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Governor's Office of Planning & Research

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STATE CLEARING HOUSE

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Subject: Draft Environmental Impact Report, Keller Crossing Residential Development Project, State Clearinghouse No. 2021080570

Dear Ms. Bradford:

The California CDFW of Fish and Wildlife (CDFW) received and reviewed the Draft Environmental Impact Report (DEIR) from the County of Riverside for the Keller Crossing Residential Development Project (Project), State Clearinghouse No. 2021080570, 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 (Fish & G. Code, § 1802.). Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency regarding any discretionary actions under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381, such as the issuance of a Lake or Streambed Alteration Agreement (Fish & G. Code Sections 1600

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.

et seq.), a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (Fish & G. Code Sections 2080 and 2080.1) and/or for administering the Natural Community Conservation Planning Program (NCCP). CDFW also administers the Native Plant Protection Act, Natural Community Conservation Program, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

CDFW issued Natural Community Conservation Plan approval and take authorization in 2004 for the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP), as per Section 2800, et seq., of the California Fish and Game Code. The MSHCP established a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. The County of Riverside is a permittee to the MSHCP and is responsible for implementation of the MSHCP and its associated Implementation Agreement. CDFW is providing the following comments as they relate to the project's consistency with the MSHCP and CEQA.

PROJECT DESCRIPTION SUMMARY

Project Location

The 196-acre Project site is in unincorporated western Riverside County, California, within Section 21 of Township 6 South, Range 2 West, San Bernardino Baseline and Meridian. The Project site is located within the western region of unincorporated Riverside County and is within the Sphere of Influence of the City of Murrieta. The Project site is located northeast of the City of Murrieta, southeast of the City of Menifee, and is approximately 2.2 miles southwest of Diamond Valley Lake. The 196-acre Project site is located directly east of Winchester Road, north of Keller Road, west of the future alignment of Pourroy Road, and to the east of Highway 79 (SR-79) within the French Valley Community. The Project site encompasses Assessor Parcel Numbers (APNs) 472-110-(001, 002, 003, 004, 007, 008, 009, 032, 033, and 034).

In addition, the County of Riverside has conditioned the Project to include three off site road improvements, further outlined below. The proposed Off Site Road Improvement and Use Areas are located within the existing right of ways (ROW) along Keller Road, Old Keller Road, Winchester Road, and Pourroy Road. It also includes an expansion of the roadway of Old Keller Road, and paving Pourroy Road to accommodate the use of the area local traffic located south of the Project site (see pages 3-13, 3-29 of the DEIR).

Project Description

On site

The proposed Project consists of the construction of 433 units on an approximate 196-acre site with up to 13.3 acres of “Commercial Retail” land uses, 277 “Medium-Density Residential (MDR)” dwelling units on 61.2 acres, 76 “Medium-High-Density Residential (MHDR)” dwelling units on 14.1 acres, 80 “High-Density Residential (HDR)” dwelling units that would be age qualified on 7.3 acres, 1.0 acre of “Community Development Very Low Density Residential (CD-VLDR)” land uses, 10.5 acres of “Open Space-Recreation (OS-R)” land uses, 11.2 acres of “Open Space-Water (OS-W)” land uses, 61.4 acres of “Open Space-Conservation Habitat (OS-CH)” land uses, and 16.0 acres of offsite major circulation facilities. The development of this Project would require an amendment to the Keller Crossing Specific Plan No. 380, General Plan Amendment, a Change of Zone, and a Tentative Tract Map.

Off site

Winchester Road/Highway 79 – Modified Expressway (½-Width 92'-122' ROW, 184'-220' Total ROW): Winchester Road/Highway 79 is classified by the General Plan and SWAP as an “Expressway” with an ultimate ROW width ranging from 184 to 220 feet. Two roadway cross-sections are proposed for Winchester Road. For the portion of Winchester Road from 0.5-mile north of Keller Road to the northern Project boundary, Winchester Road would be improved along the western edge to include up to 88 feet of paving including a 32-foot portion of the striped center median. Along the western edge of this portion of the roadway, a 34-foot landscaped parkway would be accommodated. For the portion of Winchester Road between Keller Road and 0.5-mile north of Keller Road, Winchester Road would be improved along the western edge to provide between 67 and 79 feet of paving including a 14-foot striped center median, and a landscaped parkway along the western edge of the roadway ranging in width from 25 feet to 37 feet, which would include an 8-foot-wide curb-separated sidewalk. As part of the Project, approximately 0.2-acre (up to 10 feet in width) of ROW would be dedicated to the County of Riverside and/or Caltrans.

