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In Reply Refer To:
FWS/CDFG-4997.1

ds[8/21/06]

Robert Johnson, Planning Director
County of Riverside
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P.O. Box 1605
Riverside, California 92502-1605

Governor's Office of Planning & Research

Mar 19 2024

STATE CLEARINGHOUSE

Attn: Adam Rush, Project Planner

Subj: Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Villages of Lakeview Specific Plan No. 342, General Plan Amendment GPA No. 720, Change of Zone No. 7055, Riverside County, California

Dear Mr. Johnson:

The California Department of Fish and Game (Department) and the U.S. Fish and Wildlife Service (Service), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced NOP. The proposed action would result in the development of 2,800 acres with 11,350 dwelling units. The proposed project site is located north and south of the Ramona Expressway between the Lakeview Mountains and the San Jacinto Wildlife Area in Riverside County, California.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). The Department is a trustee agency under the California Environmental Quality Act (CEQA) and is responsible for ensuring appropriate conservation of fish and wildlife resources including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act, and administers the Natural Community Conservation Planning Program (NCCP).

On June 22, 2004, the Service issued a section 10(a)(1)(B) permit for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit.

The Department also issued Natural Community Conservation Plan Approval and Take Authorization for the MSHCP as per Section 2800, *et seq.*, of the California Fish and Game Code.

The proposed project occurs within the MSHCP Plan Area. Portions of the proposed project are located within the MSHCP Criteria Area (e.g. Criteria Cells 2252, 2253, 2258, 2259, 2355, 2356, 2357, 2451,

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2452, 2453, 2554, 2555, 2556, 2557, and 2558). Conservation within these cells will contribute to the assembly of the MSHCP Conservation Area; namely, proposed Constrained Linkage 20 which connects Lake Perris with the Lakeview Mountains, proposed Noncontiguous Habitat Block 5 which consists of the Lakeview Mountains, and proposed Extension of Existing Core 4 which consists of the middle reach of the San Jacinto River.

We are concerned about the projects consistency with the written criteria to assemble proposed Constrained Linkage 20. The MSHCP written criteria call for a north-south connection through the agricultural lands in cell 2259 west of Bridge Street. The project as proposed places conservation farther east in cell 2357; however, there is no ability to connect to the north from this cell because no Criteria Area occurs just north of cell 2357 and the area to the north is occupied by a dairy, a restaurant, a house, and a pond. We recommend that the DEIR address consistency with the MSHCP written conservation criteria including the acreages and cell percentages for the areas that will be conserved, the location of the proposed conservation areas, habitat types within the areas proposed for conservation, the method by which the habitat will be conserved, and how the project will maintain habitat connectivity to the north and south.

Other MSHCP policies and procedures that apply to the proposed project include the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policy (MSHCP pp 6-20), Protection of Narrow Endemic Plant Species policy (MSHCP pp 6-28), Additional Survey Needs and Procedures (MSHCP pp 6-63), Guidelines for the Construction of Wildlife Crossings (pp 7-81), Guidelines Pertaining to the Urban Wildlands Interface (MSHCP pp 6-42), and the Fuels Management guidelines (MSHCP pp 6-72).

In accordance with the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policy, riparian, riverine, vernal pool, and fairy shrimp habitats should be avoided if feasible. In the event avoidance is not feasible, we recommend that the proposed project reach consistency with the specific procedures and surveys requirements identified under this policy and the MSHCP species-specific objectives. It is our understanding that ephemeral pools occur on the proposed project site. In accordance with the Riparian/Riverine Areas and Vernal Pools policy and MSHCP Permit Condition 14, two seasons of protocol fairy shrimp surveys should be conducted on the site (e.g. two wet season samples or a wet and a dry season sample). Please note that Riverside fairy shrimp (*Streptocephalus woottoni*) and vernal pool fairy shrimp (*Branchinecta lynchi*) may reside in areas of seasonal ponding that occur within disced agricultural fields, artificial ponds, and detention basins.

Portions of the proposed project site are located within the burrowing owl survey area, the Los Angeles pocket mouse survey area, Narrow Endemic Plant Species Survey Area (NEPSSA) 3 and Criteria Area Species Survey Area 3 (CASSA 3). NEPSSA 3 and CASSA 3 species include Munz's onion (*Allium munzii*), San Diego ambrosia (*Ambrosia pumila*), many-stemmed dudleya (*Dudleya multicaulis*), spreading navarretia (*Navarretia fossalis*), California Orcutt grass (*Orcuttia californica*), Wright's trichocoronis (*Trichocoronis wrightii*), San Jacinto Valley crownscale (*Atriplex coronata* var. *notatior*), Davidson's saltscale (*Atriplex serenana* var. *davidsonii*), Parish's brittlescale (*Atriplex parishii*), thread-leaved brodiaea (*Brodiaea filifolia*), smooth tarplant (*Centromadia pungens* ssp. *laevis*), round-leaved filaree (*Erodium macrophyllum*), Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), little mousetail (*Myosurus minimus*), and mud nama (*Nama stenocarpum*). We recommend that habitat assessments be conducted for the proposed project to determine whether the burrowing owl, Los Angeles pocket mouse, NEPSSA 3, or CASSA 3 species may occur on the site. If appropriate habitat occurs within the proposed project footprint, then we recommend that surveys be conducted during the appropriate time of year to determine if the species are present. Please be aware that the California Natural Diversity Database

includes a 1990 record for smooth tarplant, a 1974 record for Parish's brittlescale, a 1995 record for thread-leaved brodiaea, and a 1982 record for burrowing owl on the proposed project site. We recommend that all habitat assessment and survey reports prepared for the proposed project be included as appendices to the DEIR for the proposed project.

Based on the information provided, the proposed project appears to include the construction of a road across proposed Constrained Linkage 20. The DEIR should address consistency with the MSHCP Guidelines for the Construction of Wildlife Crossings (MSHCP pp 7-81).

The proposed project impact area will be located directly adjacent to the MSHCP Conservation Area. The Guidelines Pertaining to the Urban Wildlands Interface and the Fuels Management sections of the MSHCP address methods by which project proponents may reduce the impacts of adjacent development on the Conservation Area. We recommend that a detailed explanation of the measures the proposed project will implement to reach consistency with these sections of the MSHCP be included in the DEIR. We request that this explanation include a discussion of the potential impacts of the proposed project on the adjacent San Jacinto Wildlife Area including effects from noise, lighting, increased traffic, water quality, fuels management, and wildlife movement.

The Guidelines Pertaining to the Urban Wildlands Interface require that the quality and quantity of runoff discharged to the MSHCP Conservation Area is not altered in an adverse way when compared with existing conditions. It is our understanding that the proposed project site drains to the north toward the San Jacinto Wildlife Area. Please be aware that non-seasonal flows would have a detrimental effect on the habitats north of the proposed project site. We request that the DEIR address how the project will maintain clean seasonal flows without introducing non-seasonal flows, such as runoff from urban landscaping, to the habitat north of the site. Also, a discussion needs to be included in the DEIR on how the development will affect the Total Maximum Daily Load (TMDL) within the Lake Elsinore Watershed and how it relates to the San Jacinto Wildlife Area's TMDL requirements.

The Department is concerned with potential impacts the proposed project will have on the adjacent San Jacinto Wildlife Area. Potential impacts include fuel management activities, increased noise, lighting, traffic, and TMDLs. The development may also restrict wildlife movement in the area. The DEIR needs to discuss these potential impacts and provide measures to avoid and minimize these effects. An adequate buffer should be incorporated into the project design to ensure that all fuel management requirements are contained within the development's property and does not encroach within the San Jacinto Wildlife Area. The DEIR also needs to address possible effects the San Jacinto Wildlife Area may have on the development's housing community. The project site adjoining the San Jacinto Wildlife Area will be subject to wildlife movement and wildlife-human interactions, as well as traffic and noise from management and recreational activities, including hunting. A discussion of possible conflicts and mitigation measures incorporated into the project to reduce these conflicts need to be addressed in the DEIR.

In order to address CEQA requirements, we request that the DEIR address the following concerns. The DEIR should include a complete assessment of flora and fauna within and adjacent to the project area with particular emphasis upon identifying endangered, threatened, and sensitive species (including MSHCP covered species) and sensitive habitats. This is necessary to adequately determine potential significant impacts of the proposed project. CEQA Guidelines § 15125(c) direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.

The DEIR should also include a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. A discussion of impacts associated with increased lighting, noise, human activity, changes in drainage patterns, changes in water volume, velocity, and quality, soil erosion, and /or sedimentation in streams and water courses on or near the project site, with mitigation measures proposed to alleviate such impacts should be included. Project impacts should be analyzed relative to their effects on off-site habitats. Specifically, this should include nearby rivers, streams, or lakes located downstream of the project, public lands, open space, adjacent natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be fully evaluated and provided. The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.

A cumulative effects analysis should be developed as described under CEQA Guidelines 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. Include alternatives which avoid or otherwise minimize impacts to sensitive biological resources. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.

The Department has responsibility for wetland and riparian habitats. It is the policy of the Department to strongly discourage development in wetlands or conversion of wetlands to uplands. We oppose any development or conversion which would result in a reduction of wetland acreage or wetland habitat values, unless, at a minimum, project mitigation assures there will be "no net loss" of either wetland habitat values or acreage. Development and conversion include but are not limited to conversion to subsurface drains, placement of fill or building of structures within the wetland, and channelization or removal of materials from the streambed. All wetlands and watercourses, whether intermittent or perennial, should be retained and provided with substantial setbacks which preserve the riparian and aquatic values and maintain their value to on-site and off-site wildlife populations.

If the site has the potential to support aquatic, riparian, or wetland habitat, a jurisdictional delineation of lakes, streams, and associated riparian habitats should be included in the DEIR. Please note that some wetland and riparian habitats subject to the Department's authority often extends beyond the jurisdictional limits of the U.S. Army Corps of Engineers.

The project may require a Lake or Streambed Alteration Agreement, pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant prior to the applicant's commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed. The Department's issuance of a Lake or Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance actions by the Department as a responsible agency. The Department as a responsible agency under CEQA may consider the local jurisdiction's (lead agency) Negative Declaration or Environmental Impact Report for the project. To minimize additional requirements by the Department pursuant to Section 1600 et seq. and/or under CEQA, the document

Robert Johnson (FWS/CDFG-4997.1)

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should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the agreement.

We appreciate the opportunity to provide comments on the proposed action. If you have any questions pertaining to these comments, please contact Leslie MacNair, (Department) at (949) 458-1754, or Sally Brown, (Service) at (760) 431-9440, extension 278.

Sincerely,



D. Stadtlander [for]

Karen A. Goebel
Assistant Field Supervisor
U. S. Fish and Wildlife Service

Leslie MacNair
Staff Environmental Scientist
California Department of Fish and Game

cc:

Joe Richards, Regional Conservation Authority, Riverside, CA
Carolyn Syms-Luna, Riverside County Habitat Conservation Agency, Riverside, CA
Andrew Petitjean, Nuevo Development Corporation, Upland, CA
Terry Foreman, California Department of Fish and Game, Ontario, CA



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In Reply Refer To:
FWS/CDFG-WRIV-08B0573-08TA0643

JUN 27 2008

Carolyn Syms Luna
Director
Environmental Programs Department
4080 Lemon Street, 12th Floor
Riverside, California 92501

Subject: Western Riverside County Multiple Species Habitat Conservation Plan Joint Project Review Case 07-07-16-01 (HANS 313), The Villages at Lakeview Specific Plan No. 342, Riverside County, California

Dear Ms. Syms Luna:

The U. S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), collectively the "Wildlife Agencies," have reviewed the subject Joint Project Review (JPR) case that we received from the Western Riverside County Regional Conservation Authority (RCA) on June 17, 2008. In accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), the Wildlife Agencies are providing the following comments to assist in your consistency determination for the above referenced case.

The proposed action would result in the development of 2,768 acres and conservation of 984.5 acres. This master planned community is comprised of a mix of residential and commercial development, schools, parks and open space. The proposed project site is located north and south of the Ramona Expressway between the Lakeview Mountains and the 10,000-acre San Jacinto Wildlife Area in Riverside County, California. Portions of the proposed project are located within the MSHCP Criteria Area (e.g. Criteria Cells 2252, 2253, 2258, 2259, 2355, 2356, 2357, 2451, 2452, 2453, 2554, 2555, 2556, 2557, and 2558). Conservation within these cells will contribute to the assembly of the MSHCP Conservation Area; namely, proposed Constrained Linkage 20 (connects Lake Perris with the Lakeview Mountains), proposed Noncontiguous Habitat Block 5 (consists of the Lakeview Mountains), and proposed Extension of Existing Core 4 (consists of the middle reach of the San Jacinto River).

The Wildlife Agencies submitted comments pertaining to the Notice of Preparation (FWS/CDFG 4997.1, dated August 21, 2006) and it appears that the current project design has shifted its contribution to reserve assembly for Proposed Constrained Linkage 20 (Linkage) west of Bridge Street, as we recommended. We appreciate the efforts of the County, RCA, and project applicant in making this appropriate adjustment. We also believe that the conservation of the 984.5 acres will contribute substantially to assembling proposed Non Contiguous Habitat Block 5.



However, the proposed contribution to the Linkage is notably smaller and narrower than was previously identified in the NOP and does not meet the target for assembling this Linkage. As stated in the JPR, the dimensional data for the Linkage indicates a width ranging from approximately 1,500 to 4,500 feet, yet the proposed linkage is currently 1000 feet in width and a total of 5.16 acres. We recommend that conservation efforts be maximized in order to achieve the Linkage dimensions anticipated by the MSHCP. Maximizing reserve assembly efforts within proposed linkage areas is important to establishing and maintaining the function of the linkage and the overall MSHCP reserve configuration.

