

March 2025 | Addendum to the Menifee Valley Campus Master Plan Project EIR
State Clearinghouse No. 2015081064

Mt. San Jacinto College Fire Lane Expansion Project

Mt. San Jacinto Community College District

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1. Introduction

1.1 BACKGROUND, PURPOSE, AND SCOPE

This document is an Addendum to the Menifee Valley Campus Master Plan certified Environmental Impact Report (EIR), State Clearinghouse No. 2015081064, to address and document the proposed widening of a fire lane on campus to meet fire code standards and to address the elevation of the burrowing owl to a “candidate species” under California Endangered Species Act (CESA). The candidacy listing of the burrowing owl affords the species the same legal protection afforded to an endangered or threatened species under CESA. The listing of the burrowing owl as a “candidate species” would be included in the analysis of any potential environmental impacts to biological resources as a result of the modified project.

In July 2017, the Mt. San Jacinto Community College District (MSJCCD or District) certified an EIR for the Menifee Valley Campus Master Plan Project (Certified EIR, or 2017 EIR). The 2017 EIR addressed the environmental effects associated with the implementation of the proposed Menifee Valley Campus Master Plan Project and provided mitigation measures aimed at identifying the presence of burrowing owls. The actions analyzed under the Certified EIR are collectively referred to as the Approved Project in this Addendum. The 2017 EIR found that impacts to biological resources were less than significant with mitigation incorporated and specifically outlined three mitigation measures to reduce impacts to burrowing owls. These included conducting preconstruction clearance survey for burrowing owls, replacing and permanently protecting loss of burrowing owl habitat according to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), and avoidance of occupied burrow disturbance during the nesting season (February 1 through August 31).

Documentation of the regulatory changes and revisions to the Approved Project’s mitigation measures would occur as a result of the listing by the Fish and Game Commission of the burrowing owl as a candidate species under the CESA and the proposal by the California Department of Fish and Wildlife (CDFW) that the new regulations regarding the burrowing owl be included in the Addendum and specific mitigation measures to address its species designation.

The purpose of this Focused EIR Addendum is to evaluate whether the Modified Project would modify the Approved Project in such a way as to result in new environmental impacts or a substantial increase in the severity of previously identified significant effects or would otherwise trigger a need for subsequent environmental review under the California Environmental Quality Act (CEQA). Because the Modified Project is solely focused on the burrowing owl as a result of its listing as a candidate species under CESA, this addendum focuses on impacts from the Modified Project to biological resources.

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1.2 ENVIRONMENTAL PROCEDURES

Pursuant to CEQA and the State CEQA Guidelines, this Addendum focuses on whether implementation of the Modified Project would require major revisions to the Certified EIR due to the potential for new significant environmental effects or a substantial increase in the severity of previously identified significant effects, pursuant to State CEQA Guidelines Section 15162.

Pursuant to Public Resources Code Section 21166 and Section 15162 of the State CEQA Guidelines, when an EIR has been certified or a negative declaration adopted for a project, no subsequent or supplemental EIR or negative declaration shall be prepared for the project unless the lead agency determines that one or more of the following conditions are met:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. (CEQA Guidelines § 15162[a])

A supplement to an EIR (supplemental EIR), which is narrower in scope than a subsequent EIR, may be prepared if any of the above criteria apply, but “only minor changes or additions would be necessary to make the previous EIR adequately apply to the project in the changed situation” (CEQA Guidelines § 15163(a)). In the absence of the need to prepare either a subsequent or supplemental EIR, an addendum to a previously Certified EIR may be prepared. Section 15164 states:

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- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence. (CEQA Guidelines § 15164)

This Addendum to the previously certified 2017 EIR has been prepared because the burrowing owl has been listed as a candidate species under CESA. Due to the location of the project site and its characteristics, which are consistent with burrowing owl habitats, as well as regulatory changes, an evaluation of the burrowing owl compared to the Approved Project will be discussed. As demonstrated in Section 4 of this Addendum, the Modified (proposed) Project would not result in impacts that differ from the Approved Project, and it would not trigger the need for preparation of a subsequent or supplemental EIR under the criteria in CEQA Guidelines Sections 15162(a) and 15163(a). The Modified Project is consistent with the MSJCCD Master Plan EIR and would not require changes to the Approved Project. This Addendum demonstrates that no substantial changes are proposed to the Approved Project or have occurred in the City of Menifee that would trigger major revisions to the Certified EIR or substantially increase the severity of previously identified significant effects. Thus, the impacts of the proposed project are within the levels and types of environmental impacts disclosed in the Certified EIR.

The proposed project would not change the buildout assumptions made under the Approved Project. As discussed in Section 4 of this Addendum, the listing of the western burrowing owl under CESA would not result in new significant impacts or substantially increase impacts of the Approved Project. As a result, no substantial changes in circumstances under Section 15162(a)(2) have occurred since the certification of the 2017 EIR that would indicate new significant impacts or substantially increase the severity of significant impacts previously identified.

In addition, no information that was not known and could not have been known at the time of the 2017 EIR preparation has been revealed that shows new or substantially greater significant impacts would result (see CEQA Guidelines § 15162[a][3]). There are no new or different mitigation measures that would substantially reduce one or more significant impacts of the Approved Project but that are not adopted. The proposed project does not identify or require adoption of any further mitigation measures beyond those provided in the Certified EIR. However, the Certified EIR's biological resources mitigation measures have been modified to be

1. Introduction

consistent with regulatory changes resulting from the listing of the burrowing owl as a candidate species under CESA.

Since this Addendum does not identify new or substantially greater significant impacts, circulation for public review and comment is not necessary (CEQA Guidelines § 15164[c]). However, the District will consider this Addendum at a public meeting together with the previously certified 2017 EIR prior to the adoption of the proposed project (CEQA Guidelines § 15164[d]).

1.3 PREVIOUS ENVIRONMENTAL DOCUMENTATION

1.3.1 2017 Environmental Impact Report

In June 2017, the District certified the EIR for the Menifee Valley Campus Master Plan. The 2017 EIR examined the environmental impacts associated with implementation of the campus master plan that aimed to meet demand for expanded learning opportunities in accordance with the District's Educational Master Plan. The EIR identified the following potentially significant impacts that would be reduced with implementation of mitigation measures:

- Aesthetics
- Biological Resources
- Cultural Resources

The EIR identified the following significant and unavoidable impacts:

- Air Quality

A Notice of Determination (NOD) was posted by the Clerk of the Board of the County of Riverside and submitted to the State Clearinghouse on June 23, 2017. Subsequent to the NOD, a lawsuit was filed challenging the 2017 EIR on CEQA grounds pursuant to Public Resources Code Section 21167(c). The lawsuit alleged that the 2017 EIR failed to properly analyze and mitigate traffic circulation impacts within the City of Menifee and impacts to wetlands occurring on the project site. In March 2018, a settlement was agreed to between the District and Petitioner.

2. Environmental Setting

2.1 PROJECT LOCATION

The Mt. San Jacinto College Menifee Valley Campus (Menifee Valley Campus or campus) is at 28237 La Piedra Road, in the City of Menifee, County of Riverside, California, and is approximately 170 feet east of Interstate 215 (I-215) (see Figure 1, *Regional Location* and Figure 2, *Local Vicinity*). The campus is approximately 81.76 acres and includes Assessor Parcel Numbers (APNs) 364-070-031 and 364-070-032. The campus is bounded by La Piedra Road to the north, Albion Road to the south, Bell Mountain Middle School to the east, and Antelope Road to the west. The proposed fire lane expansion area (Modified Project) would be located in the northeastern portion of the campus, north of the existing football stadium (Project Site). The Modified Project would consist of widening 290 linear feet of an existing fire lane to accommodate fire trucks (see Figure 3, *Site Plan*). The improvements would extend from east to west, specifically from an existing facilities yard building north of the football stadium, and stopping just east of building 1800, northwest of the football stadium. The Project Site is in the northeast portion of the campus and is surrounded by campus buildings, structures, and infrastructure to the east, south, and west, and by undeveloped land, a parking lot, and a concrete access road to the north (see Figure 4, *Aerial Photograph*).

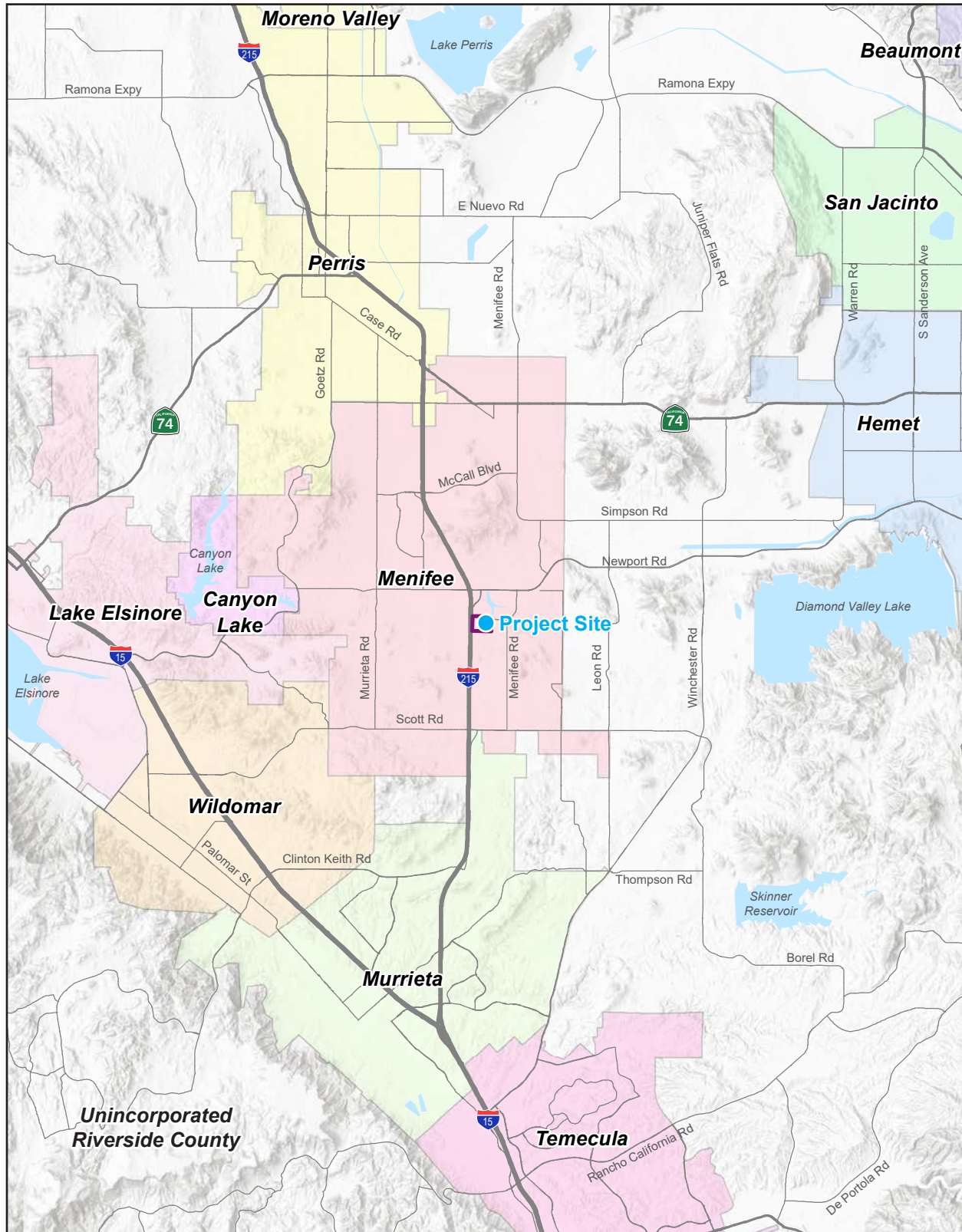
2.2 EXISTING LAND USE

The Project Site is in the Menifee Valley Campus and operates as an education center in the Mt. San Jacinto Community College District. The Menifee General Plan designates the Project Site as Specific Plan (Menifee 2012). As such, the campus is in Planning Area 2-1 of the Menifee Village Specific Plan Community. The campus is zoned as College, which allows for college uses (Menifee 2005). Ingress and egress to the campus is provided by two driveways off La Piedra Road and one driveway off Antelope Road. The Project Site is developed with an existing fire lane that varies in width from 12 feet to 18 feet, an existing parking lot north of the existing fire lane that includes two ingress and egress driveways and 51 parking spaces, and a concrete access road that connects the existing fire lane and parking lot.