Keller Road – Secondary Highway (100'-112' ROW): Keller Road is classified by the General Plan and SWAP as a “Secondary Highway” with an ultimate ROW width of 100 feet. As part of the Project, Keller Road would be slightly realigned to the north through the southern portions of the Project site in order to facilitate a 90-degree intersection with Winchester Road/Highway 79. As part of the Project, a total of 100 feet of ROW would be dedicated along the portion of Keller Road that traverses the Project site, and this roadway would be improved to include 64 feet of paving (including a 12-foot-wide painted median) and 18-foot-wide parkways along each side of the roadway that would include 5-foot-wide curb-separated sidewalk along the southern side of the roadway and a 10-foot-wide curb-separated meandering decomposed granite (d.g.) trail along the northern edge of the roadway. The ROW may increase to 112 feet and consist of 76 feet of paving (curb-to-curb) at the intersection of Keller Road and Winchester Road to accommodate turn lanes. Old Keller Road – Modified Collector (60' ROW): Along the Project's southern boundary, approximately 28 feet of the existing right-of-way for (Old)

Keller Road would be vacated, resulting in a total ROW of 60 feet along Old Keller Road. This roadway would be improved to include 34 feet of paving, an 8-foot-wide landscaped parkway along the northern edge of the roadway, and an existing 18-foot-wide graded swale along the southern edge of the roadway. A 15-foot-wide detention basin access road would be accommodated within the portion of the ROW to be abandoned as part of the Project.

Pourroy Road: The portion of Pourroy Road that abuts the Project site is not classified as part of the General Plan or Southwest Area Plan and consists of a 16-foot-wide dirt road within the western half of the alignment. Approximately 24 feet of the western 30-foot half-width section of Pourroy Road would be paved as part of the Project, leaving the eastern 30-foot half-width section of the ROW as additional buffer between the Project site and the established large lot neighborhood to the west. No access to the Project site is proposed from Pourroy Road; although Pourroy Road would provide fire safety access for the established neighborhood to the west. No other improvements aside from the 24-footwide paved road portion are proposed.

COMMENTS AND RECOMMENDATIONS

CDFW's comments and recommendations on the DEIR are explained below.

Western Riverside County Multiple Species Habitat Conservation Plan

Western Riverside MSHCP Implementation:

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.

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 is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP.

The MSHCP identifies that the California Department of Fish and Wildlife and the U. S. Fish and Wildlife Service (collectively known as the Wildlife Agencies) shall be notified in advance of approval of public and private projects for the identified MSHCP activities. MSHCP implementation has not been fully completed and is further detailed below.

CDFW requests that to demonstrate compliance with the MSHCP, the County complete MSHCP implementation prior to adoption of the MND for the Project.

Western Riverside MSHCP Covered Roads Analysis

The DEIR and Appendix C1 describe the northerly and southerly Off Site Road Improvements as being covered activities under Section 7.3.5 of the MSHCP. The purpose of MSHCP Section 7.3.5 is to identify circulation elements within the Criteria Area that were proposed as part of the General Plan Circulation Element at the conception of the MSHCP. These covered activities are fully described within the MSHCP as being existing facilities that may require improvements or planned facilities to improve circulation. The MSHCP Section 7.3.5 further identifies each classification of circulation roads and their associated rights-of-way:

“Seven types of roadways are proposed as part of the General Plan Circulation Element: expressways (184' ROW), urban arterials (152' ROW), arterials (128' ROW), major roads (118' ROW), mountain arterials (110' ROW), secondary roads (100' ROW) and collector roads (74' ROW). The improvement/ construction of circulation element roadways shown on Figure 7-1 are Covered Activities within the Criteria Area, as well as the operation and Maintenance Activities conducted for these facilities. (MSHCP Section 7.3.5, p.g. 7-31)”

The DEIR identifies that there are potential road improvements resulting in impacts to associated biological resources along Winchester Road, Old Keller/Keller Road, Pourroy Road, and Washington Street. While Winchester Road, Old Keller/Keller Road, and Washington Street are Covered Activities under MSHCP Section 7.3.5 the DEIR incorrectly states that Pourroy Road is a Covered Activity. Upon review of MSHCP Section 7.3.5 and the Covered Roads layer of the MSHCP, Pourroy is not a covered road. Therefore, the proposed hardening of the existing dirt Pourroy Road is not a covered activity under the MSHCP.