At this time, a Determination of Biologically Equivalent or Superior Preservation (Determination) as required in section 6.1.2 of the MSHCP is not being submitted based on the overall riverine function being maintained through the project's storm water drainage system. Based on conversations (June 23 and 27, 2008) with David Moskavich, the former project biologist, we understand that, at present, the project area does not have direct drainage to the San Jacinto River. However, it is our understanding that post project there will be increased flows and potentially non-seasonal flows directly discharged to the River. Although the drainage issue was briefly discussed during the RCA/Wildlife Agency coordination meeting held on June 26, 2008, we do not have sufficient information to assess the potential impacts this project may have to the riparian/riverine/vernal pool resources of the San Jacinto River. Also, we do not have a delineation of the vernal pool area watershed. The Wildlife agencies request that a Determination be submitted to allow us time (60 days, as outlined in the MSHCP) to assess the project and aide in minimizing effects to the San Jacinto River and Wildlife Area. The determination should include a hydrologic depiction of the area (including pre and post development Q values), a detailed description of water quality control measures for flows discharging into the San Jacinto River and Wildlife area, and a map of the watershed of the vernal pool area.

From the maps provided in the JPR, it appears that there is an area within the proposed MSHCP Conservation Area that is designated for a water tank. This project feature contributes to fragmentation of the proposed conservation area resulting in increased edge effects, and increases management difficulties (i.e. increased access points, fuels management, etc.). We recommend that this project feature be located outside the conservation area.

A large portion of the development footprint is directly adjacent to several MSHCP Conservation Areas. Measures to address the Guidelines Pertaining to the Urban Wildlands Interface (Guidelines) and the Fuels Management sections of the MSHCP were discussed in a report submitted but details such as design and locations of barriers and maps of the Fuel Management Zones were not provided. This information should be provided to the Wildlife Agencies in order to demonstrate consistency with the Guidelines and Fuels Management.

Three populations of Coulter's goldfields (*Lasthenia glabrata coulteri*) (one with more than 10,000 individuals), a population of smooth tarplant (*Hemizonia pungens laevis*) (fewer than 25),

and an area where 4 individual thread-leaved brodiaea (*Brodiaea filifolia*) were located will be conserved within the onsite conservation area. Avoidance and conservation of the Los Angeles pocket mouse (*Perognathus longimembris brevinasus*; "LAPM") habitat onsite will also occur. Currently there is a drainage channel proposed through the LAPM conserved area. To facilitate movement of LAPM within the conserved area, we recommend that the drainage channel be constructed with a soft bottom. This recommendation is based on our conversation with the LAPM biologist Philippe Vergne (June 23, 2008).

If you have any questions or comments regarding this letter, please contact Kathleen Pollett of the Service at (760) 431-9440, extension 357 or Magdalena Rodriguez of the Department at (909) 945-3294.

Sincerely,



for Karen A. Goebel
Assistant Field Supervisor
U. S. Fish and Wildlife Service



Leslie MacNair
Staff Environmental Scientist
California Department of Fish and Game

cc:

Charles Landry, Western Riverside County Regional Conservation Authority, Riverside, CA
Erin Bomkamp, Glen Lukos Associates, Lake Forest, California



April 15, 2009

Mr. Matt Straite
County of Riverside Planning Department
4080 Lemon Street, 9th Floor
P.O. Box 1409
Riverside, CA 92502-1409

**Re: Draft Environmental Impact Report No. 471, SCH# 2006071095
The Villages of Lakeview Specific Plan No. 342, GPA 720 & 721**

Dear Mr. Straite:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the above-referenced project concerning impacts to biological resources. The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Streambed Alteration Agreement or a California Endangered Species Incidental Take Permit (Fish and Game Code Sections 2081 and 2080.1).

The proposed project is a specific plan covering 2,800 acres in the Lakeview/Nuevo area, west of the City of San Jacinto in Western Riverside County. The project site is located on the north and south side of the Ramona Expressway and includes a portion of the Lakeview Mountains. A portion of the project is adjacent to the State of California's San Jacinto Wildlife Area (SJWA) and the San Jacinto River. Further west is the Bernasconi Hills and Lake Perris. To the northeast is Mystic Lake. The project is a master planned community consisting of a mix of residential and commercial uses, schools, parks, open space, trails and conservation. The plan establishes the maximum number of dwelling units (11,350), the maximum square feet of non-residential development (500,000 sq. ft.) and the various types of amenities and infrastructure.

Existing uses on the site include irrigated and dryland farming, a poultry ranch, a Metropolitan Water District aqueduct and basin, a horse farm, an abandoned RV park and less than 10 residences.

Issues of Concern

On August 8, 2006 the Department and the US Fish and Wildlife Service (USFWS) sent a letter responding to the project Notice of Preparation. In this letter the following Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) issues were raised: the project's consistency with Constrained Linkage 20, the location of the proposed wildlife corridor, and a road that would cross the area proposed for Constrained Linkage 20. The letter also expressed concern about the proximity of the development to the San Jacinto Wildlife Area.

The Department is concerned with the direct and indirect impacts from residential and commercial development adjacent to the SJWA. The wildlife area is used for passive recreation, bird watching, upland and waterfowl hunting and is habitat for the endangered Stephen's

kangaroo rat. Indirect impacts from the project include noise, lighting, human disturbance, water quality, protection of sensitive biological resources, increased management costs and a potential conflict with upland hunting and dog training.

Biological Resources on Site

The project site has been extensively surveyed for biological resources. Particular species of concern include: San Jacinto valley crowscale, (*Atriplex coronata* var *notatior*) Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), Stephen's kangaroo rat (*Atriplex coronata* var *notatior*) and numerous other species of special concern. Impacts to "natural" riparian resources are 0.10 acres. Vegetation in the Lakeview Mountains consists primarily of chamise chaparral (650 acres), Riversidean sage scrub (289 acres) and other plant communities. An alkaline playa (0.10 acres) is located in the northwest portion of the site. There are approximately 352 acres of disturbed/developed habitat in the project area.

The SJWA is a 9,000 acre Wildlife Area located north and west of the proposed project site. It provides upland and wetland habitat for many sensitive species, including numerous vernal pool and alkaline soil species. The SJWA is a key link in a wildlife corridor stretching from Lake Perris to the Badlands. It is also a key duck hunting and wildlife viewing area. Seasonal upland game hunting is allowed within the SJWA and the Lake Perris State Recreation Area. In addition to hunting, the SJWA is a known destination point for local and regional bird watchers.

MSHCP Issues

The proposed project is within subunits 1 and 2 of the Lakeview/Nuevo Area Plan of the MSHCP. It impacts Criteria Cells 2161, 2252, 2253, 2254, 2255, 2258, 2259, 2355, 2356, 2357, 2451, 2452, 2453, 2556, 25576 and 2558. The project is located adjacent to the Lake Perris State Recreation Area and SJWA (Existing Core H). Portions of the project are also located within the 100 year flood plain of the San Jacinto River, however, no residential or commercial development is proposed in the floodplain. Proposed Noncontiguous Habitat Block 5 consists of the Lakeview Mountains which is to be connected to other MSCHCP conserved lands via Proposed Constrained Linkage 20.

In connection with the DEIR, the County has submitted a Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) Compliance Report, a Joint Project Review Determination Letter (JPR 07-07-16-01), three addendums to the Compliance Report and a MSHCP equivalency finding.

Upon reviewing the proposed development, the Department has several issues: the width of the area conserved for Proposed Constrained Linkage 20 (Linkage), placing a road through the linkage, and fencing to protect the linkage.

In a separate letter in response to the MSHCP Joint Project Review process, the agencies commended the applicants for moving the linkage west of Bridge Street and stated that the conservation of 984 acres would substantially contribute to assembling proposed Non-Contiguous habitat Block 5. However, the agencies commented that a linkage of 1,000 feet is not sufficient and that the dimensional data for this linkage advocates a width of 1,500 to 4,500 feet. Maximizing reserve assembly efforts within proposed linkage areas is important to establishing and maintaining the function of the linkage and the overall MSHCP reserve configuration. The Department recommends that the linkage be widened; the road through it removed and the corridor include directional fencing to direct animals to the corridor.

San Jacinto Wildlife Area

The SJWA consists of 9,000 acres. It is adjacent to the 8,800 acre Lake Perris State Recreation Area. The current configuration of the Wildlife Area is the result of a series of acquisitions, either as mitigation for development or for specific acquisition purposes. Millions of dollars of public funds have been spent purchasing lands for the SJWA.

Historically, the impetus for the acquisition of the SJWA stems from the Davis-Dolwig Act of 1961, which requires the State of California to restore wildlife resources unavoidably impacted as a result of the construction of the State Water Project (SWP). The San Jacinto Valley was selected as one of many sites for the development of a state wildlife area due to the adjacency to the Lake Perris State Recreation Area, the rural nature of the area, and the existing land use designations being primarily recreation, open space, agriculture and low density land uses. It was also perceived that the location was consistent with the existing surrounding agricultural uses and the existing flood control plans for the San Jacinto River. The main uses of the SJWA are for wildlife observation, regulated hunting, nature study, fishing, hiking, photography, field trials, and preservation of wildlife and wildlife habitat.

Upland Game Hunting

The Department has statutory responsibility to manage the public trust resources of wildlife and authority to regulate sport hunting. The Legislature has declared the state policy objectives to include maintenance of diversified recreational uses of wildlife, including the sport of hunting, as proper use of certain designated species of wildlife. Senate Bill 452 further provides for resource assessment, public education and outreach and increasing hunting access for upland game hunting.

Sport hunting is a highly regulated activity. The Department sets regulations governing seasons, bag limits, and methods of take for game species annually. Regulations are adopted consistent with the Department's mission to manage viable populations of wildlife in the state of California.

Within the State of California, slightly more than half of the upland game hunters and a significant portion of the deer hunters reside in southern California. The majority of wildlife habitat that once occurred in southern California has diminished and access to suitable hunting lands is becoming increasingly limited. Public lands provide for the majority of recreational sport hunting opportunity in southern California.

The Draft San Jacinto Wildlife Area Management Plan includes a hunting element as part of its public access program. Hunting is allowed for waterfowl and upland game. The upland game hunting map in the SJWA draft management plan shows that the area from the southern boundary to approximately the duck ponds and SJWA Headquarters are designated for upland hunting (quail, rabbit, dove and snipe). The Department also administers upland game hunting in the Lake Perris State Recreation Area. Goal number 47 of the management plan is to increase upland game and waterfowl hunting opportunities on the Wildlife Area in conjunction with upland habitat enhancements. Shotgun only hunting is allowed from July 1 until the end of quail season in January.

In addition to hunting, there is a public use element involving dog training and field trials. There are regular field trial events on the Wildlife Area adjacent to the proposed development. From eight to ten dog training organizations participate in the annual events. There are also hunter education programs.

Anticipated Impacts on the Wildlife Area

In 1982 the Department reviewed a proposal for a development (Lakeview Specific Plan, 800 residential lots plus commercial) adjacent to the SJWA. The development was proposed north and south of the Ramona Expressway in the southwestern portion of the wildlife area. In a letter dated August 24, 1982, the Department outlined its objections to the proposed project. The major objection was that development of a high density urban and commercial development is not compatible with the management or enhancement of adjoining lands for wildlife values. The Department also expressed concern that the indirect effects of urban development (noise, lighting, people, traffic, pets, etc.) would negate or limit opportunities to enhance and manage Department lands.

Another objection was that placement of high density urban development would likely result in prohibitions and restrictions on public use of the adjoining wildlife area, particularly in reference to hunting. It was also pointed out that the close association of urban development could significantly depreciate the public use of the wildlife area.

The objections the Department voiced in reference to the Lakeview Specific Plan are even more valid today in light of the increased amount of new development in the area. Land use designations for the proposed project adjacent to the SJWA are medium high (5-8 units per acre, high (8-14 units per acre) and very high (14-22 units per acre). Although some indirect impacts have been addressed, a detailed impact analysis of the proposed development on the SJWA was not presented. These impacts include: the potential loss of hunting opportunities, habitat degradation from human encroachment, increased patrol and enforcement costs, the increased potential of fires, the illegal use of off road vehicles, including bicycles, increased costs for removal of trash and the predatory impact of domestic pets on wildlife. As currently proposed, all these costs would have to be absorbed by the Department. This is not to say that potential residents would be barred from the SJWA, but that they would be barred, as is the general public, from unauthorized areas and unauthorized activities. For instance, the development plan shows a proposed trail to be used by potential residents for access to the wildlife area. This is not compatible with the draft management plan for SJWA.

Hunting of upland game in proximity to urban development would be potentially threatened. Even if the homeowners are notified beforehand of the use of adjacent property for hunting, it is realistic to expect that once families move into the area, hunting will become a safety issue and that residents will want to eliminate hunting. The possibility of having to eliminate hunting from an area where it is currently permitted and expected to increase is a significant adverse impact.

Sport hunting contributes substantially to the State's economy annually. Through the sale of licenses, tags, stamps and excise taxes on hunting equipment, millions of dollars are raised for wildlife agencies. These funds enable resource agencies to maintain, restore and enhance wildlife habitat throughout the state. Loss of upland game hunting would also result in a loss of income.

It has also been the experience of the Department and other open space land managers that human encroachment and disturbance is a natural consequence of placing urban development adjacent to conservation lands and leads to increased management costs. These costs would be a direct result of the proposed development and the Department would expect mitigation. Residents adjacent to open space tend to have a proprietary interest in it. The existence of nearby conservation lands is a selling point for developers and would be highlighted when residences are built and sold. The Department would expect that residents from adjoining development would utilize the wildlife area in permitted and unpermitted ways, thus causing the Department the need to expend limited resources on patrolling and enforcement and nuisance

abatement. This would also pose a burden on local law enforcement to enforce trespassing and other unpermitted activities, such as motorbikes, all terrain vehicles and bicycles.

