



COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION

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MSHCP INFORMATION SHEET

The Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) is a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP) focusing on Conservation of species and their associated Habitats in Western Riverside County. The MSHCP will allow Riverside County and its Cities to better control local land-use decisions and maintain a strong economic climate in the region while addressing the requirements of the state and federal Endangered Species Acts.

The MSHCP Plan Area encompasses approximately 1.26 million acres (1,966 square miles); it includes all unincorporated Riverside County land west of the crest of the San Jacinto Mountains to the Orange County Line, as well as the jurisdictional areas of the Cities of Temecula, Murrieta, Lake Elsinore, Canyon Lake, Norco, Corona, Riverside, Moreno Valley, Banning, Beaumont, Calimesa, Perris, Hemet, and San Jacinto.

The MSHCP will serve as an HCP pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act of 1973 (FESA), as well as a Natural Communities Conservation Plan (NCCP) under the NCCP Act of 2001. The MSHCP will be used to allow the participating jurisdictions to authorize "Take" of plant and wildlife species identified with the Plan Area. The United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) (hereafter "Wildlife Agencies") have the authority to regulate the Take of Threatened, Endangered, and rare Species. Under the MSHCP, the Wildlife Agencies will grant "Take Authorization" for otherwise lawful actions – such as public and private Development that may incidentally Take or harm individual species or their Habitat outside of the MSHCP Conservation Area – in exchange for the assembly and management of a coordinated MSHCP Conservation Area.

LOCAL IMPLEMENTATION: PROCEDURES AND REQUIREMENTS

MSHCP procedures and requirements are triggered by all discretionary actions. In order for the City of Riverside to start its review of a project's relationship to the MSHCP, the City will need a project area definition, an accurate project description with all appropriate maps, and all of the required biological information including the project's impacts on the surrounding environment.

HOW TO DETERMINE YOUR PROJECT'S RELATIONSHIP TO THE MSHCP?

For your convenience, the Western Riverside County Regional Conservation Authority (RCA) maintains a "Summary Report Generator" which is an online tool that will assist you in determining if your project lies within a Criteria Cell and if any additional survey requirements are necessary (this easy-to-use tool can be found at: www.wrc-rca.org); once you've entered your APN(s), a report will be generated. It should be noted – the Summary Report Generator will not indicate whether a project must be reviewed for consistency with the Riparian/Riverine requirements – every project must be analyzed to determine if Riparian/Riverine resources are present and whether impacts would occur to these resources.

For a Development Project

Every discretionary action must be reviewed for MSHCP compliance. Depending on a project's location, requirements for MSHCP compliance will vary. There are two general categories of MSHCP compliance:

- ***Reserve Assembly:*** *MSHCP reserve assembly compliance is required if a project is located within a Criteria Cell(s). The Summary Report Generator will indicate whether a project is located within a Criteria Cell(s). Any project within a Criteria Cell requires RCA review in the form of Joint Project Review (JPR).*
- ***Other Plan Requirements:*** *Regardless of whether a project is within a Criteria Cell, "Other Plan" requirements such as compliance with the Riparian/Riverine Guidelines, species survey requirements, etc. may apply. Additional species survey requirements can be determined through the Summary Report Generator. As noted above, the Summary Report Generator will not indicate whether Riparian/Riverine resources are located onsite – it is assumed that all properties need to be assessed by a qualified biologist familiar with riparian/riverine habitats/resources to determine if these resources are present.*

For a Single Family Home

A Single Family Home or mobile home is not subject to MSHCP reserve assembly or "other plan" requirements if it is to be built on an existing legal parcel. Under the provisions of the MSHCP, it is considered a 'covered' activity and can be processed via the Expedited Review Provision (ERP) of the plan (Section 7.3.2). To utilize the ERP, the project must be located on the least environmentally sensitive portion of the parcel; a habitat assessment may be required to determine the project's appropriate location.

For All Other Private Development

All other types of private development are subject to the provisions of the MSHCP. If the project is located in a Cell Criteria Area, it must meet both the Plan Wide Requirements and comply with the Cell Criteria. Cell Criteria describe areas where MSHCP conservation will be focused. Your proposal will be analyzed and discussed in relationship to the Reserve Assembly Objectives of the plan that are applicable to Cores and Linkages, etc. and Area Plans and Subunits.