2. Environmental Setting

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Figure 1 - Regional Location



— School Boundary

Note: Unincorporated county areas are shown in white.
Source: Generated using ArcMap 2024.

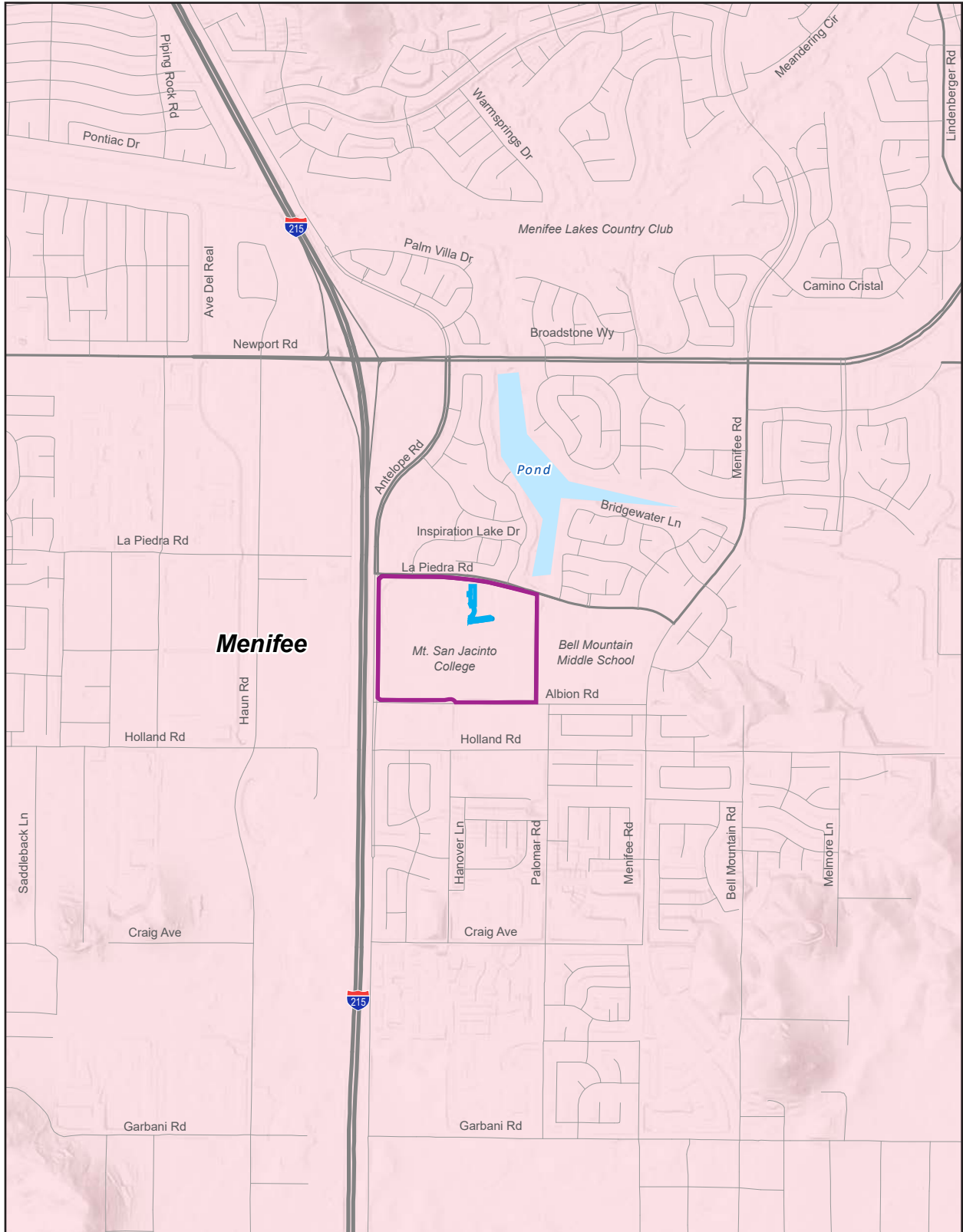
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Scale (Miles)





2. Environmental Setting

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Figure 2 - Local Vicinity



-  School Boundary
-  Project Boundary

0 2,000
Scale (Feet)

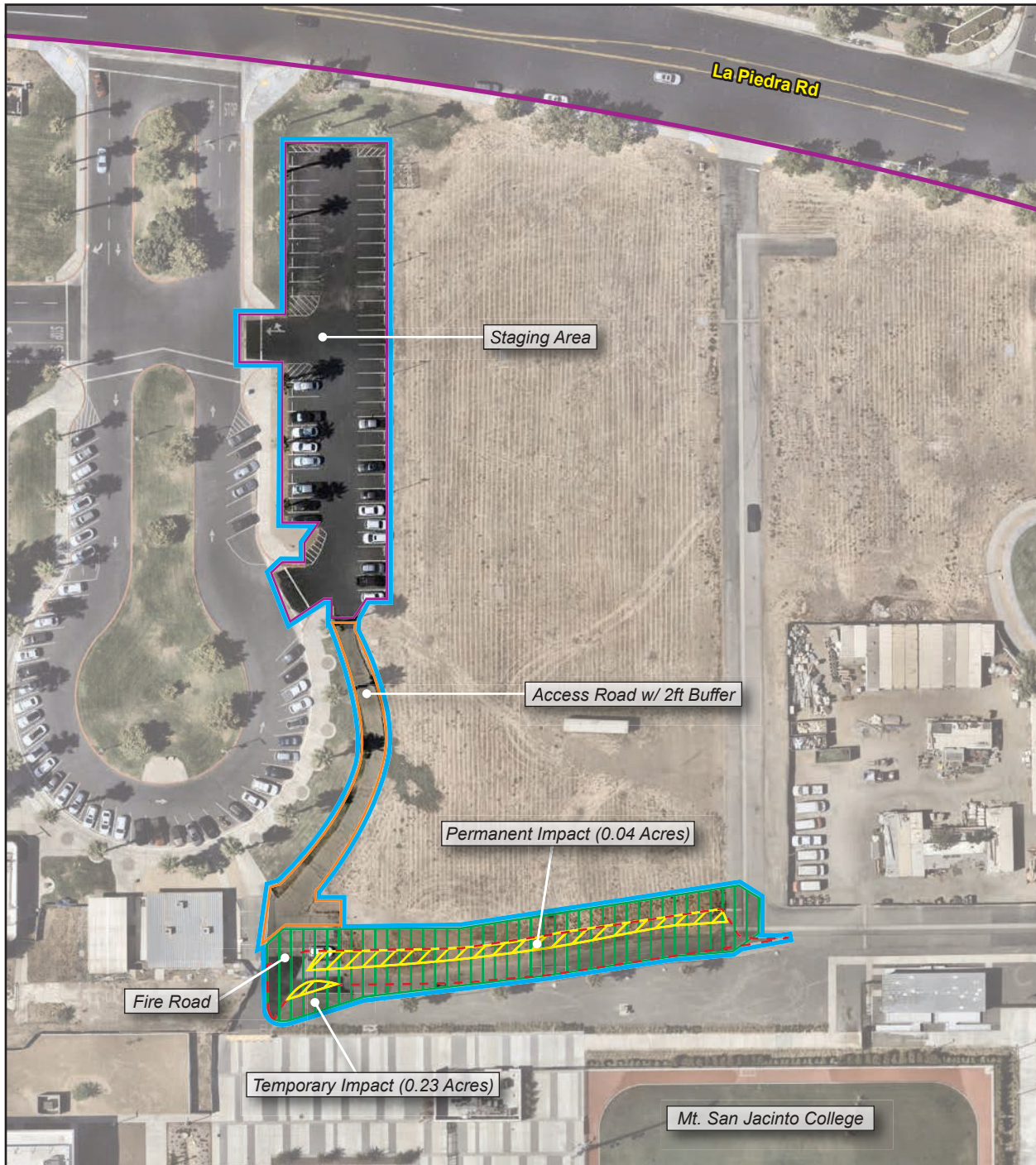


Source: Generated using ArcMap 2024.

2. Environmental Setting

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Figure 3 - Site Plan



- School Boundary
- Project Boundary
- Permanent Impact (0.04 Acres)
- Temporary Impact (0.23 Acres)
- Fire Road
- Access Road w/ 2ft Buffer
- Staging Area

0 100
 Scale (Feet)

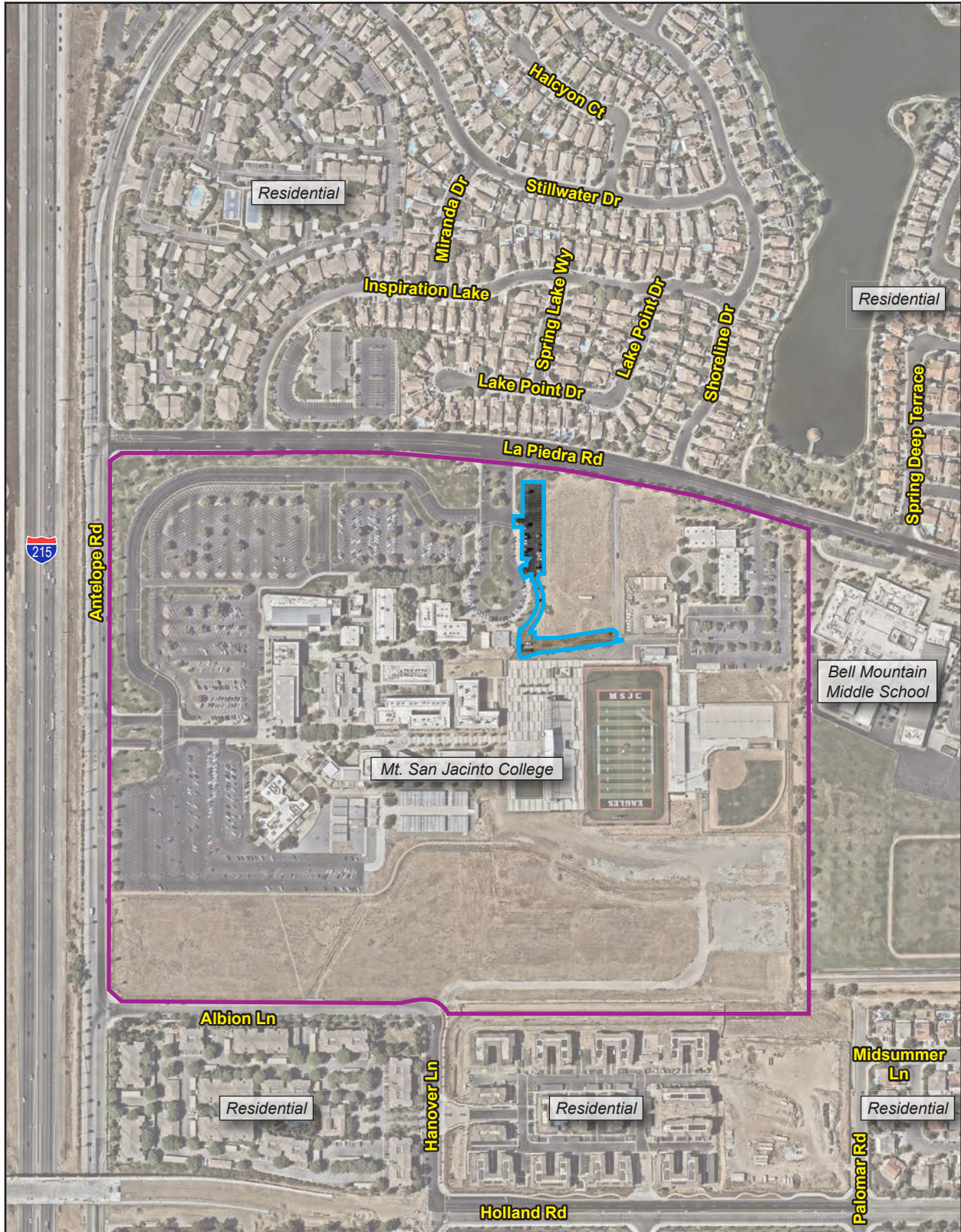


Source: Nearmap 2025; HANA Resources 2025.

