



U.S. Fish and Wildlife Service
 Palm Springs Fish and Wildlife Office
 777 East Tahquitz Canyon Way, Suite 208
 Palm Springs, California 92262
 760-322-2070
 FAX 760-322-4648



California Department of Fish and Wildlife
 Inland Deserts Region
 3602 Inland Empire Blvd., Suite C-220
 Ontario, California 91764
 909-484-0167
 FAX 909-481-2945

In Reply Refer To:
 FWS/CDFW-WRIV-2022-0067419

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Sent by email

Governor's Office of Planning & Research

Mr. Russell Brady
 Contract Planner
 4080 Lemon Street 12th Floor
 Riverside, CA 92501
 rbrady@RIVCO.ORG

JUL 26 2022

STATE CLEARINGHOUSE

Subject: Draft Environmental Impact Report, Renaissance Ranch Commerce Center Project, State Clearinghouse No. 2021030301, Riverside County

Dear Mr. Brady:

The U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW), hereafter referred to jointly as the Wildlife Agencies, have reviewed the Draft Environmental Impact Report (DEIR) for the County of Riverside's (County) Renaissance Ranch Commerce Center Project (Project), [State Clearinghouse No. 2021030301]. Comments were submitted by CDFW on the Notice of Preparation (NOP) of a DEIR on April 8, 2021, (2021 NOP Letter) and joint comment letters were submitted by the Wildlife Agencies on the Project's Joint Project Review (JPR) for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) on January 7, 2005 (2005 JPR Letter), and on the Revised Determination of Biologically Equivalent or Superior Preservation (DBESP) on April 6, 2005 (2005 DBESP Letter). An additional DBESP was submitted to the Wildlife Agencies which addresses offsite impacts related to Renaissance Ranch Commerce Center on April 19, 2022. The Wildlife Agencies have requested clarification of Project activities, riparian /riverine impacts, from the County so we can provide our comments on the 2022 DBESP

The Project described in the DEIR, is not consistent with MSHCP implementation procedures, the County's permits or the MSHCP Implementing Agreement. We have specific concerns related to MSHCP Reserve Assembly, the conservation of coastal sage scrub and coastal sage scrub dependent covered species in the Lake Elsinore Area Plan, Sub Unit 1: Estelle Mountain/Indian Canyon, the function of Proposed Constrained Linkage 6, increased edge effects, impacts to nesting coastal California gnatcatcher, coastal sage scrub conservation in Rough Step Unit 8, road impacts, and potential impacts to riparian/riverine resources. We request recirculation of the DEIR after MSHCP implementation inconsistencies have been resolved. We discuss Project inconsistencies with the MSHCP and associated permits and Implementation Agreement further below. Additionally, requested revisions to the Mitigation Measures provided in the DEIR are provided below.

PROJECT DESCRIPTION SUMMARY

The proposed Project includes development of industrial, commercial, mixed-use, and open space areas on approximately 157.11 acres located south of Interstate 15, east of Horsethief Canyon Road, and west of Hostettler Road in unincorporated Riverside County, California. Additional offsite impacts are proposed to approximately 0.10 acres. Approximately 120.29 acres would be developed to accommodate the proposed Business Park, Light Industrial buildings, and associated

infrastructure. In addition, approximately 40.5 acres would be open space which includes 27 acres that would be conserved.

The Wildlife Agencies' 2005 JPR and DBESP Letters and CDFW's 2021 NOP Letter expressed concerns related to the proposed Project's impacts on Reserve Assembly and the long-term connectivity required to provide for the movement of species and gene flow between larger blocks of conserved habitat (see attached letters). As described below, and in our previous comment letters, the proposed conservation of 27 acres is not consistent with described Reserve Assembly within Criteria Cells 3647, 3648, and 3748.

WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN AND PERMITTEE OBLIGATIONS

MSHCP Reserve Assembly

The entirety of the Project is located within the Estelle Mountain/Indian Canyon Subunit (SU1) of the Elsinore Area Plan and occurs primarily within independent Criteria Cell 3748. Portions of the Project are also located within Criteria Cells 3647 and 3648 in Cell Groups E and F, respectively, but are not affected by the Project and will not be discussed. The MSHCP conservation description for independent Criteria Cell 3748 states: "Conservation within this Cell will range from 40%-50% of the Cell focusing in the eastern portion of the Cell." This translates into conservation of 64 to 80 acres. The DEIR describes that, 27.1 acres area within Criteria Cell 3748 would be conserved in association with the Project. Project development would preclude the conservation of any additional area in Cell 3648, leaving it well short of the mid-range goal of 72 acres or even the low-range goal of 64 acres. To address this acreage shortfall and meet permittee MSHCP Reserve Assembly requirements an additional 37 acres along the eastern portion of the Criteria Cell adjacent to Temescal Wash and its tributary should be conserved.

The development footprint would decrease the size and spatial configuration of described conservation and increase the edge effects from the extension of development into Criteria Cells 3748. The MSHCP conservation strategy relies on the conservation of both Core Areas in the form of large blocks of habitat, as well as narrower linkages for movement between the core population areas. The conservation of coastal California gnatcatcher (*Poliioptilla californica californica*, gnatcatcher) and other coastal sage scrub species is one of the goals for the Estelle Mountain/Indian Canyon subunit of the Lake Elsinore Area Plan. The gnatcatcher species objectives call for the conservation of core population of gnatcatchers in the Allberhill area and at Estelle Mountain Reserve. The Project is between these areas and the acreage shortfall in Criteria Cell 3748 will undermine the assembly of the Proposed Constrained Linkage 6. Additionally, the proposed loss of described coastal sage scrub habitat will limit the connectivity function in the proposed conservation area, constraining or eliminating connectivity between gnatcatcher core areas. The Project footprint is not consistent with the MSHCP's identified spatial configuration of conservation lands in the Elsinore Area Plan, and therefore is not consistent with MSHCP Reserve Assembly. We request that the recirculated DEIR address the impacts of the acreage short fall on the MSHCP reserve assembly in the Estelle Mountain/Indian Canyon subunit and gnatcatcher and other coastal sage scrub species.

The Project described in the DEIR differs from the Project described in the 2004 JPR (JPR 04-11-30-01). Consistent with MSHCP implementation procedures in MSHCP Section 6.6.2 and Section 13.2 E. of the MSHCP Implementing Agreement, a JPR for the County's discretionary action for this Project should be completed, as recommended in the June 9, 2022 meeting. We recommend that the JPR process be completed after the Project has been modified to achieve MSHCP consistency and that information from the JPR process be included in the recirculated DEIR.

The DEIR erroneously concludes that because the Project proposes to conserve approximately 27 acres the Cell is on track to meet its conservation acreage target, and therefore the Project is consistent with the MSHCP (page 4.4-42). As discussed above, the Project is not consistent with Reserve Assembly (defined by the MSHCP as the "Acquisition and conservation of Additional Reserve Lands"). The proposed Project development would encroach into the eastern portion of the Cell 3748 which is described for conservation. The proposed Project would preclude other conservation in the Cell. CDFW articulated concerns regarding development in portions of Criteria Cell 3748 described for conservation in their NOP comment letter on April 8, 2021. The DEIR does not respond to those concerns. The Wildlife Agencies submitted similar concerns to the County regarding development configuration in the January 7, 2005, comment letter on the Project's JPR 04-11-30-01 and in the April 6, 2005, letter following the DBESP review.

Due to the proposed configuration of the Project's development, the Wildlife Agencies' concerns regarding the Project's impacts on the assembly of Proposed Constrained Linkage 6 and wildlife movement between the wildlife corridors remain the same as in our previous letters to the County regarding this Project. The Wildlife Agencies cannot agree that the proposed Project is consistent with Sections 3.2.3 and 3.3.3 of the MSHCP. As such, the Wildlife Agencies request that with the County's conclusion pertaining to Impact 4.3-6 ("Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?") that the Project will have a less than significant impact with mitigation incorporated, and contend that without revisions to the Project development footprint, the Project will have a substantial adverse effect on an adopted Habitat Conservation Plan and Natural Community Conservation Plan and request that this finding be revised or that the proposed Project be modified to achieve MSHCP Reserve Assembly.