If the improvements are unable to meet the parameters described, then the Project is not consistent with MSHCP and the Project may need to be modified. Thus, a full analysis for Section 7.3.5 which includes allotted road widths, acreage of coverage, culvert sizing requirements for wildlife movement, and wildlife fencing should be included within the DEIR for the offsite road improvements proposed to occur within Criteria Cells 5173, and 5275. This analysis should also be provided to the Western Riverside County Regional Conservation Authority (RCA) as part of the new Joint Project Review (JPR) or JPR amendment process. Additionally, CDFW recommends the following changes identified in **bold** and removed measures are in ~~strikeout~~.

MM 4.4-4 Prior to approval of improvement plans **and certification of the DEIR** for Project-related off-site improvements, the Project Applicant shall provide a copy of the approved MSHCP-required Joint Project Review (JPR) **to be incorporated into the final Environmental Impact Report**. If it is determined

that a JPR is not required for Project-related off-site improvements, the Project Applicant shall provide proof that the Regional Conservation Authority has determined that a JPR is not required.

Joint Project Review for Off Site Improvements

CDFW appreciates that the DEIR identifies that the County of Riverside has implemented the MSHCP through participating in the Joint Project Review process (JPR) for the on site portion of the Project in 2010. The DEIR, Biological Technical Report (Appendix C1), and Determination of Biologically Equivalent or Superior Preservation (DBESP; Appendix C2) include the approved JPR 09-12-14-01 as Exhibit 11 and indicates that the current onsite Project has remained unchanged since that time. The majority of the Project is located within the Southwest Area Plan, Subunit 5 French Valley/Lower Sedco in Proposed Linkage 17 and will contribute 61.4 acres on the northerly boundary to conservation for the MSHCP. However, the DEIR and Appendix C1, within the Executive Summary, states that the off site road improvements occurring within Criteria Cells, Subunit 5 French Valley/Lower Sedco and Subunit 4 Cactus Valley, were not originally proposed within the approved JPR 09-12-14-01 and that those portions of the Project may require an additional JPR. Implementation of MSHCP Section 6.6.2 requires that if the Project includes the off site road improvements, then the JPR has changed, and the County of Riverside should consult with the RCA to submit an application to either amend JPR 09-12-14-01 or for a new JPR application for the off site road improvements. The amendment or new JPR application should include all off site impacts that occur within Criteria Cells, a complete analysis of the functions and values within the impact areas, and how Reserve Assembly may be affected.

CDFW recommends that an amendment to JPR 09-12-14-01 (or a new JPR for the off site Project impacts) occur prior to adoption of the final Environmental Impact Report to demonstrate implementation of Section 6.6.2 of the MSHCP.

Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools for Off Site Road Improvements

The revised DBESP, dated March 22, 2022, includes both the on site and off site project impacts. CDFW records indicate the latest DBESP received for the project was on July 1, 2011 (Appendix C2). The 2011 DBESP did not include the off site road impact. The MSHCP Protection of Species Associated with Riparian/Riverine and Vernal Pool Resources Section 6.1.2 indicates that if avoidance of onsite impacts to Section 6.1.2 resources is not feasible, then the impacts should be identified and mitigated for through a DBESP process prior to or in parallel to CEQA. The MSHCP identifies that the Wildlife Agencies shall be notified in advance of approval of public or private projects of draft determinations for the biologically equivalent or superior determination findings associated with the Protection of Wetland Habitats and Species policies presented in Section 6.1.2 of the MSHCP (MSHCP Section 6.11).

As required by MSHCP, completion of the DBESP process prior to adoption of the environmental document ensures that the project is consistent with the MSHCP and provides public disclosure and transparency during the CEQA process by identifying the project impacts and mitigation for wetland habitat, a requirement of CEQA Guidelines, §§ 15071, subds. (a)-(e). To fully implement the MSHCP for Sections 6.1.2 Protection of Riparian/Riverine and Vernal Pool, 6.3.2 Additional Survey Needs and Procedures, and Section 6.11 Annual Review and Oversight the revised DBESP for the off site Project activities should be submitted to CDFW and the United States Fish and Wildlife Service (CDFW and USFWS) for a 60-day review and response period.

