through implementation of these requirements as well as the payment of MSHCP development mitigation fees, development projects outside of the Criteria Areas are consist with the MSHCP, thereby reducing impacts to Covered Species to less than significant.

Inside Criteria Areas

Development projects inside of the Criteria Areas are subject to a consistency analysis based on an examination of the MSHCP Reserve Assembly, Other Plan Requirements, the Joint Project Review process, and permittee MSHCP findings.

- Reserve Assembly. The Reserve Assembly analysis includes a review of the project's relationship on three geographic levels, beginning with the largest and ending with the smallest Reserve design feature. All projects within the criteria area must be reviewed for consistency with the following three reserve units: (1) cores and linkages, (2) Area Plans and subunits, and (3) criteria cells. The HANS process outlines a methodology for Permittees to utilize in order to negotiate for set-aside or purchase of areas needed for conservation (Reserve Assembly). Permittees may utilize incentives such as density bonuses or waivers of other local impact fees in return for conservation of a portion of a project site deemed important for MSHCP Reserve Assembly.
- Other Plan Requirements. The Other Plan Requirements are the same as outlined above for outside Criteria Area development project.
- Joint Project Review (JPR) Process. Once a development project has been reviewed and a determination of consistency/inconsistency with the MSHCP is made, the project is reviewed by the RCA through the JPR process. The JPR process is described in Section 6.6.2E of the MSHCP. To ensure that the requirements of the MSHCP are properly adhered to by applicable parties, all projects within criteria cells are reviewed by the RCA through the JPR process.
- Permittee MSHCP Findings. Once the JPR process is complete, the Permittee prepares MSHCP findings for inclusion in final project entitlement or approval documents/staff reports. Findings of MSHCP consistency/inconsistency cannot be made until the JPR process is complete.

Through implementation of these requirements and payment of MSHCP development mitigation fees, development projects inside of the Criteria Areas are consist with the MSHCP. Impacts to Covered Species, whether candidate, sensitive, or special status species or their habitats, resulting from development projects that are consistent with the MSHCP are considered less than significant.

Riverside County Oak Tree Management Guidelines

In March 1993, the County of Riverside issued Oak Tree Management Guidelines intended to address the treatment of oak woodlands in areas where zoning and/or general plan density restrictions will allow the effective use of clustering. The guidelines are generally considered to be the most effective where minimum lot sizes of 2.5 acres or larger or where oak woodlands are concentrated in a relatively small portion of a project site. The guidelines include recommendations for oak inventories, land use designs to cluster home sites in order to reduce impacts to oaks, and mitigation measures for oak conservation.

EXISTING COUNTY GENERAL PLAN POLICIES

Open Space (OS) Element Policies

- Policy OS 5.1: Substantially alter floodways or implement other channelization only as a “last resort,” and limit the alteration to: (a) that necessary for the protection of public health and safety only after all other options are exhausted; (b) essential public service projects where or other feasible construction method or alternative project location exists; or (c) projects where primary function is improvement of fish and wildlife habitat. (AI 25, 59, 60)
- Policy OS 5.2: If substantial modification to a floodway is proposed, design it to reduce adverse environmental effects to the maximum extent feasible, considering the following factors: (a) stream scour; (b) erosion protection and sedimentation; (c) wildlife habitat and linkages; (d) groundwater recharge capability; (e) adjacent property; and (f) design (a natural effect, examples could include soft riparian bottoms and gentle bank slopes, wide and shallow floodways, minimization of visible use of concrete, and landscaping with native plants to the maximum extent possible). A site-specific hydrologic study may be required. (AI 25, 59, 60)
- Policy OS 5.3: Based upon site-specific study, all development shall be set back from the floodway boundary a distance adequate to address the following issues:
- a) Public safety;
 - b) Erosion;
 - c) Riparian or wetland buffer;
 - d) Wildlife movement corridor or linkage; and
 - e) Slopes;
- Policy OS 5.4: Consider designating floodway setbacks for greenways, trails, and recreation opportunities on a case-by-case basis. (AI 25, 59, 60)
- Policy OS 5.5: New development shall preserve and enhance existing native riparian habitat and prevent obstruction of natural watercourses. Incentives shall be utilized to the maximum extent possible. (AI 25, 60)
- Policy OS 5.6: Identify and, to the maximum extent feasible, conserve remaining upland habitat adjacent to wetland and riparian areas that are critical to the feeding, hibernation, or nesting of wildlife species associated with those wetland and riparian areas. (AI 60, 61)
- Policy OS 6.1: During the development review process, ensure compliance with the Clean Water Act’s Section 404 in terms of wetlands mitigation policies and policies concerning fill material in jurisdictional wetlands. (AI 3)
- Policy OS 6.2: Preserve buffer zones around wetlands where feasible and biologically appropriate. (AI 61)
- Policy OS 6.3: Consider wetlands for use as natural water treatment areas that will result in improvement of water quality. (AI 56)

