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November 23, 2020

Governor's Office of Planning & Research

Jeff Benson
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Nov 23 2020

STATE CLEARINGHOUSE

Subject: Central Park Master Plan Update reVISION Project
SCH# 2019110342

Dear Jeff Benson:

The California Department of Fish and Wildlife (CDFW) received a Draft Program Environmental Impact Report (DPEIR) from the City of Rancho Cucamonga (City; the CEQA lead agency) for the Central Park Master Plan Update reVISION Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

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

PROJECT DESCRIPTION SUMMARY

The Project is a comprehensive planning document which defines the development of approximately 62 acres of undeveloped land. It identifies smaller (1-11 acre), buildable sections so that when funding becomes available park development could continue within the framework. The proposed Project is composed of recreation areas and elements that relate to the existing open drainage channel spine and is anchored by the Senior and Community Centers to the east and the proposed Recreation Pool, Multi-Purpose Facility, and Tennis Courts to the west.

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

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW is concerned about the adequacy of the mitigation measures proposed in the DPEIR to reduce potentially significant impacts, including cumulative impacts, to state designated sensitive natural communities and state-sensitive species.

State Designated Sensitive Natural Communities

As CDFW recommended in our comment letter to the Notice of Preparation (NOP), focused biological assessments and surveys should be conducted throughout the Project site to identify the presence of scalebroom (*Lepidospartum squamatum*). Scalebroom is an indicator that the site may support a state designated S3 sensitive natural community, *Lepidospartum* alliance (scalebroom scrub). The DPEIR includes the following discussion on the presence of scalebroom within the Project site:

Scalebroom was found on-site, which can be an indicator/pioneer plant species found with RAFSS habitats. However, it [sic] was primarily observed along the western boundary of the project site and in sparse patches throughout the site. Further, the site lacks the hydrologic scouring regimes associated with RAFSS habitats due to surrounding development and historical land uses. Therefore, the plant communities onsite were not considered RAFSS habitat.

Although the DPEIR discussed the existence of scalebroom within the Project site, the DPEIR dismissed the relevance of this sensitive natural community based on a lack of hydrology, and therefore did not quantify or assess the loss of habitat. However, the California Native Plant Society Riverside (CNPS) mapped 14.1 acres of scalebroom scrub along the western edge of the Project site (see Figure 1: Central Park Sensitive Vegetation). Given the City's oversight in identifying and mapping this sensitive natural community, CDFW recommends the City incorporate the results of the survey by CNPS and requires a mitigation measure to reduce Project impacts to less than significant. CDFW suggests the City adopt the following mitigation measure to reduce the level of impacts to scalebroom scrub and incorporate permanent conservation of habitat at a 1:1 mitigation ratio:

BIO-4: State Designated Sensitive Natural Communities. The Applicant shall mitigate impacts to the state designated S3 sensitive natural community, scalebroom scrub by the acquisition, conservation, and perpetual management of 14.1 acres of scalebroom scrub habitat at a CDFW-approved location within the City of Rancho Cucamonga or southwest San Bernardino County. Habitat shall be conserved in perpetuity via conveyance of a conservation easement to a CDFW-approved conservation entity. A management fund (endowment) shall be established by the Applicant consisting of an interest-bearing account. It shall have the amount of capital necessary to generate sufficient interest and/or income to fund all monitoring, management, and protection of the conservation area(s). This includes but is not limited to: reasonable administrative overhead, biological monitoring, invasive species and trash removal, fencing and signage replacement and repair, law enforcement measures, longterm management reporting (as described below), and other actions designed to maintain and improve the habitat of the conserved land(s), in perpetuity. A Property Analysis Record, or substantially equivalent analysis, shall be conducted to determine the management needs and costs described above. It shall then be used to calculate the capital needed for the management of the fund. Except for uses appropriate to a habitat conservation area, the public shall not have access to the mitigation area(s). No activities shall be permitted within the site, except

maintenance of habitat, including the removal of nonnative plant species, trash, and debris, and the installation of native plant materials.