2. Environmental Setting

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Figure 4 - Aerial Photograph



- School Boundary
- Project Boundary

0 470
Scale (Feet)



Source: Nearmap 2024.

2. Environmental Setting

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3. Project Description

3.1 CALIFORNIA ENDANGERED SPECIES ACT

3.1.1 Overview of CESA

The California Endangered Specific Act is an environmental law enacted in 1970 and amended in 1984 and 1997 that conserves and protects plant and animal species at risk of extinction. Plant and animal species may be designated threatened or endangered under CESA after a formal listing process by CDFW's Fish and Game Commission (Commission). Approximately 250 species are currently listed under CESA. A CESA-listed species, or any part or product of a CESA-listed plant or animal, may not be imported into the state, exported out of the state, "taken" (i.e., killed), possessed, purchased, or sold without proper authorization.

CDFW works with agencies, organizations, and other interested persons to study, protect, and preserve CESA-listed species and their habitats. CDFW also conducts scientific reviews of species petitioned for listing under CESA, administers regulatory permitting programs to authorize take of listed species, maintains an extensive database of listed species occurrences, and conducts periodic reviews of listed species to determine if the conditions that led to the original listing still apply.

3.1.2 CESA Take Prohibition

The take prohibition of CESA specifically states that no person shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, any species, or any part or product thereof, that the commission determines to be an endangered species or a threatened species, or attempt any of those acts (Fish and Game Code [FGC] § 2080; Cal. Code Regs., title 14, § 783.1). In this context, the term "take" is defined by FGC Section 86 as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. However, CESA contains several exceptions to the take prohibition, and CDFW may permit the take of candidate, threatened, or endangered species for individuals or businesses carrying out otherwise lawful activities.

3.1.3 Incidental Take Permits

FGC Section 2081 subdivision (b) allows CDFW to authorize take of species listed as endangered, threatened, or candidate or a rare plant if that take is incidental to otherwise lawful activities and if certain conditions are met. These authorizations are commonly referred to as incidental take permits. Under Section 2081 subdivision (b), impacts of taking include all impacts on the species that result from any act that would cause the proposed taking.

3. Project Description

Incidental take permits are most commonly issued for construction, utility, transportation, and other infrastructure-related projects. In most cases, permittees will implement species-specific minimization and avoidance measures, and fully mitigate the impacts of the project.

3.1.4 Fish and Game Code Section 2084

Pursuant to FGC section 2084 o, the Commission may authorize, subject to terms and conditions it prescribes, and based on the best available scientific information, the taking of any candidate species, provided that the take is consistent with Chapter 1.5, Endangered Species, of the Fish and Game Code. Furthermore, CDFW may recommend to the Commission that the Commission authorize, or not authorize, the taking of an endangered, threatened, or candidate species pursuant to this section.

3.2 BURROWING OWL LISTING

3.2.1 CDFW Candidacy Evaluation

The Fish and Game Commission has the authority to list certain “species” or “subspecies” as threatened or endangered under CESA (FGC §§ 2062, 2067, and 2070). The listing process is the same for species and subspecies (FGC §§ 2070 to 2079.1.).

CESA sets a two-step process for listing a species as threatened or endangered. First, the Commission determines whether to designate a species as a candidate for listing by evaluating whether the petition provides “sufficient information to indicate that the petitioned action may be warranted” (FGC § 2074.2, subdivision (e)(2)). If the petition is accepted for consideration, the second step requires the CDFW to produce, within 12 months of the Commission’s acceptance of the petition, a peer-reviewed report based on the best scientific information available that indicates whether the petitioned action is warranted (FGC § 2074.6.). Finally, the Commission, based on that report and other information in the administrative record, determines whether the petitioned action to list the species as threatened or endangered is warranted (FGC § 2075.5).

Within 10 days of receipt of a petition, the Commission must refer the petition to the CDFW for evaluation (FGC § 2073). The Commission must also publish notice of receipt of the petition in the California Regulatory Notice Register (FGC § 2073.3). Within 90 days of receipt of the petition (or 120 days if the Commission grants an extension), CDFW must evaluate the petition on its face and in relation to other relevant information and submit to the Commission a written evaluation report with one of the following recommendations:

- Based upon the information contained in the petition, there is not sufficient information to indicate that the petitioned action may be warranted, and the petition should be rejected; or
- Based upon the information contained in the petition, there is sufficient information to indicate that the petitioned action may be warranted, and the petition should be accepted and considered.

CDFW’s candidacy recommendation to the Commission is based on an evaluation of whether the petition provides sufficient scientific information relevant to the petition components in Fish and Game Code Section 2072.3 and the California Code of Regulations, Title 14, Section 670.1, subdivision (d)(1).

3. Project Description

3.2.2 Burrowing Owl Petition History

Since the certification of the Approved Project in 2017, regulatory updates have been made regarding the burrowing owl. In 2003, the Fish and Game Commission received a petition to consider listing the burrowing owl as threatened or endangered under the CESA. The 2003 petition was denied because the Commission concluded there was insufficient evidence to listing the burrowing owl. However, on March 26, 2024, the Commission received a petition to list the western burrowing owl as threatened or endangered under the CESA. In response to the March 2024 petition by conservation groups, CDFW recommended to the Commission that the burrowing owl be advanced to candidate species status. The advancement of the burrowing owl to a candidate species under CESA affords it the same protection as species designated as threatened or endangered.

On October 10, 2024, the Commission unanimously approved the naming of the western burrowing owl (*Athene cunicularia hypugaea*) as a candidate for potential listing as a protected species under CESA. As such, regulatory compliance and mitigation measures have changed and will need to be updated for the Modified Project.

3.2.3 Burrowing Owl Ecology

The burrowing owl is an owl that nests underground instead of in trees. Generally, their habitat includes wide-open, sparsely vegetated areas like prairies, deserts, grasslands, and agricultural fields, and they often spend most their lives low to the ground. Due to the rapid urbanization of their native habitats, the burrowing owl finds refuge in whatever open areas they can find, which include vacant lots, road medians, and airports (USFWS 2024).

Burrowing owls in the Southwest, including southern California, are a permanent year-round species and don't migrate for breeding seasons. Generally, the burrowing owl is displaced due to habitat loss as a result of agriculture, construction, and development activities. However, the main cause for species decline is pest control programs. Suitable habitat for the burrowing owl include desert, grassland, and shrub-steppe environments (USFWS 2024). According to the CDFW Burrowing Owl Range map, the City of Menifee is within the yearlong range of the burrowing owl (CDFW 2021).

3.3 PROJECT DESCRIPTION

The Modified Project would include the expansion of an existing fire lane in the northeast portion of the District's Menifee Valley Campus. Specifically, the Modified Project would widen a 290-linear-foot section of fire lane by approximately 2 to 8 feet to provide a 20-foot-wide fire lane to meet current fire code standards.

The Project Site would include the fire lane expansion area, a staging area, and an access road that connects the staging area and the fire lane expansion area. The project site is approximately 0.75 acre in total. The fire lane expansion area includes a permanent impact area of approximately 0.04 acre and a temporary impact area of approximately 0.23 acre (total of 0.27 acre). The permanent impact area would include the proposed fire lane expansion, and the temporary impact area would include a 20-foot buffer around the proposed fire lane expansion construction activities. Additionally, the staging area and access road would be approximately 0.48 acre.

3. Project Description

The staging area is in the existing parking lot north of the fire lane, and the access road with a two-foot buffer connects the staging area and the fire lane expansion area (see Figure 4, *Site Plan*).

The Modified Project would not include any off-site improvements, tree removals, landscape installments, demolition, or soil import or export.

3.3.1 Fire Lane Expansion

The proposed fire lane expansion would include expanding an existing fire lane in the northeastern portion of the campus. The fire lane improvements would be expanded to provide a 20-foot-wide roadway and would consist of 12-inch Class II Base asphalt compacted to 95 percent. Specifically, the fire lane would be expanded from its current width, which ranges from 12 feet to 18 feet, to 20 feet wide along the entire 290-linear-foot section of fire lane. As such, the proposed fire lane expansion would include all permanent and temporary impact areas, totaling 0.27 acres (see Figure 3).

3.3.2 Construction Staging Area

All staging for the project would occur in the parking lot north of the existing fire lane. Construction equipment for the proposed fire lane expansion would include an excavator, skid steer, a jumping jack (for soil compaction), a water truck, a service truck with tools, and 10-wheeler for delivery and pickup of equipment. This equipment would be moved to and from the proposed permanent and temporary impact areas and the staging area via an access service road, including a two-foot buffer, just south of the staging area. All construction equipment would be parked in the staging area while not actively being used.

3.3.3 Project Phasing

The construction phase of the Modified Project would last approximately three days and would have anticipated start date of April 2025. Operation of the Modified Project would include the use of the expanded fire lane and follow immediately after the conclusion of the construction phase.

3.4 APPROVALS

3.4.1 Lead Agency

The District is the lead agency under CEQA and is carrying out the Modified Project. The District Board of Trustees (Board) must approve the Modified Project and adopt the Addendum and Mitigation Monitoring and Reporting Program (MMRP). The Board will consider the information in the Addendum when making its decision to approve or deny the Modified Project, or in directing modifications to the Modified Project in response to the Addendum's findings and mitigation measures. The Addendum is intended to document and disclose to the public the Modified Project's details, analyses of the Modified Project's potential environment impacts, and identification of feasible mitigation that would lessen or reduce significant impacts to less-than-significant levels.

3. Project Description

3.4.2 Other Agency Action Requested

The District is the lead agency under CEQA and has the approval authority over the Modified Project. The District would require approval and/or coordination from the following agency to implement the Modified Project.

Lead Agency	Action
Mt. San Jacinto Community College District	Approve the Modified Project Adopt the Addendum Adopt the Mitigation Monitoring and Reporting Program
Responsible Agency	Action
Department of General Services, Division of State Architect	Approval of construction drawings

3. Project Description

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4. Environmental Analysis

4.1 CONDITIONS

The section briefly summarizes the conclusions of the Certified EIR and discusses three conditions pursuant to CEQA Guidelines Section 15162 for impacts to biological resources:

Condition 1. Whether or not the proposed project represents a substantial change that will require major revisions to the Certified EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Condition 2. Whether or not substantial changes in the circumstances under which the proposed project is being undertaken will require major revisions to the Certified EIR due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Condition 3. If new information shows that the proposed project would have one or more new significant effects; that significant effects would be substantially more severe than previously described; that mitigation measures or alternatives previously found not to be feasible would be feasible and substantially reduce impacts, but project proponents decline to adopt them; or that new or previously rejected mitigation measures or alternatives would be feasible and would substantially reduce one or more project impacts, but project proponents decline to adopt them.

If none of the above conditions are met, the analysis identifies where impacts of the Modified Project would not require major revisions to the Certified EIR or substantially increase the severity of previously identified significant effects that would trigger the need to prepare a subsequent or supplemental EIR under Sections 15162(a) and 15163(a).

4.2 BIOLOGICAL RESOURCES

4.2.1 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- B-1 Have a substantial effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

4. Environmental Analysis

- B-2 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- B-3 Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- B-4 Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.
- B-5 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- B-6 Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

4.2.2 Summary of Impacts Identified in the Certified EIR

Sensitive Species and Sensitive Species Habitat. Buildout of the Approved Project would have the potential to impact sensitive species and sensitive species habitat. The Certified EIR concluded that construction of the proposed parking lot would impact the burrow and foraging habitat of the observed burrowing owls. The Certified EIR also concluded that the Approved Project could impact all of the seasonal wetlands on the Approved Project Site, which could impact Riverside fairy shrimp. Additionally, Stephens' kangaroo rat (SKR), Western spadefoot toad, California horned lark, Los Angeles pocket mouse, Dulzura pocket mouse, and San Diego black-tailed jackrabbit all have low to moderate potential to occur on the Approved Project Site. Development of the Approved Project Site would cause California horned lark and San Diego black-tailed jackrabbit to move off-site during site preparation, and all species are covered under the Sun City/Menifee Valley Area Plan of the Western Riverside County MSHCP. The Certified EIR also concluded that the smooth tarplant, which is covered, has a moderate potential to occur, and impacts are mitigated under the MSHCP. To reduce impacts to less than significant, Mitigation Measures MM BIO-1 through MM BIO-4 were implemented. Additionally, cumulative impacts to sensitive species and sensitive species habitat were considered less than significant with the implementation of mitigation measures.