The revised DBESP has been not reviewed by CDFW and USFWS, and therefore the impact and associated mitigation may change to address our review and assessment. Without a complete and accurate description of the impacts to existing riparian/riparian resources and the proposed mitigation the draft EIR provides incomplete analysis of the project-related environmental impacts. To provide sufficient information for CDFW to evaluate the project impacts and ensure the mitigation included in the final environmental document accurately represents what is required for MSHCP implementation, a revised DBESP should be prepared and submitted to the Wildlife Agencies for review and response prior to adopting the EIR. Implementation of MSHCP Section 6.0 is intended to provide full mitigation under CEQA by mitigating Project impacts to the extent feasible and ensures that there is no conflict with the MSHCP, a requirement of CEQA Environmental Impact Report, Biological Resources, Section 4 subitem f. CDFW recommends that a revised DBESP for the offsite Project impacts occur prior to adoption of the final Environmental Impact Report.

The DEIR and Appendix C1 identifies unavoidable impacts to approximately 0.48 acres of MSHCP Section 6.1.2 resources and indicates that the impacts will be mitigated at a minimum of a 3 to 1, mitigation to impact ratio, by way of purchasing mitigation credits from the Skunk Hollow and Riverpark Mitigation Banks. While CDFW appreciates the analysis of impacts provided within the DEIR and Appendix C1, the riparian/riverine impact acreage may change after CDFW and USFWS have reviewed the revised DBESP, therefore we recommend that the County of Riverside complete a revised DBESP prior to adoption of the final Environmental Impact Report to fully implement and demonstrate consistency with the MSHCP. After review by CDFW and USFW is complete, the DEIR should be updated to reflect the revised DBESP mitigation requirements, as needed. Proposed mitigation for impacts to MSHCP riparian/riverine resources should be within the MSHCP plan boundaries. The Regional Water Board mitigation is not part of the DBESP process, and CDFW recommends a separate mitigation measure to address their mitigation requirements. CDFW recommends the following changes identified in **bold** and removed measures are in ~~strikeout~~.

MM 4.4-1 To mitigate Project impacts to riparian/riverine resources in the MSHCP, the Project Applicant shall provide prior to certification and adoption of the final Environmental Impact Report and issuance of grading permits or

other permits authorizing ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging), **the following:**

- **At a minimum a revised DBESP that includes a mitigation strategy that has been reviewed by the California Department of Fish and Wildlife and the US Fish and Wildlife Service.**
- Evidence to Riverside County that impacts to ~~0.38-acre of Regional Board Waters of the State and to {0.48} acre of CDFW jurisdiction and MSHCP Riparian/Riverine areas (inclusive of impacts to 0.05 acre of Disturbed Mulefat Scrub)~~, have been mitigated in accordance with the Project's **County of Riverside revised** Determination of Biologically Equivalent or Superior Mitigation, dated March 22, 2022, and included as Technical Appendix C2 to this EIR. The Project's DBESP requires mitigation for impacts to ~~0.38-acre of Regional Board jurisdiction and 0.48-acre jurisdiction~~ and MSHCP Riparian/Riverine areas at a minimum 3:1 ratio (mitigation:impact) as follows:
 - ~~The purchase of 0.76-acre of re-establishment credits at the San Luis Rey Mitigation Bank (for Regional Board impacts only);~~
 - The purchase of 1:1 ratio (mitigation:impact) preservation credits at the Barry Jones Mitigation Bank (for both Regional Board and CDFW impacts);
 - The purchase of 1:1 ratio (mitigation:impact) rehabilitation credits at the Riverpark Mitigation Bank (for CDFW impacts only); and
 - The purchase of 1:1 ratio (mitigation:impact) of re-establishment credits at the Riverpark Mitigation Bank (for CDFW impacts only).

Should compensatory mitigation credits be unavailable at the Riverpark Mitigation Bank, ~~San Luis Rey Mitigation Bank~~, and/or Barry Jones/Skunk Hollow Mitigation Bank, the Project Applicant shall coordinate with the regulatory agencies, Riverside County, **California Department of Fish and Wildlife, and US Fish and Wildlife Service** and MSHCP Wildlife Agencies to secure alternate mitigation totaling a minimum of ~~2.2 acres~~ at another approved mitigation bank or **through permittee responsible mitigation in-lieu fee program.**

Burrowing Owl

In California, burrowing owl are in decline primarily because of habitat loss, as well as disease, predation, and drought². Burrowing owl require specific soil and microhabitat

