



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 20, 2021
Sent via email

Governor's Office of Planning & Research

September 20 2021

STATE CLEARINGHOUSE

Brett Dawson
Riverside County Planning Department
Post Office Box 1147
Riverside, CA 92502
bdawson@rivco.org

Subject: Initial Study / Mitigated Negative Declaration
JS 63 MX Motorcycle Park CUP190014 Noise Ordinance Exception No.
2100002
State Clearinghouse No. 2021080416

Dear Mr. Dawson:

The California Department of Fish and Wildlife (CDFW) received the Initial Study/ Mitigated Negative Declaration (MND) on August 3, 2021, from the County of Riverside (County) for the JS 63 MX Motorcycle Park CUP190014 Noise Exception No. 2100002 Project (Project) for JS 63 MX, Inc (Project Applicant) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

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.

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

Project Location

The proposed Project is located at 21220 Ethanac Road, with single-family residences immediately to the north and east, and vacant land to the south and west. The project site is approximately 0.4 miles west of State Highway 74. Specifically, the project is located within Assessor's Parcel Numbers 345-020-011 and 345-020-016.

Project Description

The Project proposes to develop a total of ten structures, five racetracks, five associated parking areas, and an R.V. parking area for overnight dry-camping use across the 93.4-acre site. There are three existing structures on-site, and the remainder of the project site is vacant. Development of new structures includes an 800 square-foot building consisting of bathrooms and showers; a 3,000 square-foot building for administration use; a 14,000 square-foot, two-story building for a Pro-Race Shop; a 5,000 square-foot, two story building for a Pro-Race Shop; a 600 square-foot building to be used as a bike wash; a 3,750 square-foot garage; and a 1,200 square foot building consisting of restrooms and a snack bar for pre-packaged food and beverage sales.

COMMENTS AND RECOMMENDATIONS

CDFW is concerned about the adequacy of the impact analysis and the mitigation measures proposed in the MND and the ability of the Project to mitigate the significant, or potentially significant, direct and indirect impacts to native habitats and species that rely on these habitats. Following review of MND, CDFW offers the comments and recommendations presented 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 County to update the MND to adequately disclose impacts and measures for CDFW and the public to review and comment on the proposed Project with respect to the Project's compliance with the Western Riverside County

Multiple Species Habitat Conservation Plan (MSHCP) and Fish and Game Code sections 1602 and 3503, 3503.5, and 3513. CDFW recommends that each of these be addressed prior to finalization of the Mitigated Negative Declaration.

Western Riverside County Multiple Species Habitat Conservation Plan And Permittee Obligations

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.

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. In addition to MSHCP fee payment the other criteria to demonstrate MSHCP implementation include Project compliance with: 1) 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; 2) the policies for the Protection of Narrow Endemic Plant Species set forth in Section 6.1.3 of the MSHCP; 3) survey requirements as set forth in Section 6.3.2 of the MSHCP; 4) the Urban/Wildlands Interface Guidelines as set forth in Section 6.1.4 of the MSHCP; and 5) 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.

MSHCP Survey Requirements

The Project is required to demonstrate consistency with MSHCP requirements which include conducting required surveys for Riparian/Riverine areas and vernal pools, and burrowing owl (*Athene cunicularia hypugaea*) pursuant to Sections 6.1.2 and 6.3.2 of the MSHCP.

Burrowing Owl

The Ethanac Motorcycle Park CUP 190014 and CEQ 190083 General Biological Assessment (Biological Report) identifies that habitat on site included burrowing owl habitat and suitable burrows. As required, if suitable burrowing owl habitat is on site, per the "Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area", focused burrowing owl surveys were conducted on March 9, March 31, April 17, and April 24, 2020. No burrowing owl or burrowing owl sign were found, however, because suitable habitat for burrowing owls was identified and ground squirrels were present on the project site, preconstruction surveys are required. As the site is suitable for burrowing owl, CDFW appreciates that the appropriate surveys were conducted and that burrowing owl focused burrowing owl surveys will be completed consistent with MSHCP requirements. If burrowing owl are detected onsite during the pre-construction surveys or during the project development, CDFW requests notification of CDFW and USFWS to develop appropriate avoidance and minimization measures which includes development of a burrowing owl plan. CDFW requests the following changes to the burrowing owl mitigation measure (added text shown in **bold** and deleted text shown in ~~strikethrough~~):

