Appendix D-2

Rocks Responses to Comments

MEMORANDUM

To: Ms. Nicole Cobleigh, Dudek

From: Rocks Biological Consulting

Date: April 19, 2024

Subject: Draft Response to Biological Comments for the West Campus Upper Plateau Project Draft Environmental Impact Report

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This memorandum provides a response to comments addressing biological resources for the March Joint Powers Authority (MJPA) Draft Environmental Impact Report (EIR) on the West Campus Upper Plateau Project (project).

Form Letter C – Biological Resources

Comment FL-C.4

I have serious concerns about the shrinking of open spaces and destruction of habitat, and I ask that you require the project applicant to make every effort to preserve endangered and threatened species and plant life that you can.

Wildlife:
1. The applicant should expand their analysis to include the Western Riverside County MSHCP Species Observations Database which contains much more data for our region than does CNDDB.

Response to Comment FL-C.4

Wildlife:

1. It is our understanding that the Western Riverside County MSHCP Species Observations Database provides location documentation for MSHCP monitoring surveys conducted within MSHCP conservation areas. It is also our understanding that locations from the MSHCP database for species considered to be special-status by state and/or federal agencies are also uploaded to the California Natural Diversity Database (CNDDB), which was reviewed as part of the project effort. During desktop analysis, a CNDDB search for a three-mile radius around the project site was conducted; this search radius distance is standard industry practice.

Based on this comment, however, the Western Riverside County MSHCP Species Observations Database was reviewed on CDFW BIOS on March 2, 2023. No special-status wildlife species were recorded within this database for a three-mile radius around the project site.

Comment FL-C.5

2. Are any of the wildlife studies over a year old? My understanding is that the final EIR should include wildlife studies from within a year timeframe to satisfy the requirements of the California Department of Fish and Game or U.S. Fish and Wildlife Service. Please redo studies that are more than a year old.

Response to Comment FL-C.5

2. All surveys are relatively recent and we believe reflect site conditions that continue to exist at the time of this writing. The vernal pool branchiopod surveys were completed in July 2022, protocol coastal California gnatcatcher surveys were completed on March 1, 2022, and protocol least Bell's vireo surveys were completed on July 21, 2022. We are not aware of any formal regulatory guidance regarding survey 'age' and in our experience the agencies address survey validity on a case-by-case basis based on the type of survey, likelihood of species occurrence, seasonal conditions, etc. According to section II(b) of the USFWS *Survey Guidelines for the Listed Large Branchiopods* (2017), "A complete survey consists of one wet season and one dry season survey conducted and completed in accordance with the guidelines and conducted within a 3-year period. The order of the surveys is not important." This guidance suggests that the USFWS considers surveys valid for more than one year for these species. Both the CDFW and USFWS have had the opportunity to review the survey results and timing during CEQA review and have not raised any concerns.

Comment FL-C.6

Plant life:
1. Why is the coastal scrub documented in some parts of the EIR and then considered absent in the plant section? How would including it in the plant section potentially impact the significance level of the development on plant life?

Response to Comment FL-C.6

Plants:

1. Permanent impacts on 5.54 acres of Riversidean sage scrub, 4.05 acres of disturbed Riversidean sage scrub, and 4.56 acres of flat-topped buckwheat are disclosed in the Upper Plateau Project Biological Technical Report. These vegetation communities are subtypes of coastal scrub. The proposed impacts to these habitats would be addressed through the purchase of 13.66 acres of coastal or Riversidean sage scrub credits at an approved mitigation bank as outlined in the mitigation described in section 5.1 of the Upper Plateau Project Biological Technical Report.

We disagree with the comment that impacts on coastal scrub were omitted from the impacts assessment. Riversidean sage scrub, disturbed Riversidean sage scrub, and flat-topped buckwheat are a forms of coastal scrub; therefore, coastal scrub is included in the analysis. The Report previously referred to these communities as subtypes of coastal *sage* scrub. While coastal sage scrub and coastal scrub are often used interchangeably, it would be more correct to omit the word *sage.* The Report has been revised accordingly. Please note that the plants section of the Upper Plateau Project Biological Technical Report is an assessment of individual special-status plant species; all special-status plant species with potential for occurrence within on-site habitats, including sage scrub habitats, were assessed in the plant section. The wording in the plant potential for occurrence tables has been modified to ensure the presence of coastal scrub is evident. This clarification does not change the analysis.

Comment FL-C.7

2. Some rare plants, including the severely threatened tarplant, thrive in moist environments. Why did you conduct the plant survey during a drought year? How can you say it is absent or assess the significance of impact unless you have documented its absence during a year and season where the rare plant life would grow?

Given these deficiencies, I request that you include the coastal scrub documented in the plant section and address how this might impact the significance level. Remaining coastal sage habitat is critically important to conserve as it has declined by over 90% since pre-colonial times. I also ask that you survey severely threatened plants like the tarplant during the wet season - this year might be a good candidate year, but please consult the MSHCP - in a non-drought year to verify its absence. The public cannot trust that we are not destroying rare plant life unless a more thorough survey is conducted.

Response to Comment FL-C.7

2. Focused surveys for paniculate tarplant, a CRPR 4.2 species, and smooth tarplant, a CRPR 1B.1 species, were conducted during appropriate seasonal windows by qualified biologists experienced in identifying both species. While it is recognized that smooth tarplant is rarer than paniculate tarplant, it is not listed as threatened under CESA.

Although 2022 was a drought year in Riverside County, there were areas of the proposed project site that supported conditions suitable for this species to bloom, including near drainages and in/around ponded areas examined during wet season vernal pool branchiopod surveys. During a drought year, it would be unlikely to find a large population of smooth tarplant in bloom as abundance is correlated with rainfall; however, drought conditions do not preclude all individuals in a population from blooming. Tarplant surveys were conducted to allow for 100% visualization; therefore, small numbers of individuals would have been detected, if present.

In addition, smooth tarplant was observed in Riverside County in 2022[1]. It was also recorded annually from 2000 through 2018[2] and Riverside County experienced drought conditions in the majority of these years[2].

There is a smooth tarplant population at Sycamore Canyon Wilderness Park north of the project site. Only one other record of smooth tarplant was located within the 3-mile study area. This record is from a collection made in 1995 from land east of the proposed project site. There are no additional records of smooth tarplant within a 3-mile radius of the project. Other recent surveys for smooth tarplant performed in similar habitat within the vicinity of the project site were conducted during non-drought years and were also negative for smooth tarplant[3].

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[1] Calflora: Information on California plants for education, research, and conservation, with data contributed by public and private institutions and individuals. (2023). Berkley, CA. The Calflora Database. Retrieved March 22, 2023, from https://www.calflora.org/entry/observ.html?track=m#srch=t&lpcli=t&taxon=Centromadia+pungens+ssp.+laevis&chk=t&cch=t&cnabh=t&inat=r&cc=RIV.

[2] U.S. Drought Monitor (USDM). (2023). Historical Drought Data & Conditions Tool: U.S. Drought Portal. Retrieved March 22, 2023, from https://www.drought.gov/data-maps-tools/historical-drought-data-conditions-tool.

[3] Rocks Biological Consulting. (2017). West Campus Lower Plateau Project Biological Resources Report.

No revisions or updates to the results of the 2022 tarplant survey are required.

Letter I-351

Kevin Carney (1)

Received 02/28/2023

Comment 1-35I-2

I have serious concerns about the shrinking of open spaces and destruction of habitat, and I ask that you require the project applicant to make every effort to preserve endangered and threatened species and plant life that you can. That area is home to the Thompson Kangaroo Rat, the Blue-Gray Gnat Catcher, and Bell's Lesser Virio. Building warehouses on their habitat would be unthinkable.