Alternately, if the DPEIR does not wish to adopt the results of the survey by CNPS, the DPEIR should incorporate the results of an appropriate analysis (botanical field survey) into the DPEIR prior to certification, along with the above mitigation measure. CDFW recommends, as part of the botanical field survey, the City record the following information for locations of sensitive natural communities detected on the Project site (CDFW, 2018):

- Specific geographic locations where the sensitive natural communities are found. Preferably this will be done by use of global positioning system (GPS) and include the datum¹⁶ in which the spatial data was collected and any uncertainty or error associated with the data. If GPS is not available, a detailed map (1:24,000 or larger) showing locations and boundaries of each sensitive natural community in relation to the project area is acceptable. Mark occurrences and boundaries as accurately as possible;
- Site-specific characteristics of occurrences, such as associated species, habitat and microhabitat, structure of vegetation, topographic features, soil type, texture, and soil parent material;
- Density of sensitive natural communities, identifying areas of relatively high, medium and low density in the Project site;
- Digital images of sensitive natural communities in the Project site, with diagnostic features.

The data collected from these surveys will more accurately disclose the level of impacts that could occur to scalebroom scrub and inform a more refined mitigation measure based on actual botanical survey data. If the City chooses this approach, CDFW strongly recommends the DPEIR be recirculated to disclose the survey data, impact analysis, and proposed mitigation measures.

State-Sensitive Species

The Project is within the Etiwanda alluvial fan, which occurs within the southwest corner of San Bernardino County in the foothills of the San Gabriel Mountains and north of the City of Rancho Cucamonga. It is estimated that 75% to 90% of all coastal sage scrub habitats have been extirpated from Southern California (SBCM, 2005). The Etiwanda Fan is one of three remaining expanses that multiple endangered, threatened, and sensitive species depend on. The Project is located within one of the last islands of California buckwheat scrub (*Eriogonum fasciculatum*), totaling about 75 acres, that is critical habitat for the state-sensitive species California gnatcatcher (*Polioptila californica*) and Los Angeles pocket mouse (*Perognathus longimembris brevinasus*). Both have known occurrences throughout the Etiwanda fan.

Los Angeles Pocket Mouse

The Central Park Master Plan Update Habitat Assessment (Attachment 1 of the Draft Program EIR) states:

Northwestern San Diego pocket mouse, San Diego desert woodrat, and Los Angeles [sic] pocket mouse were not captured onsite during the 2008 San Bernardino kangaroo rat trapping study. As a result they are presumed absent from the project site and no impacts will occur to these species.

CDFW disagrees with the presumption that the Los Angeles pocket mouse (LAPM) is absent from the site. The trapping study done in 2008 was designed to capture the San Bernardino kangaroo rat (*Dipodomys merriami parvus*; SBKR), not LAPM. These two species vary both in the habitat they utilize, and the trapping methods used to capture them. Because the survey methods were likely inappropriate for LAPM, and performed over a decade ago, CDFW believes the results, and associated impact analysis, are unreliable and should be repeated using appropriate methods.

In addition to the concerns raised regarding unreliable data, there are multiple known occurrences of LAPM reported within a mile of the Project site and throughout the surrounding area (see Figure 2: LAPM Reports; CNDDDB, 2020). While none were incidentally captured in 2008 during SBKR surveys, the species could have established populations within the Project site or begun utilizing the habitat for movement corridors or food caches. The permanent impacts from the Project may have direct, indirect, and cumulative impacts on LAPM that the City needs to minimize and mitigate for.

Overall, CDFW is concerned that potential impacts to LAPM are not identified or discussed within the DPEIR and strongly suggests the City evaluate the direct, indirect, and cumulative impacts to this species before approval and certification of the DPEIR. Appropriate analysis would include conducting LAPM-focused trapping sessions within suitable habitat during appropriate periods. However, if the City chooses to forego additional surveys, CDFW suggests the City adopts the mitigation measure BIO-5 (provided below) to offset the potential impacts to LAPM. The DPEIR identifies 37.70 acres of California buckwheat scrub and 6.62 acres of California sagebrush scrub within the Project site. This measure assumes approximately 44.32 acres of the Project site could be utilized by LAPM for breeding and foraging and incorporates permanent conservation of habitat at a 2:1 mitigation ratio.