In summary, to adequately address the County's obligations as a Permittee to the MSHCP and its Implementing Agreement, ensure consistency with the MSHCP, and reduce project impacts to MSHCP Reserve Assembly, the Wildlife Agencies recommend that Project development proposed in the eastern portion of MSHCP Criteria Cell 3748 be reduced and modified to meet the minimum Reserve Assembly goals of 64 acres for this Criteria Cell. Additionally, changes to the Project configuration and footprint require amending the JPR. Thus, to fully implement MSHCP Section 6.1.1, the County should re-initiate the JPR process to reflect the current development and conservation footprint and work with the RCA and Wildlife Agencies to amend the 2005 JPR 04-11-30-01.

Edge Effects on Proposed Constrained Linkage 6

The MSHCP reserve design incorporates several conservation principles, one of which is minimizing the edge effects of projects on conservation areas. Increased landscape fragmentation can lead to

increased areas where urban/agricultural landscapes and native habitats interface. These areas of high fragmentation are subjected to edge effects, which are generally unfavorable to species conservation.

Edge Effects or Perimeter/Area Ratio

The perimeter/area ratio is one metric used to evaluate edge effects. The larger the ratio of reserve area to reserve perimeter, the lesser the edge effect. From a conservation perspective, low perimeter/area ratios are more favorable because they represent unfragmented habitat. The MSHCP identifies that Proposed Constrained Linkage 6 represents a large block of interconnected habitat. The proposed Project footprint extends into the areas described for conservation and increases the perimeter to area ratio by consuming area described for conservation thereby shrinking the interior of the linkage. Additional encroachment into Proposed Constrained Linkage 6 from on-going fuel modification to protect the proposed development will exacerbate edge effects. The DEIR does not describe nor discuss the increase in edge effects from the proposed will be affected by the proposed Project configuration or how those changes will affect the function of the linkage. The Wildlife Agencies request the recirculated DEIR include analysis of Project effects to the function of Proposed Constrained Linkage 6. As written, the DEIR does not provide information to support the idea that the linkage would function as intended in the MSHCP. We recommend that the Project development footprint be reduced to remove development from area described for conservation to protect the function of Proposed Constrained Linkage 6 or the recirculated DEIR should provide an analysis of the proposed Project on that function.

Urban-Wildlands Interface

The MSHCP Guidelines Pertaining to the Urban/Wildlands Interface (Section 6.1.4) are intended to minimize edge effects to the Conservation Area for Proposed Constrained Linkage 6 from the adjacent Project development. These include indirect effects from drainage, lighting, noise, and unauthorized public access, domestic animal predation, illegal trespass or dumping in the MSHCP Conservation Area. The DEIR lacks specific information analyzing or mitigating indirect Project effects to Proposed Constrained Linkage 6.

The MSHCP identifies that management of edge conditions is critical to the viability and long-term functionality of Proposed Constrained Linkage 6. Despite reporting the critical importance of the management of edge conditions for this Linkage, the DEIR does not include specific information on how noise, human trespass, introduction of domestic predators, etc., will be managed to ensure that the Linkage continues to provide live in habitat and a viable movement corridor. The Wildlife Agencies are particularly concerned by the high potential for trespass from unauthorized human use and introduction of domestic predators into the proposed MSHCP conservation lands. We were unable to find discussion or identification of specific and enforceable measures that will avoid and minimize impacts to the MSHCP conservation lands by humans and domestic predators.

The Wildlife Agencies request that the revised and recirculated DEIR include additional information, and specific and enforceable mitigation measures to address access by domestic predators and unauthorized human access human use. The revised DEIR should specifically address how the Project will ensure the adjacent conservation is protected from development so that it can provide

habitat and movement for the associated Planning Species not only during construction, but also post-project and into the future. This includes specifics on types of barriers, identifying who is responsible for maintaining the barriers, types of enforcement actions that will be taken if barriers are not effective, etc. Unless addressed in the revised DEIR, the Wildlife Agencies contend that a fair argument can be made that edge effects will reduce the long-term viability and functionality of this Linkage, constraining or precluding Planning Species movement through the Linkages.

The statements for the significance thresholds for Biological Resources are contradicted by the MSHCP Reserve Assembly limitations imposed by the Project (Table S-1 Summary of Impacts, Mitigation Measures, and Conclusions, pages 2-20 through S-23). Threshold “a” makes a very broad and unsubstantiated conclusion that with implementation of the required mitigation, the Project would be fully consistent with all applicable MSHCP requirements, and impacts would be reduced to below a level of significance. As detailed above, there are multiple shortcomings with MSHCP implementation. None of the mitigation measures can address the reduction in Reserve Assembly, deterioration of the function of Proposed Linkage 6, or the reduction of connectivity between gnatcatcher Core Areas.

There is a noticeable gap between the MSHCP requirements and what is stated Threshold a. The Urban/Wildlands Interface Guidelines compliance as set forth in Section 6.1.4 requires incorporation of measures to address drainage, toxics, lighting, noise, invasives, and barriers to control access to conservation areas. However, there are only measures for Project’s construction phase for construction-related nighttime lighting impacts (MM 4.4-1) and that future onsite operations do not expose the proposed onsite MSHCP Conservation Area to noise levels exceeding 65 dBA CNEL (MM 4.4-2). There are no measures for lighting from the development site onto the conservation area, noise levels during construction, etc. Threshold a concludes erroneously that the Project would be fully consistent with Section 6.1.4 of the MSHCP with implementation of Mitigation Measures MM 4.4-1 and MM 4.4-2.

For Threshold d, the DEIR identifies that the 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, and impacts would be less than significant. However, the Wildlife Agencies disagree with this assessment. As discussed above, the Project reduces the described conservation contributing to Proposed Constrained Linkage 6 from a possible range of 64 to 80 acres down to 27 acres. Additionally, eliminates live in gnatcatcher habitat that would contribute to connectivity between Core Areas. Additionally, the Project increases the edge effects from development intruding into the described linkage.

Until the comments above are addressed regarding Reserve Assembly and Edge Effects, including perimeter to area ratio and Urban-Wildlands Interface, the Wildlife Agencies dispute statements in Thresholds a and d and request that either the Project be revised to accomplish MSHCP implementation to lower the level of significance of Projects impacts on the MSHCP Conservation Area and biological resources or the County revise their analysis and Threshold statements to reflect the acreage shortfall, connectivity between Core Areas for gnatcatcher, and effects to Proposed Constrained Linkage 6 in the recirculated DEIR.

Protection of Riparian/Riverine and Vernal Pool Resources (MSHCP Section 6.1.2)

There is a discrepancy in project impacts and mitigation provided in the 2005 DBESP that was submitted to the Wildlife Agencies for review and the information provided in the DEIR (page 4.4-23). The DEIR states “The Study Area contains 8.10 acres of MSHCP riparian/riverine areas, including 4.32 acres of riparian areas and 3.78 acres of unvegetated riverine. Of this total, 7.79 acres are located onsite and 0.31 acres are located within offsite improvement areas. (Page 4.4-23)”. However, the 2005 DBESP analysis was provided to the Wildlife Agencies identified 0.56 acres of impacts to MSHCP riparian/riverine areas that required mitigation and proposed 1:1 ratio. The Wildlife Agencies provided comments that the Project was not consistent with Section 6.1.2 of the MSHCP and requested additional information. To date, a revised DBESP has not been submitted to the Wildlife Agencies to review. This was conveyed to the County via the Wildlife Agencies’ 2005 DBESP letter, which conveyed that Project implementation of Section 6.1.2 of the MSHCP is not yet complete.

In addition, there are additional impacts to MSHCP Section 6.1.2 resources from the Project proposed fuel modification zones that were not described or addressed, and the Wildlife Agencies’ letters requested revisions to the DBESP to address these concerns. Fuels management of dead trees/branches will likely require use of heavy equipment, and the removal of these features will likely result in a loss/reduction of important roosting/nesting habitat; the DEIR does not address these future impacts to this habitat. Until these concerns are addressed, it is premature for the County to conclude that the Project is consistent with Section 6.1.2 of the MSHCP. Therefore, MSHCP implementation remains incomplete for Section 6.1.2.

The Project would permanently impact 3.36 acres of southern cottonwood willow riparian forest, which is a riparian community and is considered a sensitive community under CEQA. The DEIR incorrectly identifies that with implementation of the required mitigation, Project impacts to riparian habitat and sensitive natural communities would be reduced to below a level of significance. Given that the County and Project Applicant have not completed the MSHCP process, this statement is premature. To address the comments related to MSHCP Section 6.1.2 resources, the Wildlife Agencies recommend that the County include the revised Mitigation Measure (MM) 4.4-7 in the recirculated DEIR as provided below (additions in **bold**, deletions in strikethrough).