- Policy OS 8.1: Cooperate with Federal and State agencies to achieve the sustainable conservation of forest land as a means of providing open space and protecting natural resources and habitat lands included in the MSHCPs. (AI 3)
- Policy OS 8.2: Support conservation programs to reforest privately held forest lands.
- Policy OS 9.3: Maintain and conserve superior examples of native trees, natural vegetation, stands of established trees, and other features for ecosystem, aesthetic, and water conservation purposes. (AI 3, 79)
- Policy OS 9.4: Conserve the oak tree resources in the County. (AI 3, 78)
- Policy OS 17.1: Enforce the provisions of applicable MSHCPs, if adopted, when conducting review of development applications. (AI 10)
- Policy OS 17.2: Enforce the provisions of applicable MSHCPs when developing transportation or infrastructure projects that have been designated as covered activities in the applicable MSHCPs. (AI 10)
- Policy OS 17.3: Enforce the provisions of applicable MSHCPs, if adopted, when conducting review of possible general plan amendments and/or zoning changes. (AI 10)
- Policy OS 17.4: Require the preparation of biological reports in compliance with Riverside County Planning Department Biological Report Guidelines for development related uses that require discretionary approval to assess the impacts of such development and provide mitigation for impacts to biological resources until such time as the CVAG MSHCP and/or Western Riverside County MSHCP are adopted or should one or both MSHCP's not be adopted.
- Policy OS 17.5: Establish baseline ratios for mitigating the impacts of development related uses to rare, threatened and endangered species and their associated habitats to be used until such time as the CVAG MSHCP and/or Western Riverside County MSHCP are adopted or should one or both MSHCP's not be adopted.
- Policy OS 18.1: Preserve multi-species habitat resources in the County of Riverside through the enforcement of the provisions of applicable MSHCPs, if adopted. (AI 10)
- Policy OS 18.2: Provide incentives to landowners that will encourage the protection of significant resources in the County beyond the preservation and/or conservation required to mitigate project impacts. (AI 9)
- Policy OS 20.1: Preserve and maintain open space that protects County environmental resources and maximizes public health and safety in areas where significant environmental hazards and resources exist.
- Policy OS 20.2: Prevent unnecessary extension of public facilities, services, and utilities, for urban uses, into Open Space-Conservation designated areas. (AI 74)

Southwest Area Plan

- SWAP 22.1 Protect viable oak woodlands through adherence to the Oak Tree Management Guidelines adopted by Riverside County.
- SWAP 23.3 Maintain habitat connectivity within Murrieta Creek, Temecula Creek, Lower Tualota Creek, Lower Warm Springs Creek, and Pechanga Creek to facilitate wildlife movement and dispersal, (especially for the California gnatcatcher and Quino checkerspot butterfly) and conservation of wetland species.

4.4.4 SIGNIFICANCE THRESHOLD CRITERIA

The Project would result in a potentially significant impact on biological resources if it would:

- 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 any riparian habitat or other sensitive natural community identified in local or regional plans, policies and regulations or by the CDFG or USFWS.
- c) 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.
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- f) 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 IMPACT ANALYSIS AND MITIGATION

IMPACT METHODOLOGY

The Project proposes a general plan amendment, zoning ordinance amendment, and design guidelines. This change in land use policy and guidance is intended to promote the expansion and co-existence of winery, residential, and equestrian uses within this part of the County. As a result, an evaluation was performed to determine if any of the proposed changes would have the potential to significantly adversely affect biological resources within the Project Area. Existing and proposed land uses were examined for compatibility with the existing conditions on and surrounding the site. Proposed changes were evaluated on their potential to adversely affect the Southwest Area Plan's existing biological resources.

For each topic below, programmatic, construction, operational, and infrastructure improvement-related impacts which are anticipated pursuant to the Project have been identified and analyzed. When considering the significance of an individual impact, the EIR considers the existing local, State and Federal regulations, laws and policies in effect, including applicable County General Plan policies. In

In addition, the impact analysis considers the Project Design Features that have been incorporated into the Project to avoid, reduce or offset potential impacts. In cases where existing regulations and policies and Project Design Features may not adequately reduce Project impacts, the County has proposed additional EIR mitigation measures to reduce, avoid or offset Project-related impacts. These mitigation measures will be incorporated into the Project Mitigation Monitoring and Reporting Program, which will be adopted as part of the Project approval process.

