



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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Ontario, CA 91764
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

May 11, 2020
Sent via email

MAY 11 2020

STATE CLEARINGHOUSE

Jeffery M. Smith, AICP
Senior Planner
March Joint Powers Authority
14205 Meridian Parkway, Suite 140
Riverside, CA 92518

Subject: Draft Environmental Impact Report for Veterans Industrial Park 215 Project
State Clearinghouse No. 2016081061

Dear Mr. Smith:

The California Department of Fish and Wildlife (CDFW) received the proposed Draft Environmental Impact Report (DEIR) on March 11, 2020 from the March Joint Powers Authority (March JPA) for the Veterans Industrial Park 215 Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ The original comment period ended on April 24, 2020. On March 23, 2020 CDFW was notified that the comment period was extended to May 11, 2020.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Project Location

The proposed Project site is located west of March Air Reserve Base (MARB), south of Van Buren Boulevard, north of Western Way and east of interstate 215 within the City of Perris, Riverside County. A total of 142.5 acres of the onsite Project impacts are within the jurisdiction of March JPA. The offsite Project improvements along Van Buren Boulevard and Western Way occur within the jurisdictions of March JPA, MARB and the City of Perris.

Project Description

The Project includes offsite Project improvements for road construction, drainage and pipeline installation. The Project proposes two areas of offsite impacts along Western Way and Harley Knox Boulevard that are within the City of Perris. The first of the offsite improvements includes 3 acres of new roadway construction and pipeline, which will occur between the southerly extent of onsite Project activities, within the March JPA, and Nandina Avenue. The second offsite impacts will include the construction of a new 18-inch water pipeline within the existing right-of-way between the intersection of Western Way and Nandina Avenue to Harley Knox Boulevard totaling 0.2 acres of impact. These impacts lie within the Perris Valley Commerce Center Specific Plan in the City of Perris and are subject to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

COMMENTS AND RECOMMENDATIONS

CDFW is concerned about the adequacy of the impact analysis and the mitigation measures proposed in the DEIR and the ability of the Project to mitigate the significant, or potentially significant, direct and indirect impacts to native habitats and species that rely on these habitats. Following review of the DEIR, CDFW offers the comments and recommendations presented below to assist the March JPA and City of Perris in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The

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comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to the Project's consistency with the MSHCP. CDFW recommends that our comments be addressed prior to adoption of the Final Environmental Impact Report (FEIR).

Western Riverside County Multiple Species Habitat Conservation Plan

CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County MSHCP per Section 2800, *et seq.*, of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit.

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements.

The proposed Project occurs within the MSHCP area, and areas within the jurisdiction of the City of Perris are subject to the provisions and policies of the MSHCP. In order to be considered a covered activity, Permittees must demonstrate that proposed actions are consistent with the MSHCP and its associated Implementing Agreement.

Two of the offsite Project impact areas along Western Way, City of Perris, are within the Mead Valley Area Plan of the MSHCP and include 3.2 acres of Project impacts. The impacts lie within areas subject to the MSHCP requirements for the Protection of Species Associated with Riparian/Riverine and Vernal Pools (Section 6.1.2) and Additional Survey Needs and Procedures for Burrowing Owl survey requirements (MSHCP Section 6.3.2). The DEIR Chapter 3, Section 3.3, Biological Resources evaluates the Projects potential affects to fish and wildlife resources and proposes mitigation measures to reduce those effects. More specifically, the DEIR Impact 3.3-6 section evaluates if the Project has the potential to conflict with a local habitat conservation plan and/or natural community conservation plan. As part of the analysis March JPA provides a MSHCP Consistency Analysis that evaluates offsite Project impacts along Western Way within the City of Perris for consistency and implementation of MSHCP requirements for riparian/riverine and vernal pool resources and the Burrowing Owl survey requirements. Based on the field investigations and aerial photography results, it was determined that these resources are absent from the offsite improvement areas and therefor a Determination of Biologically Equivalent or Superior Preservation (DBESP) (Section 6 of the MSHCP) does not need to be completed for review by CDFW and United States Fish and Wildlife Service (USFWS). CDFW does

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not agree with the statement made within the Impact 3.3-6, pg. 3.3-32, which states that MSHCP Section 6.1.2 resources were absent from the offsite impact areas both during a field investigation and review of aerial photography.