Response to Comment I-351-2

Since there is not a species known as Thompson Kangaroo Rat, we believe the reviewer to be referring to Stephens' Kangaroo Rat. This species is presumed present on the project site. As presented in the Upper Plateau Project Biological Technical Report, project impacts on this species were addressed as part of the March Air Force Base closure USFWS Section 7 consultation (BO 1-6-99-F-13) and CBD Settlement Agreement (S.D. Cal. No. 09-cv-1854-JAH-POR). Pursuant to those agreements, 664 acres of lands were placed into conservation easement to offset potential species habitat losses due to development of project site and other 'developable lands'. Additionally, the CDFW reviewed the USFWS BO decision and issued a consistency determination (2080-1999-056-6) stating that "Biological Opinion No. 1- 6-99-F-13 is consistent with the California Endangered Species Act (CESA) as to anticipated take of the least Bell's vireo and Stephens' kangaroo rat" (CDFW 1999). Additionally, the USFWS and CDFW confirmed in 2006 that the areas taken out of the "Stephens' kangaroo rat management area" were no longer part of the core reserve and incidental take was authorized within these areas pursuant to the HCP (USFWS/CDFG WRIV-3259.5). The existing conservation easement area will be expanded to include the Upper Plateau area acreage. Funding will be established upon the expansion of the existing conservation easement. Thus, incidental take of Stephens' kangaroo rat on the project site is permitted and destruction of occupied habitat has been adequately addressed with the responsible agencies.

Blue-gray gnatcatcher is not considered a special-status species. Blue-gray gnatcatcher is a common species found across the majority of the entire United States and is known from the project site. If the comment intended to refer to California gnatcatcher, focused surveys for California gnatcatcher were performed in accordance with USFWS protocol by permitted biologists. The survey protocol has been developed by the agencies to provide sufficient confidence that this species would be detected if present. Surveys were negative for this species; therefore, they are presumed absent from the project site. As such, California gnatcatcher would not be impacted by the proposed project.

Since there is not a species known as Bell's Lesser Virio, we believe the reviewer to be referring to least Bell's vireo. Surveys for least Bell's vireo were performed in accordance with USFWS protocols. The surveys were negative for least Bell's vireo on the project site. Least Bell's vireo were found to inhabit several drainages adjacent to the project site. The project has incorporated mitigation described in section 5.3 (Least Bell's Vireo Avoidance and Mitigation) of the Upper Plateau Project

Biological Technical Report to avoid and/or minimize indirect noise impacts on nesting least Bell's vireo that could result from the proposed project.

Letter I-757

David Reznick, Ph.D., Distinguished Professor, UC Riverside Dept. of Evolution, Ecology and Organismal Biology

Received 03/09/2023

Comment I-757-2

I am a professor in the Department of Evolution, Ecology and Organismal Biology at UC Riverside and have lived in Riverside for over 30 years. I have done research on local wildlife and am intimately familiar with the local fauna. I have several concerns regarding the biological resources section of the EIR, as outlined below, including both the methodology of the studies and the conclusions drawn from them.

Response to Comment I-757-2

This comment summarizes the writer's subject matter expertise and overall concerns. As this comment does not raise any specific issues with respect to the content and adequacy of the DEIR, no further response is warranted.

Comment I-757-3

Plants and Wildlife:

1. I challenge the assessment that up to 80% of the grasses in the Project Study Area are non-native. Native grasses are often interspersed within clumps of non-native shrubs. I suspect that the assessment that 80% of the grasses are non- native is an over-estimate.

Response to Comment I-757-3

The Upper Plateau Project Biological Technical Report does not present an assessment of the relative quantity of native versus non-native grasses on the project site. The Report does note that the vast majority of the project site (approximately 342 acres) is classified as non-native grassland herbaceous semi-natural stand as defined by the Manual of California Vegetation, 2nd Edition (Sawyer et al. 2009). While sporadic native plants may be present within this vegetation community, it is heavily dominated by non-native grasses. Following the Manual of California Vegetation, dominate species and relative cover of those species are used to classify the land into distinct alliances. The on-site non-native grassland is classified as *Bromus rubens – Schismus* (*arabicus, barbatus*) Herbaceous Semi-Natural Alliance which requires greater than 80% relative cover in the herbaceous layer of *Bromus rubens* and/or *Schismus barbatus*. During the general biological field surveys, RBC biologists estimated that non-native grasses accounted for greater than 80% relative cover of the herbaceous vegetation. Please note that vegetation classifications are based on relative cover which is an estimation of the percentage of the area covered by the vegetation rather than a count of the number of individuals within each species. A widely acknowledged disadvantage of this method is that cover can vary greatly depending on climatic conditions including seasonality. In addition, cover is based on

estimations that can vary between researchers when looking at the same area. Despite these shortcomings, the industry accepts this method of classification as best practice.

Comment I-757-4

The overestimate error of native grasses is important because it leads to a second problem in the report, which is that certain wildlife species, for example the Los Angeles pocket mouse, are listed as being low potential to occur there. This judgement may be incorrect because their habitat has been underestimated.

Response to Comment I-757-4

As noted in the response to comment I-757-3, above, RBC biologists estimated that non-native grasses accounted for greater than 80% relative cover of the herbaceous vegetation. This qualifies the land as *Bromus rubens – Schismus* (*arabicus, barbatus*) Herbaceous Semi-Natural Alliance under the Manual of California Vegetation.

The relative cover of non-native grasses on the site is not the sole environmental factor assessed for determining Los Angeles pocket mouse potential to occur. Many other conditions help determine the likely of species occurrence, including, but no limited to, soils suitable for burrowing and general disturbance level on site.

Based on habitat assessments, local knowledge, and previous records of this species, we maintain that the Los Angeles pocket mouse has low potential to occur. Recent trapping studies from locations approximately 1.5 and 2 miles from the proposed project site did not detect this species. Specifically, trapping was conducted in 2018 by Dr. Phil Brylski (USFWS TE148555 and CDFW MOU) for the Meridian Trunk Sewer Project south of the project site, which yielded captures of six small mammal species: Stephens kangaroo rat (SKR), San Diego pocket mouse (*Chaetodipus fallax fallax*), deer mouse (*Peromyscus maniculatus*), harvest mouse (*Reithrodontomys megalotis*), house mouse (*Mus musculus*) and black rat (*Rattus rattus*)[4]. Trapping was also conducted the same year at the K4 Warehouse Project east of the project site, which yielded captures of one small mammal species: the deer mouse (*Peromyscus maniculatus*)[5].

Three records of Los Angeles pocket mouse within the vicinity of the project site are documented in CNDDB. These records are approximately one to three miles from the project site and were documented in 1990, 1992, and 1993. There are no recent records of this species from the immediate area.

Comment I-757-5

This would also be the case for coast horned lizards, which could be in the Project Study Area. The horned lizards normally occupy such habitat in this area. One way to assess the likelihood of their presence is to assess the abundance of harvester ant mounds. A usual cause of the disappearance of horned lizards in the vicinity of suburbs is that the enhanced availability of water attracts the invasive

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[4] Brylski, P. 2018. Results of a trapping survey for the federally endangered Stephen's kangaroo rat (Dipodomys stephensi) along an approximately 8,200 foot proposed Meridian Trunk Sewer in Riverside County, California.

5 Brylski, P. 2018. Results of a trapping survey for the federally endangered Stephen's kangaroo rat (Dipodomys stephensi) on an approximately 42.4-acre site in Riverside County, California.

Argentine ants, which in turn eliminate the harvester ants that are the preferred food of the horned lizards. If harvester ants continue to thrive on portions of the property, then the horned lizards are likely to be present. They are not likely to be seen in a cursory survey.

Response to Comment I-757-5

While the dense non-native grasslands have low suitability for supporting this species, there are portions of the study area with various dirt roads, parking areas, and trails that have potential to support coast horned lizards and harvester ants. The habitat description, potential to occur, and impacts analysis have been revised in the Upper Plateau Project Biological Technical Report to include information about these open areas that may have potential to support coast horned lizard. During project construction, direct mortality of coast horned lizard could potentially occur. A discussion of potential impacts on coast horned lizard have been added to the Upper Plateau Project Biological Technical Report. With the implementation of mitigation described in section 5.2 (Best Management Practices) of the Upper Plateau Project Biological Technical Report, potential impacts to the coast horned lizard would be less than significant. In addition, habitat-based mitigation would occur as described in section 5.1 (Upland Vegetation Communities Mitigation) of the Upper Plateau Project Biological Technical Report.