PROJECT DESIGN FEATURES

The following Project Design Features are incorporated into the Project to avoid, reduce or offset potential significant environmental impacts, as reflected in the Project proposal materials, including the proposed General Plan Amendment, Zoning Ordinance Amendment, and Temecula Valley Wine Country Design Guidelines:

- 1) The Project will require 75% of implementing projects on future winery sites be planted with vineyards on 10 acres or more (revised SWAP Policy 1.3 and 1.4). This minimum planting requirement will effectively reduce building mass, increase open space, and promote the rural agricultural feel of the Project site.
- 2) The Project (revised SWAP Policy 1.5) will require a minimum lot size of ten (10) acres for new residential tract maps and parcel maps except in the Wine Country – Residential District. This large lot size requirement will preserve and enhance the rural feel in the Project area.
- 3) The Project (proposed SWAP Policy 1.11) will allow incidental commercial uses such as special occasion facilities, hotels, resorts, restaurants and delicatessens in conjunction with wineries on lots larger than 20 acres for WC-W zone and on lots larger than 10 acres for WC-WE zone, which will effectively reduce building mass, increase open space, and promote the agricultural feel of the Wine Country – Winery District.
- 4) The Project (proposed SWAP Policy 1.12) will encourage equestrian establishments and permit incidental commercial uses that complement existing equestrian establishments on lots larger than 10 acres. This will promote the equestrian and rural nature of the Wine Country – Equestrian District.
- 5) The Project (proposed Zoning Ordinance Amendment No. 348.4729) within the Wine Country – Equestrian (WC-E) Zone will allow the following uses related to biological resources:
 - commercial equestrian establishments;
 - the grazing, keeping or boarding of horses, cattle, sheep, goats or other farm stock, excluding hogs;
 - selective or experimental breeding and raising of horses, cattle, sheep, and goats
 - petting zoo;
 - polo grounds or horse show facility;
 - horse racing track or rodeo arena;
 - large animal hospital provided that temporary boarding facilities are established for the purposes of boarding sick or injured animals.

IMPACT ANALYSIS AND MITIGATION MEASURES

Impact 4.4-1: Conflict with any Conservation Plan

Threshold: *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan?*

Determination: *Less than Significant with Mitigation*

Wine Country Community Plan Overview of Programmatic Impacts

The Project area is located within an area covered by an active State Natural Community Conservation Plan (NCCP) which is intended to identify and provide for the regional or areawide protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. This active NCCP is the Western Riverside County MSHCP. The MSHCP is listed as one of 23 NCCPs within the State. Therefore, compliance with the MSHCP would ensure compliance with the State Natural Community Conservation Planning program.

The Project area is entirely within the Southwest Area Plan of the MSHCP which is the conservation plan for this part of the County. The MSHCP is a multi-jurisdictional effort that provides a regional conservation solution to species and habitat issues. The underlying goal of the MSHCP is to protect multiple species by preserving a variety of habitat and providing linkages between different habitat areas and other undeveloped lands.

The MSHCP defines two distinct consistency processes for development projects based on their location within the MSHCP Area, with separate processes for projects located outside of Criteria Areas (criteria cells) and those within criteria cells. Any implementing projects within the Project area would need to comply with MSHCP requirements.

The Project area contains 34 criteria cells. The existence of a criteria cell does not necessarily deny construction within the cell boundaries, but does require that development within that cell be evaluated against the biological goals and objectives established by the MSHCP for that cell to make sure the development is consistent with the conservation requirements of the MSHCP. The process of making this determination has been labeled the HANS process and is administered by the RCA.

There are two main groupings of criteria cells found within the Project boundaries (see Exhibit 4.4-2A, *MSHCP Criteria Cells*): One group (Criteria Cells 5985, 5989, 5991-2, 6082-4, 6088-9, 6186, 6189-90, 6293 and 6395) is part of a proposed extension of an existing core habitat area, Proposed Extension of Existing Core 6. Collectively, conservation within this group of criteria cells will focus on preserving agricultural land, coastal sage scrub and grassland habitats as part of assembling Proposed Extension of Existing Core 6 (refer to Exhibit 4.4-3, *MSHCP Cores and Linkages*). Conservation associated with assembling Proposed Extension of Existing Core 6 will add to the existing conservation already established by the County at the Southwest Riverside Multi-species Reserve surrounding Diamond Valley Lake, the Lake Skinner Recreation Area, and the Johnson Ranch Area. These three areas of existing conservation comprise what the MSHCP has described as Existing Core J (see Exhibit 4.4-3, *MSHCP Cores and Linkages*).

A second group of criteria cells (6694, 6807-8, 6913, 6917, 7010, 7012 and 7014, 7182-5 and 7134) are located within the southern end of the Project area. These cells follow the Temecula Creek east of Redhawk Parkway and West of Pauba Road and are identified as a wildlife movement corridor along Temecula Creek, Constrained Linkage 24, and connect to a proposed core habitat area, Proposed Core 7, at its eastern terminus. Conservation within Constrained Linkage 24 will focus on Riversidean alluvial fan sage scrub, woodland and forest habitat along Temecula Creek. While conservation within Proposed Core 7 will focus on preserving upland areas and wetland habitats found in and around Vail Lake and Wilson Valley (see Exhibit 4.4-3, *MSHCP Cores and Linkages*).