Although the development has proposals regarding limiting the number of pets and conditions for having pets, the responsible authority would be the Homeowner Association. Conditions of the Homeowner Association are typically subject to a change by vote of the homeowners. Therefore, these conditions would have to be legally enforceable by an agency other than the Homeowners Association. There would also have to be provisions to trap and remove any domestic animals encroaching onto the SJWA.

All the above-mentioned activities have costs that are associated with the development which should not be borne by the Department and should be mitigated to the satisfaction of the Department. For these reasons, the Department would expect that the proposed development would have to place eight foot high fencing along the SJWA boundary, provide funding for a full-time enforcement position, and provide funding for trapping of domestic animals and removal of trash generated by the development.

Project Alternatives

In accordance with CEQA, the DEIR includes a project alternatives analysis. Alternative #3 (no development north of the Ramona Expressway) provides for continuing agricultural use north of the Ramona Expressway and placement of all commercial and residential units south of the Ramona Expressway. This alternative would meet the goals of the project for housing and commercial development and also not encroach upon the SJWA. There would still be indirect impacts associated with such an intense development, but the Department believes that this alternative is less impacting compared to placing subdivision development adjacent to the SJWA.

The Department believes that this is the only alternative presented that mitigates impacts on the SJWA from the proposed development. There would be no need for extraordinary law enforcement, trapping of domestic animals, dangers to humans from hunting or necessity to eliminate upland game hunting as currently practiced on the SJWA.

Of the alternatives presented, the Department recommends that alternative number 3 (no development north of Ramona Expressway) be adopted.

Jurisdictional Waters of the State

The project will involve impacts to stream and riparian habitat and requires submittal of a Lake and Streambed Alteration Agreement (LSAA) Notification. The DEIR distinguishes between natural riparian and non-natural riparian elements (drainage ditches). The MSHCP does not view these non-natural riparian elements as subject to the riparian policies of the MSHCP. However, the State doesn't differentiate between natural and unnatural riparian pursuant to Section 1600 et. seq of the Fish and Game code. Therefore the DEIR needs to identify waters jurisdictional to the State and any mitigation necessary to offset these impacts. A jurisdictional delineation report will also be required to be submitted to the Department with the LSAA Notification.

The Department's issuance of a Streambed Alteration Agreement for a project that is subject to the California Environmental Quality Act (CEQA) will require CEQA compliance actions by the Department as a Responsible Agency. The Department, as a Responsible Agency under CEQA, may consider the local jurisdiction's (lead agency) DEIR for the project. If the CEQA documents do not fully identify potential impacts to lakes, streams, and associated resources

and provide adequate avoidance, mitigation, monitoring, funding sources, a habitat management plan and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Streambed Alteration Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a stream, as well as avoidance and mitigation measures need to be discussed within this CEQA document.

The following information will be required for the processing of a Streambed Alteration Agreement and the Department recommends incorporating the following in the DEIR to avoid the need for subsequent CEQA documentation and project delays:

- 1) Delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project (include an estimate of impact to each habitat type);
- 2) Discussion of avoidance measures to reduce project impacts; and,
- 3) Discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance.

Section 151370 of the CEQA guidelines includes a definition of mitigation. It states that mitigation includes:

- 1) Avoiding the impact altogether by not taking a certain action or parts of an action,
- 2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation,
- 3) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment,
- 4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action,
- 5) Compensating for the impact by replacing or providing substitute resources or environments.

The DEIR did not provide an impact analysis of the effects of the project on jurisdictional waters nor incorporate specific mitigation measures for these resources. By not providing mitigation for the riparian plants, the Department cannot determine that impacts to the vegetation will be mitigated. In the absence of this analysis in CEQA documents, the Department believes that it cannot fulfill its obligations as a Trustee and Responsible Agency for fish and wildlife resources. Permit negotiations conducted after and outside of the CEQA process deprive the public of its rights to know what project impacts are and how they are being mitigated in violation of CEQA Section 15002. Also, because mitigation to offset the impacts were not identified in the CEQA document, the Department does not believe that the Lead Agency can make the determination that impacts to jurisdictional drainages and/or riparian habitat are "less than significant" without knowing what the specific mitigation measures are that will reduce those impacts.

The Department opposes the elimination of drainages and their associated habitats. The Department recommends avoiding the stream and riparian habitat to the greatest extent possible. Any unavoidable impacts need to be compensated with the creation and/or restoration of in-kind habitat either on-site or off-site at a minimum 3:1 replacement-to-impact ratio, depending on the impacts and proposed mitigation. Additional mitigation requirements through the Department's Streambed Alteration Agreement process may be required depending on the quality of habitat impacted, proposed mitigation, project design, and other factors. We recommend submitting a notification early on, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Streambed Alteration Agreement notification package, please call (562) 590-5880.

Department Recommendations

One of the Department primary CEQA responsibilities is to point out deficiencies in CEQA documents submitted to the Department for review, particularly if the Department is a Responsible Agency. In this case, the department is commenting on three aspects of the project: 1) proposed conservation for Proposed Constrained Linkage 20, 2) potential impacts to the San Jacinto Wildlife Area, and 3) impacts to jurisdictional waters of the State.

Linkage: The Department recommends that the linkage be widened, the linkage fenced, and the proposed road through the linkage are removed. Access to the strip of commercial development east of the linkage should be provided via the existing road (Ramona).

San Jacinto Wildlife Area: The Department has discussed the potential adverse impacts of subdivision development on the Wildlife Area. This letter contains mitigation measures that the Department recommends in the event that development occurs north of the Ramona Expressway. The Department also recommends that Alternative No. 3 (no development north of the Ramona Expressway) is the Department's preferred alternative. The DEIR should include a discussion of access to the SJWA and how this development would impact ingress-egress.

State Jurisdictional Waters: The Department recommends that the applicants submit an analysis of impacts to riparian habitat and stream channel and proposed mitigation measures to offset those impacts. Impacts to jurisdictional waters will require a 1600 Streambed Alteration Agreement from the Department of Fish and Game.

Thank you for this opportunity to comment. If you have any questions, please contact Robin Maloney-Rames, Environmental Scientist, at (909) 980-3818. Further coordination on 1600 Agreements will be handled by Michael Flores, Environmental Scientist (909) 987-8397.

Sincerely,



Scott Dawson
Senior Environmental Scientist
Habitat Conservation Planning

cc: Nancy Ferguson, USFWS
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In Reply Refer To:
FWS/CDFW-WRIV-08B0573-17CPA0038

Mr. Russell Brady, Planner
County of Riverside
Planning Department
4080 Lemon Street, 12th Floor
Riverside, California 92501

December 9, 2016
Sent by email

Subject: Draft EIR for The Villages of Lakeview Specific Plan,
Middle San Jacinto Valley, Riverside County, California

Dear Mr. Brady:

The U.S. Fish and Wildlife Service (Service) and the California Department of Fish and Wildlife (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the draft Environmental Impact Report (DEIR) for the proposed The Villages of Lakeview Specific Plan (TVOL, or Project). The DEIR was prepared to identify the proposed Project's direct, indirect, and cumulative environmental impacts; to discuss alternatives; and to propose mitigation measures that avoid, minimize, or offset significant environmental impacts. You agreed to accept comments from us outside of the DEIR comment period.

The primary concern and mandate of the Service is the protection of fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et seq.). The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (California Fish and Game Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (California Fish and Game Code Sections 1600 *et seq.*) and/or a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (California Fish and Game Code Sections 2080 and 2080.1). The Department also administers the Natural Community Conservation Plan (NCCP) Program.

On June 22, 2004, the Service issued a section 10(a)(1)(B) permit for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The Department also issued Natural Community Conservation Plan Approval and Take Authorization for the MSHCP as per Section 2800, et seq., of the California Fish and Game Code. The MSHCP established a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. The Wildlife Agencies are providing the following comments on the proposed Project as it relates to the biological resources and ecological processes that would be affected by the proposed Project and on the Project's MSHCP implementation. We are particularly concerned about Project-related effects to MSHCP proposed Constrained Linkage 20, the San Jacinto Wildlife Area (Existing Core H), the proposed Riverpark Mitigation Bank, and other areas described for conservation along the Middle San Jacinto River; sage

scrub birds, reptiles, and small mammal species; and potential conflicts between the TVOL Specific Plan's future residents and schools and existing recreational hunting activities in the San Jacinto Wildlife Area (SJWA or Wildlife Area).

The proposed Project site is located north and south of Ramona Expressway between the Lakeview Mountains and the San Jacinto Wildlife Area along Reach 4 of the San Jacinto River. The Project is the proposed development of a 2,786-acre master-planned community in unincorporated Riverside County between the cities of Perris and San Jacinto. The Project proposes the development of 11,350 dwelling units and 500,000 square feet of commercial uses concentrated on the plain of the San Jacinto River. The Project also includes up to three new K-8 schools, 150 acres of passive and active parks, and 984 acres of open space and conservation, almost all of which would occur in the Lakeview Mountains on the eastern side of the Project area. The new city would have an estimated human population of 34,000 – 36,000 residents. Portions of the proposed Project are located within the MSHCP Criteria Area (i.e., Criteria Cells 2252, 2253, 2258, 2259, 2355, 2356, 2357, 2451, 2452, 2453, 2454, 2555, 2556, 2557, and 2558). Conservation within the Criteria Cells would contribute to the assembly of MSHCP Constrained Linkage 20 (PCL-20) connecting the Lakeview Mountains to Lake Perris, proposed Noncontiguous Habitat Block 5 (the Lakeview Mountains), and proposed Extension of Existing Core 4 (the middle reach of the San Jacinto River).

San Jacinto Wildlife Area

The SJWA includes over 10,000 acres of land adjacent to the proposed Project. The SJWA supports a diverse array of biological resources including habitats associated with the San Jacinto River floodplain and the San Jacinto foothill region such as wetlands, vernal playas, vernal pools, and riparian areas. The wetland habitat provides an important stop for a number of migratory birds along the Pacific flyway. It includes highly alkaline and silty-clay soils that support Narrow Endemic Plant Species identified in the MSHCP. In addition, it supports a connection to MSHCP Core Areas in the Badlands, the San Jacinto River, and the Lakeview Mountains. The Wildlife Area includes grasslands adjacent to coastal sage scrub habitats that provide live-in and foraging habitat for many species including the Stephens' Kangaroo Rat (*Dipodomys stephensi*), burrowing owl (*Athene cunicularia*), tricolored blackbird (*Agelaius tricolor*), raptors, and many other species. Recreational resources provided by the SJWA include waterfowl and upland small game hunting, dog training, bird watching, photography, and hiking. The existing land uses that surround the Wildlife Area not only provide a food source for species that forage in the agricultural lands, but also protect the wildlife and recreational values on the SJWA from the adverse effects that more industrial and urbanized land uses would entail. Many aspects of the proposed Project concern the Wildlife Agencies:

- 1) Zoning: In previous comment letters regarding the Villages of Lakeview project and the General Plan Update to the Lakeview Mountains Policy Area (see attached enclosures) requests were made to maintain areas near the SJWA in agricultural zones to provide to protect and maintain existing wildlife and recreation habitat benefits. The placement of the TVOL residential areas on the edge of sensitive use areas is inconsistent with the existing agricultural zoning. However, rather than maintaining conditions that protect the wildlife and recreational values on the SJWA, the project would change the zoning of the area adjacent to the Wildlife Area (north of Ramona Expressway) from agricultural to High-Density Residential, which would allow the Project to build a Resort Village, a high

density residential area of 1,980 dwelling units, with a small 500-foot greenbelt that will serve as open space and recreation for residents.

The DEIR states that “The proposed project constitutes a substantial alteration of the land uses adopted in the 2015 GP” (p.5.9-26. DEIR) and that “The project proposes an Agricultural Foundation Component Amendment, utilizing the County’s 7 percent conversion allowed every 2.5 years, which is currently allowed under the General Plan. This Agriculture Foundation Change would generally convert 102 acres of Agriculture Foundation to Community Development Foundation, with two of the acres remaining as designated Open Space in the Specific Plan” (p.5.9-27. DEIR). We disagree that the Project is “compatible with, and does not frustrate, the goals and policies of the County’s General Plan”. The conversion of agricultural land to residential use is not consistent with the MSHCP or the General Plan, both of which characterize the area adjacent to the Wildlife Area as rural. It directly conflicts with “avoiding, conserving, enhancing and protecting critical environmental areas both on-site and adjacent to the project site” by placing high impact residential use areas adjacent to the San Jacinto River on the Wildlife Area which supports sensitive alkali plant populations.

- 2) Trespass and Trails: The Department has previously expressed to the County concerns about trespass on the Wildlife Area from mountain bikes, OHV, and other unauthorized uses which can lead to habitat loss and degradation, increase fire hazards and spread invasive species. Unfortunately, the DEIR ignores these concerns, states that public access will be maintained to the Wildlife Area, and includes the creation of a trail that leads to the edge of the Wildlife Area near sensitive alkali resources along the San Jacinto River. It appears the trail would continue across the river which would be highly destructive to rare plants and animals in this area. The Department has not granted access at these points, and requests fencing to prohibit access not authorized by the Department.
 - a. The Project proposes a General Plan Amendment to modify the currently identified trail alignments and include a 10-12’ Multi-Purpose Community Trail, A regional trail, allowing horses, that would be routed along the north side of the Project, near the San Jacinto Wildlife Area, and connect into the combination trail along the San Jacinto River. The maps provided in the DEIR are insufficient to determine the proposed trail’s location and if its placement would trespasses on the Wildlife Area. We request additional information on this trail location. If its alignment currently intersects the Wildlife Area, it should be moved outside the Wildlife Area boundaries.
- 3) Predation: Increased predation on wildlife from domestic pets (e.g., cats, dogs), as well as coyotes, raccoons, and other subsidized predators attracted to human-use areas (residences, parks, playgrounds).
- 4) Loss of Forage: Many mammals and birds rely on the agricultural areas for foraging habitat. The DEIR provided no information on the project-related loss of forage for wildlife nor mitigation for the loss of foraging habitat.