Comment I-757-6

3. Some wildlife such as the orange-throated whiptail were not observed but listed as moderate potential to occur within the Project Study Area. This species is certain to be in the Study Area based on my personal observations.

Response to Comment I-757-6

Comment acknowledged. Within the Upper Plateau Project Biological Technical Report, the potential for orange-throated whiptail was determined to be moderate; therefore, the analysis considered potential impacts on this species and impacts on this species will be less than significant with the implementation of mitigation described in section 5.2 (Best Management Practices) of the Upper Plateau Project Biological Technical Report.

Comment I-757-7

The red-diamond rattlesnake (which should be listed as red-diamondback rattlesnake) is listed under the Potential to Occur section as "low" and "suitable chaparral, coastal sage scrub, or creek bank habitats are limited or not present." However, the habitat listed is incorrect since these snakes prefer rocky areas. I have seen this snake species in the Study Area in the past.

Response to Comment I-757-7

Please note that we adhere to the nomenclature used by CDFW on the CNDDB Special Animals List (2022) which lists this species as "red-diamond rattlesnake". When this species was first described (Cope 1892), the common name "red-diamond rattlesnake" was assigned to this species. This common name has persistent throughout changes in nomenclature: *Crotalus ruber* - Red Diamond Rattlesnake (Stebbins & McGinnis 2012), *Crotalus ruber ruber* - Northern Red Rattlesnake (Stebbins 1985, 2003), *Crotalus ruber ruber* - Red Diamond Rattlesnake (Wright & Wright 1957, Stebbins 1966, Klauber 1982), *Crotalus ruber* - Red Diamond Rattlesnake (Stebbins 1954), *Crotalus exsul* - Red

Rattlesnake (*Crotalus atrox*, part; *Crotalus adamanteus ruber; Crotalus atrox ruber; Crotalus ruber*. Red Diamond Rattlesnake; Western Diamond Rattlesnake, part) (Grinnell and Camp 1917), *Crotalus ruber* - Red Rattlesnake (Atsatt 1913)[6].

Red diamond rattlesnake is a CDFW Species of Special Concern. Rocky outcrops are limited within the project site and primarily occur in the adjacent lands to the south and east. Areas with suitable habitat for red-diamond rattlesnake primarily occur in the planned conservation areas. Habitat with highest suitability occurs outside the proposed project limits and we maintain that the species does not have a high likelihood for occurrence within the project impact area; therefore, this species has a low potential to occur on the project site. The habitat description, potential to occur table information, and impacts analysis have been revised in the Upper Plateau Project Biological Technical Report. Similar to other species, habitat-based mitigation would occur as described in section 5.1 (Upland Vegetation Communities Mitigation) and potential direct mortality would be minimized to the maximum extent practicable with implementation of mitigation described in section 5.2 (Best Management Practices) of the Upper Plateau Project Biological Technical Report.

Comment I-757-8

I did not see an insect survey which should be done since insects are especially important parts of the ecosystem in the Project Study Area.

Response to Comment I-757-8

We acknowledge the reviewer's comment and agree that insects are an important component of ecosystems. Habitat assessments were performed for all special-status species, including insects, in compliance with CEQA requirements. No special status insects were observed during general biological surveys and no special status insects have a moderate or high potential for occurrence on the project site (please see section 3.4.2 of the Upper Plateau Project Biological Technical Report). Note that biological evaluation of the project site and observed species lists were not intended to be exhaustive, but to provide sufficient information for decision makers to understand the environmental consequences of the proposed project. Please note also that impacts on native vegetation communities were assessed as part of the analysis and mitigation is provided for those impacts; much like NCCP planning it is generally assumed that habitat mitigation also protects more common (non-special status) species that those habitats support. Please see sections 4 and 5 of the Upper Plateau Project Biological Technical Report for additional information.

Comment I-757-9

Vernal Pools:

It appears that the studies used in the EIR were conducted in 2021 and 2022, which were drought years. The fact that Protocol surveys were conducted for Riverside Fairy Shrimp and Vernal Pool Fairy Shrimp and were negative is meaningless under these dry conditions. Studies should be conducted during years with adequate rainfall to support vernal pools throughout the wet season. The few rains early in the season in 2021 and 2022 were not enough to perform a correct assessment since some species will not emerge until later rains are present. This year would be ideal for such surveys. The

[6] California Herps. (2023). Red Diamond Rattlesnake. Retrieved March 18 from https://californiaherps.com/snakes/pages/c.ruber.html.

fact that spadefoot toads are present on the property means that it is likely that there are appropriate vernal pools to sustain the fairy shrimp.

Based on my experience, fairy shrimp should be present in this Study Area given that it is known from appropriate vernal pools on March Air Force base, which is close by and is similar habitat. If fairy shrimp are not observed in vernal pools, sampling needs to include collecting dirt from the bottom of the vernal pools and incubation under correct conditions to see if fairy shrimp emerge from dormant cysts in the soil.

Response to Comment I-757-9

Project fairy shrimp surveys did include both wet and dry season surveys and were performed in compliance with USFWS protocols. Dry season surveys were performed by collecting soil at multiple locations within each potential habitat area, sieving collected soil for cysts, hatching out cysts and identifying any hatched shrimp to species level (all performed by USFWS permitted biologists).

The dry season surveys that were performed on-site help ensure species detection regardless of wet season rainfall or ponding duration, i.e., this addresses potential missing information during wet season sampling during drought years. Of the ten basins sampled during dry season, eight basins supported fairy shrimp cysts. The hatched fairy shrimp were all identified as the common versatile fairy shrimp (*Branchinecta lindalhi*), which is a common, non-special-status species. Dry season soil sampling and subsequent hatching and rearing of fairy shrimp followed protocols determined by the agencies to provide reliable data. The presence of spadefoot toad does not necessarily indicate the presence of listed fairy shrimp species.

Comment I-757-10

Blue Line Stream:

The direct or indirect effects of the Project on the Blue Line stream running through Sycamore Canyon is not analyzed. This steam is a tributary of the Santa Ana River and is an ecologically sensitive aquatic environment.

Response to Comment I-757-10

The proposed project site and Sycamore Canyon are now separated by residential development and Alessandro Blvd. It appears that water from the project site flows down Avenida Munoz, Camino Del Sol, and several concrete drainages prior to flowing under Alessandro Blvd through culverts to Sycamore Canyon. The Upper Plateau Aquatic Resources Delineation Report (ARDR) identifies two areas that may have been historically connected to the Blue Line stream running through Sycamore Canyon; these are identified as non-wetland water (NWW)-1 and NWW-2 in ARDR figures.

Direct and indirect impacts on non-wetland waters of the U.S. identified on the project site are accounted for within the project impact analysis (please see sections 4.2 and 5.8 of the Upper Plateau Project Biological Technical Report) and the project will be permitted through the Army Corps of Engineers, CDFW and the Regional Water Quality Control Board. All requirements by the agencies during permitting, including best management practices as it pertains to water quality, will be adhered to.

Comment I-757-11

Wildlife Corridors:

The presence of the Project Study Area in a multi-species wildlife corridor is of grave concern. This corridor is part of the Multispecies Habitat Conservation Plan. A critical feature of that plan is that appropriate corridors that join larger tracts of land, such as Sycamore Canyon and the Box Springs Mountains, be maintained to allow for animals to move between them. Such movement and mixing of populations is essential for them to sustain larger effective population sizes and genetic diversity. The mitigation measures proposed are inadequate to deal with the harm that the Project will impose on this sensitive wildlife area.

Response to Comment I-757-11

Neither the proposed project site nor any areas in the vicinity of the project site are within any of the 38 designated MSHCP habitat linkages identified on Figure 3-2 of the plan. The conservation areas near the site are identified as existing quasi-public core reserves in MSHCP mapping; however, neither the site nor any surrounding areas (including the conservation areas) are identified as an existing or proposed MSHCP linkage (Dudek 2003)[7].