Jurisdictional Resources. As stated in the Certified EIR, development of the proposed project would result impacts to the jurisdictional resources on the Approved Project Site. The Certified EIR found that the Approved Project Site contains ten seasonal wetlands and one seasonal drainage. The seasonal wetlands are in the southwestern part of the Approved Project Site, and the seasonal drainage is along the eastern boundary. Additionally, one of the wetlands has the potential to be a vernal pool. However, the seasonal wetlands are not expected to be considered wetlands or jurisdictional waters by the US Army Corps of Engineers, CDFW, or the Regional Water Quality Control Board. To mitigate impacts to less than significant, the Approved Project implemented Mitigation Measures MM BIO-4 and MM BIO-5.

4. Environmental Analysis

Migratory Wildlife. The Certified EIR concluded that the Approved Project would not impact migratory wildlife, including wildlife corridors, and that the Approved Project Site is not part of an important wildlife movement corridor. The Approved Project Site is not identified as being in or near a Special Linkage by the MSHCP. The Approved Project Site was determined to not specifically conflict with provisions of any adopted MSHCP or approved local, regional, or state habitat conservation plan regarding migratory wildlife. Therefore, no impacts would occur.

Migratory/ Nesting Birds. Buildout of the Approved Project could impact migratory and nesting birds on the Approved Project Site protected under the Migratory Bird Treaty Act and the California Fish and Game Code section 3503.5 with the removal of ornamental trees and shrubs in the existing campus area. To mitigate potential impacts to less than significant, the Approved Project implemented Regulatory Requirement RR BIO-1.

Consistency with the City's Open Space and Conservation Element. The Certified EIR concluded that Approved Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The proposed project would comply with the MSHCP for achieving the biological goals and policies. No mitigation measures were proposed for this impact.

Consistency with a Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP). The Certified EIR concluded that the Approved Project Site is in the Sun City/Menifee Valley Area Plan of the Western Riverside County MSHCP and would not conflict with the MSHCP. The Approved Project Site is not within or adjoining a Criteria Cell or Special Linkage Area, as determined by the MSHCP. The Certified EIR also concluded that the Approved Project is in the Stephens' Kangaroo Rat Habitat Conservation Plan (SKRHCP). To mitigate any potential impacts to SKR, Mitigation Measure MM BIO-2 would be implemented. Therefore, impacts would be less than significant with the implementation of mitigation measures.

4.2.3 Impacts Associated with the Proposed Project

The analysis in this section is based in part on the following technical report:

- Mt. San Jacinto College, Menifee Campus, Fire Road Expansion Project, HANA Resources, Inc, January, 2025. (Appendix A)

Would the project:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Certified EIR

Less than Significant with Mitigation. The Certified EIR concluded that the Approved Project had the potential to impact species identified as a candidate, sensitive, or special status species.

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Special Status Plant Species

According to the Certified EIR, no plant species that are listed as threatened or endangered by the USFWS or the CDFW were observed on the Approved Project Site, nor do they have the potential to occur. However, the smooth tarplant was identified and is a non-listed, special interest plant species. Due to coverage of this species in the MSHCP, impacts associated with this plant were less than significant. Additionally, the paniculate tarplant was observed on-site specifically, adjacent to the drainage channel in the eastern portion of the campus. The paniculate tarplant is considered a "watchlist" species that is common in western Riverside County; potential impacts to this species were not considered significant and no mitigation was needed.

Special Status Animal Species

The Certified EIR identified one listed animal species, the SKR, and five California Species of Concern (CSC), of which the burrowing owl is one. A CSC is a species that is classified as either no longer living naturally in the wild, is federally threatened or endangered, is/was experiencing significant population declines or extractions, or has a naturally small populations with high susceptibility to factors that may lead to population decline. The other CSCs identified as having moderate potential for the following species of concern:

- Western spadefoot toad (*Spea hammondi*)
- California horned lark (*Eremophila alpestris actia*)
- Los Angeles pocket mouse (*Perognathus longimembris brevinasus*)
- Dulzura pocket mouse (*Chaetodipus californicus femoralis*)
- San Diego black-tailed jackrabbit (*Lepus californicus bennettii*)

These species are all covered under the MSHCP and the potential impacts were considered not to be significant.

The SKR is a species that was determined to have low to moderate potential for occurrence in small areas of grassland in the southern part of the campus. Impacts associated with the SKR are covered by the SKRHCP, which resulted in no significant impacts. The Approved Project Site also contained ten seasonal wetlands in the southwestern portion of the campus, of which one seasonal wetland had the potential to include Riverside fairy shrimp. It was determined that further studies would be needed to determine if the seasonal wetland meets the definition of a vernal pool at the time of project construction. With implementation of Mitigation Measures BIO 4 and BIO 5 prior to construction, impacts would be considered less than significant.

The western burrowing owl was observed on-site during a wildlife survey in 2016. An active burrow with two adults and 25 potential burrows were observed on the Approved Project Site. The active burrow was in the northeastern portion of the campus, and the majority of the potential burrows were in the southeastern portion of the campus. At the time of the western burrowing owl observation, the species was a CSC; however, in 2024 the species status changed, and it is now a listed species under CESA.

Nesting Birds

In addition to special status plants and animals, nesting birds had the potential to be impacted by the removal of on-site trees or shrubs during nesting season. However, impacts on nesting birds were determined to be less

4. Environmental Analysis

than significant due to regulations outlined in the federal Migratory Bird Treaty Act and the California Fish and Game Code Section 3503.5.

Mitigation Measures

To mitigate any potential impacts to special status plant and animal species and migratory birds, Regulatory Requirement RR BIO-1 and Mitigation Measures MM BIO-1 through MM BIO-4 were implemented. RR BIO-1 would require compliance with the conditions in the Migratory Bird Treaty Act and California Fish and Game Code with methods accepted by the USFWS and CDFW to protect active bird/raptor nests. This would also include a preconstruction survey conducted by a qualified biologist within three days prior to clearing of any vegetation and/or any work near existing structures.

Mitigation Measure MM BIO-1 states the District shall apply to be a Participating Special Entity (PSE) in the MSHCP, and if it does not, the District shall implement a level of mitigation that would be required under the MSHCP to ensure that impacts to special-status plants and animals are reduced to less-than-significant levels. Mitigation Measure MM BIO-2 would ensure the District would carry out a preconstruction clearance survey for burrowing owls and participate in the SKRHCP. MM BIO-3 would require the District to develop a Burrowing Owl Mitigation Plan pursuant to the CDFW's Staff Report on Burrowing Owl Mitigation (March 2012) prior to grading. Additionally, MM BIO-4 requires that the District conduct protocol level surveys for Riverside fairy shrimp, and if Riverside fairy shrimp are found, the District shall either petition the Western Riverside County Regional Conservation Authority to participate in the MSHCP or obtain an individual permit from the USFWS under Section 10(a) of the Endangered Species Act. With the implementation of these mitigation measures, impacts were considered less than significant.

Proposed Project

Less Than Significant/No Changes or New Information Requiring Preparation of an EIR. As stated in Section 3.2.2 of this Addendum, since the certification of the EIR in 2017, regulatory updates have been made regarding the burrowing owl. On October 10, 2024, the Commission accepted consideration of the petition submitted to list the burrowing owl as a candidate species under CESA. With its designation as a candidate species under CESA, the burrowing owl is now legally protected from "take," which includes actions such as hunting, pursuing, catching, capturing, or killing. The burrowing owl is not listed as threatened or endangered under CESA.

Mitigation Measures BIO-1, BIO-2, and BIO-3 in the Certified EIR applied specifically to burrowing owl nesting activities and precautionary measures for development near potential nests; however, at the time of the Certified EIR, the burrowing owl was not listed as a candidate species. Since the listing of the burrowing owl as a Candidate species, regulations and the applicable mitigation measures have been updated.

Changes in Western Burrowing Owl Legal Protections

The following are updates made to burrowing owl regulations since its listing as a candidate species under CESA.

4. Environmental Analysis

- **Prohibition of “Take.”** With its designation as a candidate species under CESA, the western burrowing owl is now legally protected from "take," which includes actions such as hunting, pursuing, catching, capturing, or killing. This immediate extension of protections ensures that any direct harm to the species is prohibited without proper authorization, emphasizing the importance of compliance with state conservation laws. The take of western burrowing owl without a permit is prohibited by CDFW in FGC Sections 3503, 3503.5 and 3513.
- **Incidental Take Permits (ITP).** Activities or projects that may incidentally harm or disturb the western burrowing owl now require an ITP from CDFW. No ITP will be issued if CDFW determines that a project would “jeopardize the continued existence” of the listed species covered by the permit. This regulatory measure ensures that potential impacts on the species are carefully evaluated, with mitigation measures implemented to minimize harm and support population sustainability.
- **Review of Mitigation Practices.** Traditional mitigation measures, such as relocating burrowing owls from development sites, are being reexamined due to their limited success in supporting population recovery. Under CESA, such practices may no longer be deemed adequate, prompting a shift toward more effective conservation strategies to address the species’ decline.

Western Burrowing Owl

Although the burrowing owl was not observed on the project site during the field survey conducted by HANA Resources on November 26, 2024, burrowing owl was previously encountered in a 2016 field survey. The 2016 survey identified an active burrow with two adults. The active burrow was in the northeastern portion of the campus near the Modified Project Site. Because the proximity of the Modified Project Site to the 2016 identified active burrow and two burrowing owl adults, the Modified Project has the potential to impact the burrowing owl. Therefore, Mitigation Measures MM BIO-2 and MM BIO-3 were updated to incorporate the regulatory changes resulting from the listing of the burrowing owl as a candidate species and would apply to the Modified Project. These changes can be seen in Section 4.2.4, *Biological Resources Mitigation Measures Identified in the Certified EIR*.

The changes found in MM BIO-2 include the following:

- District required to adhere to CESA requirements.
- Construction activities will not occur within 500 feet instead of 300 feet of the occupied burrows until nesting is completed.
- Take of active nests will be avoided instead of shall be avoided.
- Any disturbance or handling of owls must comply with CESA regulations and require an incidental take permit.

4. Environmental Analysis

The changes found in MM BIO-3 include the following:

- The District would be required to obtain an ITP that will involve developing a Burrowing Owl Mitigation Plan.

With the implementation of these updated mitigation measures, impacts would be considered less than significant.

Other Special Status Species

The paniculate tarplant was observed adjacent to the drainage channel in the eastern portion of the campus. The Modified Project would not impact the paniculate tarplant or the Riverside fairy shrimp because these resources are not present within the limits of the Modified Project. However, Mitigation Measure MM BIO-4, which would require that the District conduct protocol level surveys for Riverside fairy shrimp, would still apply to the Modified Project. Additionally, no SKR were observed in the Modified Project survey area conducted by HANA Resources (Appendix A), but they have a low to moderate potential for occurrence. Therefore, Mitigation Measure MM BIO-2, which includes mitigation measures for burrowing owls and SKR, would apply to the Modified Project.

The Modified Project would not include the removal of any trees that could potentially impact migratory birds. However, trees are present on the Project Site, and Regulatory Requirement RR BIO-1 would be applicable to the Modified Project. With the implementation of Regulatory Requirement RR BIO-1 and Mitigation Measures MM BIO-1 through MM BIO-4, impacts would be considered less than significant.

Consequently, the Modified Project would not trigger the need for preparation of a subsequent or supplemental EIR under the criteria in Sections 15162(a) and 15163(a). The Modified Project would not require changes to the Approved Project. No substantial changes are proposed to the Approved Project that would require major revisions to the Certified EIR or substantially increase the severity of previously identified significant effects. Thus, the impacts of the Modified Project are within the levels and types of environmental impacts previously disclosed in the Certified EIR.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?**

Certified EIR

Less than Significant with Mitigation. According to the Certified EIR, the Approved Project Site contained ten seasonal wetlands, including one larger seasonal wetland, that were scattered in the southwest portion of the Approved Project Site. The seasonal wetlands were not expected to be considered wetlands or jurisdictional waters as defined by the Army Corps of Engineers, CDFW, and the Regional Water Quality Control Board. The larger wetland in the southwest portion of the campus contained wire-stemmed popcorn flower, an obligate wetland species, which indicated the wetland may be a playa wetland or vernal pool and may contain Riverside fairy shrimp.