² DeSante, D. F., E. D Ruhlen, and R. Scalf. 2007. The distribution and relative abundance of burrowing owls in California during 1991–1993: Evidence for a declining population and thoughts on its conservation. Pages 1-41 in J. H. Barclay, K. W. Hunting, J. L. Lincer, J. Linthicum, and T. A. Roberts, editors. Proceedings of the California Burrowing Owl Symposium, 11-12 November

conditions, occur in few locations within a broad habitat category of grassland and some forms of agriculture land, require a relatively large home range to support its life history requirements, occur in relatively low numbers, and are semi-colonial. One mechanism the MSHCP employs to provide for conservation of burrowing owls is to require burrowing owl surveys in suitable habitat to identify suitable occupied nesting habitat for owls that may be required for conservation. The DEIR identifies that suitable habitat for burrowing owl was identified through aerial imagery and focused burrowing owl surveys, however no information on surveys other than the dates where provided. CDFW is concerned that nesting owls may be missed by the timing of and weather conditions of the surveys, and CDFW recommends providing the survey information as an appendix to the DEIR such that there is adequate information presented by the Project. CDFW recommends the inclusion of a process to avoid direct take of burrowing owls and to avoid project delays if the owls are detected during the pre-construction surveys.

CDFW requests the County evaluate the direct, indirect, and cumulative impacts to burrowing owl before approval and certification of the DEIR. Appropriate analysis would include a discussion of the results of the focused burrowing owl surveys, including the survey information, and suitable habitat surveys for the Project site. To avoid take of active nests, appropriate avoidance and minimization measures need to be identified in the DEIR to protect burrowing owl during the burrowing owl nesting season. CDFW recommends creation of a Burrowing Owl Plan if owls are detected on the Project Site.

To avoid take of active burrowing owl burrows (nests), CDFW requests the addition of the following mitigation measure. Requested additions are identified in **bold** and removed measures are in ~~strikeout~~.

MM 4.4-2 To avoid take of active burrowing owl burrows (nests) and in accordance with MSHCP Objective 6, prior to issuance of grading permits or other permits authorizing ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging), 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. **The results of the survey should be submitted to the City and California Department of Fish and Wildlife within three days of survey completion. The pre-construction shall be conducted in**

accordance with the current Burrowing Owl Instruction for the Western Riverside MSHCP. ~~If burrowing owls are detected on-site during the pre-construction survey, the owls shall be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to the approval of the 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 on-site, a burrowing owl management plan shall be prepared and implemented in coordination with the Western Riverside County Regional Conservation Authority (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. If active burrowing owl burrows are detected, the Project applicant shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or following CDFW approval of a Burrowing Owl Plan as described below. If owl presence is difficult to determine, a qualified biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan.~~

The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and Western Riverside County Multiple Species Habitat Conservation Plan. The qualified biologist and Project Applicant shall coordinate with the City, CDFW, and USFWS to develop a Burrowing Owl Plan to be approved by the City, 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 City shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

If burrowing owls are observed within Project Site(s) during Project implementation and construction, the Project applicant shall notify CDFW immediately in writing within 48 hours of detection. A Burrowing Owl Plan shall be submitted to CDFW for review and approval within two weeks of detection and no Project activity shall continue within 1000 feet of the burrowing owls until CDFW approves the Burrowing Owl Plan. the City shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Plan.

If ground-disturbing activities occur but the site is left undisturbed for more than 30 days, a preconstruction survey for burrowing owl shall be conducted within 3 days prior to initiation of Project activities and reported to CDFW as described above. If burrowing owl are found, the same coordination described above shall be necessary.

A final report shall be prepared by the qualified biologist documenting the results of the burrowing owl surveys and detailing avoidance, minimization, and mitigation measures. The final report shall be submitted to the City and CDFW within 30 days of completion of the survey and burrowing monitoring for mitigation monitoring compliance record keeping.

Nesting Birds

It is the Project proponent's responsibility to avoid Take of all nesting birds. 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 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.). 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. These regulations apply anytime nests or eggs exist on the Project site.

The timing of the nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have observed that changing climate conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests.

The duration of a pair to build a nest and incubate eggs varies considerably, therefore, CDFW recommends surveying for nesting behavior and/or nests and construction within three days prior to start of Project construction to ensure all nests on site are identified and to avoid take of nests.

CDFW is concerned that potential impacts to nesting birds are not adequately discussed within the DEIR and strongly suggests the County evaluate the direct, indirect, and cumulative impacts to nesting birds, before approval and certification of the DEIR. Appropriate analysis would include conducting focused nesting bird surveys throughout the project site. To address the above issues and help the Project applicant avoid unlawfully taking of nests and eggs, CDFW requests the County include the following mitigation measures in the DEIR per below (edits are in ~~strike through~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".

MM 4.4-3 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.