With the exception of those criteria cells discussed above, the majority of the lands within the Project boundaries are not encumbered with a criteria cell designation (see Exhibit 4.4-2A, *MSHCP Criteria Cells*). Although implementing projects in the open areas will not be subject to the HANS process, each application for development will need to check with the County of Riverside's website (www.rcip.org) for the MSHCP requirements and determine what biological survey requirement, if any, may be required by the County as part of the MSHCP application process and mitigation fee procedures. Most parcels will require that, at a minimum, a habitat assessment be conducted to assure that a proposed implementing project site does not support any burrowing owls and/or riparian/riverine habitat. In addition, some parcels may occur in areas where MSHCP requires focused surveys for covered species such as narrow endemic plant species and riparian associated wildlife species. Survey requirements under the MSHCP are parcel specific and are available only at the County's website. Some of the required focused surveys are seasonal. Any implementing project site that is developed within the immediate proximity to existing or proposed conservation areas, must demonstrate, as part of a Habitat Assessment and MSHCP Consistency Report, that development of a site will not have an indirect effect on the conservation areas.

Construction-related Impacts (of Implementing Projects)

Implementing projects allowed under the Project is expected to occur over a 25-year period. Temporary construction related impacts are anticipated to involve grading to construct building pads, access roads, walls or other fencing, signage, lighting, landscaping, onsite utilities, trails and necessary infrastructure improvements to support future implementing projects. Any construction as a result of the Project would have to comply with the MSHCP conservation goals and objectives. Thirty-four (34) criteria cells have been designated within the Project area, primarily along the northwest and southeastern boundaries. Through compliance with the applicable General Plan policies, MSHCP requirements, and standard conditions of approval, construction-related impacts to the existing conservation plan would be less than significant.

Operational Impacts (of Implementing Projects)

The Project will support rural residential uses, new and existing wineries, equestrian facilities, as well as other commercial activities that encourage tourism. Implementing projects proposed within the Project area would have to comply with the MSHCP guidelines and any future implementing project within the identified criteria cells would be required to undergo the HANS process. Through compliance with the applicable General Plan policies, MSHCP requirements, and standard conditions of approval, operational impacts to the existing conservation plan would be less than significant.

Infrastructure Impacts (of Implementing Projects)

Most infrastructure including sewer lines, domestic water transmission lines, and dry utilities will be placed underground, out of view. The placement / construction of these infrastructure facilities would predominantly be located within existing roadways or proposed roadways and would comply with MSHCP requirements. Foreseeable near-term projects may also include the development of roundabouts for Project area roadway intersections which are anticipated to require additional right-of-way. Any right-of-way expansion project that is developed within the immediate proximity to existing or proposed conservation areas, must demonstrate, as part of a Habitat Assessment and MSHCP Consistency Report, that development of a site will not have an indirect effect on any conservation areas. Through compliance with the applicable General Plan policies, MSHCP requirements, and standard conditions of approval, infrastructure impacts to the existing conservation plan would be less than significant.

Summary of Applicable Existing Regulations and Policies

- a) MSHCP provides for and protects species and their habitats throughout Western Riverside County. Development projects in Western Riverside County are required to comply with the provisions of the MSHCP (e.g., Section 3.3.15 – Southwest Area Plan – Guidelines Pertaining to SWAP, 6.1.4 – Guidelines Pertaining to the Urban/Wildland Interface, and 6.2 - Agriculture). All components of implementing projects will be subject to the MSHCP requirements. Consistency with the MSHCP is sufficient to ensure that impacts are reduced to less-than-significant levels for Covered Species.
- b) MSHCP Section 6.1 establishes a development mitigation fee for the unincorporated area of the County to specifically provide for habitat acquisition pursuant to the MSHCP.
- c) General Plan policies OS 8.1, OS 9.4, OS 17.1 through 17.8, and OS 18.1 enforce the provisions of the MSHCP.
- d) Southwest Area Plan policy 22.1 requires new development to protect viable oak woodlands through adherence to the Oak Tree Management Guidelines adopted by Riverside County.
- e) Southwest Area Plan policy 23.3 requires habitat connectivity to be maintained within Murrieta Creek, Temecula Creek, Lower Tualota Creek, Lower Warm Springs Creek, and Pechanga Creek to facilitate wildlife movement and dispersal, (especially for the California gnatcatcher and Quino checkerspot butterfly) and conservation of wetland species.
- f) Standard Conditions or Requirements. Mitigation measures adopted in order to reduce biological impacts are as follows:
 1. Riverside County shall require that new development comply with the Riverside County Planning Department Biological Report Guidelines to include an analysis of the potential for a proposed project to result in direct mortality of individuals of listed, proposed, or candidate species or loss of habitat occupied by such species and sensitive habitat.
 2. Riverside County shall require that all proposed implementing projects demonstrate consistency with the MSHCP.
 3. Riverside County shall require that new development comply with the Oak Tree Management Guidelines, including the use of replacement plantings with acorns or oak saplings when it is determined to be biologically sound and appropriate to do so.
 4. Riverside County shall require the completion of preconstruction clearance surveys, as set forth in the MSHCP, in order to avoid direct take of sensitive resources.
 5. Riverside County shall ensure compliance with applicable Habitat Conservation Plans.