As stated in Section 4.5 of the Upper Plateau Project Biological Technical Report, the project area likely serves as a local wildlife corridor between undeveloped areas to the south of the site and the open space areas immediately north of the project site, north of Alessandro Avenue, which includes Sycamore Canyon approximately 4,000 feet to the northwest of the site. The project area also likely serves as a steppingstone corridor for avian species moving through this area, including least Bell's vireo which occur in Meridian Conservation Areas 1 and 2 to the south of the site north and south of Van Buren Boulevard.

With full build-out of the development area (e.g., Specific Plan Area), an undeveloped corridor would be retained immediately east of the site as part of the 664 acres of land placed into conservation easement. This undeveloped land would maintain a corridor between site development and nearby residential development, including significant areas of riparian habitat.

The planned extension of Cactus Avenue bisects the undeveloped corridor; however, two wildlife crossings under the road are planned to mitigate for impacts to wildlife that rely on land locomotion. In addition, one wildlife crossing is planned under the Brown Street extension to further facilitate wildlife movement. The crossings will consist of soft-bottomed culverts approximately 6 feet in height by 20 feet in width to allow for adequate passage of animals north to south under Cactus Avenue and east to west under Brown Street. The two Cactus Avenue wildlife crossings will be approximately 240 feet in length and the Brown Street wildlife crossing will be approximately 150 feet in length. These specifications follow the CBD Settlement Agreement, which prescribed design standards suitable to accommodate local land locomotive species.

Additionally, 60 acres of open space/park is planned for the western portion of the project that buffers the existing residential uses west of the site, which will be included within the project's General Plan

7 Dudek. 2003. Western Riverside County Multiple Species Habitat Conservation Plan. Information obtained from https://rctlma.org/Portals/0/mshcp/volume1/index.html

Amendment. This western open space area will still allow for the movement of wildlife to the west of the project as well. As such, impacts on wildlife corridors would be less than significant.

Comment I-757-12

Given these deficiencies, I request that you do the additional analyses and studies listed above. These include appropriate surveys for harvester ant mounds as a measure of the suitability of the habitat for horned lizards, an appropriate survey of the vernal pools during a rainy season, a more complete assessment of the role this land plays as a wildlife corridor and how losing it would affect the connections among the larger tracts of land that flank it, and an assessment of whether or not construction activities and subsequent land use will affect the drainage area feeding the blue line stream in Sycamore Canyon. Thank you for allowing me to provide comments on this project.

Response to Comment I-757-12

Please see response to comments I-757-5 and I-757-8 regarding horned lizards and insects; response to comment I-757-9 regarding fairy shrimp; response to comment I-757-11 regarding wildlife corridors; and response to comment I-757-10 regarding drainage/aquatic resources.

Letter I-786

Brenda Shearer(2)

Received 03/09/2023

Comment I-786-2

As a naturalist and casual birder, I have had the privilege of traveling the western United States and observing the incredible diversity of life in our little part of the planet. In my many expeditions, I have seen firsthand the devastating effects that human development can have on wildlife, and I am writing to express my opposition to the proposed construction of a warehouses proposed for the Meridian West Campus Upper Plateau area.

Response to Comment I-786-2

The comment summarizes the writer's personal experience and position regard the proposed project. As this comment does not raise any specific issues with respect to the content and adequacy of the Upper Plateau Project Biological Technical Report, no further response is warranted.

Comment I-786-3

The proposed site for this warehouse complex is home to a wide variety of birds, from the majestic Cooper's Hawk to the delicate Burrowing Owl. These birds, like so many species around the world, are facing increasing threats from human activities, and the construction of these warehouses would only add to these pressures.

Response to Comment I-786-3

Comment acknowledged. As this comment does not raise any specific issues with respect to the content and adequacy of the Upper Plateau Project Biological Technical Report, no further response is warranted.

Comment I-786-4

The destruction of native vegetation, which provides food and shelter for these birds, is one of the most immediate and obvious impacts of warehouse construction. The loss of this critical habitat would leave many birds with limited or without any the resources they need to survive, and would have devastating consequences for local bird populations.

Response to Comment I-786-4

Impacts on avian habitat would occur with the implementation of the proposed project; however, impacts on nesting birds would be less than significant with the implementation of mitigation described in section 5.7 (Nesting Bird Avoidance and Minimization Measures) and impacts on native habitat would be less than significant with the implementation of mitigation described in section 5.1 (Upland Vegetation Communities Mitigation) of the Upper Plateau Project Biological Technical Report. Cumulative impacts on local birds were determined to be not significant with mitigation.

Comment I-786-5

Furthermore, the noise and light pollution generated by these warehouses would further disrupt the birds' natural rhythms, behaviors, and nesting making it even more difficult for them to survive in the area. And this is merely a reflection of surveyed species in the draft EIR. There are many more visitors to this land that rely on the open space and natural resources as they migrate from location to location. Species observed on this land include the Canadian Goose, the Great Egret, a variety of hummingbirds, the Wilson's Warbler, the Common Ground Dove, and the Turkey Vulture.

Response to Comment I-786-5

Indirect impacts of light were assessed as part of this analysis and the mitigation described in section 5.4 (Stephens' Kangaroo Rat Avoidance and Mitigation) of the Upper Plateau Project Biological Technical Report reduces the potential impact of light on native wildlife species: (1) Construction activities will be limited to daylight hours to the extent feasible. If nighttime work is necessary, lighting will be shielded away from surrounding natural areas. Fixtures will be shielded to downcast below the horizontal plane of the fixture height and mounted as low as possible. (2) Permanent lighting will be shielded away from surrounding natural areas. Fixtures will be shielded to downcast below the horizontal plane of the fixture height and mounted as low as possible.

Potential noise impacts on sensitive avian receptors was assessed as part of the analysis and is provided in sections 4.3.2 and 5.3 of the Upper Plateau Project Biological Technical Report. Mitigation described in section 5.3 (Least Bell's Vireo Avoidance and Mitigation) of the Upper Plateau Project Biological Technical Report restricts construction noise levels within riparian habitats.

Comment I-786-8

5. The draft EIR omits a thorough study of reptiles, specifically the study needs to evaluate the impact of construction on migration of snakes, brumation, species variety and reproduction, and prey habits. There is a rich community of reptiles on this land and the draft EIR negligently ignores them and their benefit to the landscape, environment, and local community. As a resident who watches for the migrating coachwhips in early May, I know I would lose a sense of what makes living near this unique land so special.

Response to Comment I-786-8

5. Habitat assessments were performed for all special-status species, including reptiles, in compliance with CEQA requirements (please see section 3.4.2 of the Upper Plateau Project Biological Technical Report). Although suitable habitat for red racer (e.g., red coachwhip) is present, this species is not considered rare, endangered, or threatened and impacts on this species are not required to be individually assessed under CEQA. Evaluations of the communities on the project site were not intended to be exhaustive, but to provide sufficient information for decision makers to understand the environmental consequences of the proposed project. With impacts on native vegetation communities present on the project site, it is assumed that species inhabiting those communities would also be impacted, including reptiles. Impacts on these native upland vegetation communities and the species they support would be mitigated through purchase of credits at an approved mitigation bank.

Comment I-786-9

The public cannot trust that we are not destroying rare animal, bird, and plant life unless a more thorough survey is conducted, one that is done over a more representative timeframe that includes the local variations in seasonal temperatures, migration, and rainfall. I request the developer and its consultants produce a more complete survey of the life forms that call this land home at one time or another. I also request they JPA, the developer, and its consultants survey local residents to assess the value of uninterrupted open space, not the kind provided for in the 2012 Center for Biological Diversity settlement, but the type of open space that allows animals to move freely throughout a landscape without the disruptions of traffic, light, noise, and water pollution associated with industrial development.

Response to Comment I-786-9

The studies presented in the Upper Plateau Project Biological Technical Report are not intended to be exhaustive of all life forms that occur or have occurred on the proposed project site. CEQA does not require the lead agency to perform all research. The Upper Plateau Project Biological Technical Report provides decision makers with information which enables them to make a decision which intelligently considers potential environmental consequences of the proposed project. We recognize that the study provides information from a snapshot in time and may not be exhaustive of all common (non-listed) species that may occur; however, all habitats were assessed and all special-status species with potential for occurrence were addressed in the analysis.