- 5) Trash: Trash generated by people recreating in the green space adjacent to the Wildlife Area and along Ramona Expressway will subsidize predators and pest species such as the black rat (*Rattus rattus*).
- 6) Invasive Species: Invasion of the San Jacinto Wildlife Area by non-native plant species from adjacent landscaping and from trespassers that convey invasive plant seeds on their clothing or on recreational equipment, (such as mountain bikes) is anticipated to result from the project. In addition, misguided people often release exotic pets (e.g., turtles, snakes, fish, etc.) into the wildlife habitat adjacent to their communities, which may spread diseases to native wildlife species and introduce exotic predators. The DEIR describes buffers for landscaping and residences (MM Bio 11a, 5.4-63), but failed to provide evidence that the proposed buffers will prevent invasive species from entering the Wildlife Area from the proposed development.

Additional information is required to determine if the proposed measures in MM Bio 11a are sufficient. In addition, maintenance and removal of invasive plant species in the landscape areas is dependent on the Environmental Stewardship Program (ESP), but it is unclear if the ESP will have sufficient funding to cover these costs over the long term. Lack of information and analysis of the risk to the sensitive species and existing recreational uses at the Wildlife Area from Project-related spread of invasive plant species in the DEIR have denied the public the opportunity to understand and comment on a substantial adverse environmental effect of the project.

- 7) Wildlife Movement: The development may also affect wildlife movement corridors within and surrounding the San Jacinto Wildlife Area. Roads and development pose a barrier to many species of wildlife: species may be killed attempting to cross roads or other open areas, or may be averse to the lack of cover, and therefore not attempt to move between or through these areas, effectively dividing populations, which will affect reproduction and gene flow. The DEIR did not provide an analysis of the project-related effects to wildlife movement.
- 8) Fire: Increased human presence brings a risk of increased fire hazards. The DEIR identifies fuel modification zones to protect development areas, but does not analyze the long-term cumulative effects to sensitive species from a human-caused increase in fire frequency.
- 9) Noise: Noise from the Wildlife Area and to the wildlife from the project are of concern.
 - a. Noise from the Wildlife Area
The DEIR noise section fails to appropriately identify the types of and level of noise associated with hunting activities at San Jacinto Wildlife Area. The DEIR makes an unsubstantiated statement that “due to the buffer zone between the San Jacinto Wildlife Area and the project site [500 ft.], noise associated with hunting activities in the San Jacinto Wildlife Area is relatively low and would be mostly masked by traffic noise in the project area.” Noise associated with hunting can easily travel more than 500 ft. and can occur during the pre-dawn hours when local residents are home sleeping, and traffic is too light to mask the sounds of firearms and daily cannon fire. During the waterfowl season, a large cannon-like

noise signals the start of the hunting period early in the morning, and is intended to be heard across the 10,000-acre Wildlife Area. The DEIR did not evaluate the impact of dozens of hunters shooting for hours, which can occur during waterfowl season. While the wetland hunting ponds are further away from the project site the sound can travel quite far on foggy mornings.

There is also a dog training facility along Davis Road where noises include whistles, signals, shotgun discharge sounds, propulsive devices, and shouted commands. During dog training trial events, large groups are present and the noise levels cannot be categorized as 'relatively low'. Hunters arriving early in the morning to hunt generate pre-dawn traffic along Davis Road. Adjacent residents can be expected to be sleeping and traffic noise can be substantial. Schools are included in the proposed development. The sounds of firearm discharge may disturb students and staff. Wildlife Area staff in other regions of the state report increased early morning noise complaints once development is placed adjacent to state wildlife areas. The lack of information and analysis on the noise generated by existing recreational uses at the San Jacinto Wildlife Area in the DEIR has denied the public the opportunity to understand and comment on a substantial adverse environmental effect of the project. The DEIR should provide data on the types of noises associated with hunting, the peak noise levels at specific times of day when residents are likely to be home (and therefore more likely to be disturbed), and the distances that noise travels from these activities.

Noise to Wildlife Area

The DEIR failed to provide analysis on the effect of noises from traffic, residences, and recreational areas on the species that are foraging, nesting, and moving through the adjacent wildlife and recreation areas. The DEIR states that the noise risk is less than significant but does not provide information or evidence that the proposed buffers are sufficient to minimize noise impacts on adjacent conservation areas. The lack of information and analysis in the DEIR on the noise effects generated by the proposed development on wildlife in the SJWA has denied the public the opportunity to understand and comment on a substantial adverse environmental effect of the project.

- 10) Lighting: The DEIR provides some measures for shielded lighting in MM Bio 1, but does not analyze the impacts of the lighting on the adjacent Wildlife Area, which is currently rural and not lit at night. Even shielded lighting will produce a glow, and with a sufficient number of lights, may increase the ambient light level in the area at night. Species may be subject to increased predation from diurnal predators foraging for longer periods due to light from the adjacent TVOL development as well as increased visual acuity of nocturnal predators. The DEIR failed to identify species that may be more vulnerable to increased predation from increased visibility and other impacts of adjacent lighting, and failed to demonstrate that the proposed MM Bio 1 measures of shielded and directional lighting will be sufficient mitigation to offset the impacts of project-related lighting on the Wildlife Area.

- 11) Vector Control and Health Risks: The SJWA contains hundreds of acres of wetlands with abundant aquatic insect species that act as an important food source for wildlife. Typically Vector Control receives complaints from residents in areas near wetlands about mosquitos. With increased public concern about mosquito-borne diseases such as Zika and West Nile Virus, people are put at risk when they live adjacent to these areas. Local officials may feel compelled to require spraying to control mosquitos. Spraying of insecticides is not allowed in the Wildlife Area. The DEIR failed to address the risks to human health and to wildlife dependent on aquatic insects that may be affected by vector control activities. The lack of information and analysis on the human health risks from wetland mosquitos to residents in the proposed project area in the DEIR has denied the public the opportunity to understand and comment on a substantial adverse environmental effect of the project.
- 12) The DEIR mentions modifications to Ramona Expressway. Any modifications to Ramona Expressway should not increase the road height across the San Jacinto River because that would increase the flooding on the Wildlife Area. The Department requests clarification on whether the height of Ramona Expressway will be increased across the San Jacinto River as consequence of the TVOL Project..

Proposed Constrained Linkage 20

Proposed Constrained Linkage 20 (Linkage 20; PCL-20) provides a critical connection between the Lakeview Mountains area and the Lake Perris/San Jacinto Wildlife Area. The proposed configuration of this linkage in the DEIR has several deficiencies, including the placement of JJ Street in the linkage, the lengthening of the wildlife crossing under the proposed Mid- County Parkway (MCP) to accommodate JJ Street, the alignment of the crossing intersecting with Bridge Street on the northern side of the MCP, the unspecified uses in the open area associated with the MWD easement, the lack of fencing along the linkage, and the insufficient width of 1500 feet, (which was the minimum requested by the Wildlife Agencies in our previous letters. Without a functional linkage, the Lakeview Mountains conservation area will become isolated as development continues to encircle the area. The Linkage is expected to provide live-in and movement habitat for the arroyo toad, western pond turtle, tricolored blackbird, mountain plover, white-faced ibis, Los Angeles pocket mouse, San Jacinto Valley crownscale, Parish's brittlescale, Davidson's saltscale, thread-leaved brodiaea, vernal barley, Coulter's goldfields, spreading navarretia, and Wright's trichocoronis.

- 1) Wildlife Crossing Length: The analysis provided for the Wildlife Undercrossing underneath the MCP in PCL-20 is inaccurate (pages 5.4-55 to 5.4-57: DEIR). The DEIR erroneously concludes that the increased length of the undercrossing will not result in a significant adverse effect on wildlife movement between the Lakeview Mountains and areas north of the MCP (page 5.4-57). The location of the proposed JJ Street adjacent to Ramona Expressway makes the undercrossing much too long for wildlife use. The DEIR states that the wildlife crossing only needs to accommodate medium-sized animals, however, the MCP undercrossing is actually designed to facilitate large mammal movement including mule deer and mountain lions. Mule deer and mountain lions are known to occur in the Lakeview Mountains area and on the San Jacinto Wildlife Area. The purpose of the wildlife crossing is

to maintain movement of small, medium, and large mammals. The MCP has committed to providing a 226-foot crossing. The addition of 116 feet by TVOL's JJ Street for a total of 386 feet of length, will render the linkage unusable for most wildlife movement, and degrade the mitigation commitment of the Riverside County Transportation Commission for the proposed MCP. Furthermore, the openness ratio presented in the DEIR was calculated incorrectly; it must be calculated in meters not feet (Reed et al. 1979). The openness ratio for the MCP is 0.27 without JJ Street, but once the JJ Street extension is included, it drops to 0.19, which is significantly lower than the MSHCP standard of 0.6. The corridor for the MCP is designed to be wide and tall to offset the length of 226 feet with a clear line of sight and vegetation near the openings. If the wildlife crossing must be 386 feet long, then the crossing should be redesigned as an overcrossing, which are acceptable to mule deer. The lengthening of the wildlife crossing proposed by the Project to encompass JJ Street will completely undermine the effectiveness of the MCP crossing and is not consistent with the MSHCP process to facilitate wildlife movement through PCL-20.

- 2) Linkage Configuration: On May 16, 2012, Judge Waters issued a decision upholding the EIR on many grounds, but finding six areas in which the EIR was deficient. One of the deficiencies identified was that the additional length of the culvert crossing at Ramona Expressway [due to JJ Street] "may make the undercrossing unusable for the species and may compromise the integrity of "Constrained Linkage 20" (CL-20). The 2016 DEIR addresses this issue by stating that the "portion of CL-20 associated with the project site does not contain suitable live-in habitat for the PCL-20 Planning Species" and that "The EIR concludes that construction of JJ Street will not adversely affect live-in habitat and movement function for PCL-20 Planning Species, since these species do not occur (and do not have the potential to occur) within the proposed JJ Street area or elsewhere on site between Ramona Expressway and the Lakeview Mountains. See pages 5.4-55 to.5.4-57." This argument is nonsensical and at odds with the County's MSHCP permits. The linkage is expected to contain live-in habitat; if the habitat is not present, the linkage can be restored to create the habitat, or the configuration should be modified to meet the goals of the linkage. MSHCP reserve assembly is expected to take place over decades, and the conservation area is to be managed in perpetuity. The DEIR provides no reasonable justification for why the live-in habitat is precluded inside PCL-20. The DEIR should identify solutions to make the linkage viable, such as restoring habitat or widening the linkage to help address the lack of suitable live-in habitat and to reduce edge effects from adjacent development and recreational uses. In addition, widening the corridor would address the loss of habitat due to JJ Street and the MWD easement. However, if the Project can unequivocally demonstrate that PCL-20 will not contribute to MSHCP reserve assembly, then the project must either include a Criteria Refinement in proposed project to identify an alternative linkage that will work, or the County should notify the Wildlife Agencies that the permitted MSHCP conservation strategy is not viable, so we and the MSHCP permittees can determine the appropriate course of action. If the linkage location is modified, the County and RCA should work with

Riverside County Transportation Commission and Caltrans to modify the Mid County Parkway wildlife crossing so that the wildlife crossing aligns with the alternative PCL-20.

The Project also places new obstacles to wildlife movement, (a road, unsuitable habitat, and open space associated with the MWD aqueduct), immediately south of Ramona Expressway. The approach to the wildlife crossing should encourage wildlife use by providing appropriate substrate (dirt), minimizing human-generated noise, directional fencing, and appropriate vegetation cover in the area approaching the openings. The Project does not specify how the open space for the 300-ft MWD ROW will be used, however, to facilitate wildlife movement, nor does it maintain consistency with MSHCP requirements that the area should exclude all human activity, including recreational activities and trails. The MWD right of way should be planted with native vegetation that would provide movement and live-in habitat. The edges of the linkage should be fenced to keep wildlife inside and humans and pets outside of the linkage. The EIR should be revised to identify the linkage components such as fencing, vegetation and habitat in the linkage that will facilitate wildlife movement.

- 3) Linkage Location: In previous letters regarding this Project the Wildlife Agencies requested that the wildlife linkage be relocated west of Bridge Street. The Project did shift the linkage, however, now the linkage runs directly into Bridge Street (which is described as signaled intersection) on the north side of Ramona Expressway. This effectively narrows the actual width of the linkage because Bridge Street occupies approximately 20% of the linkage to the north.

As the DEIR correctly states, “it is also the responsibility of the RCA and County to ensure that in conjunction with THE VILLAGES OF LAKEVIEW project, other projects and landowners the Proposed Constrained Linkage 20 is assembled in a manner that supports wildlife movement.” The Project’s failure to provide a functional corridor is not consistent with MSHCP implementation requirements pertaining to PCL-20. Therefore, it is inaccurate to conclude that “cumulative impacts to regional movement will be less than significant with the implementation of the on-site corridor.” The DEIR should be revised to include a linkage configuration that reduces edge effects, contains or has the potential to contain live-in and movement habitat, excludes human activity including roads, and is aligned west of Bridge Street and on the north side of Ramona Expressway.