Mitigation Measures

Refer to Mitigation Measure LU-1 in Section 4.10, *Land Use and Relevant Planning*. Because this mitigation appears later in this document, it is repeated below for the benefit of the reader:

[LU-1 All implementing projects (ministerial and discretionary) within the Project boundary shall be required to:

- Apply for and obtain a Change of Zone (CZ) to benefit from the implementing zones of the Wine Country Policy Area. As part of the review process, the County shall conduct a project-specific CEQA analysis for the CZ Application. Depending upon the location of the implementing project, Planning staff shall require the project proponent to conduct the necessary studies (e.g., Archeology, Geology, Biology, Hydrology, etc.). Depending upon the findings of those studies, Planning staff shall recommend that a restrictive zoning classification (such as an open space zone) be placed on areas where sensitive resources require protection.
- Apply for and obtain the necessary grading permit. Such grading permit shall go through the appropriate environmental analysis and identify the necessary mitigations, if any (e.g., cultural monitoring during grading, biological restoration, etc.), prior to approval of the grading permit.
- Apply for and obtain the necessary building permit. The County shall ensure the necessary reviews of building permits by the Riverside County Flood Control and Water Conservation District (RCFCWCD), Environmental Programs Division (EPD), County Archeologist, County Geologist, etc.]

No additional mitigation is necessary.

Conclusion

The Project is located within the MSHCP and contains 34 criteria cells. Implementing projects within criteria cells must undergo the HANS process to determine if the development will be consistent with the conservation requirements of the MSHCP. Implementing projects outside criteria cells may still require habitat assessments and focused surveys to verify the biological resources within the area proposed for development and to ensure that these resources would not be impacted as a result of the proposed development. Since future implementing projects allowed under the Project would be required to be compliant with the MSHCP and General Plan, and these regulatory documents are intended to minimize conflicts with conservation plans, impacts associated with the Project are considered to be less than significant. It is anticipated that particular implementing project within the Project area would be allowed by right, meaning that only a ministerial action would be necessary to approve the proposed project. Ministerial actions are not considered “projects” under CEQA and are, therefore, not subject to environmental review as discussed above. However, each implementing project, ministerial or discretionary, will be required to submit a Change of Zone application with the County. Through the Change of Zone development approval process, Mitigation Measure LU-1 will require that ministerial actions implementing mitigation for biological resources. Implementation of the above considerations and actions may mitigate potential future impacts to biological resources from implementation projects to less than significant levels.

Impact 4.4-2: Adverse Effect on Endangered or Threatened Species

Threshold: *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any endangered, or threatened species, as listed in Title 14 of the California Code of Regulations Section 670.2 or 670.5) or in Title 50 Code of Federal Regulations (Section 17.11 or 17.12)?*

Determination: *Less than Significant*

Wine Country Community Plan Overview of Programmatic Impacts

The MSHCP provides for the long-term survival of protected and sensitive species by designating a contiguous system of habitat to be added to existing public/quasi-public lands. The Project is located within Southwest Area Plan of the MSHCP. The Project contains areas designated by the MSHCP as proposed Core, proposed Extension of Existing Core, and proposed Constrained Linkage (see Exhibit 4.4-3, *MSHCP Cores and Linkages*). The Project contains:

- Approximately 640 acres of proposed Core, a block of habitat of appropriate size, configuration, and vegetation characteristics to generally support the life history requirements of one or more Covered Species.
- Approximately 1,200 acres of proposed Extension of Existing Core, a block of habitat contiguous with an existing Core Area which serves to provide additional habitat for species in the adjacent existing Core.
- Approximately 250 acres of Constrained Linkage, a constricted connection expected to provide for movement of identified Planning Species between Core Areas, where options for assembly of the connection are limited due to existing patterns of use.