The 2012 Settlement Agreement presents the decisions agreed upon by the Center for Biological Diversity and San Bernardino Valley Audubon Society, organizations that are staffed by experts in the field of environmental law and conservation biology, and the March JPA and LNR Riverside LLC. We are confident that the conclusions drawn in the Settlement Agreement were based on adequate consideration of all impacts resulting from realignment of the previous March Air Force Base and proper valuation of the land regarding biological resources. We believe that the Conservation Easement established as part of the Settlement Agreement provides sufficient mitigation for the proposed development. The WCUP project shall comply with the measures outlined in the Settlement Agreement.

Letter I-788

Jerry Shearer

Received 03/09/2023

Comment I-788-4

There seems to be many inconsistencies especially in area of preservation of habitat under the 2012 agreement. The first environmental alarm bell centers around a blatant disregard for the preservation of species on this land. For example, the culverts (see the 2012 Slope Maintenance Exhibits) under Cactus are insufficient and will not accommodate all animals in their migration between Sycamore Canyon north and south areas. Similar wildlife corridors along the 101 freeway in California, Wallis Annenberg wildlife crossing, the Irvine- Laguna Wildlife Corridor and Greenbelt, the I-15 wildlife crossing in Temecula, and the I-10 wildlife crossing connecting the San Bernardino and San Jacinto wildernesses are (a) more numerous giving wildlife options for crossing at different locations, proposing two culverts is negligent wildlife and conservation planning on your part, and (b) larger or wider allowing for small and medium sized animals to move freely without feeling confined or forced into an uncomfortable setting that may restrict their movement and condense the gene pool of many threatened species. These successful corridors improve bio- and genetic diversity which will help ensure a healthy riparian habitat in the Upper Plateau. Granted these examples include must larger roadways, but the idea remains the same especially considering a large number of vehicles traveling on Cactus, Alessandro, and other roads surrounding the Upper Plateau will be semi-trucks that are unable to stop quickly and will undoubtedly cause an increase in deaths of small animals and reptiles living in and visiting this environment.

Response to Comment I-788-4

The project adheres to the conditions laid out in the Settlement Agreement which was approved by the wildlife agencies. Two wildlife crossings are planned under the extension of Cactus Avenue and one wildlife crossing is planned under the Brown Street extension. The crossings will consist of soft-bottomed culverts approximately 6 feet in height by 20 feet in width to allow for adequate passage of animals north to south under Cactus Avenue and east to west under Brown Street. These specifications follow the CBD Settlement Agreement, which prescribed design standards suitable to accommodate local land locomotive species.

Comment I-788-5(6)

6.The draft EIR does not account for migratory birds sufficiently. At different times of the year, residents and visitors can view geese, ducks, egrets, eagles, vultures, and a host of songbirds as they use the Upper Plateau to migrate from one place to the next. Why does the study of birds not include the migratory nature of birds making use of this land?

Response to Comment I-788-5(6)

6. All special-status avian species, both resident and migratory, were assessed for their potential to occur on the proposed project site. Potential impacts on any special-status species with moderate or high potential to were evaluated in this analysis. These include Bell's sparrow, burrowing owl, California gull, California horned lark, Cooper's hawk, Lawrence's goldfinch, northern harrier, sharp-

shinned hawk, Southern California rufous-crowned sparrow, yellow warbler, and yellow-breasted chat. Impacts were assessed for all special-status migratory bird species, whether they have potential to occur while overwintering or during the nesting season (i.e., burrowing owl, California gull, sharp-shinned hawk, yellow warbler, and yellow breasted chat). The Upper Plateau Project Biological Technical Report discloses the potential presence of many non-special-status migratory bird species and that habitat-based impacts on these species would occur with project implementation. Impacts on native habitats and the species they support, including migratory bird species, would be mitigated through purchase of credits at an approved mitigation bank. In addition, impacts on nesting birds would be less than significant with the implementation of mitigation described in section 5.7 (Nesting Bird Avoidance and Minimization Measures) and impacts on adjacent habitat that supports avian species would be less than significant with the implementation of mitigation described in section 5.2 (Best Management Practices) of the Upper Plateau Project Biological Technical Report.

Comment I-788-5(7)

7. The draft EIR does not account for migratory butterflies, cicadas, and tarantulas, among other insects. Some of these insects are beneficial to our community from an aesthetics point of view and some of them simply kill other invasive pests. Why were these items omitted from the draft EIR? Along with the migratory and beneficial insects, the construction process will drive many of the less than desirable insects already in the open space into people's homes. Ants and mosquitoes (some carrying West Nile Virus) will be driven from their homes and into closer contact with people. Why does the draft EIR not include mitigations for residents impacted by this invasion? This is not imaginary, and happened to my house when you last built warehouses so close to people's homes. What responsibility does the JPA take for increasing my pest control bill?

Response to Comment I-788-5(7)

7. Habitat assessments were performed for all special-status species with potential for occurrence in the region in compliance with CEQA requirements. No special-status insects are known from the project vicinity, and none have a moderate or high potential for occurrence on-site. Evaluation of the communities on the project site were not intended to be exhaustive, but to provide sufficient information for decision makers to understand the environmental consequences of the proposed project. With impacts on native vegetation communities present on the project site, it is assumed that species inhabiting those communities would also be impacted, including insects. Impacts on these native upland vegetation communities and the species they support would be mitigated through purchase of habitat credits at an approved mitigation bank. The remainder of this comment is addressed in the Final EIR.

Letter I-949

Rosamonde Cook, Ph.D. (1)

Received 03/10/2023

Comment I-949-3

I have a Ph.D. in Ecology from UC Davis and more than 20 years experience in biological monitoring applied to the conservation of biological diversity. Most recently, I worked for 11 years as a Lead

Biologist and Data Manager for the Biological Monitoring Program of the Western Riverside County Multiple Species Conservation Plan (MSHCP). The MSHCP is administered by the Western Riverside County Regional Conservation Authority (RCA). The Biological Monitoring Program conducts surveys and monitoring of 146 rare and endangered plant and animal species on conserved lands throughout western Riverside County. My resume and publications list are attached.

Response to Comment I-949-3

This comment and the attached resume and publications list summarize the commenter's subject matter expertise. As this comment does not raise any specific issues with respect to the content and adequacy of the DEIR, no further response is warranted.

Comment I-949-5

Special-status plant and wildlife species (defined on Page 4.3-6, EIR) were evaluated for potential to occur in the Study Area. The EIR defines special-status plant species as those that are: (1) recognized as endangered or threatened in the context of the California Endangered Species Act (CESA) or the federal Endangered Species Act (FESA); (2) considered rare, endangered, or threatened by the CDFW or local government agencies, or (3) considered rare, threatened, or endangered in California by the California Native Plant Society.

Special-status wildlife species are defined as: (1) endangered or threatened wildlife species recognized in the context of CESA and FESA; 2) California Species of Special Concern (SSC) and Watch List (WL) species as designated by CDFW; and (3) mammals and birds that are fully protected species as described in California Fish and Game Code Sections 4700 and 3511.

The potential for special-status species to be present in the Study Area was assessed through a process that first identified all special-status species that have a documented occurrence within the geographic vicinity of the Study Area (i.e., Project vicinity), defined as including the Study Area and all lands up to three miles from its boundaries. Key database searches were made of the California Natural Diversity Database (CNDDB), administered by the CDFW Biodiversity Data Branch, the California Native Plant Society's Electronic Inventory, and the US Fish and Wildlife Service's IPaC Database.

The resulting species lists were refined using results of general field surveys that were conducted over two days in the summer of 2021, along with knowledge of species habitat associations, and the presence of habitats within the Study Area. Targeted protocol surveys were conducted for all federal and state listed endangered and threatened species determined to have a moderate to high potential of occurrence, or were detected during the general surveys.