Future Proposed Equestrian Crossing: The Mid County Parkway has committed to including an equestrian crossing west of the wildlife crossing to provide an equestrian trail underneath the MCP and to separate human recreational uses from the wildlife crossing. The Villages of Lakeview project does not identify an equestrian trail or crossing to the west of the wildlife crossing or south of Ramona Expressway. If an equestrian trail is not incorporated into the Project, then people and horses seeking to cross the MCP will be forced into the wildlife crossing. The MSHCP clearly identifies that recreational trails shall be separated from wildlife crossings. The EIR should address the Equestrian Crossing need and known equestrian trails near PCL-20 to ensure that the wildlife crossing is not used by recreational users, and plan for a crossing for equestrian and other recreational uses. We request a meeting with the County and RCTC to resolve the location of the

equestrian crossing, and to identify how it will be incorporated into the Villages of Lakeview project design.

Hydromodification Effects Analysis to Downstream Conserved Lands and Sensitive Species

The Wildlife Agencies were unable to fully evaluate the potential impacts of the Project's hydromodification of the regional landscape on habitats and species in the state's San Jacinto Wildlife Area and in the footprint of the proposed Riverpark Mitigation Bank based on the information presented in the DEIR and its hydrology appendices (including the Hydromodification Technical Report (Geosyntec 2008)) due to information that was not included in the analysis; therefore, our comments on the potential hydrological effects of the Project on downstream wildlife, sensitive species, and conservation lands on the San Jacinto River Plain are incomplete at this time. Additional information needs are discussed below.

The DEIR states that, prior to agricultural use of the Project site, rain runoff drained down the slopes of the Lakeview Mountains and the TVOL Project site to the north and northwest into a complex of alluvial deposits ringing the Mountains that contained numerous small ephemeral and seasonal drainages, which, in turn, emptied onto the plains of the San Jacinto River, which are quite flat. It is believed that, prior to agricultural development, runoff reaching the plain flowed across the plain as a shallow sheet during high flows, and created a low-relief mosaic of vernal pools and drier alkali grasslands during years of average and below-average rainfall. Microtopography on the plain (small depressions and rises often differing in depth by inches rather than feet) created a mosaic of contrasting hydroperiods resulting in about 6 to 7 distinct communities of herbaceous plants whose locations or visible expression (growth and blooming) shifted slightly from year to year based on large interannual fluctuations in rainfall and the concomitant interannual contrasts in ponding depth and hydroperiod on the plain's microtopographic mosaic.

As the DEIR describes, the natural drainages on the lower elevations of the Project vicinity (the farmed areas that would be more easily developed) have been replaced by a system of constructed drainages (ditches, berms, and a few larger channels) that capture runoff, direct it off of farmers' fields, and control it in a manner that minimizes and usually prevents sheet flow across the plain except immediately after exceptionally high rainfall events.

The Wildlife Agencies appreciate the Project's initial attempt to develop a drainage plan and hydromodification outcomes that, as the DEIR puts it, would "be roughly similar to the existing [albeit manmade] hydrology" of the Project area. However, the hydrology chapter of the DEIR and its constituent appendices fell short in that they only contain a detailed description of where and how surface water moves inside the boundaries of the Specific Plan; the analysis of effects on downstream areas (including the San Jacinto Wildlife Area and the proposed Riverpark Mitigation Bank and nearby existing conservation sites on the floodplain) is missing. The DEIR package does not describe where waters from the Project site flow within the SJWA (and downstream thereof) after exiting the northwestern TVOL site, nor does it disclose the biological outcomes that result from those flows. There are vague statements in the hydrology and biology appendices that these flows help sustain the wetlands in the SJWA, but no maps and charts are included showing where the flows go inside the SJWA, which wetlands receive them, how much water is received, the temporal frequency of reception, the exact nature of the affected wetlands

(e.g., perennial marsh dominated by tall freshwater emergents ? Seasonally desiccated alkali meadows ? Alkali vernal pools ? , etc.), and the identities, locations, and numbers of any sensitive species present in the receiving wetlands.

Likewise, the DEIR package does not show where TVOL runoff flows after exiting the western boundaries of the Project site toward the San Jacinto River. We would like to know if the water is currently delivered directly into the artificial low-flow channel of the San Jacinto River, or is, instead, emptied onto the surrounding floodplain, and if the location of deliveries will be different after construction of the Project. Likewise, we need the DEIR to describe the biological outcomes of the current (baseline) flows, how those outcomes will change with the increased flows which the project proposes to deliver to the River, and to map the potential extent of the biological changes. A similar analysis needs to be performed for the flows in the southwestern TVOL area which are to be directed into the Nuevo Channel.

The DEIR asserts that the TVOL Project's hydromodification effects to the SJWA wetlands and the San Jacinto River and to sensitive species will be less than significant based on a relativistic statistical view of the Project's projected changes in flows to these two areas. The DEIR projects that surface flows to the SJWA wetlands from the TVOL will decrease by 32% (125 acre-feet per year, or acft/yr) and that flows to the San Jacinto River will increase by 34% (274 acre-feet per year). Such changes may seem small to a statistician who normally contemplates the number of acre-feet consumed by human populations in Southern California, but our two agencies do not consider a 125 acft/yr decrease in water flows to the SJWA wetlands to be "small", nor do we consider a 274 acft/yr increase in flows to the San Jacinto River's biological resources to be insignificant. It is not appropriate to dismiss known quantifiable changes of 1/3.

We understand the Project proponent's and the County's desire to protect Ramona Expressway by shunting the anticipated post-project increases in rain runoff to offsite wetlands and streams northwest and west of the Specific Plan. We are willing to work with the Project applicants and the County on this issue. We request additional information to evaluate the potential biological outcomes of the project on the SJWA, the proposed Riverpark Mitigation Bank, and the existing conservation areas along the floodplain of the middle San Jacinto River.

We request that the Project provide us with modeling and mapping that will document the extent and locations where TVOL surface runoff flows inside the SJWA and downstream areas of the San Jacinto River Plain, including the Riverpark Mitigation Bank site; the locations, extent, and nature (species composition, particularly noting any sensitive species present) of the wetlands, riverine, and plains sites receiving present and future flows from the Project site; and an analysis of how the Project's proposed decrease in lateral water deliveries (sheet flow) to the SJWA wetlands will alter the extent, ponding depth, and hydroperiod of wetlands inside the SJWA, and quantitative estimates of how the population size and distribution of the sensitive plant species present in the SJWA wetlands will change in response to the Project's proposed decrease in flows. Parallel analyses need to be performed for the increased flows which the Project proposes to deliver westward towards the Jacinto River from the northwestern area of the Project and further south, through the Nuevo Channel; the analysis of how these waters flow now and subsequent to Project construction needs to be particularly detailed for the part of the San Jacinto River floodplain containing the Riverpark Mitigation Bank site and lands already conserved on the floodplain and channel by the RCTC, the RCHCA, and the RCA.

To estimate the changes in the distribution and population size of the affected sensitive plant species, it will be necessary to work up an ecohydrology profile of each species documenting the range of hydrology scenarios which result in germination, maturation, and seed production, including a description of which scenarios optimize their onsite distribution and fecundity (seed production), as well as identification of the hydrology scenarios which thwart germination, prevent seed production, or minimize seed production. Please provide an ecohydrology profile for each of the following sensitive species: San Jacinto crownscale, Davidson's saltscale, Parish's brittle scale, thread-leaved brodiaea, spreading navarretia, Wright's trichocoronis, Salt Spring checkerbloom, little mousetail, vernal barley (*Hordeum intercedens*), low barley (*Hordeum depressum*), and Coulter's saltbush.

Once the requested effects analyses have been developed, we would like to meet with the County and the Project to review the information developed before it goes into the revised EIR. We believe that, with this information in hand, we may be able to assist the Project and the County to develop adjustments in the Project's proposed drainage plan which will help the Project minimize potential adverse effects on sensitive species in the areas described, and may even enable the Project to result in a net improvement in the condition and extent of rare plant species and communities on the various conservation properties referred to above.

Vernal Pool Area Watershed and Hydrology

The DEIR describes how the Project will avoid small pieces of land in the northwestern part of the Project that contain vernal pools, alkali plains, and several populations of Coulter's goldfields. The DEIR asserts that the vernal pool area is sustained solely by rain falling directly into the pool, and possibly by some subsurface flows from upslope in the Project site, but no overland surface flows are received. However, no evidence was presented to back this assertion. Furthermore, this assertion is contradicted by the DEIR's map of generalized surface runoff (Figure 5.8-4) which shows surface run-off flowing through Subwatershed A2 directly into the area containing the vernal pools. Likewise, the DEIR's narrative describes the pattern of rainfall runoff as flowing down to the plain of the San Jacinto River from the Lakeview Mountains and Project site uplands (as generally illustrated in Figure 5.8-4). If surface runoff flows down to the plain elsewhere in the Project site, why would runoff avoid the vernal pool area ?

We requested that the Project provide us with a focused map of the watershed of the vernal pool area in our 2008 letter commenting on the project's JPR (Wildlife Agencies 2008); we have not received the requested map. We request site-specific hydrological modeling of the vernal pool parcel. The modeling should result in focused subwatershed maps and pre- and post-construction hydrological models of the parcels containing the vernal pools and the various populations of Coulter's goldfields in the northwestern part of the Specific Plan area. If effects to vernal pools and their watersheds are not avoided, then the losses must be mitigated to a level that is biologically equivalent or superior to avoidance (MSHCP section 6.1.2).

MSHCP Compliance: Riparian/Riverine DBESPs are required by the MSHCP

The DEIR discloses that the Project will carry out direct impacts (via grading and construction) in parts of four MSHCP riverine drainages; however, the Project has asserted that it does not have to

prepare a Determination of Biologically Equivalent or Superior Preservation (DBESP) because water will continue to flow through the impacted drainages, and because the overall hydrology of those four drainages and the TVOL site will be “similar” to the pre-project condition. Section 6.1.2 of the MSHCP requires the preparation of a riparian/riverine DBESP whenever a project impacts riparian or riverine resources. There is no provision within Section 6.1.2 exempting a project from having to prepare a DBESP simply because water will continue to flow through a drainage that the project will impact, nor is there any provision in Section 6.1.2 exempting a project from having to prepare a DBESP if the project site’s post-construction hydrology will resemble the pre-project condition. Additionally, given that the DEIR states that flows into the Wildlife Area will decrease by 32% and that flows into to the San Jacinto River will increase by 34%, the idea that the post project condition is similar to the existing condition is unsupportable.

We previously requested the preparation of a DBESP in our 2008 JPR letter (Wildlife Agencies 2008). Without a DBESP, the project will be not be implementing MSHCP Section 6.1.2, and thereby, would be out of compliance with Terms and Conditions of the take permits issued to the County by the Service and the Department in connection with the MSHCP. Preparation of a DBESP is required if the TVOL Project proposes to impact MSHCP riparian or riverine resources in any manner, including temporary effects, or indirect effects to downstream or offsite biological or aquatic resources.

Delineation of MSHCP Riparian/Riverine Resources and Impacts

Section 6.1.2 of the MSHCP defines riparian/riverine resources as “lands which contain habitat dominated by trees, shrubs, persistent emergent, or emergent mosses and lichens, which occur close to or depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year”. The consulting biologist excluded the TVOL site’s drainages ditches and channels from his delineation of MSHCP riparian/riverine resources because Section 6.1.2 also says that “With the exception of wetlands ... areas demonstrating characteristics as described which are artificially created are not included in these definitions.” We wish to clarify that this language refers to ornamental fountains, swimming pools, and other water features which convey or contain irrigation water or drinking water imported from other parts of the state or water extracted from wells, to the exclusion of water resulting from precipitation runoff in a project vicinity. Drainage ditches and larger artificial channels are classified as MSHCP riverine features provided that (1) they convey water originating from local precipitation runoff and (2) that the water in them eventually flows (even if through additional drainage channels or pipes) to an MSHCP conservation area or an area described for conservation (e.g., the San Jacinto River, Lake Elsinore, Temecula Creek, the Santa Ana River, San Timoteo Creek, etc.). Furthermore, the ditches and channels constructed in the Project area have replaced the natural drainages displaced by farmers’ fields, but they continue to perform the original hydrologic service by collecting local rain runoff and conveying it downslope and eventually to the San Jacinto River.

More often than not, the delineation of MSHCP riparian/riverine resources on a project site matches the delineation of the Department’s jurisdiction (Waters of the State); when they differ, the percent difference in area (acres) is typically very small (on the order of 10% or less), and results from the Department taking jurisdiction of water bodies or riparian vegetation that are

hydrologically isolated and has no downstream connectivity to MSHCP-conserved creeks, rivers, or lakes.

The Wildlife Agencies request that the County direct the Project to correct the delineation of MSHCP riparian/riverine resources reported in the DEIR, and prepare the DBESPs required by MSHCP section 6.1.2. We consider channels, water bodies, and wetlands which will not be subjected to direct impacts from construction activities but which will experience changes in the quantity or timing of water flows to be affected for the purposes of both CEQA and Section 6.1.2, and these drainages and the related hydrological changes should be included in the MSHCP delineation and the DBESP. Offsite Project- related effects also need to be accounted for.

With regard to the offsite facilities which the Project will construct or fund, we note that the DEIR states that the onsite footprint of each of these offsite facilities has not been determined yet, and that, if the construction footprint extends beyond a narrow right-of-way (ROW), there may be effects to sensitive species locations, habitats, and to human-built drainages conveying runoff to the San Jacinto River or to local wetlands. The MSHCP riparian/riverine delineation needs to be corrected and updated.

“If the construction disturbance area is restricted to the disturbance area within the existing ROW, then impacts are not expected to occur to special-status species, including special status plants such as the MSHCP Narrow Endemic and Criteria Area Plants, or special-status animals. However, if impacts were to occur off of the road shoulder, then additional studies would be required, including focused plant surveys, focused burrowing owl surveys, and trapping for small mammals. Sensitive small mammals with the potential to occur include LAPM and Stephens’ kangaroo rat (*Dipodomys stephensi*)[SKR], the latter of which is federally listed endangered and State listed threatened.”