Most parcels will require that, at a minimum, a habitat assessment be conducted to assure that a future implementing project site does not support any burrowing owls and/or riparian/riverine habitat. In addition, some parcels may occur in areas where MSHCP requires focused surveys for covered species such as narrow endemic plant species and riparian associated wildlife species. Survey requirements under the MSHCP are parcel specific and are available only at the County's website, listed above. Some of the required focused surveys are seasonal. These studies may identify the need for specific measures to avoid, minimize and reduce impacts to covered species and their habitat, if identified onsite. This process is a standard requirement for development projects within the County and would apply to any future implementing project located within the Project area.

Construction-related Impacts (of Implementing Projects)

Construction resulting from the implementing projects is expected to occur over a 25-year period and is anticipated to involve the construction of buildings, access roads, fencing, landscaping, and trails. Depending on the location of future implementing projects, certain biological studies may be required to comply with the MSHCP as part of the standard requirements associated with the development process in Riverside County. Depending on the result of these studies, implementing projects may incur additional requirements to ensure that adverse effects on threatened or endangered species do not occur. Since this is a standard requirement of the County's MSHCP and development process, adverse effects on threatened or endangered species are considered to be less than significant.

Operational Impacts (of Implementing Projects)

The Project will support rural residential uses, new and existing wineries, equestrian facilities, as well as other commercial activities that encourage tourism. Operation of these uses would require compliance with the MSHCP guidelines and General Plan. In addition, implementing projects within the identified criteria cells of the Project area would be required to undergo the HANS process to ensure that appropriate areas are preserved for inclusion into the MSHCP conservation areas. Through compliance with the applicable General Plan policies, MSHCP requirements, and standard conditions of approval, adverse impacts to endangered or threatened species would be less than significant.

Infrastructure Impacts (of Implementing Projects)

Most infrastructure including sewer lines, domestic water transmission lines, and dry utilities will be placed underground, out of view. The placement / construction of these infrastructure facilities would predominantly be located within existing roadways or proposed roadways and would comply with MSHCP requirements. As described above, foreseeable near-term projects may also include the development of roundabouts for Project area roadway intersections which are anticipated to require additional right-of-way. Right-of-way expansion projects may require certain biological studies to comply with the MSHCP and must demonstrate, as part of any required Habitat Assessment or MSHCP Consistency Report, that development of a site will not have a direct or indirect effect on any sensitive species or habitat. Through compliance with the applicable General Plan policies, MSHCP requirements, and standard conditions of approval, adverse impacts to endangered or threatened species would be less than significant.

Summary of Applicable Existing Regulations and Policies

- a) MSHCP provides for and protects species and their habitats throughout Western Riverside County. Development projects in Western Riverside County are required to comply with the provisions of the MSHCP. All components of implementing projects will be subject to the MSHCP requirements. Consistency with the MSHCP is sufficient to ensure that impacts are reduced to less-than-significant levels for Covered Species.
- b) General Plan policies OS 8.1, OS 17.1 through 17.8, and OS 18.1 enforce the provisions of the MSHCP.

Mitigation Measures

No additional mitigation is necessary.

Conclusion

The Project area is located within the MSHCP and contains a variety of habitats and linkages between different habitats and undeveloped land necessary to protect threatened or endangered species. Implementing projects within the Project area, depending on their location, may be required to undergo the HANS process, prepare habitat assessments and conduct focused surveys to verify the biological resources located within a implementing project site. Existing General Plan policies and compliance with the MSHCP are intended to protect species and their habitats within Western Riverside County. Since implementing projects will be required to comply with these General Plan policies and MSHCP requirements as part of the development process, impacts associated with the adverse effects on threatened or endangered species are considered to be less than significant.

Impact 4.4-3: Adverse Effect on Candidate, Sensitive, or Special Status Species

Threshold: *Would the project 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?*

Determination: Less than Significant

Refer to the response for Impact 4.4-2, above. Less than significant impacts on sensitive species would occur.

Impact 4.4-4: Interfere with the Movement of Migratory Species

Threshold: *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.*

Determination: Less Than Significant

Refer to the response for Impact 4.4-1, above. Less than significant impacts to movement of migratory species would occur.

Impact 4.4-5: Adverse Effect on Riparian or Sensitive Natural Communities

Threshold: *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

Determination: Less than Significant with Mitigation

Wine Country Community Plan Overview of Programmatic Impacts

Many of the natural open spaces throughout the Project area support native creeks and streams (see Exhibit 4.4-1, *Existing Conserved Lands*). Under the MSHCP, riparian and riverine areas, as well as vernal pools, are considered protected habitats. Several of the MSHCP covered species, such as least Bell's vireo, arroyo toad and several narrow endemic plant species are found only in association with riparian and riverine habitats and are afforded additional protection under the MSHCP (See Section 6.1.2 of the MSHCP).