MM 4.4-7 Prior to issuance of grading permits, the Project Applicant **shall update their DBESP for the Renaissance Ranch Commerce Project for review by the Wildlife Agencies to address the 2005 DBESP comment letter. In addition, the Project Applicant shall** mitigate additional **offsite** impacts to ~~0.05 acre of~~ MSHCP Riparian/riverine habitat located south of the Project near Bolo Court **and along the northwest Project boundary** through ~~the purchase of 0.075 acre of re-establishment credits (a 1.5:1 mitigation to impact ratio) and 0.075 acre of rehabilitation mitigation credits (a 1.5:1 mitigation to impact ratio)~~ at the Riverpark Mitigation Bank in accordance with the **sufficient mitigation methods to be determined once the review of the Project’s Determination of Biologically Superior or Equivalent Preservation (DBESP), dated October 2021 (Technical Appendix C2 to the Project’s Environmental Impact Report) is complete by the Wildlife Agencies.** Evidence demonstrating compliance with this measure, including supporting documentation, shall be submitted to the Riverside County Environmental

Programs Department (EPD) to verify that impacts have been fully mitigated prior to issuance of grading permits.

Covered Activities - Roads

In the 2021 Letter, CDFW also recommended that the County demonstrate how the Project is consistent with Section 7.0 of the MSHCP; this was not included in the DEIR. For projects proposed inside the MSHCP Criteria Area, the DEIR should be revised to include a discussion of the Project and its consistency with Section 7.3 of the MSHCP.

Where maintenance of existing roads within the Criteria Area is proposed, the Wildlife Agencies recommend that the County reference MSHCP Section 7.3.4 and Table 7-3, which provides a summary of the existing roads permitted to remain in the MSHCP Criteria Area. Planned roads within the MSHCP Criteria Area are discussed in MSHCP Section 7.3.5 and identified on Figure 7-1. Please note that roadways other than those identified in Section 7.3.5 of the MSHCP are not covered without an amendment to the MSHCP in accordance with the procedures described in MSHCP Section 6.10. The Wildlife Agencies again recommend that the County review MSHCP Section 7.3.5 and include in the revised DEIR information that demonstrates that Project-related roads are MSHCP covered activities. The DEIR should also discuss design and siting information for all proposed roads to ensure that the roads are sited, designed, and constructed in a manner consistent with MSHCP conservation objectives.

Specific to the Project, the Wildlife Agencies recommend that the County and Applicant address whether project-related traffic in combination with existing traffic can be accommodated on the allowed maximum right-of-way (ROW) for Horsethief Canyon Road. Horsethief Canyon is covered secondary road in the MSHCP with a maximum ROW of 100 feet (Section 7.3.5 of the MSHCP, Figure 7-1). Widening Horsethief Canyon Road beyond the covered width of 100', whether to accommodate increased traffic or address safety concerns, would require a Major Amendment of the MSHCP. While Horsethief Canyon Road is outside the Project footprint, the Project has the potential to impact traffic on Horsethief Canyon Road and the Wildlife Agencies recommend analysis of these impacts to ensure consistent MSHCP implementation.

MSHCP Implementation

The County is an MSHCP Permittee and has obligations under the Permits, as described in the MSHCP and IA, to adopt and maintain ordinances or resolutions as necessary, and amend their general plans as appropriate, to implement the requirements, and to fulfill the purposes of the Permits, the MSHCP, and Implementing Agreement (IA) for discretionary actions. The County adopted the MSHCP in Resolution No. 2003-299, "Certifying The Final Environmental Impact Report for the Multiple Species Habitat Conservation Plan And Approving the Western Riverside County Multiple Species Habitat Conservation Plan and Implementing Agreement," on June 17, 2003. The Resolution identifies that the CEQA review will address MSHCP requirements.

As a Permittee to the MSHCP, the County may confer Take Authorization to third parties under its Permits, as set forth in Sections 7.1 and 7.3.1 of the MSHCP. Permittees are obligated to review each private development, discretionary project application, and/or public infrastructure project to

determine consistency with the MSHCP. As a Permittee the County must ensure that public and private projects within the Criteria Area in its jurisdiction are designed and implemented in accordance with the Cell Criteria and all other MSHCP requirements as set forth in the MSHCP and in Section 13.0 of the IA. In the event that refinements to the Criteria are appropriate to facilitate Reserve Assembly, the Criteria Refinement Process set forth in Section 6.5 of the MSHCP is to be utilized (IA Section 11.9).

NESTING AND MIGRATORY BIRDS

Please note that it is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

Coastal California Gnatcatcher

There is approximately 96.77 acres of potential habitat (brittle bush scrub, disturbed chamise chaparral, disturbed California buckwheat scrub) for coastal California gnatcatcher within the Study Area, which includes the 27.1 acres set aside for conservation. Therefore, the proposed Project activities would remove 64.61 acres of coastal California gnatcatcher habitat. This area is occupied by coastal California gnatcatcher; one pair was detected on site in 2006 and in 2020 during the general biological surveys. The DEIR identifies that targeted protocol-level bird surveys were completed for coastal California gnatcatcher in 2003, 2005, and 2006. For the purposes of CEQA, the gnatcatcher surveys may be inadequate to form an inventory of the species present in the Project area. Given the lapse in time of 14 years between the completion of protocol level surveys for coastal California gnatcatcher, the Wildlife Agencies request that new surveys be conducted for gnatcatcher to provide a current and defensible assessment of Project impacts to gnatcatcher biological resources in the recirculated DEIR. Surveys for coastal California gnatcatcher are necessary to understand the impacts the Project may have on gnatcatcher nesting habitat and to identify occupied gnatcatcher habitat to meet MSHCP requirements.

Coastal California gnatcatcher is an ESA-listed species as Threatened, and the USFWS permit for the MSHCP restricts clearing of coastal California gnatcatcher-occupied habitat during the nesting season: "clearing of occupied habitat within [Public/Quasi-Public (PQP)] lands and the Criteria Area between March 1 and August 15 is prohibited." (per Condition 5b of the USFWS MSHCP permit). This condition protects gnatcatchers during the nesting season and prevents take of active nests. Gnatcatchers are territorial, year-round residents with high-site fidelity, and can be extremely quiet during brooding and therefore difficult to detect when nesting. There must be a clear understanding

of habitat use by coastal California gnatcatcher before any vegetation removal or ground disturbance occurs.

The Project Applicant cannot rely on nesting bird surveys just prior to grading to determine gnatcatcher use of coastal sage scrub and chaparral on the Project site. The Wildlife Agencies recommend protocol surveys¹ to determine coastal California gnatcatcher use of the site within one year of start of project activities or adherence to the vegetation removal restriction periods in the permits. If disturbance of occupied habitat can't avoid the nesting season, then surveys should be conducted far enough in advance so that gnatcatcher use of the habitat is understood otherwise nesting gnatcatchers could be missed. Wildlife Agencies recommend that the County revise their Mitigation Measures as provided below (additions in **bold**, deletions in ~~strikethrough~~).

MM 4.4-4 ~~In the event that~~ **Prior to** grading or other ground-disturbing activities are proposed, a **qualified biologist shall survey all potential nesting vegetation within and adjacent to the site for nesting coastal California gnatcatcher according to United States Fish and Wildlife Service (USFWS) 2019 survey protocol guidelines.** ~~within habitat suitable to support the coastal California gnatcatcher (i.e., brittle bush scrub, disturbed chamise chaparral, or disturbed California buckwheat scrub, as shown on Figure 4.4-1 of the Project's EIR),~~ Riverside County shall impose conditions of approval on future grading permits requiring focused surveys to be conducted **prior to** ~~if~~ ground disturbance or discing activities are proposed to occur during the nesting season (i.e., between March 1 and August 15). **A minimum of three (3) surveys shall be conducted at least one week apart to determine presence/absence of coastal California gnatcatcher. Surveys shall be conducted by the Designated Biologist at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of project activities. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. Written and mapped qualitative descriptions of plant communities (including dominant species and habitat quality) on and adjacent to the area surveyed will also be provided with survey results to USFWS and California Department of Fish and Wildlife (CDFW), within 45 days following the field surveys, prior to ground disturbing activities.** The results of the focused surveys shall be provided to the Riverside County Environmental Programs Department (EPD), **CDFW, and USFWS** for review and approval prior to commencement of ground disturbing or discing activities ~~during the nesting season.~~

In the event that the focused surveys do not identify the presence of California gnatcatcher, **habitat has been confirmed to be unoccupied by California gnatcatcher, and MM 4.4-5 has been completed,** then ground disturbance or discing may occur during the nesting season (i.e., between March 1 and August 15). In the event that the focused

¹ United States Fish and Wildlife Service (USFWS). 2019. Coastal California Gnatcatcher (*Poliophtila californica californica*) Presence/Absence Survey Protocol. Available for download at: <https://www.fws.gov/sites/default/files/documents/survey-protocol-for-coastal-california-gnatcatcher.pdf>

surveys identify the presence of California gnatcatchers, then ground disturbance or discing of the occupied areas shall be prohibited between March 1 and August 15. **If an active coastal California gnatcatcher nest is located, the nest site shall be fenced with a buffer of a minimum of 500 feet in all directions, and this area shall not be disturbed until after the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, as confirmed by a qualified biologist. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.** Project contractors shall be required to ensure compliance with these requirements and permit periodic inspection of the construction site by Riverside County staff or its designee to confirm compliance.