Response to Comment I-949-5

This comment is acknowledged to be a reiteration of information presented in the Upper Plateau Project Biological Technical Report. As this comment does not raise any specific issues with respect to the content and adequacy of the Report, no further response is warranted.

Comment I-949-6

No mention is made in the EIR of the MSHCP Biological Monitoring Program's database which contains extensive records of species occurrence obtained from field surveys dating from 2004 to the present. Most MSHCP-covered species meet the definition of special-status for the EIR and are tracked by CNDDB. MSHCP data are distributed annually to the CDFW Biodiversity Data Branch and uploaded into their BIOS database. It is important to note that the BIOS and CNDDB databases are separate entities though managed by the same agency. CNDDB is in the process of incorporating occurrence records of CNDDB-tracked species from BIOS data sets, but there is a significant time lag in the process. As a result, CNDDB does not currently contain all data collected by the Biological Monitoring Program. MSHCP data are available upon request to the RCA or CDFW.

Response to Comment I-949-6

Firstly, though database searches are one part of the habitat assessment process and can be very informative, the equally and perhaps more important element is the assessment performed by biologists on the ground using their knowledge of local species and habitat associations as well as overall knowledge of species biogeographic distribution in the region to assess the potential for special-status species on any given project site.

Regarding what databases were consulted as part of the desktop review, it should be noted that Natural Community Conservation Plan (NCCP) biological monitoring, such as MSHCP field surveys, is typically performed on lands already conserved under the NCCP so has a slightly narrower focus than databases like the California Natural Diversity Database (CNDDB), which was reviewed as part of the project research. Since, as noted by the commenter, MSHCP data is conveyed to CNDDB, the CNDDB would typically include most NCCP biological monitoring location data for special-status species,

Based on this comment, we reviewed the Western Riverside County MSHCP Species Observations Database on CDFW BIOS for a three mile radius surrounding the project site on March 2, 2023. No special-status wildlife species were recorded within this database for a three-mile radius around the project site. Please note that species mapped within and near Sycamore Canyon Wilderness Park and Box Springs Mountain Reserve are not considered to be special-status species under this analysis. The observations included coyote, granite spiny lizard, turkey vulture, Wilson's warbler, Lincoln's sparrow, and MacGillivray's warbler. While these species are Covered Species under the MSHCP, they are not considered to be special-status species. Please note that a discussion regarding whether an MSHCP Covered Species would be considered special-status in included in Response to Comment I-949-18, below.

Comment I-949-7

As part of this review, I conducted an analysis of the MSHCP Biological Monitoring Program's database, current as of March 2019, to determine if I could identify any gaps in the lists of special-status species potentially impacted by the proposed project as identified in the EIR.

Response to Comment I-949-7

This comment introduces a new section of the comment letter. As this comment does not raise any specific issues with respect to the content and adequacy of the DEIR, no further response is warranted.

Comment I-949-8

Critical Errors and Omissions. Special-Status Plants. According to the EIR, 28 special-status plant species were found to have recorded occurrences within the Project vicinity and were assessed for potential to occur in the Study Area (Table 4.3- 2, EIR). I found no records of occurrence for any additional special-status plant species in the MSHCP database. Of the 28 species, 27 were determined to have a low to no potential to occur and were omitted from further assessment.

Response to Comment I-949-8

This comment summarizes the commenter's own research, in which she found no records of special status plants not included in this analysis. As this comment does not raise any specific issues with respect to the content and adequacy of the Upper Plateau Project Biological Technical Report, no further response is warranted.

Comment I-949-9

This analysis is faulty because it fails to correctly match probability of occurrence with species habitat associations. One example is the failure to recognize the presence of coastal sage scrub (a habitat for some rare plant species) in the Study Area. Note that coastal sage scrub is referred to simply as coastal scrub in the table. Riversidean sage scrub, as described on Page 4.3-4, is the form of coastal sage scrub found in Riverside County. According to the EIR, the study area supports 10.98 intact and 5.47 disturbed acres of this plant community (Table 4.3-1, EIR) located "near the edges of the Study Area, in several small patches in the northern portion of the Study Area, as well as some deerweed-dominated patches near the center of the Study Area". Of the 27 species omitted from further investigation due to supposed lack of suitable habitat, 16 are known to be associated with Riversidean sage scrub. Therefore, the potential occurrence of these 16 rare plant species needs to be reassessed.

Response to Comment I-949-9

The comment asserts that the Upper Plateau Project Biological Technical Report failed to recognize the presence of coastal sage scrub when assessing suitable habitat for 16 rare plant species that are associated with coastal sage scrub. These 16 species may be found in suitable coastal scrub habitats.

Riversidean sage scrub, disturbed Riversidean sage scrub, and flat-topped buckwheat are recognized as forms of coastal scrub habitat within the Report. The language within the special-status plant potential to occur table has been updated to clarify this. When assessing the potential for these species to occur on site, the original analysis did take the presence of on-site scrub habitats into account. The scrub habitats on-site are smaller areas of buckwheat-dominated scrub and Encelia-dominated scrub and are generally not diverse, well-developed coastal scrub habitats.

Rare plant species that are associated with coastal sage scrub do not occur within all coastal sage scrub. Many other biotic and abiotic conditions determine whether a rare plant may be found in any given locality, even if the proper habitat type is present. The determination of low potential to occur for these 16 species, is not solely based on lack of suitable vegetation communities, but is based on many other factors, including disturbance level, previous land uses, presence of associated plant species, and recorded occurrences. Please also note that the Report asserts that these species have a low potential to occur, meaning the probability of occurrence on site is low, and the Report does not imply that there is no possibility of species occurrence.

Comment I-949-10

Nine species were considered to have a low to no chance of occurrence based on lack of suitable (i.e. undisturbed) grassland habitat. Virtually all grasslands in western Riverside County are disturbed, yet rare plants are found in them. Rare plants are often sparsely distributed across the landscape, appearing infrequently and often in microhabitats linked to substrate, small scale landscape features, and other factors [2]. While many plants are known to be associated with certain broad habitat types (i.e., plant communities), it is ultimately the right combination of light, air, water, and soils that determine environmental suitability. Thus, while an association of occurrence may exist with one or more plant communities over the scale at which these are often mapped, abiotic factors and microhabitats will tend to be better predictors of occurrence on smaller scales where there may occur a mix of community types. I have personally observed Long-spined spineflower, Many-stemmed dudleya, Munz's onion, San Jacinto Valley crownscale, and Thread-leaved brodiaea growing in disturbed grassland. Therefore, the potential for grassland-associated rare plant species to occur in the Study Area needs to be reassessed and surveys need to be conducted for species determined to have a greater than low potential to occur.

Response to Comment I-949-10

Our assessments of the potential to occur for special-status plant species were not solely based on the presence or absence of particular vegetation communities but took into account the biotic and abiotic conditions described in the response to comment I-949-9, above. We also acknowledge that undisturbed grasslands are virtually non-existent in this region due to many factors, including the pervasive spread of non-native grasses and forbs, and that rare plant species can persist despite these disturbances under certain conditions. Although nearly all grasslands are disturbed and contain non-native species, the relative disturbance level can vary greatly, from indirect disturbances due to adjacent land uses, such as presence of sparse non-natives or trash, to direct disturbances, such as historic land modification by scraping or grading. In our experience rare plants are typically found in non-native grasslands where the annual grasses themselves are the primary disturbance, e.g., habitats that were native that have been invaded by non-native grasslands but still maintain intact soils, with many occurring in particular soil types like clay or alkaline soils. The grasslands on the proposed project site are heavily disturbed and profoundly dominated by non-native species with considerable historic land alterations. The land was previously utilized for military activities during which many dirt roads were created through the grasslands and vehicles appeared to have also driven off-road. Such heavy disturbance can reduce the likelihood of rare plant presence because of direct impacts to the soil, which can affect the seed bank, and the introduction and spread of non-

native species. Most rare plants are not tolerant of heavy disturbance, which has contributed to their modern-day rarity. Please also note that each species' distribution/range, known habitat 'preferences', and on-site habitat quality/disturbance level were all taken into account during habitat assessments; each species' potential for occurrence is based on the totality of these factors rather than only the disturbed nature of the habitat on-site.