A habitat assessment, prepared as part of the MSHCP application process, would determine the presence or absence of riparian/riverine habitat within the boundaries of a specific implementing project site. As a requirement under the MSHCP, riparian/riverine habitat cannot be impacted by a proposed development without providing suitable offsite mitigation. Once offsite mitigation is found, an evaluation of its quality and value as riparian/riverine habitat must be prepared against the quality and value of the onsite riparian/riverine habitat that will be lost through the development process. As a requirement, the offsite mitigation must be equal or superior to that of the onsite riparian/riverine habitat to comply with MSHCP standards. The process of conducting this evaluation is formally done as

part of a Determination of Biologically Equivalent or Superior Preservation (DBESP) analysis and is a standard requirement for projects that may impact riparian/ riverine habitat.

Construction-related Impacts (of Implementing Projects)

Construction resulting from implementing projects is expected to occur over a 25-year period and is anticipated to involve the construction of buildings, access roads, fencing, landscaping, and trails. If construction-related impacts have the potential to impact riparian/ riverine habitat, a DBESP analysis would be required to ensure that the mitigation proposed meets the requirements of the MSHCP. In addition, depending on the location of future implementing projects, certain biological studies may be required to comply with the MSHCP. Since this is a standard requirement of the County's development process, impacts to riparian/ riverine habitats would be mitigated. Through compliance with the applicable General Plan policies, MSHCP requirements, and standard conditions of approval, construction-related impacts to riparian/ riverine habitat would be less than significant.

Operational Impacts (of Implementing Projects)

The Project will support rural residential uses, new and existing wineries, equestrian facilities, as well as other commercial activities that encourage tourism. Any project site that is developed within the immediate proximity of a riparian/ riverine habitat will be required to perform a DBESP analysis in accordance with the MSHCP, which must demonstrate that the area proposed for mitigation of impacted riparian/ riverine habitat is of equal or greater biological value. Since this is a standard requirement of the County's development process, impacts to riparian/ riverine habitats would be mitigated. Through compliance with the applicable General Plan policies, MSHCP requirements, and standard conditions of approval, operational impacts to riparian/ riverine habitat would be less than significant.

Infrastructure Impacts (of Implementing Projects)

Most infrastructure including sewer lines, domestic water transmission lines, and dry utilities will be placed underground, out of view. The placement / construction of these infrastructure facilities would predominantly be located within existing roadways or proposed roadways and would comply with MSHCP requirements. Any construction within the immediate proximity to a riparian/ riverine habitat will be required to perform a DBESP analysis in accordance with the MSHCP, which must demonstrate that the area proposed for mitigation of impacted riparian/ riverine habitat is of equal or greater biological value. Since this is a standard requirement of the County's development process, impacts to riparian/ riverine habitats would be mitigated. Through compliance with the applicable General Plan policies, MSHCP requirements, and standard conditions of approval, infrastructure impacts to riparian/ riverine habitat would be less than significant.

Summary of Applicable Existing Regulations and Policies

- a) MSHCP provides for and protects species and their habitats throughout Western Riverside County. Development projects in Western Riverside County are required to comply with the provisions of the MSHCP. All components of implementing projects will be subject to the MSHCP requirements. Consistency with the MSHCP is sufficient to ensure that impacts are reduced to less-than-significant levels for Covered Species.
- b) General Plan policies OS 5.1 through 5.7, and OS 6.1 through 6.3 focus on protecting wetland and riparian habitats.

Mitigation Measures

Refer to Mitigation Measure LU-1 in Section 4.10, *Land Use and Relevant Planning*. Because this mitigation appears later in this document, it is repeated above under Impact 4.4-1 for the benefit of the reader. No additional mitigation is necessary.

Conclusion

The Project area contains a number of native creeks and streams. Under the MSHCP, riparian/riverine habitat cannot be impacted by development without providing suitable mitigation through the preparation of a DBESP analysis. Offsite mitigation must be equal or superior to that of the onsite riparian/riverine habitat. Through compliance with the applicable General Plan policies, MSHCP requirements, and standard conditions of approval, impacts to riparian/ riverine habitat would be less than significant.

The analysis in this document is consistent with the requirements of a program EIR, any implementing project proposed within the Project area would require site-specific CEQA analysis

Impact 4.4-6: Adverse Effect on Federally Protected Wetlands

Threshold: *Would the project 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?*

Determination: *Less than Significant*

Wine Country Community Plan Overview of Programmatic Impacts

Many of the natural open spaces throughout the Project area support native creeks and streams (see Exhibit 4.4-1, *Existing Conserved Lands*) which may qualify as Waters of the U.S and/or Waters of the State. Implementing projects allowed under from the Project are expected to occur over a 25-year period, and are anticipated to include grading to construct building pads, access roads, walls or other fencing, signage, lighting, landscaping, onsite utilities, trails and necessary infrastructure improvements to support future implementing projects. Many of these activities could involve the direct removal, filling and/or hydrological interruption of federally protected wetlands as defined by Section 404 of the Clean Water Act. As a standard requirement to comply with the MSHCP, implementing projects located within the Project area would be required to comply with Federal, State, and Local wetlands permitting processes (Sections 401 and 404 of the Clean Water Act as administered by the Regional Water Quality Control Board and the U.S. Army Corps of Engineers, respectively, and Section 1600 of the State's Fish and Game Code, as administered by the California Department of Fish and Game).