MM BIO-1: Pre-construction Burrowing Owl breeding bird surveys ~~shall~~ **will** be conducted **by a qualified biologist within three days of ground disturbance or vegetation clearance** following the recommended guidelines of the MSHCP ~~will be required to determine if nesting is occurring.~~ **If the preconstruction surveys confirm occupied burrowing owl habitat, or if burrowing owls are detected after the Project has started, then construction activities shall be halted immediately. CDFW and USFWS shall be notified within 48 hours of detection. 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.** ~~Occupied nests shall not be disturbed during the nesting season (February 1 through~~

~~August 31) unless a qualified biologist verifies through non-invasive methods that either (a) the adult birds have not begun egg-laying and incubation; or (b) the juveniles from the occupied nests are foraging independently and are capable of independent survival. If the biologist is unable to verify the above conditions, then no disturbance shall occur during the breeding season within a distance determined by the qualified biologist for each nest or nesting site. For the Burrowing Owl, the recommended distance is a minimum of 160 feet.~~

Monitoring for MM BIO-1: Mitigation will be monitored through the condition of approval clearance process with the review of building permits. ~~If vegetation trimming/removal occurs during the nesting bird breeding season, the~~ **The** results of the pre-construction nesting bird survey shall be submitted by the qualified biologist to the County three days prior to start of project activities ~~prior to beginning vegetation trimming/removal activities.~~ If nests are found, a **Nesting Bird Plan and** weekly monitoring reports of nesting activities ~~and buffer zones~~ shall be submitted by the qualified biologist to the County.

Riparian/Riverine

Riparian/Riverine areas are defined by the MSHCP as “lands which contain Habitat dominated by trees, shrubs, persistent emergent, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year.” The MND and Biological Report incorrectly conclude that the Riparian/Riverine resources on site do not meet the Riparian/Riverine definition and the Riparian/Riverine resources are not connected to downstream resources.

The Biological Report and MND Riparian/Riverine resources contain habitat dominated by shrubs that are close to the Riparian/Riverine resources and meets the definition of “...., areas with freshwater flow during all or a portion of the year”. However, the Biological Report incorrectly concludes that because the flows only occur during and immediately after rainfall, they are not flows that occur for a portion of the year. In Riverside County, typical flow patterns for arid and semi-arid streams are to flow for a limited time immediately after rainfall and this meets the criteria for flows occurring for a portion of the year. In addition, the Biological Report identifies deposition of fine sediment downstream of the project site (Figure 14: Photo 9) which is indicative of flowing water transporting sediment. Therefore, the Riparian/Riverine areas are areas with freshwater flow during a portion of year.

Downstream connectivity is clearly evident in the 1966 aerial imagery (Figures 11 and 12 of the Biological Report). However, a field assessment, conducted during the summer by the applicant and County, identified current land-use practices such as disking and grading and presence of a road block some of the low flows, and concluded

the streams are no longer connected downstream. Many streams in Riverside County are disked or graded and yet re-establish their flow paths after rain events; relying on a summer field assessment of land practices such as disking and grading is not sufficient to support evidence of lack of downstream connectivity. CDFW was unable to evaluate if Ethanac Road has culverts under it that convey flow and requests that MND is revised to clarify how flows will be conveyed off and downstream of the Project site and under adjacent roads. If culverts are not currently present or are not conditioned for the Project, CDFW requests that the Project is conditioned to include culverts under roads within the project footprint to facilitate continuance of downstream flows.