"In order to avoid violation of the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code Sections 3503, 3503.5, and 3513, ~~V~~vegetation clearing shall be conducted outside of the bird nesting season (~~February 1 to August 31~~) to the extent feasible. If avoidance of the nesting season is not feasible, 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. **The nest surveys shall include the project site and adjacent areas where project activities have the potential to cause nest failure. The survey results shall be provided to the County's Planning Department. The Project Applicant shall adhere to the following:**

- 1. 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.**
- 2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. 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.**

If no nesting birds are observed during the survey, site preparation and construction activities may begin. ~~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 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.~~ **avoidance or minimization measures shall be undertaken in consultation with the County of Riverside and California Department of Fish and Wildlife. Measures shall include immediate establishment of an**

appropriate buffer zone to be established by a qualified biologist, and approved by the County of Riverside, based on their best professional judgement and experience. The buffer around the nest shall be delineated and flagged, and no construction activity shall occur within the buffer area until a qualified biologist determines nesting species have fledged and the nest is no longer active, or the nest has failed. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The onsite qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found. Within 30 days of completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the County for mitigation monitoring compliance record keeping.”

Urban/Wildlands Interface Guidelines

As the MSHCP Conservation Area is assembled, hardline boundaries are established between development and MSHCP Conservation Areas. Development near MSHCP Conservation Area may result in edge effects that will adversely affect biological resources within the MSHCP Conservation Area. To minimize edge effects and maintain conservation value within the Conservation areas the County is required to implement the Urban/Wildlands Interface Guidelines (MSHCP Section 6.1.4) for drainage, toxics, lighting, noise, invasives, barriers, and grading/land development.

Barriers

Proposed land uses adjacent to the MSHCP Conservation Area are required to incorporate barriers, in individual Project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, and dumping in the MSHCP Conservation Area. CDFW is concerned about trespass onto the Conservation Area from unauthorized uses which can lead to habitat loss and degradation, increase fire hazards, increased predation, and spread of invasive species. The DEIR identifies that the Project includes a conceptual wall and fence, which requires the installation of

tubular steel fencing or steel rod fencing along all proposed open space areas on site, including areas proposed to be added to the MSHCP Conservation Area. Riverside County would review future implementing developments (i.e., plot plans, building permits, etc.) to ensure compliance the requirement to provide fencing along the MSHCP Conservation Area. However, the fence plan lacks specificity such as height of barrier, type of barrier (what will be between the metal posts), or how it will be effective in controlling trespass, and when will the barrier be installed. The MSHCP identifies that project review and impact mitigation are provided through the CEQA process to address the Urban/Wildland Interface guidelines. CDFW requests specific language be added into DEIR to elaborate on what protective barriers will be put in place to ensure adjacent conservation areas are adequately protected from the proposed adjacent development and Project construction activities.

CDFW provides Project specific concerns for the Urban/Wildland Interface guidelines below. CDFW recommends that these potential Project impacts are addressed through specific biological mitigation measures to control public access and other urban threats such as pets, invasive species, fire, etc. CDFW requests a fencing plan that includes the erection of a cat-proof barrier. The barrier should consist of 8-foot-tall fencing made of secure and fire-proof materials (such as brick, stone, or metal) placed along the entire boundary adjacent to conservation area to prohibit movement of people and pets from the development area into the Conservation Area. The top of all walls and fences should be designed to prevent animals from entering conservation areas using systems such as a roller bars, angled fence tops, or other effective fence designs to keep out pets, especially cats. No section of the fence should include clear panels or sections such as glass or plastic as these are a strike hazards to birds which fly into them and die³. This type of fencing would also prevent residents from creating openings and unauthorized access through the walls into to the conservation areas.

To address the issues identified above for land use agency guidelines, CDFW requests the inclusion of the following mitigation measure:

MM BIO-XX: The Applicant shall comply with the following prior to approval of the Final Design:

- **Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers to minimize unauthorized public access, domestic animal predation, illegal trespass, and/or dumping in the MSHCP Conservation Area. Prior to approval of the Final Design, a fencing plan shall be submitted to the County of Riverside and the Western Riverside County Regional Conservation Authority for review and approval. The fencing plan shall include 8-foot-tall fencing made of secure and fire-proof materials (such as brick, stone, or metal) placed along the entire boundary adjacent to Conservation Area to prohibit movement of people and pets from the**

³ <https://www.darkskysociety.org/handouts/birdsafebuildings.pdf>

development area into the Conservation Area. The top of all walls and fences shall be designed to prevent animals from entering Conservation Areas using systems such as a roller bars, angled fence tops, or other effective fence designs to keep out pets, especially cats. To prevent bird strikes and reduce bird mortality, no section of the fence should include clear panels or be made of transparent materials such as glass or plastic. The Fencing Plan shall identify a maintenance and monitoring plan for the fence, including who is responsible for fence maintenance with sufficient funding to maintain the barrier.