MM 4.4-5 Prior to the issuance of grading permits, Riverside County shall ensure that the following note is included on the Project's grading plans. Project contractors shall be required to ensure compliance with this note and permit periodic inspection of the construction site by Riverside County staff or its designee to confirm compliance. This note also shall be specified in bid documents issued to prospective construction contractors.

*"Vegetation clearing shall be conducted outside of the bird nesting season (~~February 1 to August 31~~) to the extent feasible **only if a qualified biologist demonstrates to the satisfaction of the Lead Agency, CDFW, and the USFWS, that all nesting is complete through completion of a Nesting Bird Clearance Survey may vegetation clearing commence. A Nesting Bird Clearance Survey report shall be submitted to the Lead Agency for review and approval prior to initiating staging and site preparation. If avoidance of the nesting season is not feasible, a** A nesting bird survey shall be conducted by a qualified biologist within no more than 72 hours of such scheduled disturbance, to determine the presence of nests or nesting birds. **Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.***

If active nests are identified, the biologist shall establish appropriate buffers around the vegetation (typically 500 feet for raptors and sensitive species, 300 feet for non-raptors/non-sensitive species). All work within these buffers shall be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The biologist shall review and verify compliance with these nesting boundaries and shall verify the nesting effort has finished. Work may resume within the buffer area when no other active nests are found. Alternatively, a qualified biologist may determine that construction

*can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to Riverside County **and the Wildlife Agencies** for mitigation monitoring compliance record keeping. If vegetation removal is not completed within 72 hours of a negative survey ~~during nesting season~~, the nesting survey must be repeated to confirm the absence of nesting birds.”*

Nesting Birds and Burrowing Owl

The Wildlife Agencies have observed that some bird species are nesting earlier or later in the season than historically has occurred. Therefore, we recommend bird surveys to detect active nests be completed regardless of time of year, and further recommend that the Mitigation Measures be revised to require surveys within 72 hours prior to vegetation removal and other ground-disturbing activities. To ensure compliance with the rules and regulations pertaining to nesting birds, surveys should be conducted over the entirety of the disturbance footprint area, including native and non-native vegetation as well as unvegetated, or sparsely vegetated areas. Note that some species may nest directly on the ground, and non-native vegetation (e.g., eucalyptus trees) often provide significant nesting resources for native birds, including raptors.

To ensure compliance with all applicable laws related to nesting birds and birds of prey, the Wildlife Agencies recommend that the County revise their Mitigation Measures MM 4.4-2 and 4.4-3 as below (additions in **bold**, deletions in strikethrough).

MM 4.4-2 Prior to approval of implementing developments (i.e., plot plans, building permits, etc.) affecting lands adjacent to the onsite MSHCP Conservation Areas (i.e., proposed Conservation Areas within Planning Areas 5 and 6 of the Renaissance Ranch Commerce Center Specific Plan No. 333, Amendment No. 1), the Project Applicant shall prepare and Riverside County shall review and approve an acoustical analysis to determine whether long-term operational noise associated with the implementing development would expose the proposed MSHCP Conservation Areas to noise levels exceeding 65 dBA CNEL. In the event that the analysis shows that future site operations would expose the Conservation Areas to noise levels exceeding 65 dBA CNEL, the required acoustical analysis shall incorporate recommendations to reduce Project-related operational noise affecting the Conservation Areas to below 65 dBA CNEL. Noise attenuation measures may include, but are not necessarily limited to, the incorporation of screen walls or other barriers (such as berms). **Construction-related noise shall be prohibited within 200 feet of the MSHCP Conservation Area if a qualified avian biologist detects nesting activity during a nesting bird survey. A nesting bird survey shall be conducted by a qualified avian biologist within no more than 72 hours of scheduled ground disturbance activities, including staging and site preparation, to determine the presence of nesting birds. Construction activity within and adjacent to any occupied sensitive habitat areas must not exceed 65 dBA Leq, or ambient noise levels if higher than 65 dBA Leq, during the breeding season.** Prior to issuance of building permits, the Riverside County Building and Safety Department shall ensure that any required

noise attenuation measures have been incorporated into the plans, and shall verify that the noise attenuation measures have been implemented prior to final building inspection.

MM 4.4-3 In accordance with MSHCP Objective 6, prior to issuance of grading permits or other permits authorizing ground disturbance or discing, the Project Applicant shall retain a qualified biologist to perform a burrowing owl survey at all potentially suitable habitat sites within the Project's limits of disturbance within 30 days of the commencement of any ground disturbing activities at the Project site, as discussed below.

Pre-Construction Survey: The pre-construction survey shall be performed by a qualified biologist that will survey the site for the presence/absence of burrowing owls within 30 days prior to commencement of ground disturbing activities at the Project site. **If burrowing owl are not detected during the pre-construction survey, no further mitigation is required. If active burrowing owl burrows are detected during the breeding season, the onsite biologist will establish buffers around the active burrows following the recommended guidelines of the MSHC and will verify the nesting effort has finished. Work can resume when no other active burrowing owl nesting efforts are observed. If active burrowing owl burrows are detected outside the breeding season, then passive and/or active relocation pursuant to a Burrowing Owl Plan that shall be prepared by the Applicant and approved by the City in consultation with CDFW. The Burrowing Owl Exclusion Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and MSHCP. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied and backfilled to ensure that animals do not reenter the holes/dens. CDFW will be sent written notification within 3 days of detection of burrowing owls, if found. Pre-construction Burrowing Owl breeding bird surveys shall be conducted by a qualified biologist within three days of ground disturbance or vegetation clearance following the recommended guidelines of the MSHCP. If burrowing owls are detected onsite during the pre-construction survey, the owls shall be relocated/excluded from the site outside of the breeding season following accepted protocols, and be subject to the approval of the Western Riverside County Regional Conservation Authority (RCA) and Wildlife Agencies (i.e., CDFW and/or USFWS).**

Burrowing Owl Management Plan: In the event that burrowing owl is determined to be present, or in the event that an assumption is made that the burrowing owl occurs onsite, **the qualified biologist and Project Applicant shall coordinate with the County, CDFW, and USFWS to develop a Burrowing Owl Plan to be approved by the County, CDFW and USFWS prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, relocation, monitoring, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated**

owls shall also be included in the Burrowing Owl Plan. The Permittee shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval. ~~a burrowing owl management plan shall be prepared and implemented in coordination with the RCA and CDFW that shall detail the relocation of owls from the Project site, passively and/or actively.~~ If additional site visits determine the species is absent, then the pre-construction survey (as discussed above) shall instead be implemented.

A copy of the results of the pre-construction survey (and all additional surveys), as well as copies of the Burrowing Owl Management Plan, if required, shall be provided to the County of Riverside Planning Department for review and approval (in the case of the Burrowing Owl Management Plan) prior to any vegetation clearing and ground disturbance activities.

CONCLUSIONS AND FURTHER COORDINATION

The proposed Project will result in irreversible significant permanent impacts to MSHCP Reserve Assembly and Linkage functionality and viability. The loss of approximately 40 acres to the Reserve Assembly may not seem significant, however, such shortfalls multiplied across projects and 18 years of permit implementation have resulted in numerous reserve assembly features that cannot be assembled as described and the integrity of the Conservation Area may be undermined. The Wildlife Agencies recommend that the County of Riverside revise the DEIR to address the comments provided on the MSHCP implementation, Proposed Constrained Linkage 6, and connectivity for gnatcatcher, and recirculate the DEIR once these comments have been addressed.