California Gnatcatcher

The DPEIR states:

The California buckwheat scrub and California sagebrush plant communities on-site have been isolated from occupied sage scrub habitats in the region by surrounding development and have only recently established after agricultural activities ceased (ELMT 2019, 2020b). In addition, these communities have been degraded from existing anthropogenic disturbances (ELMT 2019, 2020b). Based on these conditions, it was determined that the proposed Project site does not provide the requisite Primary Constituent Elements which are needed by CAGN to be present; therefore, it was determined that CAGN is absent from the site (ELMT 2019, 2020b).

CDFW disagrees with this determination. Since the City did not perform California gnatcatcher (CAGN) protocol surveys in 2019 and since the biological assessment did not meet the USFWS protocol level, CDFW is concerned that the analysis provided is insufficient. Furthermore, CDFW does not agree that the habitat “does not provide the requisite Primary Constituent Elements.” As discussed above, the Project site is a part of approximately 75 acres of buckwheat scrub and it is adjacent to contiguous habitat at Deer Creek. The habitat also has the potential to support foraging and dispersal events.

Overall, CDFW is concerned that potential impacts to CAGN are not identified or discussed within the DPEIR and strongly suggests the City evaluate the direct, indirect, and cumulative impacts to this species before approval and certification of the DPEIR. Appropriate analysis would include conducting focused CAGN surveys within suitable habitat during appropriate periods. However, if the City chooses to forego additional surveys, CDFW suggests the City adopt the mitigation measure BIO-5 to offset potential impacts to CAGN. The DPEIR identifies 37.70 acres of California buckwheat scrub and 6.62 acres of California sagebrush scrub within the Project site. This measure assumes approximately 44.32 acres of the Project site could be utilized by CAGN for breeding and foraging and incorporates permanent conservation of habitat at a 2:1 mitigation ratio:

BIO-5: The Applicant shall mitigate impacts to CAGN and LAPM by creating 88.64 acres of suitable breeding and foraging habitat at a CDFW-approved location within the City of Rancho Cucamonga or southwest San Bernardino County. Habitat shall be conserved in perpetuity via conveyance of a conservation easement to a CDFW approved conservation entity. A management fund (endowment) shall be established by the Applicant consisting of an interest-bearing account. It shall have the amount of capital necessary to generate sufficient

interest and/or income to fund all monitoring, management, and protection of the conservation area(s). This includes but is not limited to: reasonable administrative overhead, biological monitoring, invasive species and trash removal, fencing and signage replacement and repair, law enforcement measures, long term management reporting (as described below), and other actions designed to maintain and improve the habitat of the conserved land(s), in perpetuity. A Property Analysis Record, or substantially equivalent analysis, shall be conducted to determine the management needs and costs described above. It shall then be used to calculate the capital needed for the management of the fund. Except for uses appropriate to a habitat conservation area, the public shall not have access to the mitigation area(s). No activities shall be permitted within the site, except maintenance of habitat, including the removal of nonnative plant species, trash, and debris, and the installation of native plant materials.

Alternately, if the DPEIR does not wish to assume presence on the Project site, the DPEIR should provide the results of appropriate analysis (protocol-level surveys) in order to more accurately disclose the level of impacts that could occur to CAGN and LAPM and inform more refined mitigation measures based on actual occupancy and use data. If the City chooses this approach, CDFW strongly recommends the DPEIR be recirculated to disclose the survey data, impact analysis, and proposed mitigation measures.

MITIGATION

When considering mitigation, it is important that the land conserved for mitigation has the same or better resource value than the resource value being impacted. Mitigation lands should be enhanced and managed in perpetuity to mitigate for the impact and loss of habitat. If the mitigation land would require restoration, it would be important to consider the time it will take for the sites to fully establish, whether there will be a temporary loss of function and value, and whether some types of biological resources cannot be restored or recreated within a reasonable period (e.g., 1-3 years).

CDFW recommended mitigation, including the permanent conservation of lands, for several species presumed present that would be potentially significantly impacted by the Project. If mitigation lands identified will meet species requirements for some or all of the species requiring mitigation, the mitigation may be co-located on a single property (i.e., separate mitigation parcels for each requirement may not be necessary).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

FILING FEES

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

CONCLUSION

CDFW stresses the importance of the Final Program EIR including supporting documents used to identify or analyze impacts to inform CDFW and the public. This includes any additional biological survey reports and habitat assessments performed. In addition, CDFW recommends that the City include in the Final Program EIR the recommended new or revised avoidance, minimization and mitigation measures offered by CDFW to reduce project impacts.