Lake and Streambed Alteration Program

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. The DEIR identifies impacts to fish and wildlife resources subject to Fish and Game Code section 1602 (Section I.1, pages 4.4 15-16). However, the data presented references impacts to riparian streams and non-riparian or riverine streams. This level of detail is insufficient for CDFW to evaluate impacts to stream resources. Please revise the information to provide the type and acreage of vegetation type associated with each stream section.

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>.

CDFW recommends the inclusion of the following measure in the MND per the edits below (edits are in ~~strikethrough~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".:

MM Bio XX: Prior to the grading the Project site and prior to the start of Project activities, the Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources. The applicant shall either receive a Streambed Alteration Agreement or written documentation from CDFW that a Streamed Alteration Agreement is not needed.

DROUGHT-TOLERANT LANDSCAPING

Because California has entered another period of extended drought, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Additionally, native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other

pollinators that evolved with those plants. Information on native plants suitable for the Project location and nearby nurseries is available at CALSCAPE: <https://calscape.org/>. 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. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: [Around the Yard \(saveourwater.com\)](https://www.saveourwater.com/).

MITIGATION AND MONITORING REPORTING PLAN

CDFW recommends updating the DEIR's proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the County in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation monitoring and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). The County is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the County with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment 1).

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final.


Deborah Bradford, Project Planner
Riverside County Planning Department
November 21, 2022
Page 18

(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 Stoneridge Commerce Center Project to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. CDFW requests that Riverside County address the CDFW's comments and concerns prior to adoption of the final EIR. Questions regarding this letter or further coordination should be directed to Carly Beck, Senior Environmental Scientist Specialist, at carly.beck@wildlife.ca.gov.

Sincerely,

DocuSigned by:

84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

cc: California Department of Fish and Wildlife
HCPB CEQA Coordinator

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

U.S. Fish and Wildlife Service
Karin Cleary-Rose
Karin_Cleary-Rose@fws.gov

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

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 4.4-4 Prior to approval of improvement plans and certification of the DEIR for Project-related off-site improvements, the Project Applicant shall provide a copy of the approved MSHCP-required Joint Project Review (JPR) to be incorporated into the final Environmental Impact Report. If it is determined that a JPR is not required for Project-related off-site improvements, the Project Applicant shall provide proof that the Regional Conservation Authority has determined that a JPR is not required.</p>	<p>Prior to adoption of the final Environmental Impact Report</p>	<p>Project Applicant</p>
<p>MM 4.4-1 To mitigate Project impacts to riparian/riverine resources in the MSHCP, the Project Applicant shall provide prior to certification and adoption of the final Environmental Impact Report and issuance of grading permits or other permits authorizing ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging), the following:</p> <p>At a minimum a revised DBESP that includes a mitigation strategy that has been reviewed by the California Department of Fish and Wildlife and the US Fish and Wildlife Service. Evidence to Riverside County that impacts to have been mitigated in accordance with the Project's County of Riverside revised Determination of Biologically Equivalent or Superior Mitigation, dated March 22, 2022, and included as Technical Appendix C2 to</p>	<p>Prior to issuance of grading permits</p>	<p>Project Applicant</p>

<p>this EIR. The Project's DBESP requires mitigation for impacts MSHCP Riparian/Riverine areas at a minimum 3:1 ratio (mitigation:impact) as follows:</p> <ul style="list-style-type: none"> The purchase of 1:1 ratio (mitigation:impact) preservation credits at the Barry Jones Mitigation Bank; The purchase of 1:1 ratio (mitigation:impact) rehabilitation credits at the Riverpark Mitigation; and The purchase of 1:1 ratio (mitigation:impact) of re-establishment credits at the Riverpark Mitigation Bank. <p>Should compensatory mitigation credits be unavailable at the Riverpark Mitigation Bank, and/or Barry Jones/Skunk Hollow Mitigation Bank, the Project Applicant shall coordinate with the Riverside County, California Department of Fish and Wildlife, and US Fish and Wildlife Service to secure alternate mitigation at another approved mitigation bank or through permittee responsible.</p>		
<p>MM 4.4-2 To avoid take of active burrowing owl burrows (nests) and in accordance with MSHCP Objective 6, prior to issuance of grading permits or other permits authorizing ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging), 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.</p> <ul style="list-style-type: none"> • 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. The results of the survey should be submitted to the City and California Department of Fish and Wildlife within three days of survey completion. The pre-construction shall be conducted in accordance with the current Burrowing Owl Instruction for the Western Riverside MSHCP. 	<p>Prior to issuance of grading permits</p>	<p>Project Applicant</p>

• Burrowing Owl Management Plan: If active burrowing owl burrows are detected, the Project applicant shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or following CDFW approval of a Burrowing Owl Plan as described below. If owl presence is difficult to determine, a qualified biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan.