4. Environmental Analysis

The Approved Project Site also included one drainage channel in the eastern portion of the Approved Project Site. The drainage channel was not expected to be considered wetlands or jurisdictional waters by the Army Corps of Engineers, but there was the potential that RWQCB and/or CDFW could consider this area a jurisdictional water due to the channel's wildlife habitat value as a potential riparian habitat. Specifically, the drainage channel consisted of perennial and annual wetland species, including broad-leaved cattail in the riparian marsh community and a small area of mulefat scrub. Although this riparian vegetation was determined to be unsuitable for nesting by special-status riparian bird species, such as least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii eximius*), and yellow-billed cuckoo (*Coccyzus americanus*), it was noted for its potential wildlife habitat value.

The Certified EIR also concluded that the majority of the Approved Project Site contained disturbed annual grassland which is not considered a sensitive natural community. The Approved Project Site also contained graded areas, developed areas, and ornamental vegetation, none of which are considered sensitive natural communities. To mitigate any potential impacts to the seasonal wetlands, including any potential impacts to Riverside fairy shrimp, and the drainage channel, the Approved Project implemented Mitigation Measures BIO-4 and BIO-5. Mitigation Measure BIO-5 requires a jurisdictional water delineation on the seasonal wetlands and drainage channels on the Approved Project Site. Permits from the Army Corps of Engineers, Regional Water Quality Control Board, and/or CDFW would be required if the Approved Project would impact jurisdictional waters. With the implementation of Mitigation Measures MM BIO-4 and MM BIO-5, impacts would be less than significant.

Proposed Project

Less than Significant Impact/ No Changes or New Information Requiring Preparation of an EIR.

The Project Site would be located within the boundary of the Approved Project. The Project Site would also be located in the northeast portion of the campus. The Modified Project would consist of widening an existing fire lane and would not be located near any of the seasonal wetlands or the drainage channel along the eastern side of the campus.

As indicated in the Certified EIR, the Project Site would be located on disturbed annual grasslands, developed areas, and areas with ornamental vegetation. Specifically, the fire lane would be on developed areas and disturbed annual grass land; the access road would be located on disturbed annual grassland, developed land, and land containing ornamental vegetation; and the staging area would be located in developed land. Additionally, the Modified Project Site is categorized as "Urban or developed" land by the Western Riverside County Update layer found in the CDFW's Biogeographic Information Observation System (BIOS 6). The Western Riverside County Update layer identifies the sensitive natural communities found in western Riverside County and is an update to the existing Western Riverside County MSHCP vegetation map (CDFW 2025).

Though the Modified Project would not be near the seasonal wetlands or the drainage channel, Mitigation Measures MM BIO-4 and MM BIO-5 would still be applicable. Therefore, impacts would be less than significant.

4. Environmental Analysis

Consequently, the Modified Project would not trigger the need for preparation of a subsequent or supplemental EIR under the criteria in Sections 15162(a) and 15163(a). The Modified Project would not require changes to the Approved Project. No substantial changes are proposed to the Approved Project that would require major revisions to the Certified EIR or substantially increase the severity of previously identified significant effects. Thus, the impacts of the Modified Project are within the levels and types of environmental impacts previously disclosed in the Certified EIR.

- c) **Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Certified EIR

Less than Significant with Mitigation Incorporated. The Certified EIR concluded that the Approved Project could have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. According to the Certified EIR, the Approved Project site contained ten seasonal wetlands, including one larger seasonal wetland, that were scattered in the southwest portion of the Approved Project Site. These seasonal wetlands were not expected to be considered wetlands or jurisdictional waters by the Army Corps of Engineers, California Department of Fish and Wildlife, and the Regional Water Quality Control Board. The larger seasonal wetland had the potential to be a vernal pool, but not a jurisdictional water. The Approved Project Site also contained a drainage channel along the eastern side of the Approved Project Site that had the potential to be considered a jurisdictional water. To mitigate any potential impacts to wetlands, Mitigation Measure MM BIO-5 was implemented. With the implementation of Mitigation Measure MM BIO-5, impacts would be less than significant.

Proposed Project

Less Than Significant/No Changes or New Information Requiring Preparation of an EIR. The Modified Project Site would be located within the boundary of the Approved Project. The Project Site would also be located in the northeast portion of the campus. The Modified Project would consist of widening an existing fire lane and would not be located near any of the seasonal wetlands or the drainage channel along the eastern side of the campus. However, consistent with the Approved Project, the Modified Project would implement Mitigation Measure MM BIO-5. With the implementation of MM BIO-5, impacts would be less than significant.

Consequently, the Modified Project would not trigger the need for preparation of a subsequent or supplemental EIR under the criteria in Sections 15162(a) and 15163(a). The Modified Project would not require changes to the Approved Project. No substantial changes are proposed to the Approved Project that would require major revisions to the Certified EIR or substantially increase the severity of previously identified significant effects. Thus, the impacts of the Modified Project are within the levels and types of environmental impacts previously disclosed in the Certified EIR.

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- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Certified EIR

No Impact. The Certified EIR concluded that the Approved Project did not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The Certified EIR stated that the Approved Project Site is in a suburban area, bordered by high density residential land uses to the north and southwest, I-215 to the west, and a middle school with sports fields to the west. Additionally, the Approved Project Site was not identified as being in or near a Special Linkage, as defined by the MSHCP, and is not part of an important wildlife movement corridor. Therefore, the Certified EIR concluded that no impacts would occur and no mitigation measures would be applicable.

Proposed Project

No Impact/No Changes or New Information Requiring Preparation of an EIR. The Project Site is within the Approved Project boundary, which is not in a Special Linkage, as defined by the MSHCP, or any identified wildlife corridor. The Modified Project would consist of widening an existing fire lane and would not occur outside the bounds of the Approved Project boundary. Therefore, the Modified Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. No impacts would occur.

Consequently, the Modified Project would not trigger the need for preparation of a subsequent or supplemental EIR under the criteria in Sections 15162(a) and 15163(a). The Modified Project would not require changes to the Approved Project. No substantial changes are proposed to the Approved Project that would require major revisions to the Certified EIR or substantially increase the severity of previously identified significant effects. Thus, the impacts of the Modified Project are within the levels and types of environmental impacts previously disclosed in the Certified EIR.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

Certified EIR

No Impact. The Certified EIR identified that the Approved Project did not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Riverside County maintains Ordinance No. 559, which includes the regulation for removing trees within unincorporated Riverside County. This ordinance, however, did not apply to the Approved Project, because the Approved Project Site is in the City of Menifee. Additionally, the Menifee General Plan Open Space and Conservation Element protects biological resources, especially sensitive and special status wildlife species and their natural habitats. The General Plan implements the MSHCP for achieving the biological conservation goals and policies. The Approved Project is consistent with City's Open Space and Conservation Element and with the MSHCP. As a result, the Certified EIR concluded no impacts would occur and no mitigation measures would be applicable.

4. Environmental Analysis

Proposed Project

No Impact/No Changes or New Information Requiring Preparation of an EIR. The Modified Project Site is within the City of Menifee and the MSHCP plan area. Because the Modified Project Site is within the City of Menifee, Ordinance No. 559 would not apply. Additionally, the Modified Project is not proposing to remove any trees. Therefore, no impacts would occur.

Consequently, the Modified Project would not trigger the need for preparation of a subsequent or supplemental EIR under the criteria in Sections 15162(a) and 15163(a). The Modified Project would not require changes to the Approved Project. No substantial changes are proposed to the Approved Project that would require major revisions to the Certified EIR or substantially increase the severity of previously identified significant effects. Thus, the impacts of the Modified Project are within the levels and types of environmental impacts previously disclosed in the Certified EIR.

f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

Certified EIR

No Impact. The Certified EIR concluded that the Approved Project would not conflict with the provisions of an adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or state habitat conservation plan.

Western Riverside County Multi-Species Habitat Conservation Plan

The Approved Project is located within the MSHCP area, specifically in the Sun City/Menifee Area Plan. The site is not within or adjoining a Criteria Cell or Special Linkage Area that is identified for conservation objectives under the MSHCP. The MSHCP requires a habitat assessment for the burrowing owl and an evaluation of riparian/riverine habitat, jurisdictional waters, vernal pools, and listed fairy shrimp. These requirements were applied as Mitigation Measures MM BIO-1, MM BIO-2, and MM BIO-4 to biological impacts a) and b). As a result, the Approved Project would not conflict with the MSHCP and no mitigation measures would be necessary.

Stephen's Kangaroo Rat Habitat Conservation Plan

The Certified EIR concluded that the Approved Project is located in the Stephens' Kangaroo Rat Habitat Conservation Plan. The SKRHCP has a plan area of about 534,000 acres in western Riverside County and was established to protect one listed species, the SKR, which is listed as federally endangered and state threatened. Biological impact a) consists of Mitigation Measure MM BIO-2, which requires the Approved Project to obtain take coverage through payment of fees to the Riverside County Habitat Conservation Agency (RCHCA). By implementing this mitigation measure for biological impact a), the Approved Project would not conflict with the SKRHCP and no mitigation measures would be necessary.

4. Environmental Analysis

Proposed Project

No Impact/No Changes or New Information Requiring Preparation of an EIR. As seen in Mitigation Measures MM BIO-1, MM BIO-2, and MM BIO-4, the Modified Project would adhere to the requirements in the MSHCP and the SKRHCP. By implementing Mitigation Measures MM BIO-1, MM BIO-2, and MM BIO-4, the Modified Project would not conflict with the provisions of an adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or state habitat conservation plan, and no impact would occur.

Consequently, the Modified Project would not trigger the need for preparation of a subsequent or supplemental EIR under the criteria in Sections 15162(a) and 15163(a). The Modified Project would not require changes to the Approved Project. No substantial changes are proposed to the Approved Project that would require major revisions to the Certified EIR or substantially increase the severity of previously identified significant effects. Thus, the impacts of the Modified Project are within the levels and types of environmental impacts previously disclosed in the Certified EIR.

4.2.4 Biological Resources Mitigation Measures Identified in the Certified EIR

The following biological resources mitigation measures were taken directly from the Certified EIR and would be implemented for and applied to the Modified Project. Modifications to the mitigation measures are necessary to update them in response to the listing of the burrowing owl as a candidate species under CESA. These mitigation measures have been incorporated into the Mitigation Monitoring Program for this Addendum and have been modified as applicable to clarify the language and to reflect minor changes caused by the proposed project. Modifications to the original mitigation measures are identified in ~~strikeout~~ text to indicate deletions and **bold underlined** to reflect the requirements for listed species under CESA.

Biological Resources

MM BIO-1 ~~The MSJCCD~~ **Mt. San Jacinto Community College District (MSJCCD)** shall apply to the Western Riverside County Regional Conservation Authority to be a Participating Special Entity (PSE) in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). If the MSJCCD does not participate in the MSHCP, MSJCCD shall implement a level of mitigation that would be required under the MSHCP to ensure that impacts to special-status plants and animals are reduced to less-than- significant levels. Such mitigation may include, but not be limited to, season-specific surveys, restoration, conservation, and compensation measures, and may be on-site and/or off-site.

MM BIO-2 Mt. San Jacinto Community College District shall carry out a preconstruction clearance survey for burrowing owls within 30 days to ground disturbance in potentially suitable habitat within the site, consistent with updated CESA and WRCMSHCP guidelines. A preconstruction habitat assessment for Stephen's Kangaroo Rat (SKR) shall also be carried out, and if potentially suitable habitat exists on vacant lands prior to annual site development activities, protocol surveys for SKR shall be conducted.

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Surveys and mitigation for burrowing owl shall be consistent with Section 6.3.2 of the MSHCP, Additional Survey Needs and Procedures, **and CESA requirements.**

If owls are found within the survey area during the nesting season, construction activities will not occur within ~~300~~**500** feet of the occupied burrows until nesting is completed. Take of active nests ~~shall~~ **will** be avoided. A qualified biologist must confirm that nesting has been completed prior to the removal of the work buffer restriction. ~~If owls are found within the disturbance footprint outside of the February 1 through August 31 period, passive relocation (e.g., use of one-way doors and collapse of burrows) will occur.~~

Previous mitigation measures included passive relocation (e.g., use of one-way doors and collapse of burrows) that could only occur outside the February 1 through August 31 period with authorization from the California Department of Fish and Wildlife (CDFW) under a CESA Consistency Determination (CD) or similar permit. As this may be defined as take by CDFW now, any disturbance or handling of owls must comply with CESA regulations and require an incidental take permit.