We note that a ROW differs from a road shoulder, and can be quite wide. Small mammals and sensitive plants can and do could occupy road rights-of-way. To discount the ROW out of hand is not appropriate, particularly in situations when the road is not paved and not well used. Please revise this text and provide a mitigation strategy to assess the presence of Covered Species based on the presence of suitable habitat, not on real property rights.

Since the footprint for the TVOL’s offsite facilities has not been designed yet, a separate riparian/riverine DBESP should be prepared for these facilities; the offsite facilities DBESP should be programmatic in nature, and project-specific DBESPs can tier off of it as the individual facilities are designed and permitted. The Programmatic DBESP for the offsite facilities would provide a conceptual framework for mitigating any riparian/riverine impacts that are identified after each offsite facility is designed. The Programmatic DBESP would not quantify the impacts to riparian/riverine resources from the offsite facilities, but it should lay out a framework mitigation strategy. (As a reminder, in contrast, a project-level DBESP should be prepared for the TVOL Specific Plan site, itself).

Proposed TVOL Conservation Areas

The DEIR states that the TVOL Project will place 984.5 acres of land into permanent conservation, mostly in the MSHCP’s proposed Noncontiguous Habitat Block 5 (the Lakeview

Mountains), aside from tiny slivers of alkali plains habitats along the northwestern fringes of the Specific Plan. However, we noticed, that, contrary to standard practice, there are no Mitigation Measures in the DEIR which require that the land proposed for conservation in the text be actually conserved or that it be managed principally to maintain its value as wildlife habitat and to maintain the population size of the species targeted for conservation by the MSHCP (as opposed to conflicting land uses, such as recreational open space). Without the inclusion of such mitigation measures in the EIR, there is no guarantee that the lands proposed for conservation by the developer will actually be conserved or that they will be managed primarily to maintain the survival and population sizes of MSHCP Covered Species (as opposed to human recreational use, such as off-road vehicle recreation, hunting, reptile collecting, etc.).

The Wildlife Agencies request that the Project include a mitigation measure which requires that the TVOL Project transfer title over the lands identified for conservation in the DEIR to a qualified habitat management conservation entity before any grading or other ground-disturbing activities take place pursuant to the Specific Plan.

Since the lands described for conservation by the MSHCP inside the Specific Plan's boundary are intended to become part of the MSHCP Additional Reserve Lands (which is managed by the Western Riverside County Regional Conservation Authority, or RCA), we recommend that ownership be transferred to the RCA. If the land is not provided to the RCA, the transfer of ownership should be accompanied by a management endowment to fund long- term management (invasive plant control, erosion control, biological monitoring, etc.) in the Specific Plan's conservation areas.

Please Maintain Hydrologic Flexibility for the TVOL's Alkali Plains Conservation Areas

With regard to the conservation parcels intended by the proponent to protect the vernal pools and Coulter's goldfields (alkali plains), we note that the DEIR states that the Project wants to retain some flexibility in directing water flows through or around the TVOL's northwestern Water Quality Basin so as to have the most beneficial effects possible on the downstream habitat areas such as the SJWA wetlands and the San Jacinto River. At this point in time, suppositions have been made in the DEIR about the hydrology of the vernal pool area, but a focused hydrology study of the vernal pools' hydrology has not occurred. Although we are in agreement with the motive underlying Mr. Moskovitz's recommendation that large amounts of project drainage water not be directed into the vernal pools (emphasis on "large") – i.e., avoid transforming a vernal pool into another type of aquatic habitat, like a perennial pond or marsh – it is important that the alkali plains conservation sites to receive only seasonal flows (i.e. mimic winter rains). Therefore, the Wildlife Agencies request that the Project design water delivery features which could shunt limited amounts of additional drainage water to these conserved alkali plains habitats at the request of the future Conservation Manager for these areas, and, once designed, that these features and provision for their use by the Conservation Manager be memorialized in the EIR's list of mitigation measures.

Edge Effects extending into MSHCP Noncontiguous Habitat Block 5

The DEIR disclosed that the TVOL's proposed Lakeview Mountains conservation area contains a large number of sensitive animal species targeted for conservation by the MSHCP; that, despite

the current design features incorporated into the Project, that the conservation area and its species will be subject to strong edge effects from the Project; and that a regionally important population of Bell's sage sparrow (sparrow) exists in the proposed conservation area, but that the sparrow is particularly sensitive to edge effects. Unfortunately, the DEIR did not identify the effects that the species is particularly sensitive to, or how the population size, distribution, and survival of the sparrow inside the conservation area would change as a result of construction of the TVOL Project. Please include this information in the EIR.

Sensitive Species Impacts from the future TVOL Domestic Cat Population

The DEIR states that the TVOL Specific Plan will include a rule in its CC&Rs banning ownership of outdoor cats inside the Specific Plan. This, of course, is merely a symbolic gesture, since, without a force of dog catchers patrolling the neighborhoods 24/7, future residents who have previously owned outdoor cats elsewhere will not feel compelled to keep their cats indoors, and domestic cats will be wandering into the conservation areas and preying on MSHCP covered species, which will adversely impact the populations of the covered animal species inside the conservation areas. The EIR should include quantified and mapped estimates of domestic cat penetration and predation inside the conservation areas. The analysis should use documented levels of outdoor cat ownership in the urban U.S. as a reasonable starting point for the analysis.

The Wildlife Agencies are very concerned that, without effective cat-restraining measures, the levels of post-buildout domestic cat predation inside the TVOL's Lakeview Mountain's conservation area could severely diminish the local population size of various bird, reptile, and small mammal species covered by the MSHCP (e.g., Bell's sage sparrow, rufous-crowned sparrows, granite spiny lizards, pocket mice, etc.). We request that the Project include a line of cat-proof barriers along the interface between the Project and the proposed conservation area in the Lakeview Mountains and along proposed Constrained Linkage 20. The types of barriers to be used should be identified and illustrated in the EIR, and the EIR should include one or more maps of the conservation areas indicating the general placement of the cat-proof barriers. The Wildlife Agencies request that these requirements be added to the text of MM BIO-2.

Summary of Recommendations

As proposed, the project will have significant impacts to the San Jacinto Wildlife Area and it has failed to implement strategies that would avoid or minimize such effects. The DEIR has also failed to account for the effects from existing recreational uses on the SJWA onto the residences proposed for placement within 500 feet of the Wildlife Area.

- 1) We urge the County to not rezone this area, and to use its land use authority to maintain this area as agricultural or open space. Higher-density housing should be placed south of Ramona Expressway in a less sensitive location.
- 2) We request that the Project be redesigned such that only commercial development is approved north of Ramona Expressway, and that zoning require that those building are not used by the public after standard daytime business hours.

- 3) If the County moves forward with placing residential areas north of Ramona Expressway and on the boundaries of the Wildlife Area, we request that public access to the Wildlife Area be restricted to only CDFW-approved access points. See fencing recommendations below.
- 4) The DEIR should be modified to address the impacts of residential noise on the Wildlife Area, and of hunting activity noise on TVOL future residents. All proposed mitigation measures should be based on factual information, not supposition, and be demonstrably sufficient to address the relevant impacts. We request a significantly larger distance between the Wildlife Area and future uses. We further suggest that the distance between the existing Wildlife Area uses and proposed project activities be based on noise modeling for hunting activities and minimizing impacts on wildlife species, and be identified in cooperation with SJWA and other Department staff.
- 5) As proposed, the placement of residential housing will result in an increased workload for Wildlife Area staff addressing concerns TVOL from residents about access, noise, gunfire and traffic. If residential uses are approved north of Ramona Expressway, we request the incorporation of additional mitigation measures that address increased Wildlife Area staff workload to handle complaints, such as permanent funding for staff positions.
- 6) The title of each new residential and commercial lot north of Ramona Expressway should include information on the SJWA, (that it is a sensitive area with wildlife conservation and recreational purposes), and that dust, gunfire noise, predators, wetlands with mosquitos are to be expected. We request that prior to project authorization, the County and the applicant meet with the Department to develop agreed upon language.
- 7) The Project's Trail plan must not lead into the San Jacinto Wildlife Area. The public absolutely should not be directed into the San Jacinto Wildlife Area; this could lead to unsafe interactions between project residents and existing recreational uses at the SJWA.

Other Recommendations

- 8) The maps provided in the DEIR are not at an appropriate scale to evaluate project impacts. The projects impacts are difficult to discern on the maps, and therefore make it challenging if not impossible to evaluate. The DEIR should be revised with more detailed maps then recirculated.
- 9) The proposed TVOL Project's domestic cat population may strongly reduce the population size and onsite likelihood of survival of the populations of several MSHCP-covered animal species inside the TVOL's proposed Lakeview Mountains conservation area, San Jacinto Wildlife Area, and PCL-20 unless an effective cat barrier is erected by the Project between development and the conservation area and Linkage. If the project is approved, to control public access and other urban threats such as pets, invasive species, fire, etc. we request the erection of a cat-proof barrier in the text of MM BIOI-2, and

include related descriptions and maps in the EIR text. The barrier should consist of 8-foot tall fencing made of secure and fire-proof materials (such as brick, stone or metal) placed along the entire boundary adjacent to the SJWA and the Lakeview Mountains conservation area to prohibit movement of people and pets from residential and recreational areas into the Wildlife Area. The top of all walls and fences should be designed to prevent animals from entering conservation areas using systems such as a roller bars, oscillots, angled fence tops, or other effective fence designs to keep out pets, especially cats. No section of the fence should include clear panels or sections such as glass or plastic as these are a hazard to birds which fly into them and die (Seewagen 2008). This type of fencing would also prevent residents from creating openings and unauthorized access through the walls into to the conservation areas.

- 10) The CCRs should contain clauses that prohibit residents from modifying the walls and from creating new access points without Wildlife Agency approval.
- 11) We are very concerned about the impact of pets in the SJWA, the Lakeview Mountain conservation area, and PCL 20. Dogs and cats are known to harass and kill native wildlife. MM Bio 3 attempts to mitigate the deadly effect of pets by restricting the number of pets per household to two but provides no evidence that this will be an effective mitigation measure. The DEIR should demonstrate through documented evidence that restricting the number of pets to two will be effective at minimizing the mortality of native wildlife from pets. Additional information is needed on who will enforce MM Bio 3 and how it will be enforced. What are the penalties for pet owners who exceed the allowed number of pets, and what is to prevent HOAs from modifying this Restriction at a later date. Given that no information is provided to support the effectiveness of this measure, we disagree that MM Bio 3 will reduce the impacts of pets on native wildlife to a less than significant level.
- 12) Trails to be located in conservation areas are required to be consistent with MSHCP guidelines for trails (MSHCP Section 7), to have been identified on the approved trails map (Figure 7-4), and to have been jointly approved by the RCA and the Wildlife Agencies. Trails in the development footprint should encourage unauthorized access to the conservation areas and should be re-routed to if they lead to areas with no approved trails. Any trails connecting to the SJWA must be approved by the Department.
- 13) The DEIR provided insufficient information to demonstrate that Mitigation Measure Bio-2 will mitigate project impacts from unauthorized public access, domestic animal predation, illegal trespass, or unauthorized dumping. Please revise it to address these needs.

- 14) MM Bio-11 does not have any enforcement mechanisms or information provided on the duration of the program. Enforcement should also include inspecting barriers between the project and conservation areas to ensure they are not modified, and that they function as intended; enforcement of trail rules in conservation areas; and compliance with other long-term mitigation measures. Please modify this measure to include enforcement, identify who is responsible for enforcement, the number of staff required to implement the program, and the duration of the program.
- 15) There is insufficient information on MM Bio 11 to determine if sufficient funds are available for the Environmental Stewardship Program that includes a community education program, enforcement and SJWA management issues. The funding source and amount of funding is not identified. Please provide additional information, with a detailed budget, that identifies staffing levels, tasks, and roles and responsibilities of all parties involved in this program. The funding mechanism should include a non-wasting endowment. This information is needed to determine the adequacy of the funding mechanisms for the Environmental Stewardship Program (MM Bio-11).
- 16) Please clarify that all fuel modification will occur outside the Lakeview Mountain conservation area.
- 17) The DEIR does not contain enough information on the offsite hydrological effects of the Project for the Wildlife Agencies to be able to adequately evaluate and comment on the potential effects to sensitive biological resources under our jurisdiction. The lack of hydrological analysis and discussion of Project- related effects from the 32% decrease in flows to the SJWA and 34% increase of flows to the San Jacinto River in the DEIR has denied the public the opportunity to understand and comment on a substantial adverse environmental effect of the project We request that the County and the Project provide us with the information elements (described above) that we need to complete our evaluation and our comments.
- 18) The Project's proposed impacts to MSHCP riparian/riverine resources onsite and offsite has triggered the requirement in MSHCP section 6.1.2 for preparation of the respective DBESPs. The Wildlife Agencies request that the County direct the Project to correct the delineation of MSHCP riparian/riverine resources reported in the DEIR, and prepare the DBESPs required by Section 6.1.2.
- 19) Please provide a Programmatic DBESP to address the offsite facilities' effects to MSHCP riparian/riverine resources.
- 20) Please include a mitigation measure which describes the disposition and management of the area proposed for conservation in the DEIR to a qualified habitat management

conservation entity before any grading or other ground-disturbing activities take place pursuant to the Specific Plan.

The Wildlife Agencies appreciate the steps that the Project has taken thus far to avoid impacting MSHCP-sensitive plant species inside the Specific Plan boundary, to conserve habitat inside the MSHCP's Noncontiguous Habitat Block 5, and to design a drainage system which is roughly similar to the baseline hydrology of the Project site. Additional work needs to be done in order to minimize the potential adverse impacts to offsite conservation areas and to MSHCP covered species inside the TVOL's Lakeview Mountains conservation area. Additionally, the Project's proposed impacts to MSHCP riparian / riverine resources onsite and offsite has triggered the requirement in MSHCP section 6.1.2 for preparation of the respective DBESPs.