Based on this review, CDFW does not concur with the MND's conclusion that the Project site does not have Riparian/Riverine resources. The site contains several drainages that connect to downstream resources, supports vegetation associated with the stream channels, and flows a portion of the year after high rain events thus meeting the definition of Riparian/Riverine.

Determination of Biologically Equivalent or Superior Preservation (DBESP)

The County, as a Permittee to the MSHCP, ensures through the CEQA process that project applicants "develop project alternatives demonstrating efforts that first avoid, and then minimize direct and indirect effects to the wetlands mapped pursuant to this section and shall review these alternatives with the Permittee. An avoidance alternative shall be selected, if Feasible. If an avoidance alternative is selected, measures shall be incorporated into the project design to ensure the long-term Conservation of the areas to be avoided, and associated functions and values, through the use of deed restrictions, conservation easement, or other appropriate mechanisms. 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 set forth below under the Determination of Biologically Equivalent or Superior Preservation" (pages 6-22,23 of the MSHCP).

Based on CDFW's review of information provided in the MND the Project could result in permanent and indirect impacts to Riparian/Riverine resources subject to Section 6.1.2 of the MSHCP. The MSHCP consistency review process will not be complete until CDFW and the United States Fish and Wildlife Service approve a DBESP for impacts to MSHCP Section 6.1.2 resources. Because this process is not complete, CDFW recommends that County include a new mitigation measure in the MND conditioning the Project applicant to demonstrate compliance with Section 6.1.2 of the MSHCP. CDFW requests the inclusion of the following new measure in the MND (added text shown in **bold**):

MM BIO-[XX]: Prior to issuance of any grading permit the Project Applicant shall provide to the County written correspondence from the USFWS and CDFW confirming that the Determination of Biologically Equivalent or Superior Preservation (DBESP) has been approved or provide written documentation from the USFWS and CDFW that a DBESP is not needed.

In addition, the project applicant should record a conservation easement, deed restriction, or equivalent over the avoided area of the riparian resources. To protect the long-term conservation values of the avoided riparian areas, the Project should be conditioned to use an appropriate mechanism such as a conservation easement or deed restriction (added text shown in **bold**).

MM BIO-[X]: Prior to issuance of any grading permit the Project Applicant shall provide to the County and RCA documentation that a deed restriction, conservation easement, or other appropriate mechanisms is recorded over the avoided riparian habitat.

Urban/Wildlands Interface Guidelines

The project site is the adjacent Criteria Cell 3564, which is located in Cell Group J, Subunit 3, Good Hope East for the Mead Valley Area Plan and the western parcel is also immediately southeast of the Steele Peak Reserve which is part of the SKR HCP. The Project Site is subject to the Urban/Wildland Interface Guidelines for the MSHCP. Indirect impacts for the Project include noise, lighting, invasive plants, and possibly toxic materials such as herbicides and pesticides used in landscaping and maintenance, as well as non-hazardous oils and fuels used during project operations.

Nighttime lighting has the potential to indirectly affect wildlife use and activity in the Criteria Cell 3564 and the Steele Peak Reserve. The MND indicates the use of lighting along the two northern off-road tracks on the mountainside, near the common border with Criteria Cell on the east and to a lesser extent the Steele Peak Reserve on the northeast corner. The MND indicates that the project proponent would be required to submit an on-site lighting plan for review and approval to the County. The lighting plan would identify the type, intensity, and location of each proposed on-site lighting source for track lighting; however, a lighting plan is not identified as a mitigation measure. The Project should be conditioned to submit a lighting plan to the County for review to ensure appropriate measures are met. The Lighting Plan should include shielded lighting, directing lighting away from the Criteria Cell and the Steele Peak Reserve to protect species within these areas from direct nighttime lighting. CDFW requests the inclusion of the following new measure in the MND (added text shown in **bold**):

