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Director

COUNTY OF RIVERSIDE
TRANSPORTATION AND LAND MANAGEMENT AGENCY
Environmental Programs Department

BIOLOGICAL POLICIES AND PROCEDURES

March 4, 2009

Biological Reports are required for all of the following case types.

General Biological Reports (Section I below) are only required for EIRs.

Habitat Assessment Reports (Section II below) are required for cases, which do not require an EIR:

- Plot Plans (PP)
- Parcel Maps (PM)
- Tract Maps (TR)
- Conditional Use Permits (CUP)
- Specific Plans (SP)
- Surface Mining Permits (SMP)
- Temporary Outdoor Events
- Temporary Use Permits
- Variances
- Change of Zones
- WECS Permits
- General Plan Amendments
- Specific Plan Amendments
- Public Use Permits
- Hazardous Waste Facility Siting Permits
- Revised Permits
- Grading Permits (not including grading permits for a secondary use)

- I. GENERAL BIOLOGICAL REPORTS will be required for Environmental Impact Reports (EIRs) only. All other cases will require Habitat Assessment Reports.

Contents—A General Biological Report will include:

- A. Date of site visit
- B. Assessor's Parcel Numbers (APNs, e.g. 125-125-125)
- C. Project Case Number (e.g. TR99999)
- D. Surveyor Name(s)
- E. Species observed list
- F. Topography/hydrology
- G. Current vegetation map
- H. Soils map
- I. Current site photographs
- J. Discussion of any Sensitive Habitats/Species on-site. In Western Riverside County any narrow plant endemics, criteria area plant species or any of the animal species not adequately covered by the MSHCP which are present on the site will need to be addressed

- K. Habitat Assessments required by Western Riverside County's MSHCP as identified by the Conservation Summary Report Generator www.rcip.org/conservation.htm --and a habitat assessment for any riparian/riverine areas and vernal pools will need to be addressed in the EIR. Identification and mapping of these habitat types (see section 6.1.2 MSHCP) is required. Habitat assessments for riparian/riverine species if habitat exists on-site will need to be performed and focused surveys when habitat is available for those species will need to be performed and included in the EIR.
- L. Discussion of any conservation required on-site for the MSHCP (reference to Habitat Acquisition and Negotiation Strategy--HANS determination.
- M. Jurisdictional Assessment—any potential jurisdictional waters/wetlands on-site, if a delineation is necessary, this will need to be included in the EIR.
- N. All required County of Riverside attachments
- O. Discussion of direct, indirect and cumulative impacts per CEQA
- P. A current site map of the proposed project
- Q. All oak trees will be identified on vegetation maps, showing clearly their drip line. An oak tree study, with diameter at breast height and canopy measurements as well as health ratings will also need to be included in the text of the biological report

II. HABITAT ASSESSMENT REPORTS required in all circumstances except EIRs--which require General Biological Reports (Section I above):

- A. A Habitat Assessment Reports includes, at a minimum a Habitat Assessment for river/riparian, wetland, vernal pool, sage scrub and or jurisdictional waters. As well as Habitat Assessments are required for those species identified on the Conservation Summary Report Generator at www.rcip.org/conservation.htm for every Assessor Parcel Number (APN) that is included in the project. Habitat assessments will need to be conducted prior to project approval or earlier if project is in the criteria area.
 - i. Riparian/riverine areas and vernal pools will be identified/mapped and assessed for species composition, topography/hydrology and soils analysis
 - ii. If suitable habitat is identified on-site for species listed in Section 6.1.2 of the MSHCP document and if the proposed project design does not avoid the identified habitat, then focused surveys will be required prior to project approval.
 - iii. **When focused surveys are positive, avoidance and minimization measures must be implemented in accordance with the species-specific objectives for least Bell's vireo, southwestern willow flycatcher, western yellow-billed cuckoo, Riverside fairy shrimp, Santa Rosa Plateau fairy shrimp and vernal pool fairy shrimp. If avoidance is not feasible, then a practical alternative that minimizes direct and indirect effects to these habitats and associated functions and values to the greatest extent possible must be implemented. If a practical alternative is selected a determination of biologically equivalent or superior preservation according to Section 6.1.2 of the MSHCP will be required. Such determinations are subject to a 60-day review by the Wildlife Agencies.**

- B. Habitat assessments will need to be performed by biologists deemed to be qualified to conduct habitat assessments for the species in question (as identified on the County of Riverside's list of Authorized Biological Consultants (<http://www.rctlma.org/epd/documents/BioConsultantsList.pdf>))

Habitat Assessment Reports shall include, at a minimum:

- A. Site Photographs
- B. Assessor Parcel Numbers (APNs)
- C. Case Numbers (e.g. TR99999)
- D. Surveyor Name(s)
- E. Survey Date(s)
- F. Topography/Hydrology
- G. Soils analysis
- H. Species Observed list
- I. Current vegetation description, with vegetation map
- J. All oak trees will be identified on vegetation maps, showing clearly their drip line. An oak tree study, with diameter at breast height and canopy measurements as well as health ratings will also need to be included in the text of the biological report
- K. Proposed site plan or project design
- L. Jurisdictional assessment (i.e. if there are any potential jurisdictional waters/wetlands on-site)
- M. Assessment for any riparian/river areas and vernal pools—identification and mapping of these habitat types (see section 6.1.2 MSHCP Final). Habitat assessments for riparian/river species if habitat exists on-site. Focused surveys for those species will be required if habitat is available.
- N. Discussion of whether or not habitat is available on-site for all species identified on the Conservation Summary Report Generator and whether or not a focused survey is required
- O. All required County of Riverside attachments for biological reports