The field investigation was done in June 2018, which occurred after a below average rainfall year and rounds of fuel modification practices, such as disking/mowing, had taken place. Small ephemeral drainages, subsequent areas of ponding and associated vegetation communities are difficult to identify under these conditions and can often yield negative results. However, after review of aerial photography it appears that there are areas of ponding along the east side of Western Way on the adjacent undeveloped property at the northeastern corner of Western Way and Nandina Avenue. The ephemeral drainage appears to originate west of the Interstate 215, then crosses under the interstate via culverts, flowing eastward on to a vacant property which then sheet flows through a storage yard and over the proposed new roadway extension of Western Way, which then ponds on the adjacent undeveloped property. Aerial photographs from December 2018, February 2016, October 2005 and December 2002 all display signs of ponding. Based on the review of the field investigation dates and subsequent aerial photography, CDFW disagrees with the above statement that MSHCP Section 6.1.2 resources are not found within the offsite Project impact areas.

To ensure the requirements of the MSHCP are properly met, a DBESP should be prepared, submitted and review by the City of Perris, CDFW and USFWS prior to the adoption of the FEIR. CDFW recommends the following Mitigation Measure.

MM BIO-[X]: Prior to issuance of any grading permit, the Project Applicant shall complete the Determination of Biological Equivalent or Superior Preservation process and provide to the City of Perris written correspondence from the United States Fish and Wildlife Service and California Department of Fish and Wildlife confirming that the project is consistent with the Western Riverside County Multiple Species Habitat Conservation Plan.

Additionally, to adequately assess the impacts and mitigation measures proposed in the DEIR, and the ability of the Project to mitigate the significant, or potentially significant, direct and indirect impacts to native habitats and species that rely on these habitats, CDFW strongly recommends completing DBESP review processes prior to approval of the Project to ensure consistency with the MSHCP.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity

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Database (CNDDDB). Information can be submitted online or via completion of the CNDDDB field survey form at the following link:
<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link:
<https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR for the Veterans Industrial Park 215 Project (State Clearinghouse No. 2016081061), and recommends that the March JPA in collaboration with the City of Perris address CDFW's comments and concerns prior to adoption of the FEIR. If you should have any questions pertaining to the comments provided in this letter, please contact Carly Beck at (909) 945-3294 or at Carly.Beck@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Scott Wilson
Environmental Program Manager

Attachment: Draft Mitigation Monitoring and Reporting Program for CDFW-proposed Mitigation Measures.

ec: California Department of Fish and Wildlife
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HCPB CEQA Coordinator
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ATTACHMENT

Mitigation Monitoring and Reporting Program for the March JPA’s Veterans Industrial Park 215 Project

Mitigation Measure	Timing and Methods	Responsible Parties
Biological Resources		
<p>MM BIO-[X]: Prior to issuance of any grading permit, the Project Applicant shall complete the Determination of Biological Equivalent or Superior Preservation process and provide to the City of Perris written correspondence from the United States Fish and Wildlife Service and California Department of Fish and Wildlife confirming that the project is consistent with the Western Riverside County Multiple Species Habitat Conservation Plan.</p>	<p>Timing: Prior to issuance of any grading permit</p> <p>Methods: Prior to issuance of a Grading Permit, Project Applicant shall submit to the City of Perris a Western Riverside County Multiple Species Habitat Determination of Biological Equivalent or Superior Preservation for Veterans Industrial Park 215 Project for review and consistency determination. Upon completion of the City’s review, the Determination of Biological Equivalent or Superior Preservation is transmitted to the United States Fish and Wildlife Service and California Department of Fish and Wildlife for review and consistency determination.</p>	<p>Implementation: City of Perris</p> <p>Monitoring and Reporting: City of Perris, United States Fish and Wildlife Service and California Department of Fish and Wildlife</p>