The Wildlife Agencies appreciate the opportunity to provide comments on this DEIR and look forward to continuing to work with the County of Riverside on this Project. We are requesting a meeting with the County to discuss the Project and our comments, as soon as it can be arranged. If you have any questions or comments regarding this letter, and to schedule a meeting, please contact James Thiede of the USFWS at james_thiede@fws.gov or Katrina Rehrer of CDFW at katrina.rehrer@wildlife.ca.gov.

Sincerely,

Karin
Cleary-Rose
for
Rollie White
Assistant Field Supervisor
U.S. Fish and Wildlife Service
Palm Springs Fish & Wildlife Office

Digitally signed by
Karin Cleary-Rose
Date: 2022.07.25
22:45:22 -07'00'

DocuSigned by:
Heather Pert
DF423498814B441...

Heather Pert
Acting Environmental Program Manager
California Department of Fish and Wildlife
Inland Deserts Region

Enclosures: (3)

1. January 7, 2005 JPR Wildlife Agencies Comment Letter

Mr. Russell Brady, Contract Planner (FWS/CDFW-WRIV-2022-0067419)

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2. April 6, 2005 DBESP Wildlife Agencies Comment Letter
3. April 8, 2021 NOP CDFW Comment Letter

cc: Western Riverside County Regional Conservation Authority
Tricia Campbell, tcampbell@rctc.org



U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92009
(760) 431-9440
FAX (760) 431-5902 + 9618



California Department of Fish & Game
Eastern Sierra Inland Deserts Region
3602 Inland Empire Blvd., Ste C-220
Ontario, California 91764
(909) 484-0459
FAX (909) 481-2945

In Reply Refer To:
FWS/CDFG- 4427.1

Karin Watts-Bazan
Office of County Council
Riverside County
3535 Tenth Street
Suite 300
Riverside, California 92501-3674

Re: Determination of Biologically Equivalent or Superior Preservation for Specific Plan
No. 333 - Renaissance Ranch Project, Riverside County, California

Dear Ms. Watts-Bazan:

We have reviewed the Biologically Equivalent or Superior Preservation Determination (BESPD) for the Renaissance Ranch project provided with your letter dated February 2, 2005. In accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policy (Riparian Policy), the BESPD addresses the impacts of the Renaissance Ranch project on riparian habitat. The proposed project will consist of the construction of 355 residential units and associated infrastructure on a 158-acre site in unincorporated Riverside County, California. The proposed project site is located within the MSHCP Criteria Area and is adjacent to Temescal Creek. The proposed project was the subject of a review by the Western Riverside County Regional Conservation Authority (RCA) through the Joint Project Review (JPR) process (JPR case # 04 11 30 01 dated December 10, 2004).

Based on our review of the BESPD and the requirements set forth in section 6.1.2 of the MSHCP, we do not agree that the proposed project will result in a biologically equivalent or superior preservation to that which would occur under an avoidance alternative. The information provided in the written project description does not clearly demonstrate why an avoidance alternative is not possible or why other minimization measures have not been incorporated into the project. In addition, the BESPD does not address impacts to five drainages or the potential indirect effects to Temescal Creek from the loss or partial loss of upstream riverine areas. Also, mitigation measures that would provide equal or superior conservation of riparian or riverine habitats have not been identified.

It is unclear if other alternatives were considered in designing the access road such as spanning Channel 2 or incorporating an appropriately sized culvert to minimize impacts. Detention basins

constructed within the upland areas and outside the riparian zone could potentially address Caltrans' concern for onsite water retention if the I-15 culvert itself could not be modified to relieve the ponding issue at the existing culvert.

The proposed project will result in the loss of 0.56 acre of riparian/mulefat scrub and will alter the quantity of water flowing from the project site to Temescal Creek to the northeast. The proposed road crossing will impact 0.56 acres of a total 0.6 acres of riparian/mulefat scrub within a drainage identified as Channel 2. The road would be designed to constrain flows within Channel 2 upstream of this project feature thereby flooding riparian habitat upstream from the road crossing. Downstream from the road crossing within riparian habitat, four "rain gardens" are proposed that will also detain flows on the site. We are concerned that these proposed design features will effectively convert the riparian area on the site into a series of detention basins which would not replace the functions of the existing riparian stream course. The BESPDP does not explain how the proposed ponding of water upstream of the road and the "rain gardens" would provide equal or superior preservation for riparian habitat.

The BESPDP does not address the impacts of the proposed project on channels 1, 3, 4, 5, and 6. We assume that these drainages contain fresh water flow during a portion of the year, and provide flow to Temescal Wash. The impacts on these riverine areas should be addressed and measures to offset these impacts need to be identified.

The BESPDP does not clearly identify the restoration and enhancement activities to offset the impacts to 0.56 acres of least Bell's vireo quality riparian habitat. Possible alternatives and locations are identified, however, without details on the proposed restoration the Wildlife Agencies are unable to determine if the restoration efforts will be of equal or superior preservation to avoidance. In order to provide equivalent or superior preservation, we recommend that restoration and enhancement of riparian habitat to offset unavoidable impacts to riparian/riverine habitat be conducted on the proposed project site, or as close to the site as feasible, at a greater than 1:1 ratio. A 1:1 ratio does not adequately offset temporal and permanent impacts to riparian/riverine habitats. A habitat mitigation and monitoring plan needs to be developed and submitted to the Wildlife Agencies to support the BESPDP. In addition, we recommend that both restored/enhanced habitat and avoided areas on the site be placed under a permanent conservation easement and long term management provided.

Consistent with our prior comments on the JPR, we recommend that the project be revised to conserve additional habitat on the proposed project site to maximize the conservation within the constrained linkage area. The JPR indicated that the RCA would discuss the project with the Permittee to "explore opportunities for additional conservation to allow for an additional 600 to 700 feet to be contributed to the width of Proposed Constrained Linkage 6." We are unaware if this discussion took place or if the information in the BESPDP reflects any project changes based on those discussions. The proposed project site is located mostly within criteria cell 3748. The written criteria for this cell call for the conservation of 40 to 50% of the cell focusing on the eastern portion of the cell and connecting to the north, east, and southeast. Habitat types that

should be conserved in this cell include riparian habitat within Temescal wash, chapparal, and coastal sage scrub. The cell is approximately 160 acres, and 3.5 acres of riparian habitat within Temescal wash is located north of the proposed project site. Approximately 60.5 to 76.5 acres should be conserved on the proposed project site to reach consistency with MSHCP conservation goals for the cell including the conservation of Temescal Creek and adjacent chaparral and coastal sage scrub habitats. The project as proposed will avoid impact to 50 acres on the site and will place a conservation easement over 27 of these acres. The project as currently proposed does not meet consistency with the MSHCP conservation goals for the cell.

In conclusion, the BESPDP does not support a determination of equal or superior preservation consistent with the MSHCP Riparian Policy. We recommend that further measures be pursued on the proposed project site, as detailed above, to avoid, minimize, and offset the effects of the proposed project on riverine and riparian habitats. If you have any questions or comments regarding this letter, please contact Sally Brown of the Service at (760) 431-9440, extension 278, or Leslie MacNair of the Department (949) 458-1754.

Sincerely,

Karen A. Goebel
Assistant Field Supervisor
Carlsbad Fish and Wildlife Service

Leslie MacNair
Staff Environmental Scientist
California Department of Fish and Game

cc:

Ron Rempel, Regional Conservation Authority, Riverside, CA
Carolyn Syms Luna, Environmental Programs Department, Riverside, CA
Jason Lambert, U.S. Army Corps of Engineers, Los Angeles, CA
Leslie Irish, L&L Environmental, Corona, CA



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

Apr 08 2021

STATE CLEARINGHOUSE

April 8, 2021
Sent via email

Mr. Russell Brady
Project Planner
Riverside County Planning Department
P.O. Box 1409
Riverside, CA 92502-1409
rbrady@rivco.gov

Subject: Notice of Preparation of a Draft Environmental Impact Report
Renaissance Ranch (Specific Plan Amendment No. 333 Amendment No.
1, General Plan Amendment No. 200004, and Change of Zone No.
2000016)
State Clearinghouse No. 2021030301

Dear 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 T&B Planning, Inc. 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

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.