MM BIO-[XX]: During both project construction activities and the long-term operations of the Project facility, indirect effects shall be minimized

by having all artificial lighting shielded and directed away from adjacent Criteria Cell 3564 and the Steel Peak Reserve. Prior to issuance of any grading permit a lighting plan shall be provided to the County that the identifies the type, intensity, and location of each proposed on-site lighting source during construction and long-term operation including lighting for the track, parking, roads, trails, and buildings. The lighting plan shall eliminate all nonessential lighting from the Project site and avoid or limit the use of artificial light during the hours of dawn and dusk, as these windows of time are when many wildlife species are most active. To reduce nighttime artificial lighting-related impacts to wildlife using adjacent conservation areas, the Project shall monitor lightning measurements during both Project construction and post-construction operations to determine impacts of nighttime artificial lightning on wildlife. To protect wildlife, project construction and operations shall result in no increased lighting on the adjacent Criteria Cell. If light impacts to adjacent the Criteria Cell exceed this threshold, the Project shall make changes to their operations and/or adopt landscape shielding, dimming, lighting curfews or other appropriate measures that result in the Project causing minimal to no glare to all areas of the Criteria Cell. The lighting plan shall ensure that lighting for project activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.

The proposed Project will permanently increase the ambient noise levels in the project vicinity above the current noise level limit of 45 dBA Leq. The Project includes an application for continuous noise exception per Section 7 of Ordinance No. 847 and will rely on the General Plan Noise Element daytime noise limit of 65 dBA Leq. However, the MND does not specify how noise levels will be monitored or maintained at 65 dBA, or less, during construction or project operation. To minimize impacts on wildlife in the adjacent Criteria Cell, CDFW requests inclusion of the following new measure in the MND (added text shown in **bold**):

MM NOI-[XX]: Construction-related and long-term Project operation noise shall not exceed 65 dBA Leq in the adjacent MSHCP Criteria Cell or Steele Peak Reserve. Prior to issuance of land development permits, including clearing or grubbing and grading and/or construction permits for areas within or adjacent to the MSHCP Criteria Cell, the applicant shall prepare and submit to the

satisfaction of the County, an acoustical analysis to demonstrate that the 65 dBA Leq noise level is not exceeded in the Criteria Cell. The acoustical analysis shall describe the methods by which construction noise shall not exceed 65 dBA Leq and how noise levels will be monitored during construction and for the life of the project. Noise abatement methods may include, but are not limited to, reoperation of specific construction activities, installation of noise abatement at the source, and/or installation of noise abatement at the receiving areas.

Lake and Streambed Alteration Program

CDFW's review of material submitted with the MND, specifically the Biological Technical Report (Section 4.10), and review of aerial photography, identified permanent impacts to approximately 8.9 acres of streams and fish and wildlife resources subject to Fish and Game Code section 1600 et seq. within the Project site. The Project proposes to mitigate for permanent impacts to streams via the purchase of mitigation credits from an approved mitigation bank "in the event that regulatory permitting should become necessary". To ensure compliance with Fish and Game Code section 1602, CDFW recommends that the County condition the MND to include a mitigation measure requiring the Project proponent to notify CDFW prior to commencing any activity that may adversely impact any river, stream, or lake. 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.

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 the 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 MND 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 regarding submittal of a Lake or Streambed Alteration notification package, please go to <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>.

CDFW recommends the inclusion of the following new measure in the MND (added text shown in **bold** and deleted text shown in ~~strikethrough~~):

MM BIO-[XX]: Prior to issuance of any grading permit the Project Applicant shall provide to the County written correspondence from the California Department of Fish and Wildlife (CDFW) confirming that CDFW has either executed a Streambed Alteration Agreement (Agreement), or informed the Project Applicant that an Agreement is not needed.

Nesting Birds and Migratory Bird Treaty Act

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 Bird Treaty Act.