If the proposed project has the potential to impact SKR, the MSJCCD shall participate in the SKR Habitat Conservation Plan. The SKR HCP is implemented by the Riverside County Habitat Conservation Agency (RCHCA). Under the terms of the SKR HCP, the proposed project would qualify to obtain take coverage through payment of fees without having to secure an individual permit to mitigate impacts.

MM BIO-3 Prior to grading, if the presence of one or more burrowing owl is confirmed, MSJCCD ~~shall develop a~~ **will obtain an Incidental Take Permit (ITP) that will involve developing** a Burrowing Owl Mitigation Plan pursuant to the CDFW's Staff Report on Burrowing Owl Mitigation (~~March~~ CDFW 2012) that may include passive relocation, onsite and offsite mitigation to mitigate the specific impacts to burrowing owls at the time of construction. The Plan shall be approved by California Department of Fish and Wildlife.

MM BIO-4 A survey following US Fish and Wildlife Service protocols shall be carried out in all of the pools (only after suitable ponding duration has taken place) to determine if Riverside fairy shrimp (RFS) is present or not in the pools. If focused survey confirms the presence of the RFS, Mt. San Jacinto Community College District shall either petition the Western Riverside County Regional Conservation Authority to participate in the MSHCP to mitigate impacts to the species or obtain an individual permit from the US Fish and Wildlife Service under Section 10(a) of the Endangered Species Act. The amount of mitigation required shall be determined during the permitting process but shall be at a minimum of 1.5:1 ratio.

MM BIO-5 A jurisdictional waters delineation shall be carried out on seasonal wetlands and drainage channels on the Project Site. If the proposed project would impact waters found to be jurisdictional to the Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife, permits shall be obtained for these impacts. The amount of mitigation required will be determined during the permitting process. The amount

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of mitigation required by Corps will be determined during the permitting process but shall be at a minimum of 1:1 ratio.

4.2.5 Biological Resources Regulatory Requirement Identified in the Certified EIR

The following biological resources regulatory requirement was taken directly from the Certified EIR and would be implemented for and applied to the Modified Project. This regulatory requirements implements the conditions set forth in the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code with methods accepted by the USFWS and the CDFW to protect active bird/raptor nests. No modifications to the regulatory requirement were applied. This regulatory requirement has been incorporated into the Mitigation Monitoring Program for this Addendum.

RR BIO-1 The Proposed Project shall be implemented in compliance with the conditions set forth in the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code with methods accepted by the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) to protect active bird/raptor nests. To the extent feasible, vegetation/tree removal shall occur during the nonbreeding season for nesting birds (generally late September to early March) and nesting raptors (generally early July to late January) to avoid impacts to nesting birds and raptors. A preconstruction survey shall be conducted by a qualified biologist (i.e., one with experience conducting nesting bird surveys) for nesting birds and raptors within 3 days prior to clearing of any vegetation and/or any work near existing structures (i.e., within 300 feet for nesting birds, within 300 feet for nesting special status birds, and within 500 feet for nesting raptors). If the biologist does not find any active nests within or immediately adjacent to the impact area, the vegetation clearing/construction work shall be allowed to proceed.

If the biologist finds an active nest within or immediately adjacent to the construction area and determines that the nest may be impacted or breeding activities substantially disrupted, the biologist shall delineate an appropriate buffer zone around the nest depending on the sensitivity of the species and the nature of the construction activity. Any nest found during survey efforts shall be mapped on the construction plans. The active nest shall be protected until nesting activity has ended. To protect any nest site, the following restrictions to construction activities shall be required until nests are no longer active, as determined by a qualified biologist: (1) clearing limits shall be established within a buffer around any occupied nest (the buffer shall be 25–300 feet for nesting birds and 300–500 feet for nesting raptors), unless otherwise determined by a qualified biologist and (2) access and surveying shall be restricted within the buffer of any occupied nest, unless otherwise determined by a qualified biologist. Encroachment into the buffer area around a known nest shall only be allowed if the biologist determines that the proposed activity would not disturb the nest occupants. Flagging, stakes, and/or construction fencing shall be used to demarcate the buffer around the nest, and construction personnel shall be instructed as to the sensitivity of the area. Construction will

4. Environmental Analysis

be allowed to proceed when the qualified biologist has determined that fledglings have left the nest or the nest has failed.

If an avoidance buffer is not feasible, as determined by a qualified biologist in consultation with the lead agency, noise walls or other noise attenuation device may be installed as needed to prevent disturbance to the nest.

4. Environmental Analysis

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5. Findings

As indicated in this Addendum, the impacts of the Modified Project have already been adequately identified and addressed in the certified EIR, and no substantial changes have occurred with respect to the circumstances under which the project is undertaken that would require major revisions to the Certified EIR. Analysis of the Modified Project shows that there are no new significant environmental effects and no substantial increase in the severity of previously identified significant effects.

Impacts beyond those identified in the EIR would not be expected to occur as a result of the Modified Project, which would still be subject to all applicable, previously required mitigation measures from the Certified EIR. The Modified Project would not result in any new information of substantial importance that would have new, more severe impacts, new mitigation measures, or new or revised alternatives from what was identified in the Certified EIR.

Based on the record as a whole, there is no substantial evidence that the Modified Project would result in significant environmental impacts not previously studied in the EIR, and accordingly, the project changes would not result in any conditions identified in CEQA Guidelines, Section 15162. Thus, a subsequent EIR or mitigated negative declaration is not required for the changes to the project, and the Mt. San Jacinto Community College District adopts this addendum to the Menifee Valley Campus Master Plan Project EIR in accordance with CEQA Guidelines Section 15164.

5. Findings

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6. List of Preparers

PLACEWORKS

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CLIENT

Mt. San Jacinto Community College District

6. List of Preparers

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Appendix A Mt. San Jacinto College, Menifee
Campus, Fire Road Expansion Project
Biological Memorandum

Appendix

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MEMO

TO: Jared Bradford, PlaceWorks

FROM: Sloane Sanchez, HANA Resources, Inc.

DATE: January 3, 2025

SUBJECT: Mt. San Jacinto College, Menifee Campus, Fire Road Expansion Project

PURPOSE

This memorandum provides an update to the Biological Resource Evaluation for the Menifee Valley Campus Master Plan Environmental Impact Report (EIR) and the associated Mitigation Monitoring and Reporting Program (MMRP 2017). This update is prompted by recent project modifications and the listing of the western burrowing owl (*Athene cunicularia hypugaeae*) as a species of special concern under the California Endangered Species Act (CESA).

The proposed approach is to prepare a Focused EIR Addendum to address changes in biological resource impacts and ensure compliance with the California Environmental Quality Act (CEQA). This addendum will specifically address potential modifications to existing mitigation measures based on the updated project scope and regulatory status changes.

Under State CEQA Guideline Section 15164(a), an addendum to a previously certified EIR is required when changes or additions to the project are necessary but do not trigger the conditions in Section 15162 that would require a subsequent EIR. For the fire road expansion project, these changes include modifications to the project scope and updates to the regulatory status of the western burrowing owl. Since these project changes do not introduce new significant environmental effects, substantially increase the severity of previously identified effects, or present feasible mitigation measures previously deemed infeasible, an addendum is the appropriate approach to address these updates (AEP 2024).

The addendum will incorporate new information about the species' recent designation as a candidate under CESA and update mitigation measures to ensure compliance with updated legal protections. By addressing these specific changes, the addendum ensures that the project remains consistent with CEQA.

INTRODUCTION

Project Location

The project is located at Mt. San Jacinto College, 28237 La Piedra Road, Menifee, Riverside County, CA 92584 (Exhibit I), encompassing parcels identified as APNs 364-070-031 and 364-070-032. The campus is situated in a suburban area east of Interstate 215 and south of La Piedra Road on the Romoland 7.5' USGS topographic quadrangle, covering approximately 80.72 acres (Exhibit II).

Project Description

The Mt. San Jacinto Community College District (MSJCCD) is proposing to expand the current fire road to achieve a 20-foot width consistent with fire safety requirements. This road is located south of the vacant lot bordered by La Piedra Road to the north, a parking lot to the west, and an access road to the east. At

buildout, the fire road would permanently impact a portion of the vacant lot measuring approximately 290-feet east-to-west by a variable north-to-south measurement averaging 6.5-feet. The proposed project will impact 0.23-acres temporarily and permanently impact 0.04-acres permanent (Exhibit III).

METHODOLOGY

HANA Resources, Inc. (HANA) conducted a literature review and evaluation of existing documents, scientific literature, and up-to-date information regarding western burrowing owl candidacy. HANA Biologists, Austin Isakson and Ash Walker performed a site survey on November 26, 2024, of the proposed fire road expansion project area and surrounding vicinity. The scope of this memo update includes the following:

1. **Review and Evaluation of Existing Literature:**
 - A comprehensive review of existing biological studies, reports, and technical documents associated with the Menifee Valley Campus Master Plan.
 - Identification of any gaps or outdated information in the existing documentation.

2. **Project Changes:**
 - Evaluation of the modified project elements to determine potential impacts on biological resources.
 - Analysis of changes to habitat conditions, species occurrences, and potential new or increased impacts.

3. **Mitigation Monitoring and Reporting Program (MMRP):**
 - Reassessment of the existing mitigation measures to ensure they remain effective and feasible considering the revised project scope and regulatory updates.
 - Recommendations for updates to the MMRP, including new or revised measures tailored to address impacts on the western burrowing owl and other sensitive biological resources.

Biological Resource Considerations

Western Burrowing Owl

The recent listing of the western burrowing owl as a candidate species under CESA requires the following considerations:

- **Habitat Assessment:** Updated field surveys and habitat evaluations to confirm the presence or absence of the species within the project area.
- **Impact Analysis:** Analysis of potential direct, indirect, and cumulative impacts on the species and its habitat.
- **Mitigation Updates:** Review of existing mitigation measures and development of additional measures as necessary.
- **Permitting:** Due to the protection offered to candidate species, direct impacts or potential impacts may require additional permitting from CDFW.
- **Changes in Requirements:** As this listing has only occurred very recently, pre-existing approved mitigation measures, survey methodology, etc. may be updated during CDFW's 12-month review period.

Other Sensitive Biological Resources

In addition to the western burrowing owl, the evaluation will consider:

- Other special-status species potentially impacted by project modifications.

- Critical habitat designations.
- Changes in vegetation communities and ecosystem functionality.

Western Riverside County Multi-Species Habitat Conservation Plan

The Menifee Campus is located within the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) area, specifically in the Sun City/Menifee Area Plan. The site is not within a designated criteria cell. The MSHCP requires a habitat assessment for the burrowing owl and an evaluation of riparian/riverine habitat, jurisdictional waters, vernal pools, and listed fairy shrimp (COR 2016).

PEER REVIEW

Biological Resource Evaluation

A botanical survey and habitat assessment for vernal pools and riparian resources were conducted by David Bramlet, PhD on July 22, 2015. The survey focused on the undeveloped southern and northeastern portions of the campus and the flood control channel along the eastern property boundary, as these areas exhibited the highest suitability for special-status species. The developed portions of the campus, dominated by ornamental vegetation, were determined to have very low suitability for target species and habitats. The undeveloped areas were surveyed on foot, though the identification of annual plant species was limited due to their dry and degraded condition. The site includes a variety of plant communities, such as disturbed annual grassland, riparian habitats (riparian herb, riparian marsh, mulefat scrub, and seasonal wetlands), graded areas, developed land, and ornamental vegetation (Bramlet and Brylski 2016).

Western Burrowing Owl Survey

A separate wildlife survey for western burrowing owls was conducted by Phil Brylski, Ph.D., on January 18, 2016. The survey covered 100% of the undeveloped campus area and nearby vacant lands, with a focus on detecting burrowing owl signs such as burrows, pellets, feathers, and scat, in accordance with species survey guidelines. A buffer area outside the eastern and southern borders was also surveyed using binoculars. Potential burrowing owl burrows were mapped with a GPS, although the southern/southeastern lands were flooded at the time of the survey (Bramlet and Brylski 2016).