Construction-related Impacts (of Implementing Projects)

Construction resulting from implementing projects is expected to occur over a 25-year period and is anticipated to involve the construction of buildings, access roads, fencing, landscaping, and trails. Any project site that is developed within the immediate proximity to existing or proposed conservation areas, must demonstrate, as part of preparing a habitat assessment and MSHCP Consistency Report, that development of a site will not have an indirect effect on the conservation areas. Through compliance with the applicable General Plan policies, MSHCP requirements, permit processing and

approval by applicable Federal, State, and Local agencies and standard conditions of approval, construction-related impacts to federally protected wetlands would be less than significant.

Operational Impacts (of Implementing Projects)

The Project will support rural residential uses, new and existing wineries, equestrian facilities, as well as other commercial activities that encourage tourism. Any project site that is developed within the immediate proximity to existing or proposed conservation areas, must demonstrate, as part of preparing a habitat assessment and MSHCP Consistency Report, that development of a site will not have an indirect effect on the conservation areas. Through compliance with the applicable General Plan policies, MSHCP requirements, permit processing and approval by applicable Federal, State, and Local agencies and standard conditions of approval, operational impacts to federally protected wetlands would be less than significant.

Infrastructure Impacts (of Implementing Projects)

Most infrastructure including sewer lines, domestic water transmission lines, and dry utilities will be placed underground, out of view. The placement/ construction of infrastructure facilities would comply with MSHCP requirements. Any construction within the immediate proximity to existing or proposed conservation areas, must demonstrate, as part of preparing a habitat assessment and MSHCP Consistency Report, that development of a site will not have an indirect effect on the conservation areas. Through compliance with the applicable General Plan policies, MSHCP requirements, permit processing and approval by applicable Federal, State, and Local agencies and standard conditions of approval, infrastructure impacts to federally protected wetlands would be less than significant.

Summary of Applicable Existing Regulations and Policies

- a) MSHCP provides for and protects species and their habitats throughout Western Riverside County. Development projects in Western Riverside County are required to comply with the provisions of the MSHCP. All components of implementing projects will be subject to the MSHCP requirements. Consistency with the MSHCP is sufficient to ensure that impacts are reduced to less-than-significant levels for Covered Species.
- b) General Plan policies OS 5.1 through 5.7, and OS 6.1 through 6.3 focus on protecting wetland and riparian habitats.

Mitigation Measures

No additional mitigation is necessary.

Conclusion

The Project area contains a number of native creeks and streams. Prior to development of implementing projects within the Project area, a habitat assessment and MSHCP Consistency Report would be prepared to demonstrate that there would be no indirect effect on conservation areas. All implementing projects proposed within the Project area would be required to comply with the wetlands permitting process (Sections 401 and 404 of the Clean Water Act as administered by the Regional Water Quality Control Board and the U.S. Army Corps of Engineers, respectively, and Section 1600 of the State's Fish and Game Code, as administered by the California Department of Fish and Game) as well as meet the requirements of the MSHCP. These processes and plans are intended to reduce impacts to federally protected wetlands by requiring analysis of the affected resource and the creation of adequate

mitigation over equal or greater biological/ hydrological value. Compliance with these existing laws and regulations, including the MSHCP and General Plan policies would reduce impacts to less than significant.

Impact 4.4-7: Conflict with Local Policies or Ordinances

Threshold: Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Determination: Less than Significant

Refer to the response for Impact 4.4-1, above

4.4.6 CUMULATIVE IMPACTS

Threshold: Would the project result in cumulative impacts associated with implementation of the Wine Country Community Plan?

Determination: Less than Significant

Cumulative impacts to biological resources are addressed in both the Riverside County General Plan Final EIR and the City of Temecula's General Plan Final EIR, which are both incorporated by reference into this EIR. A significant component of any MSHCP and, in particular the Western Riverside County MSHCP, is the recognition and advanced planning to cover potential cumulative impacts on sensitive habitats and covered species. Since implementing projects that would occur within the Project area will be in compliance with the Project policies, zoning, and guidelines and would comply with the MSHCP, cumulative impacts associated with the Project would be considered less than significant.

4.4.7 LEVEL OF SIGNIFICANCE AFTER MITIGATION

The impact of the Project on biological resources would be less than significant due to compliance with existing laws, regulatory programs, and General Plan policies currently in place. No additional mitigation measures would be required to reduce impacts further.



4.4 Biological Resources

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