SUBMITTAL PROCESS

All project applicants seeking a discretionary permit from the City must submit all necessary habitat assessments, survey reports, biological reports, and exhibits depending on the MSHCP requirements as outlined above. If a Determination of Biological Equivalent or Superior Preservation (DBESP) is required, it must also be included in the submittal. Once the application is complete, the City will serve as the lead agency and will submit your application to the RCA for review if your project is within a Criteria Cell. If your project is not within a Criteria Cell, the City will review the project for consistency with "Other Plan" requirements and prepare MSHCP findings of consistency/inconsistency.

If your project site contains Riparian/Riverine resources including vernal pools, or fairy shrimp habitat, these areas must be specifically mapped and included in a biological report where their relationship to MSHCP requirements is assessed. If these resources support suitable habitat for listed fairy shrimp or least Bell's vireo, southwestern willow flycatcher or western yellow-billed cuckoo, focused surveys for these species must occur.

- If your proposal will impact these areas, a DBESP analysis is required which includes necessary surveys, discussion of why avoidance is not feasible, minimization measures for indirect impacts, mitigation that will offset the impacts, and a determination that mitigation proposed is biologically equivalent or superior. MSHCP Section 6.1.2 should be consulted for complete DBESP requirements.
- If your proposal does not impact these areas, the biological assessment must include documentation of avoidance of these areas.

Requirements for ALL Biological Reports/Habitat Assessments and Species Surveys

1. All biological reports/habitat Assessments must include an MSCHP Consistency Determination for each of the following requirements:
 - Riparian/Riverine, Vernal Pool, and Fairy Shrimp Requirements (Section 6.1.2)
 - Species Survey Requirements (Sections 6.1.3 and 6.3.2)
 - Urban/Wildlife interface Guidelines (Section 6.1.4)
 - Reserve Assembly Requirements within the Criteria Area (Section 3)
2. If any jurisdictional waters/blue line streams exist on the property, a jurisdictional delineation must be submitted. The delineation must include the following:
 - Identify and map all jurisdictional waters/blue line streams
 - Address impacts associated with the proposed project
 - Identify any necessary agency permits
 - Identify mitigation measures, if applicable.
3. Habitat Assessments must include the following information
 - Vegetation communities present onsite;

- Soils present onsite;
 - Date of the habitat assessment; and
 - A written conclusion as to whether habitat exists onsite for each species outlined in Section 6 of the MSHCP.
4. *Species Surveys* must consist of:
- A list of all methods used to conduct the survey including names of surveying biologist, permit reference (for surveys of listed species), dates of surveys, weather conditions, protocol utilized, etc.
 - Precipitation data for the year.
 - It should be noted that species surveys must be conducted in the appropriate season (refer to Table 6-1 of the MSHCP) and must be clearly presented in a written report complete with maps, figures and text outlining methods, existing conditions, findings and conclusions.

For more information regarding the Western Riverside County Regional Conservation Authority, please visit www.wrc-rca.org.

You may also find an online copy of the Multiple Species Habitat Conservation Plan at www.rcip.org/conservation.htm.

For more information related to the Joint Project Review, please refer to the “Western Riverside County Regional Conservation Authority - Reimbursement of Costs for Joint Project Review (JPR) Information Handout.” To obtain a JPR Application, please visit www.wrc-rca.org/Info-programs.html.

ADDITIONAL INFORMATION

MSHCP Riparian/Riverine, Vernal Pools, Artificially Created Wetlands, and Fairy Shrimp Habitat (Section 6.1.2)

Riparian/Riverine Areas are areas that contain habitat dominated by plants which occur close to or that depend upon the soil moisture from a nearby fresh water source. In these areas, the source of moisture may be present during all or a portion of the year and may include unvegetated drainage that has flow for a portion of the year as well.

Vernal Pools are seasonal wetlands that occur in depression areas that have wetlands indicators – soils, vegetation, and hydrology – during the wetter portion of the growing season, but normally lack wetlands indicators of hydrology and/or vegetation during the drier portion of the growing season. The determination that an area exhibits vernal pool characteristics must be made on a case-by-case basis. Such determinations will consider the length of the time the area exhibits upland and

wetland characteristics and the manner in which the area fits into the overall ecological system as a wetland.