Fairy Shrimp Survey

A survey conducted in January 2017 by Chuck Black (10(a)(1)(A) permit number TE835549-7) documented the presence of versatile fairy shrimp (*Branchinecta lindahlia*) cysts in four of 25 basins on campus, with varying densities across sampled areas. Observations suggested that hatching and breeding activity were confined to low-elevation zones within the basins, which also hosted concentrations of vernal pool obligate plant species. These findings highlight the localized and restricted habitat suitability within the basins for *Branchinecta* spp. breeding and development (Black 2017).

RESULTS

Species of Special Concern

Literature review conducted by Bramlet and Brylski (2016) showed that the project site has moderate potential for several species of special concern (SSC), including one federally listed species, the Stephen's kangaroo rat (*Dipodomys stephensi*), and five species of special concern: the western spadefoot toad (*Spea hammondi*), California horned lark (*Eremophila alpestris actia*), Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), Dulzura pocket mouse (*Chaetodipus californicus femoralis*), and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*). The western burrowing owl was observed on-site during a wildlife survey in 2016.

The potential for other species to occur is low, due to the lack of suitable habitat. The Riverside fairy shrimp (*Streptocephalus woottoni*), a federally threatened species, inhabits vernal pools and swales, but the seasonal wetlands on the project site, mostly shallow and rapidly draining, are not ideal for its reproduction. While there are records of Riverside fairy shrimp in the region, a habitat assessment and potential survey would be required before any impact on the seasonal wetlands. The Quino checkerspot butterfly (*Euphydryas editha quino*), which is known to occur in the region, does not have suitable habitat on the project site, as it lacks the necessary host and nectar plants. The western burrowing owl, which inhabits disturbed grasslands, was observed on the site in 2016, with one adult seen using an active burrow. The project site contains disturbed annual grasslands, which are suitable for this species. While the site has some suitable areas, the potential for the presence of Stephen's kangaroo rat is considered low to moderate, as most of the grassland is too dense, though there are areas with suitable soil and sparse grass cover (Bramlet and Brylski 2016).

Habitats of Special Concern

The 2015 survey by David Bramlet documented riparian habitat along the flood control channel on the eastern edge of the campus, consisting of perennial and annual wetland species, including broad-leaved cattail in the riparian marsh community and a small area of mulefat scrub. Although this riparian vegetation was determined to be unsuitable for nesting by special-status riparian bird species, such as least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and yellow-billed cuckoo (*Coccyzus americanus*), it was noted for its potential wildlife habitat value. A large seasonal wetland south of the parking lot was identified as a potential vernal pool due to the presence of wire-stemmed popcorn flower (*Plagiobothrys leptocladus*), a facultative wetland plant. Additional studies were recommended to confirm this classification and to evaluate "road rut" wetlands for vernal pool criteria. While these wetlands were described as temporary, lacking defined channels or persistent wetland vegetation, and unlikely to qualify as jurisdictional waters, the larger seasonal wetland was highlighted as warranting further investigation. The flood control channel, although artificial, was also identified as potentially requiring review by regulatory agencies due to its habitat value (Bramlet and Brylski 2016).

CHANGES IN WESTERN BURROWING OWL LEGAL PROTECTIONS

Prohibition of "Take": With its designation as a candidate species under CESA, the western burrowing owl is now legally protected from "take," which includes actions such as hunting, pursuing, catching, capturing, or killing. This immediate extension of protections ensures that any direct harm to the species is prohibited without proper authorization, emphasizing the importance of compliance with state conservation laws. The take of western burrowing owl without a permit is prohibited by CDFW in Sections 3503, 3503.5 and 3513 of California Fish and Game Code (Jeffers 2024).

Incidental Take Permits (ITP): Activities or projects that may incidentally harm or disturb the western burrowing owl now require an ITP from CDFW. No ITP will be issued if CDFW determines that a project would "jeopardize the continued existence" of the listed species covered by the permit. This regulatory measure ensures that potential impacts on the species are carefully evaluated, with mitigation measures implemented to minimize harm and support population sustainability.

Review of Mitigation Practices: Traditional mitigation measures, such as relocating burrowing owls from development sites, are being reexamined due to their limited success in supporting population recovery. Under CESA, such practices may no longer be deemed adequate, prompting a shift toward more effective conservation strategies to address the species' decline.

CONCLUSIONS AND RECOMMENDATIONS

It should be noted that while a western burrowing owl burrow/nest/pair were present during surveys in 2016, no western burrowing owl or sign of burrowing owls were detected during the field survey in 2024. Because of this past occurrence, the fire road expansion project within the campus expansion area has the potential to impact the western burrowing owl, a species that has recently gained candidate status under the CESA. Candidate status increases the species' legal protections, requiring stricter adherence to survey protocols, mitigation measures, and permitting processes. These enhanced protections underscore the need for diligent preconstruction planning to ensure compliance with state conservation laws and minimize potential impacts on the western burrowing owl.

The designation of the western burrowing owl as a candidate species under the CESA has strengthened its legal protections, underscoring the need for thorough planning and permitting for activities that may impact the species. The following conclusions and recommendations have been identified to address changes in the regulatory framework and ensure that project activities comply with the updated requirements:

Preconstruction Surveys:

In accordance with Section 6.3.2 of the MSHCP, preconstruction clearance surveys for burrowing owls shall be conducted no more than 30 days prior to ground disturbance in suitable habitat within the fire road expansion area. Surveys must also adhere to the updated requirements under CESA (within 14 days and 24 hours prior to ground disturbance). If the western burrowing owl is observed within the disturbance area, immediate consultation with the CDFW is required to obtain appropriate permits and implement mitigation measures. The CDFW's 2012 Staff Report on Burrowing Owl Mitigation provides standardized guidelines for conducting surveys to assess burrowing owl occupancy, evaluating project impacts, and determining appropriate mitigation measures. These guidelines outline avoidance, minimization, and mitigation strategies, including pre-construction surveys, standardized buffer setbacks, take avoidance measures, translocation efforts (active relocation offsite), and the construction of artificial burrows, to effectively address potential impacts on the species.

Prohibition of Take and Mitigation Measures:

The designation of the western burrowing owl as a candidate species prohibits any "take" without proper authorization. Construction activities near occupied burrows during the nesting season (February 1–August 31) must not occur within 500 feet of active burrows until a qualified biologist confirms nesting completion. Outside of the nesting season, passive relocation of western burrowing owls using one-way doors and burrow collapse remains permissible but must be conducted in consultation with CDFW and consistent with current CESA guidelines.

Enhanced Legal Protections and Permit Requirements:

The recent legal changes necessitate obtaining an ITP from CDFW for any activities that could harm western burrowing owls. This ensures that all potential impacts are evaluated, and effective mitigation measures are implemented. Traditional mitigation practices, such as passive relocation, may no longer be deemed sufficient under CESA, as relocation has the potential to result in take. Therefore, alternative conservation strategies should be developed in coordination with CDFW to promote population recovery.

It is recommended that any ITPs issued during the burrowing owls candidacy period explicitly state that the permit, along with its associated obligations for the permittee, will expire prior to the stated termination date if the burrowing owl is no longer a candidate species and is not listed for protection under CESA. ITPs solely covering take of the burrowing owl would consequently be terminated, while ITPs

encompassing both the burrowing owl and other CESA-listed species could be amended by CDFW in accordance with applicable CESA regulations (Jeffers 2024).

Other Considerations:

Given the project's limited scope, focused habitat assessments for other potentially affected species, such as the Stephen's kangaroo rat, must also be conducted to determine whether protocol surveys and mitigation measures are necessary under the terms of the Stephen's kangaroo rat Habitat Conservation Plan.

Updates to the Mitigation Monitoring and Reporting Program (MMRP) can be found in **Table 1. Mitigation Monitoring and Reporting Requirements.**

Table 1. Mitigation Monitoring and Reporting Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)	
BIOLOGICAL RESOURCES					
Regulatory Requirements (RR)					
<p>RR BIO-1 The Proposed Project shall be implemented in compliance with the conditions set forth in the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code with methods accepted by the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) to protect active bird/raptor nests. To the extent feasible, vegetation/tree removal shall occur during the nonbreeding season for nesting birds (generally late September to early March) and nesting raptors (generally early July to late January) to avoid impacts to nesting birds and raptors. A preconstruction survey shall be conducted by a qualified biologist (i.e., one with experience conducting nesting bird surveys) for nesting birds and raptors within 3 days prior to clearing of any vegetation and/or any work near existing structures (i.e., within 300 feet for nesting birds, within 300 feet for nesting special status birds, and within 500 feet for nesting raptors). If the biologist does not find any active nests within or immediately adjacent to the impact area, the vegetation clearing/construction work shall be allowed to proceed.</p> <p>If the biologist finds an active nest within or immediately adjacent to the construction area and determines that the nest may be impacted or breeding activities substantially disrupted, the biologist shall delineate an appropriate buffer zone around the nest depending on the sensitivity of the species and the nature of the construction activity. Any nest found during survey efforts shall be mapped on the construction plans. The active nest shall be protected until nesting activity has ended. To protect any nest site, the following restrictions to construction activities shall be required until nests are no longer active, as determined by a qualified biologist: (1) clearing limits shall be established within a buffer around any occupied nest (the buffer shall be 25–300 feet for nesting birds and 300–500 feet for nesting raptors), unless otherwise determined by a qualified biologist and (2) access and surveying shall be restricted within the buffer of any occupied nest, unless otherwise determined by a qualified biologist. Encroachment into the buffer area around a known nest shall only be allowed if the biologist determines that the proposed activity would not disturb the nest occupants. Flagging, stakes, and/or construction fencing shall be used to demarcate the buffer around the nest, and construction personnel shall be instructed as to the sensitivity of the area. Construction will be allowed to proceed when the qualified biologist has determined that fledglings have left the nest or the nest has failed.</p> <p>If an avoidance buffer is not feasible, as determined by a qualified biologist in consultation with the lead agency, noise walls or other noise attenuation device may be installed as needed to prevent disturbance to the nest.</p>					
MM BIO-1	<p>The MSJCCD Mt. San Jacinto Community College District (MSJCCD) shall apply to the Western Riverside County Regional Conservation Authority to be a Participating Special Entity (PSE) in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). If the MSJCCD does not participate in the MSHCP, MSJCCD shall implement a level of mitigation that would be required under the MSHCP to ensure that impacts to special-status plants and animals are reduced to less-than-significant levels. Such mitigation may include, but not be limited to, season-specific surveys, restoration, conservation, and compensation measures, and may be on-site and/or off-site.</p>	<ul style="list-style-type: none"> ▪ Mt. San Jacinto Community College District 	Prior to ground disturbance.	<ul style="list-style-type: none"> ▪ Mt. San Jacinto Community College District ▪ Western Riverside County Regional Conservation Authority 	
MM BIO-2	<p>Mt. San Jacinto Community College District shall carry out a preconstruction clearance survey for burrowing owls within 30 days to ground disturbance in potentially suitable habitat within the site, consistent with updated CESA and WRCMSHCP guidelines. A preconstruction habitat assessment for Stephen’s Kangaroo Rat (SKR) shall also be carried out, and if potentially suitable habitat exists on vacant lands prior to annual site development activities, protocol surveys for SKR shall be conducted.</p> <p>Surveys and mitigation for burrowing owl shall be consistent with Section 6.3.2 of the MSHCP, Additional Survey Needs and Procedures, and CESA requirements.</p> <p>If owls are found within the survey area during the nesting season, construction activities will not occur within 300 500 feet of the occupied burrows until nesting is completed. Take of active nests shall will be avoided. A qualified biologist must confirm that nesting has been completed prior to the removal of the work buffer restriction. If owls are found within the disturbance footprint outside of the February 1 through August 31 period, passive relocation (e.g., use of one-way doors and collapse of burrows) will occur.</p> <p><u>Previous mitigation measures included passive relocation (e.g., use of one-way doors and collapse of burrows) that could only occur outside the February 1 through August 31 period with authorization from the California Department of Fish and Wildlife (CDFW) under a CESA Consistency Determination (CD) or similar permit. As this may be defined as take by CDFW now, any disturbance or handling of owls must comply with CESA regulations and require an incidental take permit.</u></p>	<ul style="list-style-type: none"> ▪ Mt. San Jacinto Community College District 	30 days prior to ground disturbance in potentially suitable habitat within the site, consistent with the Burrowing Owl Instructions for the Western Riverside County MSHCP and CESA guidelines .	<ul style="list-style-type: none"> ▪ Mt. San Jacinto Community College District ▪ Riverside County Habitat Conservation Agency 	