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 proposed Project includes a general plan amendment, zone change, and amendment to Specific Plan No. 333. The 157.1-acre project site is located within the unincorporated community of Horsethief Canyon, generally located east of Horsethief Canyon Road, south of Interstate-15, west of Hostetler Road, north of Palomino Creek Drive. Specific Plan No. 333 was originally approved in 2005 as a primarily residential Specific Plan with a maximum of 355 residential units. Tentative Tract Map No. 31210 and Tentative Tract Map No. 31485 were approved in 2005 and subsequently recorded in 2007. The Tentative Tract Maps covered the whole Specific Plan area. The proposed changes substantially alter the Specific Plan by making it for non-residential use, in particular for industrial uses.

1. Specific Plan Amendment includes the following:

- Redesignate the primary land use in the Specific Plan from a Medium Density Residential land use designation to Light Industrial (97.2 acres), Business Park (18.0 acres), Open Space – Conservation (11.4 acres), and Open Space – Conservation Habitat (27.1 acres).
- Identifies the total amount of planned building area as 2,509,057 sq. ft., with 2,117,017 sq. ft. designated within the Light Industrial and 393,040 sq. ft. designated with Business.
- Name the amended Specific Plan the Renaissance Ranch Commerce Center.
- Modify the Specific Plan circulation plan for 3.3 acres of major circulation facilities.

2. The General Plan Amendment to the Riverside County General Plan proposes to modify the land use designations of the General Plan to match those as proposed by the Specific Plan Amendment.

3. Zone Change proposes to modify the zoning ordinance of the Specific Plan and define the Planning Area boundaries of the Specific Plan.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The comments and recommendations are also offered to enable the CDFW to adequately review and comment on the proposed Project with respect to the Project's consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

CDFW recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

CDFW recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009²). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted

² Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California. <http://vegetation.cnps.org/>

at (916) 322-2493 or CNDDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project.

Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish & G. Code, § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.
4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018³).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).
6. A full accounting of all open space and mitigation/conservation lands within and adjacent to the Project.

³ California Department of Fish and Wildlife (CDFW). 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. State of California, Natural Resources Agency. Available for download at: <https://wildlife.ca.gov/Conservation/Plants>

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project. To ensure that Project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity (e.g., recreation and dumping), defensible space, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.
2. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).

Please note that the Project area supports significant biological resources and contains habitat connections, providing for wildlife movement across the broader landscape, sustaining both transitory and permanent wildlife populations. CDFW encourages project design that avoids and preserves onsite features that contribute to habitat connectivity, with a particularly focus on the onsite drainages that convey water, sand and nutrients across the site in a southeasterly direction and eventually into Smith Creek. The drainages include ecologically valuable ephemeral wash and other habitat. The DEIR should include a discussion of both direct and indirect impacts to wildlife movement and connectivity, including maintenance of wildlife corridor/movement areas to adjacent undisturbed habitats.

3. An evaluation of impacts to on-site and adjacent open space lands from both the construction of the Project and any long-term operational and maintenance needs.
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

CDFW recommends the DEIR describe and analyze a range of reasonable alternatives to the Project that are potentially feasible, would “feasibly attain most of the basic objectives of the Project,” and would avoid or substantially lessen any of the Project’s significant effects (CEQA Guidelines § 15126.6[a]). Alternatives might include the inclusion of additional buffer habitat surrounding the drainages that are planned as conserved habitat within the project area. The alternatives analysis should also evaluate a “no project” alternative (CEQA Guidelines § 15126.6[e]).

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. The County of Riverside should assess all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the Project and its long-term operation and maintenance. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.
3. *California Species of Special Concern (CSSC)*: CSSC status applies to animals generally not listed under the federal Endangered Species Act or the CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. CSSCs should be considered during the environmental review process. CSSC that have the potential or have been documented to occur within or adjacent to the

project area include, but are not limited to: burrowing owl, loggerhead shrike, northern harrier and yellow warbler.

4. *Mitigation*: CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement, and preservation should be evaluated and discussed in detail. Where habitat preservation is not available onsite, offsite land acquisition, management, and preservation should be evaluated and discussed in detail.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR. CEQA Guidelines section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

CDFW recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, in order for mitigation measures to be effective, they need to be specific, enforceable, and feasible actions that will improve environmental conditions.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum:
 - (a) the location of restoration sites and assessment of appropriate reference sites;

(b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

6. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.

CDFW recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction

surveys are proposed in the DEIR, the CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

7. *Moving out of Harm's Way*: To avoid direct mortality, CDFW recommends that the lead agency condition the DEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.
8. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

Western Riverside County Multiple Species Habitat Conservation Plan

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

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

The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. To be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the MSHCP, the Permits, and the Implementing Agreement. The County of Riverside is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. To demonstrate consistency with the MSHCP CDFW recommends that the DEIR address, at a minimum, the City's obligations as follows:

- a. Addressing the collection of fees as set forth in Section 8.5 of the MSHCP.
- b. Demonstrating how the Project complies with the policies for the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, set forth in Section 6.1.2 of the MSHCP; the policies for the Protection of Narrow Endemic Plant Species set forth in Section 6.1.3 of the MSHCP; compliance with the Urban/Wildlands Interface Guidelines as set forth in Section 6.1.4 of the MSHCP; the policies for set forth in Section 6.3.2 and associated vegetation survey requirements identified in Section 6.3.1; and compliance with the Best Management Practices and the siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP.

Because the Project is located within the MSHCP Criteria Area, pursuant to the Implementing Agreement, public and private projects are expected to be designed and implemented in accordance with the Criteria for each Area Plan presented in Section 3.2 of the MSHCP and all other MSHCP requirements as set forth in the MSHCP and in Section 13.0 of the Implementing Agreement. Section 13.2 of the Implementing Agreement identifies that County obligations under the MSHCP and the Implementing Agreement include, but are not limited to: the adoption and maintenance of ordinances or resolutions, as necessary, and the amendment of general plans as appropriate, to implement the requirements and to fulfill the purposes of the Permits, the MSHCP, and the Implementing Agreement for private and public development projects (including siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP); and taking all necessary and appropriate actions, following applicable land use permit enforcement procedures and practices, to enforce the terms of the project approvals for public and private projects, including compliance with the MSHCP, the Permits, and the Implementing Agreement. The County is also obligated to notify the Western Riverside County Regional Conservation Authority (RCA), through the Joint Project/Acquisition Review Process set forth in Section 6.6.2 of the MSHCP, or proposed discretionary Projects within the Criteria Area and participate in any further requirements imposed by MSHCP Section 6.6.2.

To examine how the Project might contribute to, or conflict with, assembly of the MSHCP Conservation Area consistent with the reserve configuration requirements CDFW recommends that the DEIR identify the specific Area Plan and Area Plan Subunit within which the Project is located, and the associated Planning Species and Biological Issues and Considerations that may apply to the Project. The DEIR should also discuss the specific Criteria for the identified Cell or Cell Group within which the Project is located and identify the associated Core and/or Linkage. Next, the DEIR should identify the vegetation communities toward which conservation should be directed along with the connectivity requirements. Finally, the DEIR should examine the Project with respect to the percentage conservation portion of the Cell Criteria. Following this sequential identification of the relationship of the Project to the MSHCP the DEIR should then include an in-depth discussion of the Project in the context of

these aforementioned elements, and as mentioned, examine how the Project might contribute to, or conflict with, the conservation criteria of the MSHCP.

For example, the entirety of the Project is located within the Estelle Mountain/Indian Canyon Subunit (SU1) of the Elsinore Area Plan and occurs entirely within MSHCP Criteria Cell 3748. The MSHCP states that conservation within Cell 3748 will contribute to assembly of Proposed Constrained Linkage 6. Conservation within this Cell will focus on riparian habitat associated with Temescal Wash and adjacent chaparral and coastal sage scrub habitat. Areas conserved within this Cell will be connected to upland and riparian habitat proposed for conservation in Cell Groups F to the north, H to the east and N to the southeast. Conservation within this Cell will range from 40%-50% of the Cell focusing in the eastern portion of the Cell. The Planning Species and Biological Issues and Considerations for SU1 of the are identified in Section 3.3.3 of the MSHCP.