III. EXCEPTIONS—Habitat Assessments for river/riparian, wetland, vernal pool and or jurisdictional waters will NOT be required in the following cases (please note habitat assessments may still be required for some of the following exceptions, see below):

- A. The site is currently completely graded. Proof of permits for the grading/clearing of the site will need to be provided as well as site photographs. Please note that some habitat assessments may still be required on a graded site. If no proof is provided that the site was graded with a permit, then all biological surveys will still need to be completed and the applicant may have to wait until the vegetation has re-established on the property. This applies as well to clearing done for weed abatement only when noticed by the Fire Department. The weed abatement notice must be provided as well as a clearance that a biologist checked the sight for endangered species, before the clearing was done.
- B. The entire site is currently a residence and accompanying yard, which is composed of landscaped elements and is not being divided into multiple parcels. Site photographs will be required. This exemption does not apply to pastureland and/or agricultural uses, regardless of whether or not a residence is present.

- C. The entire site is currently a building and/or a parking lot with all vegetated areas being composed entirely of landscaped elements. Site photographs will be required.
- D. The entire site is currently completely in commercial use. This use encompasses the entire site and has disturbed the entire site (i.e. a lumber yard with all areas currently in use). Site photographs will be required. Please note that burrowing owl habitat assessments may still be required.

Note: Projects on agricultural land must comply with all Habitat Assessment requirements.

All other cases not mentioned in this section must comply with all Habitat Assessment requirements. If you believe that your project should not have to comply with these requirements and it's not on the above list, please submit your exception request form to the Planning Director to determine if you are eligible. It is recommended this be done early in the entitlement process.

III. FOCUSED SURVEYS

If a qualified biologist has determined that habitat is available for those species that require additional studies pursuant to the MSHCP (see Sections 6.1.2, 6.1.3 and 6.3.2 of the MSHCP), then a focused survey will need to be conducted by a qualified biologist. Surveys following protocols set forth in Exhibit A attached shall be conducted and submitted for review prior to project approval or earlier if the project is within a criteria area. Where the target plant and animal species are found, a GPS co-ordinate will need to be taken and submitted in the focused survey report.

When focused surveys are positive, avoidance and minimization measures must be implemented in accordance with the species-specific objectives for the species observed. If avoidance is not feasible, then a practical alternative that minimizes direct and indirect effects to these habitats and associated functions and values to the greatest extent possible must be implemented. If a practical alternative is selected a determination of biologically equivalent or superior preservation according to Section 6.1.2 of the MSHCP will be required. Such determinations are subject to a 60-day review by the Wildlife Agencies. If the species is identified on-site, the County Biologist(s) shall review the report and determine what additional MSHCP requirements must be complied with. Additional review by other County staff may be required. (Added from riparian/riverine comments above)

IV. JURISDICTIONAL DELINEATIONS

Jurisdictional delineations are required when a qualified biologist has determined through a habitat assessment that the site may contain jurisdictional elements (waters/wetlands) and that a formal delineation is required.

All jurisdictional elements will be mapped in the delineation and this will have an overlay of the proposed project (if available at the time of preparation applicants will provide their biological consultant with their current site plan or project design to show impacts to the jurisdictional areas.)

Delineations shall include, at a minimum:

- A. Site Photographs
- B. Assessor Parcel Numbers (APNs)
- C. Case Numbers (e.g. TR99999)
- D. Surveyor Name(s)
- E. Survey Date(s)
- F. Topography/Hydrology
- G. Soils analysis
- H. Species Observed list
- I. Current vegetation description, with vegetation map
- J. Proposed site plan or project design
- K. Prior to project approval, an assessment for any riparian/river areas and vernal pools—identification and mapping of these habitat types (see section 6.1.2 MSHCP) will be required. Focused surveys for those species in section 6.1.2, page 6-23, will be required prior to project approval if habitat is available. This information may be included in the jurisdictional delineation or in the Habitat Assessment Report, but the Habitat Assessment Report MUST specify if habitat is available for riparian/riverine species.
- L. Discussion of whether or not habitat is available on-site for all species identified on the Conservation Summary Report Generator and whether or not a focused survey is required
- M. All required County of Riverside attachments for biological reports

V. EXPIRATION OF BIOLOGICAL REPORTS

General Biological Reports and Habitat Assessment Reports may be required to be repeated.

Jurisdictional delineations are valid for five years from the last date of survey. Generally, habitat assessments are good for one year from the last date of survey. As a rule, one survey is sufficient for plant species. However, for species with a known reliance on rainfall, surveys need to be conducted in years with at least normal rainfall and/or during the blooming period for the species (Refer to Exhibit A – 1, MSHCP Plant Survey Requirements for Narrow Endemic and Criteria Area Species). The County biologist may require additional surveys if any survey requirements set forth in sections 6.1.2, 6.1.3 and 6.3.2 are not met.

VI. FISH AND GAME REQUIREMENT

As required by the MSHCP 10a permit, number 23e, (http://carlsbad.fws.gov/WRV_MSHCP_BO.htm) one copy (via e-mail is preferred) of all reports must be submitted to the California Department of Fish and Game to the attention of:

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Resource Assessment Program
California Department of Fish and Game
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