We maintain that the assessments of the potential for special-status plant species to occur were conducted using the best available data while taking into account the specific conditions on the proposed project site and that each of the species listed in the comment has a low potential for occurrence on-site, thus impacts are not expected.

Comment I-949-11

Two types of plant surveys were conducted for the EIR. One is described as a "general biological survey for plants and wildlife conducted concurrently with vegetation mapping on July 28, 2021, and August 6, 2021" (page 12, EIR Appendix D). It appears that the purpose of this survey was to develop a floristic list. However, there is no protocol included with the report and without knowing anything more about the methods used, effort involved, experience of the surveyors, it is impossible to interpret the likelihood of these surveys to detect populations of rare plants. Since rare plants are often sparsely distributed and possess more specialized habitat requirements, they are easily overlooked in general floristic surveys [3,4]. Additionally, the limitation of these surveys to the summer months precludes the likelihood of detecting rare plant species that bloom at other times of the year. Examples of such species are Munz's onion which blooms April – May and Chaparral ragwort which blooms February – May (data from the Jepson website (ucjeps.berkeley.edu).

Response to Comment I-949-11

The general biological survey is not a focused plant survey, per se, but an overall analysis of habitats occurring on site and inventory of species observed at the time of the survey. There is no formal protocol for general surveys; the purpose of the general biological survey is to create an overall assessment of habitat types that occur on-site and to perform habitat assessments for special status species (e.g., determine if a given special-status species has potential to occur on-site). The purpose of the survey is not to prepare an exhaustive species list, but all plant species observed during the general biological survey are recorded as part of the survey. The general biological survey was led by Jim Rocks, who holds a master's degree in biological science and has over 30 years of experience in southern California biology, specializing in botany. The general biological surveys were conducted on July 28th, 2021, and August 6, 2021 by traversing the site on foot and closely examining all unique areas of habitat. All plant species encountered were identified to the species or subspecies level.

We acknowledge that general biological surveys did not occur during all seasonal windows, which are highly variable in southern California. However, the general biological surveys allow experienced biologists to assess the potential for rare species that may not be visible during the actual general survey. The information collected during the general biological survey allowed for classification of the land into distinct vegetation communities and evaluation of the potential for special-status plants to occur on site. Based on the initial general survey, it was determined that smooth tarplant had a potential to occur on-site and rare plant surveys were performed for this species. Per table 6 of the Upper Plateau Project Biological Technical Report, Chaparral ragwort (CRPR 2B.2) was determined to

have a low probability for occurrence and Munz's onion (FE; ST; CRPR 1B.1) was determined to have a very low probability for occurrence on-site. Minor additional details have been added to Table 6 to further elaborate on these species and on-site conditions.

We believe this data provides the necessary information for decision makers to understand the environmental consequences of the proposed project. In addition, although general and rare plant surveys occurred in June, July, and August, note that biologists were on site for various special-status species surveys throughout the entire year (i.e., at least once during each month of the calendar year) and recorded any encountered plant species not previously detected.

Comment I-949-12

Another survey was conducted for summer-blooming plant species on June 6 and 7, 2022. On page 13, EIR Appendix D, it is stated that "the project site was surveyed for special-status plants, including Smooth tarplant and Paniculate tarplant. All suitable habitat within the project site was walked and assessed for the presence of special-status floral species." Did these surveys include all summer-blooming special-status plants? Or did they specifically target the two tarplant species? Again, no protocol is included with the report, so we don't know what methods were used, which habitats and microhabitats were searched, level of effort, and experience level of surveyors.

Response to Comment I-949-12

All project survey methods are described in section 2 of the Upper Plateau Project Biological Technical Report. During the surveys for smooth and paniculate tarplant, complete plant compendiums were recorded by qualified botanists, meaning that any observed summer-blooming special-status species would have been recorded. However, focused surveys did specifically target smooth tarplant in terms of approximate timing since this was the only CRPR 1 or 2 plant species determined to have moderate or high potential to occur on site.

The smooth tarplant rare plant survey was led by Ryan Meszaros, who holds a bachelor of science degree in botany and has nearly 20 years of experience in southern California field biology, with a focus on botany. Surveyor names have been added to the Report per comment. Additionally, the discussion of the survey protocol has been expanded upon within the Upper Plateau Biological Technical Report to include that surveyors walked parallel transects which were spaced to allow for 100% visualization of ground cover.

Comment I-949-13

Detectability of rare plants is notoriously low, contributing to underestimates of occurrence and reliability of survey data. Sources of error include differences in morphology, life-form, patch size, survey effort, and more. For these reasons, individual surveys should target one or a small number of species with similar habitat requirements to improve detectability. It appears highly unlikely that the surveys conducted for this study were adequate to achieve a reasonable level of detectability of the suite of special-status plants identified as potentially occurring.

Response to Comment I-949-13

Comment noted. Focused surveys were only conducted for tarplant as smooth tarplant was the only CRPR 1 or 2 plant species determined to have moderate or high potential to occur on site. Focused

surveys were not conducted for any CRPR 1 or 2 species determined to have low or no potential for occurrence because no impacts are anticipated on these species. Additionally, no federally or state listed plant species were found to have moderate or high potential to occur on the proposed project site, therefore focused surveys for such species were also not conducted. Please refer to response to comment I-949-11, above.

Comment I-949-14

One species, the seriously threatened Smooth tarplant, was found to have a moderate potential to occur within the study area but was undetected in the summer-blooming plant surveys. Since plants can remain dormant in the seed bank, often for many years, it is very difficult to rule occurrence out. Generally, surveys over many years are needed to conclude a dormant population is unlikely present. Smooth tarplant grows in moist soils. According to Jepson (ucjeps.berkeley.edu), this species is found in open, poorly drained flats, depressions, waterway banks and beds, grassland and disturbed sites. Southern California was in a state of severe to exceptional drought throughout all of 2022. For all these reasons, it cannot be concluded that the species is absent from the study area.

Response to Comment I-949-14

Please refer to response to comment FL-C-7, above.

Comment I-949-15

What needs to be done:

1) Recognize the presence of coastal sage scrub in the form of Riversidean sage scrub in the Study Area

2) Expand search for special-status species within the Project vicinity using the most current version of the MSHCP database.

3) Reassess potential occurrence of all species assessed with low to no potential occurrence recognizing the presence of coastal sage scrub and ability of disturbed grassland to support many of the rare plant species in Table 4.3-2.

4) Include survey protocols in the EIR, Appendix D. Protocols should include methods, habitats and microhabitats searched, level of effort, and experience of surveyors.

5) Conduct a new series of field surveys designed to detect special-status species in all potentially suitable habitat and during the blooming periods of all species concerned.

6) Conduct targeted surveys for Smooth tarplant and any other species deemed to have a greater than low occurrence potential in the Study Area during years with adequate rainfall. Conduct repeat surveys to cover the blooming period.

7) Consider Smooth tarplant to be present unless not detected in targeted surveys and avoid disturbance of habitat until absence is confirmed.

1) Conduct impacts analyses for any additional species with greater than low potential occurrence.

Response to Comment I-949-15

This comment provides a list of tasks the commenter would like completed based on the previous comments. These tasks are not necessary to adequately analyze the environmental impacts of the proposed project in terms of compliance with CEQA. Each recommended task in this list pertains to a previous comment, for which we have provided detailed responses to the concerns raised by the commenter.

1) Riversidean sage scrub is recognized as a form of coastal scrub habitat. When assessing the potential for these species to occur on site, the original analysis did take the presence of on-site scrub habitats into account. Some of the language within the table stated that suitable coastal scrub habitats are not present. We did not intend to assert that coastal scrub isn't present but rather that the coastal scrub habitat that is present is unsuitable. Language within the Upper Plateau Project Biological Technical Report has been updated for clarification.

2) As noted in response to comment I-949-6, above, the MSHCP database has been reviewed. No additional special-status plant species were documented within the project vicinity.