The proposed Project footprint is not consistent with the described conservation for Criteria Cell 3748. Criteria Cell 3748 is approximately 160 acres, with described conservation of 40-50% of the cell focused on the eastern portion, therefore approximately 64-88 acres should be identified for conservation on the eastern portion. However, only 27.1 acres of the 157.1-acre site is identified for conservation on the eastern edge of the site to contribute to reserve assembly. The Conceptual Land Use Plan map, provided with the NOP, includes 11.5 acres of Open Space Conservation (6.1 acres on the western edge and 5.4 acres on the southern edge). The 11.5 acres are linear parcels sandwiched between existing and proposed development, with high edge effect, and are unlikely to provide biological value that contributes to the conservation goals of the MSHCP. The 11.5 acres of Open Space Conservation do not contribute towards the described conservation for this Cell and should not be counted toward Reserve Assembly for the MSHCP.

CDFW recommends that the project is modified to provide the described conservation for the Criteria Cell 3748 that is consistent with MSHCP implementation procedures or the County addresses the acreage shortfall for described conservation through the Criteria Refinement Process in Section 6.5 of the MSHCP. The Criteria Refinement Process was included in the MSHCP specifically to address and mitigate instances where project proponents or MSHCP permittees choose or seek to adopt projects that do not adhere to the MSHCP Cell Criteria.

Riparian/Riverine Areas and Vernal Pools and MSHCP Covered Species

The MSHCP, Section 6.1.2, identifies that information necessary for the assessment of riparian/riverine and vernal resources includes identification and mapping of riparian/riverine areas and vernal pools. The assessment shall consider species composition, topography/ hydrology, and soil analysis, where appropriate. The assessment maybe completed as part of the CEQA review process as set forth in Article V of the State CEQA Guidelines.

The documentation for the assessment shall include mapping and a description of the functions and values of the mapped areas with respect to the species listed above, under "Purpose." Factors to be considered include hydrologic regime, flood storage and flood flow modification, nutrient retention and transformation, sediment trapping and transport, toxicant trapping, public use, wildlife Habitat, and aquatic Habitat. The functions and values assessment will focus on those areas that should be considered for priority acquisition for the MSHCP Conservation Area, as well as those functions that may affect downstream values related to Conservation of Covered Species within the MSHCP.

The MSHCP identifies that for mapped riparian/riverine and vernal pool resources that are not included in the MSHCP conservation area, applicable mitigation under CEQA, shall be imposed by the Permittee (in this case the County). Further, the MSHCP identifies that to ensure the standards in Section 6.1.2 are met, the Permittee shall ensure that, through the CEQA process, project applicants develop project alternatives demonstrating efforts that first avoid, and then minimize direct and indirect effects to the wetlands mapped pursuant to Section 6.1.2. If an avoidance alternative is not Feasible, a practicable alternative that minimizes direct and indirect effects to riparian/riverine areas and vernal pools and associated functions and values to the greatest extent possible shall be selected. Those impacts that are unavoidable shall be mitigated such that the lost functions and values as they relate to Covered Species are replaced as through the Determination of Biologically Equivalent or Superior Preservation. The Applicant should complete the Determination of Biologically Equivalent or Superior Preservation process prior to completion of the DEIR to demonstrate implementation of MSHCP requirements in the CEQA documentation.

The following are covered species that are conserved under the MSHCP based on the location of the project site:

Burrowing Owl (*Athene cunicularia*)

The Project site has the potential to provide suitable foraging and/or nesting habitat for burrowing owl. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill."

CDFW recommends that the County of Riverside follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012⁴).

⁴ California Department of Fish and Game (CDFG). 2012. Staff report of burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: http://www.dfg.ca.gov/wildlife/nonqgame/survey_monitor.html

The Staff Report on Burrowing Owl Mitigation, specifies three steps for project impact evaluations:

- a. A habitat assessment;
- b. Surveys; and
- c. An impact assessment

As stated in the Staff Report on Burrowing Owl Mitigation, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

Additionally, CDFW recommends that the County of Riverside review and follow requirements for burrowing owl outlined in the MSHCP, specifically Section 6.3.2 (Additional Survey Needs and Procedures) and Appendix E (Summary of Species Survey Requirements). Appendix E of the MSHCP outlines survey requirements, actions to be taken if survey results are positive, and species-specific conservation objectives, among other relevant information.

Narrow Endemic and Criteria Area Species Plants

The Project site has the potential to provide suitable habitat for narrow endemic species identified in the MSHCP, including Munz's onion (*Allium munzii*), San Diego ambrosia (*Ambrosia pumila*), Slender-horned spineflower (*Dodecahema leptoceras*), Many-stemmed dudleya (*Dudleya multicaulis*), Spreading navarretia (*Navarretia fossalis*), California Orcutt grass (*Orcuttia californica*), San Miguel savory (*Satureja chandleri*), Hammitt's clay-cress (*Sibaropsis hammittii*), Wrights's trichocoronis (*Trichocoronis wrightii* var. *wrightii*), many-stemmed dudleya (*Dudleya multicaulis*). In addition, the Project site has the potential to provide suitable habitat for Criteria Area Species identified in the MSHCP (figure 6-2), including Thread-leaved brodiaea (*Brodiaea filifolia*), Davidson's saltscale (*Atriplex serenana* var. *davidsonii*), Parish's brittlescale (*Atriplex parishii*), Smooth tarplant, Round-leaved filaree (*Erodium macrophyllum*), Coulter's goldfields (*Lasthenia glabrata* ssp. *Coulteri*), Little mousetail (*Myosurus minimus*). CDFW recommends that the County of Riverside review and follow requirements for these plant species outlined in the MSHCP, specifically Section 6.1.3 (Protection of Narrow Endemic Plant Species), Section 6.3.2 (Additional Survey Needs and Procedures) and Appendix E (Summary of Species Survey Requirements). Appendix E of the MSHCP outlines survey

requirements, actions to be taken if survey results are positive, and species-specific conservation objectives, among other relevant information.

Covered Activities

CDFW also recommends that the County demonstrate how the Project is consistent with Section 7.0 of the MSHCP. For projects proposed within Public/Quasi-Public Lands, the DEIR should include a discussion of the Project and its consistency with MSHCP Section 7.2, and for projects proposed inside the MSHCP Criteria Area, the DEIR should include a discussion of the Project and its consistency with Section 7.3 of the MSHCP. Where maintenance of existing roads within the Criteria Area is proposed, CDFW recommends that the County reference MSHCP Section 7.3.4 and Table 7-3, which provides a summary of the existing roads permitted to remain in the MSHCP Criteria Area. Planned roads within the MSHCP Criteria Area are discussed in MSHCP Section 7.3.5 and identified on Figure 7-1. Please note that roadways other than those identified in Section 7.3.5 of the MSHCP are not covered without an amendment to the MSHCP in accordance with the procedures described in MSHCP Section 6.10. CDFW recommends that the County review MSHCP Section 7.3.5 and include in the DEIR information that demonstrates that Project-related roads are MSHCP covered activities. The DEIR should also discuss design and siting information for all proposed roads to ensure that the roads are sited, designed, and constructed in a manner consistent with MSHCP conservation objectives.

Specifically to the Project, CDFW recommends that the proposed Project address whether project-related traffic in combination with existing traffic can be accommodated on the allowed maximum right-of-way (ROW) for Horsethief Canyon Road. Horsethief Canyon is covered secondary road in the MSHCP with a maximum ROW of 100 feet (Section 7.3.5 of the MSHCP, Figure 7-1). Widening Horsethief Canyon Road beyond the covered width of 100', whether to accommodate increased traffic or address safety concerns, would require a Major Amendment of the MSHCP. While Horsethief Canyon Road is outside the Project footprint, the Project has the potential to impact traffic on Horsethief Canyon Road and CDFW recommends analysis of these impacts to ensure consistent MSHCP implementation.

CDFW recommends that the DEIR also include a discussion of the Project and MSHCP Section 7.4, which identifies and discusses allowable uses in the MSHCP Conservation Area. For example, if trails are proposed as part of the Project, the DEIR should discuss whether the trail is identified on Figure 7-4, and provide details regarding trail construction (siting and design), and operations and maintenance that demonstrate that the proposed trail is consistent with MSHCP Section 7.4. Regardless of whether take of threatened and/or endangered species is obtained through the MSHCP or through a CESA ITP, the DEIR needs to address how the proposed Project will affect the policies and procedures of the MSHCP. Therefore, all surveys required by the MSHCP policies and procedures listed above to determine consistency with the MSHCP should be conducted and results included in the DEIR so that CDFW can adequately assess whether the Project will impact the MSHCP.