We appreciate the opportunity to comment on this DEIR, and would like to work with you to minimize the potential impacts to sensitive species and MSHCP riparian/riverine resources. If you have any questions about this letter or the information that we need from the Project to complete our comments on this DEIR, please contact Heather Pert of the Department at (858) 395-9692, or Jim Thiede of the Service at (760) 322-2070, extension 419.

Sincerely,



for
Kennon A. Corey
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U.S. Fish and Wildlife Service

Leslie MacNair
Regional Manager
Inland Deserts Region
CA Department of Fish and Wildlife

cc:
Charles Landry, Regional Conservation Authority
Jeff Brandt, California Department of Fish and Wildlife
James Mace, U.S. Army Corps of Engineers

Enclosures:
DEIR Motte Lakeview Ranch_SCH2010021041 080112.pdf
JPR 07-07-16 Villages of lakeview WA ltr 6-27-08.pdf
Draft Lakeview Mountains Policy Area CDFW 072213.pdf

Literature Cited

Wildlife Agencies. 2008. Letter from the CDFW and USFWS to the Western Riverside County Regional Conservation Authority commenting on MSHCP Joint Project Review case #07-07-16-01 (HANS 313, the Villages of Lakeview / Specific Plan No. 342). Letter mailed on June 27, 2008.



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In Reply Refer To:
FWS/CDFW-WRIV 08B0573-17CPA0315

September 05, 2017
Sent via email

Mr. Russell Brady
Project Planner
Riverside County Planning Department
4080 Lemon St., 12th Floor
Riverside, CA 92501

Subject: Final EIR for the Villages of Lakeview Specific Plan No. 342, State
Clearinghouse No. 2006071095, County of Riverside, California

Dear Mr. Brady:

The U. S. Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), collectively the Wildlife Agencies, provided comments on the Draft Environmental Impact Report (DEIR) for the Villages of Lakeview Specific Plan No. 342 [State Clearinghouse No. 2006071095] on December 9, 2016. The proposed project is a master planned community comprised of approximately 2,800 acres in the Lakeview/Nuevo area of Riverside County. Proposed land uses include 11,350 residential units, 500,000 sf of commercial uses, up to three new K to 8 schools, 150 acres of passive and active parks, and approximately 1,000 acres of open space/conservation that would be permanently protected. In our letter, we expressed concern regarding impacts to the San Jacinto Wildlife Area, Proposed Constrained Linkage 20 (PCL-20), adequate fencing measures for the urban/wildlands interface, identified significant deficiencies in the DEIR, and requested to meet with the County to discuss our concerns with the proposed project and the DEIR.

The Wildlife Agencies have reviewed the County of Riverside's response to the Wildlife Agencies comments in the Final Environmental Impact Report (FEIR). As explained below, we do not find that our comments regarding significant issues were adequately addressed in the Response to Comments in the Final EIR. We are writing to request that the Final EIR not be sent to the Board of Supervisors for adoption until the Wildlife Agencies and the County meet and identify project conditions that will adequately address our concerns.

From the emphasis on Alternative 7 in the FIER, it appears that Alternative 7 may be recommended. We appreciate that some of our concerns are addressed by Alternative 7. These include removal of residential development near the San Jacinto Wildlife Area (SJWA), the removal of JJ Street in PCL-20, revising the hydrology plan, and maintaining agricultural lands adjacent to SJWA. However, some significant issues still need to be addressed, such as trails leading to conservation areas, unclear fencing guidelines for conservation areas, and uncertainty regarding how changes in hydrology will influence flows on the SJWA and San Jacinto River. In our letter dated December 9, 2017 (see enclosure), we requested a meeting with the County to discuss hydrology, sensitive plants, trails, and PCL-20. But this meeting was not scheduled. (We

did attend a meeting with the project EIR consultant, which we appreciated. The purpose of the meeting was to further the consultant team's understanding of our concerns, not to resolve them.) Given the importance of the wildlife area to the hunting public, the local birding community, and others, we feel strongly that it is important that these issues are resolved prior to adoption of the FEIR.

The Response to Comments points frequently to the RCA's determination the project will be consistent with the MSHCP. We remind the County that the RCA's determination included the overt expectation that the project will comply with the Criteria Area and "Other Plan Requirements" of the MSHCP. These includes Sections 6.1.2, 6.1.3, 6.3.2 and 6.1.4. Section 6.1.4 provides guidelines for the Urban/Wildlands Interface, which is intended to address indirect effects associated with Development near MSHCP Conservation Areas and includes guidelines for lighting, noise, invasive species, toxics, and barriers. Section 6.1.4 is particularly relevant for this project because of the edge effects from the project. The Wildlife agencies have a role in project review and the evaluation of whether a project is consistent with MSHCP requirements such as Section 6.1.4. We concur with the RCA that that implementation of Section 6.1.4 (along with other policies) is necessary to comply with the MSHCP. Therefore, the project must include mitigation measures that address indirect effects through measures such as fencing to keep pets and people out of conservation areas and the Wildlife Agencies should have the opportunity to review those measures to ensure they adequately protect conservation areas. The Mitigation measures should be revised with Wildlife Agency review to ensure protection of Conservation Areas.

The following are our major concerns with your responses to our comments. The list is not exhaustive.

San Jacinto Wildlife Area

The proposed open space and buffers in the FEIR are not sufficient to address the adjacency impacts of residential development. The Response to Comments relies on narrow buffers to offset large impacts from residential communities and so fails to address the concern raised regarding the proximity of so many people, pets, and residences to the SJWA. Alternative 7 does remove residential development from north of Ramona Expressway, revises the hydrology, and preserves agricultural lands. However, there are remaining concerns. These include proposed trails that lead to the SJWA, proposed commercial uses (such as the hours of use, the allowed height of the buildings), roads that terminate at the edge of the SJWA which will facilitate unmanaged access, and the type(s) of fencing between the development and the wildlife area. Other adjacency concerns include the impacts of noise, lighting, and hazardous materials spills from the commercial area on the wildlife area. The FEIR, even if Alternative 7 is selected, does not provide sufficient information to determine whether those impacts are adequately addressed. In addition, it is unclear what fencing will be provided around the commercial development and how public access to SJWA from this development will be maintained. The Wildlife Agencies request that the additional specificity be provided on the types of commercial development, the height of the buildings, the lighting and noise abatement measures for the development, and fencing and access control.

Proposed Constrained Linkage 20 (Comments ZZ-15, ZZ-23 to ZZ-29)

As stated in our comment letter, the purposes of PCL-20 is to provide a critical connection between Lakeview Mountains and the Wildlife Area and prevent the isolation of the Lakeview Mountains. Negotiations and MSHCP text interpretations aside, both the County and the Wildlife Agencies should be committed to a feasible and functioning PCL-20. It needs provide for wildlife movement across a busy road in an urbanized matrix. The approved Mid County Parkway project, an MSHCP covered activity, incorporated a 226-foot wildlife crossing in the road design to accomplish this connectivity. Lengthening the crossing by an additional 116 feet to cross proposed JJ Street, (not an MSHCP covered activity) and essentially rendering the crossing useless is not consistent with the County's obligations and commitments as an MSHCP permittee. This linkage needs to function so that wildlife can move across the landscape and that means minimizing or removing the impacts that were not intended to be part of the linkage when the MSHCP was developed such as JJ Street, Bridge Street, and trails as well as minimizing the impacts of adjacent development. The MSHCP is designed to be flexible so there is flexibility in the placement of development and how conservation is configured. We urge the County to choose a configuration that allows the linkage to function by providing wildlife movement and the opportunity for habitat to be restored that will support species living in the linkage while reducing impacts brought on by roads and people. In order to achieve we reiterate our original recommendation that the crossing be shifted to the west of Bridge Street, that JJ Street be eliminated from the linkage, that there be no trail on the MWD easement and that cat-proof fencing be provided along the linkage adjacent to residential housing.

Please note that JJ Street is identified as a "Modified Collector G" and looks like a Planned Roadway that is not identified as part of the General Plan circulation element (Figure 7-1, MSHCP). Figure 7-1 identifies all of allowed circulation elements in Criteria Areas. Therefore JJ Street is not a covered activity in a Criteria Area. All other issues aside, if the County chooses to build JJ Street then the MSHCP would need to be amended to add this road as a Circulation Element to Figure 7-1 (Section 6.10 of the MSHCP).

Below are our comments on specific responses in the FIER.

- 1) Z-23: The response fails to adequately address the comment.

The Wildlife Agencies appreciate that the County recognizes the goal of PCL-20 is to maintain connectivity to Lakeview Mountains. However, we first disagree that the planning species for PCL-20 do not have the potential to occur in this linkage. The County correctly identified that PCL-20 is two-pronged linkage with one section along San Jacinto River so there are some species in the planning species list that are likely to only occur along the San Jacinto River. However, the response further indicates that because of existing use there is no potential for any of the planning species to exist in the linkage in the future. If the linkage is secured and restored then the linkage could provide resting, foraging, and live-in habitat for the planning species as well as other wildlife. Ephemeral streams from Lakeview Mountains that are currently obscured by agricultural activities could, if no longer disturbed, support habitat for narrow and endemic plants,

Los Angeles pocket mouse, and other wildlife. Therefore, the Wildlife Agencies disagree with the assertion that the linkage cannot support live-in habitat. Secondly, the obligations and responsibilities of MSHCP implementation do not provide that a Permittee can determine that a reserve assembly feature can or does not function and can therefore be discarded. If the County wishes to substantially revise the MSHCP conservation strategy, a permit amendment is required.

- 2) Z-24: This comment was not addressed adequately and the response does not demonstrate that the project impacts to wildlife movement are less than significant with mitigation. **Planning Species for Wildlife Connectivity: The Response to Comments** incorrectly assumes that the only purpose of the MCP undercrossing was to accommodate planning species movement along PCL-20. The Mid County Parkway crossing was developed by RCTC, the Federal Highway Administration, and the Wildlife Agencies to address concerns that MCP would negatively impact wildlife movement between Lakeview Mountains and SJWA. The Department is concerned about the impacts to deer movement and potential isolation of existing deer populations in the Lakeview Mountains. The SJWA and Lakeview Mountains support deer populations and are important southern California inland hunting areas. The Department is pleased to partner with the County on MSHCP implementation, however, that in no way means that the County can use the MSHCP to harm or limit the hunting values provided to the public at the SJWA. To prevent the isolation of deer populations in the Lakeview Mountains or the SJWA, the crossing was specifically designed to accommodate movement of mountain lion and deer, which, while not planning species in PCL-20 are known to be present in Lakeview Mountains and SJWA. Our concerns regarding the negative impact of JJ Street on mule deer and mountain lion use for PCL-20 remain as stated in our original letter. JJ Street should not extend into the linkage. The Wildlife Agencies support of the removal of the JJ Street Crossing from the project.

Length of Crossing: The response to ZZ-24 makes some incorrect assumptions about the crossing length. The current crossing openness ratio is based on the length of the culvert, not the entire width of the road crossing which includes the fill on the slopes leading to the culvert. As stated in our previous comments the openness ratio must be calculated in meters not feet. Riverside County Transportation Commission (RCTC) confirms the crossing culvert length is 210 feet (not 226 feet as identified in the FEIR) 210 feet with width and height of 35 feet x 12 feet, the openness ratio calculated in meters is 0.6 ($= [3.7m * 10.7m] / 64.0m$). If the culvert crossing has to be extended over the Mid County Parkway fill and JJ Street to accommodate JJ Street then that adds an additional 176 feet for a total of 386 feet which is a large and significant addition to the total length. The openness ratio would be reduced 0.33 in meters which does not meet the MSHCP desired goal of a 0.6 openness ratio.

The FEIR speculates that a 386-foot culvert would be used by small mammals, with a wider opening, when the MSHCP indicates that small mammals have been shown to use linkages up to 210 feet (64 meters). No evidence was provided to indicate that a 386-foot linkage would be usable by the Los Angeles pocket mouse. The FEIR assumed that the

wider culvert width of 35 feet would reduce the constraint for small mammals having been shown to use a linkage as long as 210' (64 meters). The Los Angeles pocket mouse could be present in the habitat and is a planning species for the linkage. However, the responses to our comments have failed to provide any evidence that a 386 foot crossing would facilitate movement of the Los Angeles pocket mouse. That distance may well be outside of the movement range of an individual.

The Wildlife Agencies are very concerned that extending the Mid County Parkway wildlife crossing culvert to include JJ street will harm the wildlife connectivity in PCL-20. The County should not undermine the wildlife connectivity provided by the culvert under Mid County Parkway, Riverside County Transportations Commission's commitment to mitigating wildlife connectivity impacts from the road for the benefit of public trust resources on behalf of the tax-paying public, who are funding the road.