Birds have been documented nesting outside of the nesting bird period identified (February 1 to August 31) in the draft MND. For example, owls nesting in January and September, hummingbirds nesting in January and February, and red-tailed hawks nesting in January and February. Given documented excursions from the proposed nesting bird season, we recommend the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting birds and birds of prey. Nesting bird surveys should not be limited to work during a specific time frame (February 1 to August 31) due to recent changes in timing of avian breeding activity.

CDFW recommends inclusion of the following mitigation measure for nesting birds (added text shown in **bold** and deleted text shown in ~~strikethrough~~):

Nesting Bird MM BIO-[XX]:

As a condition of a grading permit and regardless of the time of year,

nesting bird surveys shall be conducted by a qualified avian biologist within three (3) days prior to vegetation clearing or ground-disturbance activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist and submitted to Riverside County Environmental Programs Department (EPD) for review and approval. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. The size and location of all buffer zones, if required, shall be no less than a 300-foot radius around the nest for non-raptors and a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked daily by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and Riverside County EPD verify that the nests are no longer occupied, and the juvenile birds can survive independently from the nests. The results of the nesting bird survey shall be reviewed and approved by EPD prior to initiating vegetation removal or ground-disturbance activities. Fencing shall be evaluated on a weekly basis by the qualified biologist and shall be subject to field inspections by EPD staff while the nests are active, if warranted.

Drought-tolerant Landscaping

California is experiencing one of the most severe droughts on record. 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. 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>.

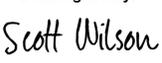
FILING FEES

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 MND for the the JS 63 MX Motorcycle Park CUP190014 Noise Exception No. 2100002 Project, State Clearinghouse No. 2021080416, and recommends that the County address CDFW's comments and concerns prior to adoption of the MND to avoid, minimize, or mitigate Project impacts on biological resources. CDFW requests a meeting with the County to discuss assessment of Riparian/Riverine resources. If you should have any questions pertaining to the comments provided in this letter, please contact John Dempsey at (909) 549-8245 or at John.Dempsey@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Scott Wilson
Environmental Program Manager

Brett Dawson, Project Planner
Riverside County Planning Department
September 20, 2021
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Attachment 1: Mitigation and Monitoring Report for CDFW-Proposed Mitigation Measures

ec: **California Department of Fish and Wildlife:**

Heather Pert, Senior Environmental Scientist Supervisory
John Dempsey, Environmental Scientist
HCPB CEQA Program, Habitat Conservation Planning Branch
CEQAcommentletters@wildlife.ca.gov

State Clearinghouse:

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

ATTACHMENT 1

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PURPOSE OF THE MMRP

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

TABLE OF MITIGATION MEASURES

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

Mitigation Measure	Implementation Schedule	Responsible Party
<p>MM BIO-1: 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 the preconstruction surveys confirm occupied burrowing owl habitat, or if burrowing owls are detected after the Project has started, then construction activities shall be halted immediately. CDFW and USFWS shall be notified within 48 hours of detection. 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</p>	<p>Prior to issuance of any grading or construction permits by the County</p>	<p>Project Applicant</p>

<p>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.</p>		
<p>Monitoring for MM BIO-1: Mitigation will be monitored through the condition of approval clearance process with the review of building permits. The results of the pre-construction nesting bird survey shall be submitted by the qualified biologist to the County three days prior to start of project activities. If nests are found, a Nesting Bird Plan and weekly monitoring reports of nesting activities shall be submitted by the qualified biologist to the County.</p>	<p>Three prior to start of project activities</p>	<p>Project Applicant</p>
<p>MM BIO-[XX]: Prior to issuance of any grading permit the Project Applicant shall provide to the County written correspondence from the USFWS and CDFW confirming that the Determination of Biologically Equivalent or Superior Preservation (DBESP) has been approved or provide written documentation from the USFWS and CDFW that a DBESP is not needed.</p>	<p>Prior to issuance of any grading or construction permits by the County.</p>	<p>Project Applicant</p>