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature and Date of Compliance Required)
	If the Proposed Project has the potential to impact SKR, the MSJCCD shall participate in the SKR Habitat Conservation Plan. The SKR HCP is implemented by the Riverside County Habitat Conservation Agency (RCHCA). Under the terms of the SKR HCP, the Proposed Project would qualify to obtain take coverage through payment of fees without having to secure an individual permit to mitigate impacts.				
MM BIO-3	Prior to grading, if the presence of one or more burrowing owl is confirmed, MSJCCD shall develop a will obtain an Incidental Take Permit (ITP) that will involve developing a Burrowing Owl Mitigation Plan pursuant to the CDFW's Staff Report on Burrowing Owl Mitigation (March CDFW 2012) that may include passive relocation, onsite and offsite mitigation to mitigate the specific impacts to burrowing owls at the time of construction. The Plan shall be approved by California Department of Fish and Wildlife.	<ul style="list-style-type: none"> ▪ Mt. San Jacinto Community College District 	30 days prior to ground disturbance in potentially suitable habitat within the site, consistent with the Burrowing Owl Instructions for the Western Riverside Count MSHCP.	<ul style="list-style-type: none"> ▪ Mt. San Jacinto Community College District ▪ California Department of Fish and Wildlife 	
MM BIO-4	A survey following US Fish and Wildlife Service protocols shall be carried out in all of the pools (only after suitable ponding duration has taken place) to determine if Riverside fairy shrimp (RFS) is present or not in the pools. If focused survey confirms the presence of the RFS, Mt. San Jacinto Community College District shall either petition the Western Riverside County Regional Conservation Authority to participate in the MSHCP to mitigate impacts to the species or obtain an individual permit from the US Fish and Wildlife Service under Section 10(a) of the Endangered Species Act. The amount of mitigation required shall be determined during the permitting process but shall be at a minimum of 1.5:1 ratio.	<ul style="list-style-type: none"> ▪ Mt. San Jacinto Community College District 	Prior to disturbance of potential RFS habitat.	<ul style="list-style-type: none"> ▪ Mt. San Jacinto Community College District ▪ Western Riverside County Regional Conservation Authority ▪ US Fish and Wildlife Service 	
MM BIO-5	A jurisdictional waters delineation shall be carried out on seasonal wetlands and drainage channels on the Project Site. If the Proposed Project would impact waters found to be jurisdictional to the Army Corps of Engineers, Regional Water Quality Control Board, and/or California Department of Fish and Wildlife, permits shall be obtained for these impacts. The amount of mitigation required will be determined during the permitting process. The amount of mitigation required by Corps will be determined during the permitting process but shall be at a minimum of 1:1 ratio.	<ul style="list-style-type: none"> ▪ Mt. San Jacinto Community College District 	Prior to grading.	<ul style="list-style-type: none"> ▪ Mt. San Jacinto Community College District ▪ Army Corps of Engineers ▪ Regional Water Quality Control Board ▪ California Department of Fish and Wildlife 	

In summary, while the fire road expansion project can proceed with proper planning and adherence to updated CESA requirements, the project's proximity to potential western burrowing owl habitat necessitates enhanced survey protocols, stricter mitigation measures, and compliance with the prohibition of take. Early consultation with CDFW and thorough documentation of all survey and mitigation efforts are strongly recommended to ensure compliance with state regulations and minimize potential delays.

The CDFW is currently conducting a comprehensive status review of the western burrowing owl, a process expected to take 12 to 18 months. During this period, the species will continue to receive full CESA protections. The Commission will then decide whether to formally list the species as threatened or endangered based on the review's findings (CDFW 2024).

CERTIFICATION STATEMENT

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this memo, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

January 3, 2025

Date



Sloane Sanchez
Senior Biologist

January 3, 2025

Date



R. Austin Isakson
Staff Biologist

January 3, 2025

Date

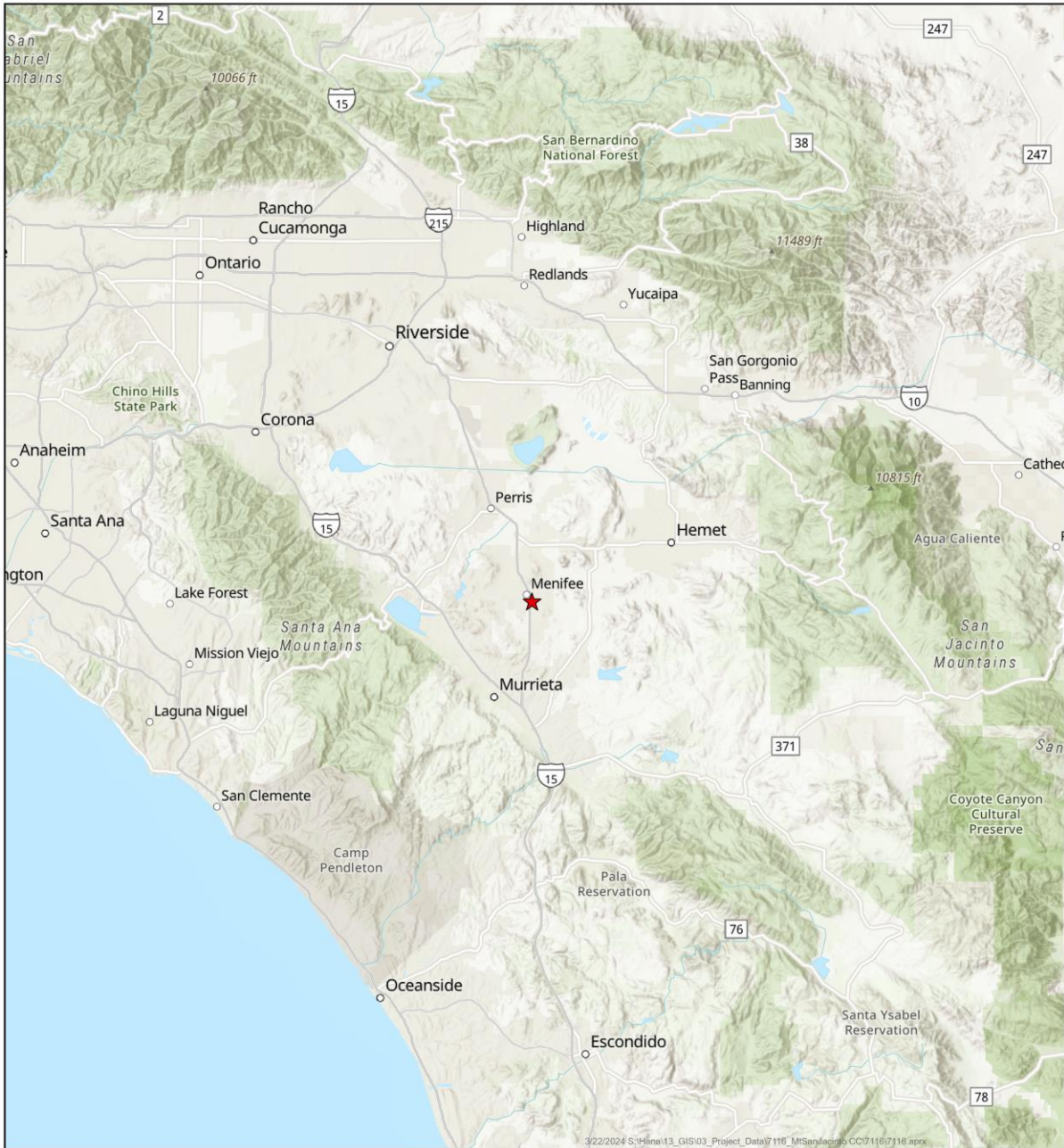


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EXHIBITS



**Mt. San Jacinto College, Menifee Campus
Fire Road Expansion Project**

Exhibit I: Project Vicinity

★ Site Location



4/11/2024 S:\Hana\13 GIS\03 Project_Data\7115_MtSanJacinto CC:7116\2116.aprx

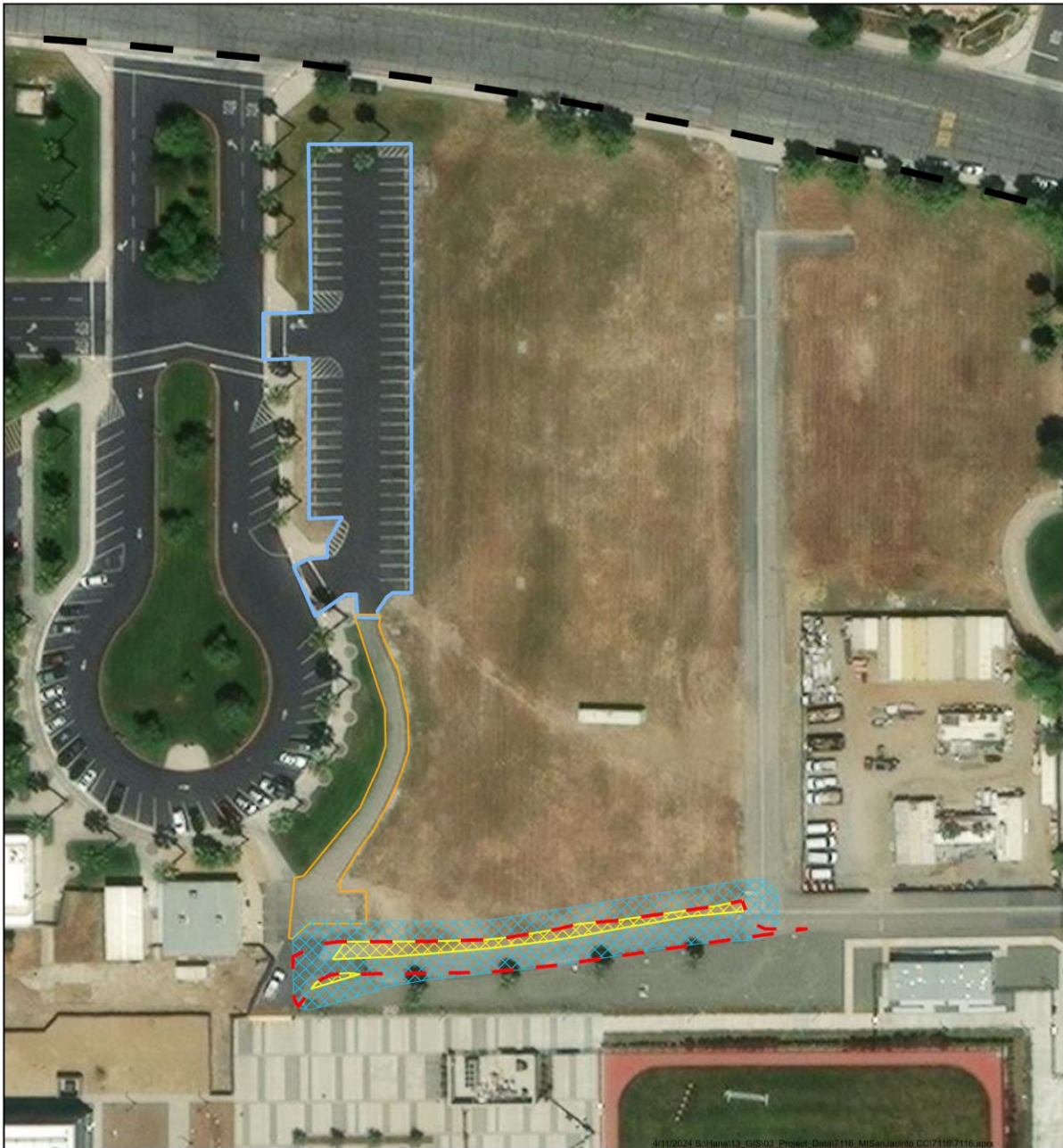


Mt. San Jacinto College, Menifee Campus Fire Road Expansion Project Exhibit II: Project Location



 Mt. San Jacinto College

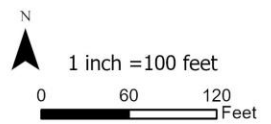
1 inch = 294 feet
0 145 290 Feet



Mt. San Jacinto College, Menifee Campus Fire Road Expansion Project

Exhibit III: Temporary and Permanent Impacts

- Permanent Impact (0.04 Acres)
- Temporary Impact (0.23 Acres)
- Fire Road
- Access Road w/ 2ft buffer
- Staging Area



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