Please correct the FEIR text accordingly:

The openness ratio of the MCP undercrossing without the construction of JJ Street would be 0.61 ~~0.89~~ ([12 feet x 3520 feet]/~~270~~ 210 feet), which slightly exceeds the ~~is very close to the~~ 0.60 ratio targeted by the MSHCP for larger mammals such as mule deer. With the addition of JJ Street, the openness ratio decreases to 0.33 ~~0.62~~ ([12 feet x 3520 feet]/386 feet). ~~However, an openness ratio of 1.090.62 still exceeds the MSHCP guideline for larger mammals (i.e., mule deer), and since the undercrossing is intended to accommodate medium-sized mammals (e.g., bobcat and coyote), the undercrossing will still be adequate to maintain the connection with the Lakeview Mountains. As such,~~ The increase in the length of the undercrossing will ~~not~~ result in a significant adverse effect on wildlife movement between the Lakeview Mountains and areas north of the MCP. (GLA1, pp. 109-110)

- 3) Z-25. The response fails to adequately address the comment.
See response to ZZ-24 regarding species that are expected to be in the linkage and the length of the linkage. The Wildlife Agencies dispute the unsupported assertion in the FEIR that PCL-20 will work reasonably well for the planning species that can reasonably expected in the linkage if the JJ Street remains in the linkage. As discussed above, the extended culvert will not function for deer or mountain lion. Therefore, our original comment remains and has not been adequately addressed in the FEIR “ If the wildlife crossing must be 386 feet long, then the crossing should be redesigned as an overcrossing, which are acceptable to mule deer. The lengthening of the wildlife crossing proposed by the Project to encompass JJ Street will completely undermine the effectiveness of the MCP crossing and is not consistent with the MSHCP process to facilitate wildlife movement through PCL-20.”
- 4) Z-26 This comment was not addressed adequately and the response does not demonstrate that the project impacts to PCL-20 and wildlife movement are less than significant with mitigation.
Trails on the MWD Facility in PCL-20: The Wildlife Agencies recognize that the MWD

aqueduct is an existing facility and existing access for facility maintenance should remain intact. However, our comment that the project does not specify how the open space along the aqueduct in PCL-20 will be used remains. The project clearly proposes a 10-12' Multi-Purpose Community Trail with landscaping in the project description (p. 1.0-9 of the FEIR) and on the Project Trails Plan (Figure 3-9 FEIR) along the aqueduct property. This trail appears to go through PCL-20 yet is not addressed in the response. The response to comment statement in Z-26 that the "project has no control over the existing use" is true but avoids responding to the original comment which is the proposed trail on the MWD aqueduct. It appears that the project proponent is coordinating with MWD to place trail easements along the aqueduct and should have identified that proposed use in the response. The proposed trail should have been identified as a potential use in the response to comments and evaluated as to its impacts on wildlife movement and potential to increase trespass in PCL-20. If there is no discussion w/ MWD regarding a trail access, then that should also be stated and an explanation offered as to why a trail was discussed and depicted in the DEIR.

Edge Effects

We requested additional specificity regarding project impacts to Bell's Sparrow from edge effects. The response in the FEIR focused on habitat loss and mitigation for that habitat loss. The FEIR did not identify the edge effects that the species is particularly sensitive to, or how the population size, distribution, and survival of the sparrow inside the conservation area would be affected by the project.

To fully disclose and evaluate edge effects to Bell's sage sparrow or other sensitive species, here should have been discussion of the effects of domestic cat/feral cat predation stemming from the fully built project, the effects of increased wildfire fire frequencies due to the inevitable increase in local human-caused brushfire ignitions, and the effects of heavy human recreation/presence throughout the Lakeview Mountains Conservation Area and MSHCP Constrained Linkage 20, as contemplated by the EIR's planned trail networks in both of these areas.

Predation by Domestic Cats in the adjacent Conservation Areas

The Wildlife Agencies are very concerned that, without effective cat-restraining measures, the levels of post-buildout domestic cat predation inside the Lakeview Mountain conservation area could severely diminish the local population size of various bird, reptile, and small mammal species covered by the MSHCP (e.g., Bell's sparrow, rufous-crowned sparrows, granite spiny lizards, pocket mice, etc.).

In our comments on the Draft EIR, we requested that the Project include a line of cat-proof barriers along the interface between the Project and the proposed conservation area in the Lakeview Mountains and along MSHCP proposed Constrained Linkage 20. The Wildlife Agencies requested that these requirements be added to the text of MM BIO-2. The project Proponent responded by adding the following text to MM BIO-3, instead:

"...The CC&Rs shall require cat-proof barriers be installed along the interface between the

project's residential planning area boundaries and the Lakeview Mountains conservation area and the wildlife corridor. *The Homeowners Association will be the entity responsible for enforcing the CC&Rs.*" [italics are ours].

While we appreciate that text requiring the cat-proof barriers was added, we note that the proponent has exempted itself (and/or other developers) from constructing and installing the barriers as part of construction of future TVOL sub-projects (individual Tract Maps, etc.), and has, instead, placed both the responsibility for doing so and the expense onto the TVOL Homeowners Association (hereafter, HOA). The Wildlife Agencies' long experience with HOAs indicates that they are justifiably dedicated to facilitating quality of life for their members and their domestic pets and they are generally poorly suited to carry out management and enforcement actions needed to maintain the habitat quality and local populations of declining or endangered species on adjacent conservation lands or other wildlife habitat.

We recommend and request that the County amend MM BIO-3 and MM BIO-2 by removing the two sentences quoted, above, from MM BIO-3, and by modifying MM BIO-2 as follows:

"...or combination of means to achieve the desired result.

Cat-proof barriers shall be installed by the developer along the interface between the project's residential planning area boundaries and the Lakeview Mountains Conservation Area and the wildlife corridor (MSHCP Constrained Linkage 20).

The final design of both the cat-proof barriers and the general "edge zone treatment" barriers (referred to previously in this measure) shall be completed based on consultation between the developer, the County Planning Department, and as approved by the County Environmental Programs Division when tentative tract maps and/or road plans are approved. California Department of Fish and Wildlife (CDFW) be consulted regarding and have approval of the barrier design along the SJWA boundaries. Representatives of the CDFW, the United States Fish and Wildlife Service, and the Western Riverside County Regional Conservation Authority (RCA) will be consulted regarding the final design of barriers along the edges of the Lakeview Mountains Conservation Area, MSHCP Constrained Linkage 20, and any other project conservation that is counted towards Reserve Assembly.

Where barriers are required between established conservation areas and other parts of the project site, impacts to cultural resources shall be taken into consideration ..."

Restrictions on Domestic Cat Ownership; Enforcement by the HOA

In the Draft EIR, the Proponent asserted that domestic cats would not affect populations of MSHCP covered wildlife species and other sensitive wildlife species inside the Lakeview Mountains Conservation Area, MSHCP Constrained Linkage 20, and the SJWA based on the proponent's inclusion in the CC&Rs of a rule requiring homeowners to keep their cats indoors.

In our comments on the Draft EIR, the Wildlife Agencies rejected the proponent's assertion that all of the homeowners would comply with this rule and that the HOA would actively and successfully enforce this rule (which would necessitate having a staff of HOA-employed animal control officers patrolling the project Planning Areas adjacent to the Conservation Areas and capturing any domestic cats found outdoors and removing them to the County pound). The FEIR response dismissed our concerns by citing the HOA's "fiduciary duty" to enforce this rule (despite the lack of any effective enforcement capabilities) and by replying that "Additionally, it is *assumed* that all pet owners within the project area would follow the restrictions in MM BIO 3." (Response to Comment Z-52, FEIR p. 2-708). [italics ours]. We reject the developer's assumption that all cat owners residing in the specific plan area will comply with the indoor cat rule, and that the HOA will be capable, even if willing to keep cats off the streets.

We further note that the developer included text in MM BIO 3 which largely gutted the applicability of the measure:

~~"This mitigation measure~~ restriction for domestic animals applies to planning areas north of adjacent to Ramona Expressway."

Thus, using the current wording of MM BIO 3 in the Final EIR, homeowners in most of the specific plan area would be free to let their cats wander outside, hunting wherever the cats choose to go, and free to establish a feral cat population in the Conservation Areas. This includes the Planning Areas adjacent to the Lakeview Mountains Conservation Area and MSHCP Constrained Linkage 20, such as Planning Areas 73, 64, 66, and 68. We suggest all cats should be indoor within the project footprint. If this cannot be accomplished then the need for cat-proof fencing along conserved areas is heightened.

Hydrological Effects to the SJWA and Other Seasonally Dry Wetlands

In our letter commenting on the Draft EIR, the Wildlife Agencies requested substantial additional information regarding the baseline distribution, volumes, frequencies, seasonality, and effects on sensitive wetland species of water flows from the project site to offsite wetlands located inside and downstream of the Department's San Jacinto Wildlife Area (our comments Z-33, Z-37, and Z-38). We note that the requested analyses, species identifications, effects to species, and maps were never provided to us. We also requested a meeting with the County to resolve these issues by mutual agreement prior to their incorporation in the FEIR. Instead, the developer's consultants met with us on January 19, 2017, for the purpose of obtaining a clearer understanding of our information request. We appreciate the project's representatives outreach to obtain needed clarification. However, the meeting which we requested to have with the County to discuss the information developed in response to our request prior to adoption of the FEIR never took place.

In response to some of our concerns about potential changes in water flows to the SJWA and

downstream wetlands along the San Jacinto River, the project modified its storm drainage design to more closely mimic the current (pre-project) water flows into the SJWA and the middle San Jacinto River, including the splitting of the proposed water quality basin at Davis Road, and the incorporation of adjustable weirs to allow flexibility in shunting high flows more to the middle San Jacinto River and less to the SJWA, and vice versa.

The Wildlife Agencies appreciate the modifications made by the project for the purpose of avoiding and reducing effects from hydromodification to the SJWA and other wetlands on the historic floodplain of the San Jacinto River. However, we have some questions regarding the operation of the “flexible Northwest TVOL drainage system”, specifically

- Who will operate it, and have authority to adjust the “adjustable weirs” to increase/decrease flows to the SJWA and the downstream areas of the San Jacinto River?
- How long will it take the management entity to adjust the flows (the weirs) in response to a request or need for more (or less) water flow in anticipation of an imminent storm event or in response to ongoing flood flows?
- What will be the operational or controlling outcomes be?
- How will the operational parameters be established and then maintained?
- Why was the study based on a 2-yr and 10-yr flood interval and not larger intervals?

We repeat our prior request for a meeting with the County to discuss these and related hydrological effects/management issues regarding the project.

Trails

The Wildlife Agencies have previously expressed to the County concerns about unmanaged access to the Wildlife Area, PCL-20, and Lakeview Mountains conservation areas from mountain bikes, horses and other unauthorized uses, which can lead to habitat loss and degradation, increased fire hazards and spread invasive species. Unfortunately, the County in the EIR and response to comments disregarded these concerns, as it maintains a project configuration that would direct pedestrians and residents alike towards the Wildlife Area and adjacent conservation areas. The Wildlife Agencies acknowledge that the specific location of trails have not yet been determined and appreciate the recognition that CDFW will be consulted on all barriers, as stated in Response to Comment Z-9 and MM Bio 2, and request that a modification be made to MM Bio 2 to ensure the Wildlife Agencies have approval over trail locations and barriers. Additionally, information on how the community trails will connect to existing trails within the Wildlife Area is still unclear, as is the County’s vision on the General Plan Amendment proposed by the Project. A meeting between the County, RCA and Wildlife Agencies to discuss trail locations, public access points, and final approval on barriers and consistency with the MSHCP is requested prior to the adoption of the FEIR.

MM BIO 10 – Request for Technical Correction

While reviewing the project’s responses to our comments on the Draft EIR (response to Comment Z-49), the Wildlife Agencies noticed that MM BIO 10 incorrectly states that

“... Compliance with the MSHCP fee requirements will provide adequate mitigation for potential impacts to the burrowing owl and other species and plant communities determined to be adequately conserved by the MSHCP ...” [underlining ours].

This statement is inaccurate. It is compliance with all of the MSHCP’s requirements that provides a Permittee’s project with adequate mitigation (relative to the MSHCP) for project impacts to species and native communities classified by the MSHCP as “adequately conserved” by the overall MSHCP Plan – not just compliance with the MSHCP’s development fee collection requirement.

The Wildlife Agencies request that the County correct MM Bio 10 to read as follows:

“... Compliance with all of the MSHCP’s ~~fee~~ requirements will provide adequate mitigation for potential impacts to the burrowing owl and other species and plant communities determined to be adequately conserved by the MSHCP ...”

The revised Joint Project Review 14-03-03-01 for Mid County Parkway identified the incorporation of an equestrian undercrossing into the project approximately 2,000 feet west of the Proposed Constrained Linkage 20 undercrossing, subject to consultation with the County of Riverside. We requested clarification of this location linkage in our comments and the response was that this would be speculative at this point because of the need for additional information from the County and RCTC on the linkage location. The County should work with RCTC to identify this crossing so that it could be incorporated into the project design. The location of this crossing should be identified prior to adoption of the FEIR so that public has the opportunity to evaluate if project infrastructure is compatible with the crossing and evaluate the crossing location for other concerns.

In summary, the response to comment in the FEIR did not address the issues we raised in our comments regarding trails, fencing (urban wildlands interface), and hydrology. The selection of Alternative 7 would be a substantive step towards addressing the issues we raised regarding the function of PLC-20. We appreciate the removal of residential development from the area north of the Ramona Expressway, but have questions and concerns regarding the proposed commercial development. We request that the FEIR for the Villages of Lakeview Specific Plan not be certified or adopted until issues affecting SJWA are clearly identified and mitigated, the County and the RCTC have conferred over placement of the equestrian crossing and that clear strategies have been identified to minimize land use adjacency effects on Lakeview Mountains conservation area consistent with MSHCP policies and procedures. We request coordination with the County and their applicant to address our concerns.

We appreciate your consideration in this matter and reiterate our request for a meeting with the County prior to project adoption. We also request that we advised of any decisions made regarding the Villages of Lakeview project. If you should have any questions pertaining to our comments or MSHCP implementation, please contact Heather Pert of the Department at (858) 395-9692, or James Thiede of the Service at (760) 322-2070, extension 419.

Sincerely,

Handwritten signature of Heather A. Pert in blue ink. The signature is written in a cursive style and includes the name "Heather A. Pert" with a small "for" written below it.

for
Kennon A. Corey
Assistant Field Supervisor
U.S. Fish and Wildlife Service

Leslie MacNair
Regional Manager
California Department of Fish and
Wildlife

cc:
Charles Landry, Regional Conservation Authority
Eddy Konno, California Department of Fish and Wildlife