The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and Western Riverside County Multiple Species Habitat Conservation Plan. The qualified biologist and Project Applicant shall coordinate with the City, CDFW, and USFWS to develop a Burrowing Owl Plan to be approved by the City, 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 City shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

If burrowing owls are observed within Project Site(s) during Project implementation and construction, the Project applicant shall notify CDFW immediately in writing within 48 hours of detection. A Burrowing Owl Plan shall be submitted to CDFW for review and approval within two weeks of detection and no Project activity shall continue within 1000 feet of the

<p>burrowing owls until CDFW approves the Burrowing Owl Plan. the City shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Plan.</p> <p>If ground-disturbing activities occur but the site is left undisturbed for more than 30 days, a preconstruction survey for burrowing owl shall be conducted within 3 days prior to initiation of Project activities and reported to CDFW as described above. If burrowing owl are found, the same coordination described above shall be necessary.</p> <p>A final report shall be prepared by the qualified biologist documenting the results of the burrowing owl surveys and detailing avoidance, minimization, and mitigation measures. The final report shall be submitted to the City and CDFW within 30 days of completion of the survey and burrowing monitoring for mitigation monitoring compliance record keeping.</p> <p>MM 4.4-3 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.</p> <p>"In order to avoid violation of the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code Sections 3503, 3503.5, and 3513, vegetation clearing shall be conducted outside of the bird nesting season to the extent feasible. If avoidance of the nesting season is not feasible, 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. The nest surveys shall include the project site and adjacent areas where project activities have the potential to cause nest failure. The survey results shall be provided to the County's Planning</p>		
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<p>Department. The Project Applicant shall adhere to the following:</p> <ul style="list-style-type: none">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.Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. 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. <p>If no nesting birds are observed during the survey, site preparation and construction activities may begin. If active nests are identified, avoidance or minimization measures shall be undertaken in consultation with the County of Riverside and California Department of Fish and Wildlife. Measures shall include immediate establishment of an appropriate buffer zone to be established by a qualified biologist, and approved by the County of Riverside, based on their best professional judgement and experience. The buffer around the nest shall be delineated and flagged, and no construction activity shall occur within the buffer area until a qualified biologist determines nesting species have fledged and the nest is no longer active, or the nest has failed. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in</p>		
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<p>number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The onsite qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found. Within 30 days of completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the County for mitigation monitoring compliance record keeping.”</p>		
<p>MM BIO-XX: The Applicant shall comply with the following prior to approval of the Final Design:</p> <ul style="list-style-type: none"> Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers-to minimize unauthorized public access, domestic animal predation, illegal trespass, and/or dumping in the MSHCP Conservation Area. Prior to approval of the Final Design, a fencing plan shall be submitted to the County of Riverside and the Western Riverside County Regional Conservation Authority for review and approval. The fencing plan shall include 8-foot-tall fencing made of secure and fire-proof materials (such as brick, stone, or metal) placed along the entire boundary adjacent to Conservation Area to prohibit movement of people and pets from the development area into the Conservation Area. The top of all walls and fences shall be designed to prevent animals from entering Conservation Areas using systems such as a roller bars, angled fence tops, or other effective fence designs to keep out pets, especially cats. To prevent bird strikes and reduce bird mortality, no section of the fence 	<p>Project Applicant</p>	<p>Prior to the start of Project activities</p>

<p>should include clear panels or be made of transparent materials such as glass or plastic. The Fencing Plan shall identify a maintenance and monitoring plan for the fence, including who is responsible for fence maintenance with sufficient funding to maintain the barrier.</p>		
<p>MM Bio XX: Prior to the grading the Project site and prior to the start of Project activities, the Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources. The applicant shall either receive a Streambed Alteration Agreement or written documentation from CDFW that a Streambed Alteration Agreement is not needed.</p>	<p>Project Applicant</p>	<p>Prior to the start of Project activities</p>

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