CDFW appreciates the opportunity to comment on the DPEIR for the Central Park Master Plan Update reVISION Project (SCH No. 2019110342) and hopes our comments assist the City of Rancho Cucamonga in identifying and mitigating Project impacts on biological resources. If you should have any questions pertaining to the comments provided in this letter, please contact Marina Barton, Environmental Scientist at 909-948-9632 or Marina.Barton@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Scott Wilson
Environmental Program Manager

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

ec: Office of Planning and Research, State Clearinghouse, Sacramento

HCPB CEQA Coordinator
Habitat Conservation Planning Branch

Marina Barton, Environmental Scientist, CDFW Inland Deserts Region
Marina.Barton@wildlife.ca.gov

REFERENCES

- California Department of Fish and Wildlife (CDFW). 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>)
- California Natural Diversity Database (CNDDDB) Government [ds45]. 2020. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System.
- The San Bernardino County Museum (SBCM). 2005. The Etiwanda Fan.
(www.sbcounty.gov/museum/exhibits/etiwandafan/)

ATTACHMENT 1

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure.

Mitigation Measure	Implementation Schedule	Responsible Party
<p>BIO-4: <u>State Designated Sensitive Natural Communities.</u> The Applicant shall mitigate impacts to the state designated S3 sensitive natural community, scalebroom scrub by the acquisition, conservation, and perpetual management of 14.1 acres of scalebroom scrub habitat at a CDFW-approved location within the City of Rancho Cucamonga or southwest San Bernardino County. Habitat shall be conserved in perpetuity via conveyance of a conservation easement to a CDFW-approved conservation entity. A management fund (endowment) shall be established by the Applicant consisting of an interest-bearing account. It shall have the amount of capital necessary to generate sufficient interest and/or income to fund all monitoring, management, and protection of the conservation area(s). This includes but is not limited to: reasonable administrative overhead, biological monitoring, invasive species and trash removal, fencing and signage replacement and repair, law enforcement measures, long term management reporting (as described below), and other actions designed to maintain and improve the habitat of the conserved land(s), in perpetuity. A Property Analysis Record, or substantially equivalent analysis, shall be conducted to determine the management needs and costs described above. It shall then be used to calculate the capital needed for the management of the fund. Except for uses appropriate to a habitat conservation area, the public shall not have access to the mitigation area(s). No activities shall be permitted within the site, except maintenance of habitat, including the removal of nonnative plant species, trash, and debris, and the installation of native plant materials.</p>	<p>Before commencing ground- or vegetation-disturbing activities</p>	<p>Project Proponent</p>
<p>BIO-5: The Applicant shall mitigate impacts to CAGN and LAPM by creating 88.64 acres of suitable breeding and foraging habitat at a CDFW-</p>	<p>Before commencing</p>	<p>Project Proponent</p>

<p>approved location within the City of Rancho Cucamonga or southwest San Bernardino County. Habitat shall be conserved in perpetuity via conveyance of a conservation easement to a CDFW approved conservation entity. A management fund (endowment) shall be established by the Applicant consisting of an interest-bearing account. It shall have the amount of capital necessary to generate sufficient interest and/or income to fund all monitoring, management, and protection of the conservation area(s). This includes but is not limited to: reasonable administrative overhead, biological monitoring, invasive species and trash removal, fencing and signage replacement and repair, law enforcement measures, longterm management reporting (as described below), and other actions designed to maintain and improve the habitat of the conserved land(s), in perpetuity. A Property Analysis Record, or substantially equivalent analysis, shall be conducted to determine the management needs and costs described above. It shall then be used to calculate the capital needed for the management of the fund. Except for uses appropriate to a habitat conservation area, the public shall not have access to the mitigation area(s). No activities shall be permitted within the site, except maintenance of habitat, including the removal of nonnative plant species, trash, and debris, and the installation of native plant materials.</p>	<p>ground- or vegetation-disturbing activities</p>	
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