Stephens' Kangaroo Rat Habitat Conservation Plan

The Project occurs within the Stephens' kangaroo rat (*Dipodomys stephensi*) Habitat Conservation Plan (SKR HCP) fee area boundary. State and federal authorizations associated with the SKR HCP provide take authorization for Stephens' kangaroo rat within its boundaries, and the MSHCP provides Take Authorization for Stephens' kangaroo rat outside of the boundaries of the SKR HCP, but within the MSHCP area boundaries. The DEIR should identify if any portion of the Project will occur on SKR HCP lands, or on Stephens' kangaroo rat habitat lands outside of the SKR HCP, but within the MSHCP. Note that the SKR HCP allows for encroachment into the Stephens' kangaroo rat Core Reserve for public projects, however, there are no provisions for encroachment into the Core Reserve for privately owned projects. If impacts to Stephens' kangaroo rat habitat will occur from the proposed Project, the DEIR should specifically identify the total number of permanent impacts to Stephens' kangaroo rat core habitat and the appropriate mitigation to compensate for those impacts.

Lake and Streambed Alteration Program

Based on review of material submitted with the NOP and review of aerial photography, at least three drainage features traverse the site. Depending on how the Project is designed and constructed, it is likely that the Project applicant will need to notify CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code § 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife

resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts, and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens (for example the Riverside-Corona Resource Conservation District in Riverside). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <http://saveourwater.com/what-you-can-do/tips/landscaping/>

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

FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP of a DEIR for the Renaissance Ranch Project and recommends that the County of Riverside address the CDFW's comments and concerns in the forthcoming DEIR. If you should have

Russel Brady, Project Planner
Renaissance Ranch Specific Plan
April 8, 2021
Page 17 of 17

any questions pertaining to the comments provided in this letter, please contact Carly Beck, Senior Environmental Scientist (Specialist) at carly.beck@wildlife.ca.gov.

Sincerely,

DocuSigned by:

8091B1A9242F49C...

Scott Wilson
Environmental Program Manager

ec: Heather Pert, Senior Environmental Scientist, Supervisor
Inland Deserts Region
heather.pert@wildlife.ca.gov

HCPB CEQA Coordinator
Habitat Conservation Planning Branch
CEQACommentLetters@wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

Tricia Campbell (Western Riverside County Regional Conservation Authority)
Director of Reserve Management and Monitoring
tcampbell@rctc.org

REFERENCES

California Department of Fish and Game (CDFG). 2012. Staff report of burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html

January 7, 2005

To: Ken Graff, Regional Conservation Authority (RCA)
Fr: Doreen Stadlander, Fish and Wildlife Service
Leslie MacNair, California Department of Fish and Game

Re: Joint Project Review (JPR) Cases 04-11-19-03, 04-11-30-01, and 04-12-21-01 for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

As we previous indicated in our last email, we request that the JPR include a project overlay, with the cell criteria rather than just an outline of the project site. This overlay should depict the areas proposed for conservation and any lands already conserved adjacent to the project site. In addition, the percentage of the cell or cell group that would be conserved needs to be identified. Without this information, it is difficult for us to determine if the proposed projects are consistent with the MSHCP Criteria. In regards to habitat assessments and surveys, we request that the JPR include a summary of these assessments and surveys that explain the basis for the absence/presence of suitable habitat and/or species. By providing us with this additional information, the Wildlife Agencies will have a better understanding of the proposed projects including any proposed conservation areas and will be better able to comment on the individual projects.

Specific Comments for JPR Case Numbers:

04-11-19-03

Criteria Consistency Review

Based on the information provided, the Wildlife Agencies do not concur with the JPR conclusion that the development would not conflict with the reserve assembly goals for proposed Core Area 7. Although the project site does not predominantly sit in the western portion of the cell groups, the project does sit within the area representing 70 to 80 percent of the western portion of cell group J. In addition the project site occurs within the 60 to 70 percent western portion of cell Group L specified in the cell group criteria. Although the project would conserve 98.49 acres including Temecula Creek, we believe this will be insufficient to meet the cell conservation criteria and the overall establishment of Core Area 7. It appears that the cell conservation criteria would not be met; therefore, the project would not be consistent with the Plan.

Other Plan Requirements

The JPR comments recommend that the riparian and riverine mapping be confirmed to ensure no other areas other than Temecula Creek meet the definition of these habitat types. We are concerned that there may be other areas on the project site that could support habitat for the least Bell's vireo, southwestern willow flycatcher, and arroyo toad. Although the JPR states that surveys conducted for the vireo and flycatcher were negative, these surveys were conducted in 2002 and may not reflect the current status of these species on the project site.

The JPR review states that all suitable arroyo toad habitat on the site is being avoided. The portion of the proposed project site that will be impacted (project footprint) is not shown. Since the arroyo toad spends most of its life cycle in the upland area adjacent to washes, streams, and/or creeks it is unclear if all suitable habitat for this species will be avoided. Without maps that identify suitable habitat and proposed conservation areas in relation to the project footprint, it is difficult to determine if the project is consistent with the MSHCP Additional Survey Needs and Procedures. Surveys for this species may be necessary.

The JPR review states that the project proponents reported no suitable habitat for Aguanga kangaroo rat and Los Angeles pocket mouse on the site. No explanation or justification was provided to support this conclusion. We have found that many consultants lack the expertise to assess habitat for these two species.

A project name or CEQA number that we could use to link the project with the appropriate CEQA document was not provided, therefore we were unable to review CEQA document to obtain the necessary information.

Page 3 (f) discusses that the project site is within the slender-horned spineflower survey area. Focused surveys were not included with the JPR so it is unclear whether they were conducted. It is not appropriate to assume they are not present since the biological information stated that no sensitive plants were observed. The findings could depend on several factors, including timing of surveys. If suitable habitat is present, focused surveys need to be conducted in those areas before a consistency determination should occur.

04-11-30-01:

Criteria Consistency Review

The portion of the project site that will be impacted (project footprint) is not shown so we are unable to tell if the project is consistent with the conservation criteria. However, our understanding of the MSHCP Criteria indicates that roughly half of the project site should be acquired for reserve assembly. We encourage the RCA to work with the project proponents to maximize conservation for the constrained linkage.

Other Plan Requirements

The project site is located within Narrow Endemic Plant Species Survey Area (NEPSSA) 1 and Criteria Area Species Survey Area (CASSA) 1. Surveys should also include the following species identified in the MSHCP Errata letter: *Navarretia fossalis*, *Orcuttia californica*, *Satureja chandleri*, *Sibaropsis hammittii*, *Trichocoronis wrightii* var. *wrightii*, *Brodiaea filifolia*, *Atriplex serenana* var. *davidsonii*, *Atriplex parishii*, *Lasthenia glabrata* var. *coulteri*.

We request further clarification for the JPR conclusion that states there is low potential on the site for many-stemmed dudleya, burrowing owl, and round-leaved filaree.

Consistency with the Plan should occur after the results of the smooth tarplant survey and an assessment of potential impacts.

The JPR indicates that the project will not avoid all wetlands and explains to the Permittee the process that they need to follow in regards to a Biologically Equivalent and Superior Preservation alternative, if avoidance is not feasible. The Wildlife Agencies believe that the details on impacts to Riparian/Riverine should be provided during the JPR, because it may be important when looking at the overall conservation of the site. We agree it is handled as a separate process, but impacts from the project should be analyzed overall, because the cell criteria have specific goals that are trying to be met. For example, if Riparian/Riverine is proposed to be impacted and the goal is to conserve it in that cell, that information is pertinent and should be included in the JPR. The Wildlife Agencies recommend a Biologically Equivalent or Superior Preservation alternative be conducted prior to the JPR. This will allow the JPR and the Wildlife Agencies to evaluate the entire project in order to determine consistency with the MSHCP rather than looking at the project in a piecemeal fashion.

04-12-21-01:

Criteria Consistency Review

The Wildlife Agencies agree that the proposed project appears to be consistent with the MSHCP cell criteria. We recommend in future analyses that conservation be maximized for areas within a Proposed Non-Contiguous Habitat Block.

Other Plan Requirements

The proposed project site is located within CASSA 6. Habitat assessments and appropriate surveys need to be addressed for the following species: *Berberis nevinii*, *Centromadia pungens* var. *laevis*, and *Erodium macrophyllum*.