Fairy Shrimp Habitat can be both man-made (i.e., road ruts, stock ponds, depressional areas) and natural (i.e., vernal pools, ephemeral pools). If suitable habitat is present, focused surveys must be undertaken as determined appropriate by a qualified biologist (Riverside fairy shrimp, vernal pool fairy shrimp, and Santa Rosa Plateau fairy shrimp). It is important to note that fairy shrimp habitat may be natural or artificially created – it is up to the consulting biologist to determine if suitable habitat is present regardless of whether it relates to an artificially or naturally created area.

Artificially Created Wetlands are NOT subject to MSHCP requirements. However, wetlands created for the purpose of providing wetlands habitat or resulting from human actions to create open waters or from the alteration of natural stream courses are subject to MSHCP requirements.

If Riparian/Riverine, vernal pool, and/or fairy shrimp habitat is present, these areas must be mapped. The assessment shall consider species composition, topography/hydrology, and soils analysis, where appropriate. In addition to mapping requirements, a description of the functions and values of the mapped areas is also required. If the mapping identifies suitable habitat for the species listed in Section 6.1.2, and the proposed project design does not incorporate avoidance of the identified habitat, focused surveys for those species shall be conducted and avoidance and minimization measures implemented in accordance with the species-specific objects for those species.

If avoidance is not feasible, a practicable alternative that minimizes direct and indirect effects to riparian/riverine areas and vernal pools shall be selected. Those impacts that are unavoidable shall be mitigated such that lost functions and values, as they relate to Covered Species, are replaced as set forth under the Determination of Biologically Equivalent or Superior Preservation (DBESP). A DBESP shall be undertaken to ensure replacement of any lost functions and values of habitat as it relates to covered species.

For more specific information related to avoidance measures, DBESP process requirements, and additional general information, please consult section 6.1.2 of the MSHCP.

Species Surveys (Sections 6.1.3 and 6.3.2) – Narrow Endemic Plant Species and Criteria Area Species

Narrow Endemic Plant Species – The existing MSHCP database does not provide the level of detail sufficient to determine the extent of the presence or distribution of Narrow Endemic Plant Species within the Plan Area. Additional information regarding the presence of these species must be gathered during the long-term implementation of the MSHCP to ensure that appropriate conservation of these species occurs. Please refer to Section 6.1.3 for the list of Narrow Endemic Plant Species.

Within identified Narrow Endemic Plant Species survey areas, site-specific focused surveys shall be required for all public and private projects where appropriate soils and habitat are present. Surveys shall be conducted in the appropriate season, in accordance with established protocols. Survey results shall be documented in mapped and text form and shall be presented for review. Where survey results are positive, any proposal shall be subject to avoidance and minimization and mitigation strategies. Please note, prior to conducting surveys, habitat suitability assessments may be undertaken by a qualified biologist to determine whether focused surveys for individual species are required and to focus the species-specific survey efforts.

For Narrow Endemic Plant Species populations identified as part of the survey process, impacts to 90% of those portions of the property that provide for long-term conservation value of the identified Narrow Endemic Plant Species, shall be avoided until it is demonstrated that conservation goals for the particular species are met (in accordance with the species-specific objective delineated in Section 9.2 and Volume II, Section B). If it is determined that the 90% threshold cannot be met and achievement of overall MSHCP conservation goals for the particular species have not yet been demonstrated, a Determination of Biologically Equivalent or Superior Preservation (DBESP) must be made. For information related to the 'Discontinuation of Surveys' or 'Release of 90% Avoidance Areas,' please refer to Section 6.1.3 of the MSHCP.

A DBESP shall be made if making equivalency findings is determined to be infeasible. The DBESP shall be based upon the criteria for findings of equivalency. In addition, an expanded written description of the project will be required that includes the information demonstrating that although the project would exceed the 10% impact threshold, the proposed design and compensation measures would result in an overall MSHCP Conservation Area design and configuration biologically equivalent or superior to that which would occur under a project alternative within the impact threshold without these measures.

Demonstration that the biologically equivalent or superior alternative would provide benefits with respect to MSHCP Conservation Area design and configuration should be considered in the context of its effects on habitat with long-term conservation value to Narrow Endemic Plant Species, its effects on the populations of the Narrow Endemic Plant Species, and its effects on linkages and function of the MSHCP Conservation Area.