<p>MM BIO-[X]: Prior to issuance of any grading permit the Project Applicant shall provide to the County and RCA documentation that a deed restriction, conservation easement, or other appropriate mechanisms is recorded over the avoided riparian habitat.</p>	<p>Prior to issuance of any grading permits by the County.</p>	<p>Project Applicant</p>
<p>MM BIO-[XX]: During both project construction activities and the long-term operations of the Project facility, indirect effects shall be minimized by having all artificial lighting shielded and directed away from adjacent Criteria Cell 3564 and the Steel Peak Reserve. Prior to issuance of any grading permit a lighting plan shall be provided to the County that identifies the type, intensity, and location of each proposed on-site lighting source during construction and long-term operation including lighting for the track, parking, roads, trails, and buildings. The lighting plan should eliminate all nonessential lighting from the Project site and avoid or limit the use of artificial light during the hours of dawn and dusk, as these windows of time are when many wildlife species are most active. To reduce nighttime artificial lighting-related impacts to wildlife using adjacent conservation areas, the Project shall monitor lightning measurements during both Project construction and post-construction operations to determine impacts of nighttime artificial lightning on wildlife. To protect wildlife, project construction and operations shall result in no</p>	<p>Prior to issuance of any grading permits by the County.</p>	<p>Project Applicant</p>

<p>increased lighting on the adjacent Criteria Cell. If light impacts to adjacent the Criteria Cell exceed this threshold, the Project shall make changes to their operations and/or adopt landscape shielding, dimming, lighting curfews or other appropriate measures that result in the Project causing minimal to no glare to all areas of the Criteria Cell. The lighting plan should ensure that lighting for project activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.</p>		
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<p>MM NOI-[XX]:</p> <p>Construction-related and long-term Project operation noise shall not exceed 65 dBA Leq in the adjacent MSHCP Criteria Cell or Steele Peak Reserve. Prior to issuance of land development permits, including clearing or grubbing and grading and/or construction permits for areas within or adjacent to the MSHCP Criteria Cell, the applicant shall prepare and submit to the satisfaction of the County, an acoustical analysis to demonstrate that the 65 dBA Leq noise level is not exceeded in the Criteria Cell. The acoustical analysis shall describe the methods by which construction noise shall not exceed 65 dBA Leq and how noise levels will be monitored during construction and for the life of the project. Noise abatement methods may include, but are not limited to, reoperation of specific construction activities, installation of noise abatement at the source, and/or installation of noise abatement at the receiving areas.</p>	<p>Prior to issuance of land development permits by the County.</p>	<p>Project Applicant</p>
<p>MM BIO-[XX]:</p> <p>Prior to issuance of any grading permit the Project Applicant shall provide to the County written correspondence from the California Department of Fish and Wildlife (CDFW) confirming that CDFW has either executed a Streambed Alteration Agreement (Agreement), or informed the Project Applicant that an Agreement is not needed.</p>	<p>Prior to issuance of any grading permits by the County.</p>	<p>Project Applicant</p>

<p>Nesting Bird MM BIO-[XX]:</p> <p>As a condition of a grading permit and regardless of the time of year, nesting bird surveys shall be conducted by a qualified avian biologist within three (3) days prior to vegetation clearing or ground-disturbance activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist and submitted to Riverside County Environmental Programs Department (EPD) for review and approval. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. The size and location of all buffer zones, if required, shall be no less than a 300-foot radius around the nest for non-raptors and a 500-foot radius around the nest for raptors. The nests and buffer zones shall be field checked daily by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction</p>	<p>Prior to issuance of any grading permits by the County.</p>	<p>Project Applicant</p>
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<p>fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and Riverside County EPD verify that the nests are no longer occupied, and the juvenile birds can survive independently from the nests. The results of the nesting bird survey shall be reviewed and approved by EPD prior to initiating vegetation removal or ground-disturbance activities. Fencing shall be evaluated on a weekly basis by the qualified biologist and shall be subject to field inspections by EPD staff while the nests are active, if warranted.</p>		
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