

OCT 28 2019

STATE CLEARINGHOUSE

From: [Gibson, Joanna@Wildlife](mailto:Gibson,Joanna@Wildlife)
To: [Brady, Russell](mailto:Brady,Russell)
Cc: [OPR State Clearinghouse](#)
Subject: CDFW comments on NOP of DEIR for the Barker Logistics, LLC. SCH # 2019090706
Date: Monday, October 28, 2019 4:15:49 PM

Mr. Brady,

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the Riverside County Planning Department (County) for the Barker Logistics, LLC Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

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

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.)

The proposed Project occurs within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) area and is subject to the provisions and policies of the MSHCP. Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. To obtain additional information regarding the MSHCP please go to: <http://rctlma.org/epd/WR-MSHCP>.

In order to be considered a covered activity, Permittees must demonstrate that proposed actions are consistent with the MSHCP and its associated Implementing Agreement. The County is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. The Project is located within the Mead Valley Area Plan. MSHCP policies and procedures that apply to the proposed Project include the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (MSHCP section 6.1.2), and Additional Survey Needs and Procedures for burrowing owl (MSHCP section

6.3.2). The County should demonstrate consistency with the MSHCP through the inclusion of appropriate surveys and assessments in the DEIR, including burrowing owl surveys and an assessment of onsite riparian/riverine resources. Please note that cursory review of aerial photography by CDFW has identified features within the Project site than likely convey flows – an indicator of riverine resources per MSHCP Section 6.1.2, and Fish and Game Code section 1600 *et seq.*

If you should have any questions related to this communication, please feel free to contact me.

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