3) Please see response to comment I-949-10 and response to comment I-949-11, above.

4) Please see response to comment I-949-12, above.

5) New field surveys are not required.

6) New field surveys are not required.

7) We assert that the surveys for smooth tarplant were accurate and that absence was documented.

8) The Report conclusions regarding special-status plant potential to occur have been reviewed and new analyses are not necessary.

Comment I-949-16

Plant Communities

Riversidean sage scrub is not considered sensitive globally or in the state of California and no mitigation is required. Nonetheless, the EIR stipulates under MM-BIO-8 that impacts on Encelia scrub, flat-topped buckwheat, and Riversidean sage scrub to be mitigated at a 1:1 ratio, and Project impacts on disturbed Riversidean sage scrub to be mitigated at a 0.5:1 ratio through the purchase of credits at an approved mitigation bank. It further states that these mitigation ratios are appropriate "because these vegetation communities are not considered sensitive under CEQA and do not support special-status species within the Specific Plan Area." However, as discussed above, the assessment for rare plants is probably inadequate to conclude that Riversidean sage scrub does not support special-status plant species. The EIR should re- evaluate the value of Riversidean sage scrub to potentially occurring rare plants and consider mitigating any loss at a higher ratio.

Response to Comment I-949-16

The comment reiterates the mitigation ratios proposed within the Upper Plateau Project Biological Technical Report and asks the project proponent to consider higher mitigation ratios for Riversidean sage scrub impacts. This comment was based on the adequacy of the special-status plant

assessments, which are substantiated in the response to the previous comments. The statement that 'the assessment for rare plants is probably inadequate' is highly speculative and we disagree with this assessment. In addition, the mitigation ratios proposed are based on the precedent set for mitigation in the area by previously approved projects.

Comment I-949-17

Wildlife

According to the EIR, 24 special-status wildlife species were found to have recorded occurrences within the Project vicinity and were assessed for potential to occur in the Study Area (Table 4.3-3, EIR). I found an additional 10 species in the MSHCP database, all of which are either State Threatened (ST), Species of Special Concern (SSC), or Watchlist Species (WL). These include Bell's Sparrow (WL), Ferruginous hawk (WL), Golden eagle (WL, Fully Protected), Grasshopper sparrow (SSC), Merlin (WL), Peregrine falcon (Fully Protected), Prairie falcon (WL), Southern California rufous-crowned sparrow (WL), Swainson's hawk (ST), and Yellow-breasted chat (SSC). All of the raptor species and Bell's Sparrow are also federal Bird Species of Concern.

Response to Comment I-949-17

Although not observed during surveys or known from the project vicinity, we acknowledge that these species occur in the larger 1.26 million acre MSHCP planning area. All special-status species that are known to occur on the project site or that have a moderate or high potential to occur on the site have been analyzed in detail (please see section 4 of the project Upper Plateau Project Biological Technical Report). Please see additional information regarded the above listed species:

Species	Status	Habitat Description	Potential to Occur
Bell's sparrow (*Artemisiospiza belli*)	WL	Found in coastal scrub and chaparral in low, dense stands of shrubs. In winter, alkali desert scrub, and desert scrub frequently associated with Atriplex spp. in desert habitats.	**Low.** Suitable sparse scrub habitat is present on site; however, species likely would have been observed during focused coastal California gnatcatcher or least Bell's vireo surveys if present.
Ferruginous hawk (*Buteo regalis*)	WL (wintering)	Found in grassland, desert, and scrubland habitats and at the edges of low/moderate elevation forests.	**Low.** Suitable foraging habitat present, but species does not nest in southern California.
Golden eagle (*Aquila chrysaetos*)	FP; WL (nesting and wintering)	Found in mountainous canyonlands, deserts, agricultural fields, and semi-open habitats.	**Low.** Suitable foraging habitat present, but suitable nesting habitat is not present.

Species	Status	Habitat Description	Potential to Occur
Grasshopper sparrow (*Ammodramus savannarum*)	SSC (nesting)	Found in grassland habitat and agricultural areas with little to no scrub cover and often with some bare ground.	None. Not known from project vicinity. Grassland on site is denser than preferred by this species.
Merlin (*Falco columbarius*)	WL (wintering)	Found in a wide variety of open and semi-open habitats. Primarily found in grasslands when wintering in southern California but will inhabit any habitat except dense woodland.	Low. Suitable foraging habitat present, but species does not nest in southern California.
Peregrine falcon (*Falco peregrinus*)	FP (nesting)	Found within a variety of habitats, though perennially dependent on wetlands and riparian habitats.	Low. Suitable foraging habitat present, but suitable nesting habitat is not present.
Prairie falcon (*Falco mexicanus*)	WL (nesting)	Found in desert shrubland and grasslands. Primarily forage in grassland habitats.	Low. Suitable foraging habitat present, but suitable nesting habitat is not present.
Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*)	WL	Found in mostly in sage scrub and chaparral, but also grassland habitats with scattered scrubs. Prefers open habitat with rocky slopes.	Low. Grasslands present on site have sparse scrubs; however rocky slopes are limited on site. Species would have likely been observed during focused gnatcatcher or vireo surveys if present.
Swainson's hawk (*Buteo swainsoni*)	ST (nesting)	Found in open habitats for foraging including grasslands, prairies, and sometimes pastures. Nest in solitary trees or sometimes very small groves near water.	Low. Suitable foraging habitat present, but species does not nest in vicinity.
Yellow-breasted chat (*Icteria virens*)	SSC (nesting)	Found within a variety of riparian habitats and occasionally disturbed and successional habitats.	Low. Suitable riparian habitat not present within the project site footprint but does occur in buffer. Species would have been likely observed during focused coastal California gnatcatcher or least Bell's vireo surveys if present.

Comment I-949-18

I also found records of another five species covered by the MSHCP in the Project vicinity, including Bobcat, Coyote, Long-tailed weasel, Downy woodpecker, and Turkey vulture. These species are not special-status as defined in the EIR; however the EIR clearly states (Page 4.3- 33, EIR) that the significance criteria used to evaluate the Project's impacts related to biological resources are based on the 2022 March JPA CEQA Guidelines. Accordingly, a significant impact related to biological resources would occur if the Project would:

"BIO-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service."

Since the MSHCP is a regional conservation plan, the language in BIO-1 suggests that the guidelines would cover all MSHCP-covered species as well as any federal Bird Species of Concern. In fact, the definition of special-status species (Page 4.3-6, EIR) includes species that are considered rare, endangered, or threatened by "local government agencies" which would presumably include the RCA which administers the MSHCP.

Response to Comment I-949-18

We disagree with the assertion that all MSHCP Covered Species are "identified as a candidate, sensitive, or special-status species". While many MSHCP Covered Species are special-status species, some Covered Species do not meet that criterion, such as bobcat, coyote, long-tailed weasel, turkey vulture, and downy woodpecker. The MSHCP does not identify these as special-status species by including them as Covered Species. An NCCP may choose to cover, and therefore provide regional protection for, species that are not otherwise considered to have a special status. It is our understanding that NCCPs often include such species as a precautionary measure since the 'lifetime' of NCCPs can be quite long; some species were likely included so that if they are elevated to a protected status in the future, they would be covered under the NCCP and additional documentation and implementing agreements would not be needed. The MSHCP does not provide rationale for why certain species were selected for inclusion in as Covered Species. As such, the document addresses all special-status species that are protected under CEQA.

Although not required under CEQA, for informational purposes, USFWS Birds of Conservation Concern (BCC) was added as an additional criterion of "special-status species" and additional information on species with this designation has been added to Table 7 of the Upper Plateau Biological Technical Report. Please note that USFWS BCC species were not originally included in the potential to occur tables or subsequent analysis. There is debate within the industry regarding whether USFWS BCC species meet CEQA's definition of special-status. Officially, CEQA states that a species is special-status if it is "listed as rare, threatened or endangered by the Federal and/or State governments." The official definition of BCC is "the migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that represent our highest conservation priorities". The only additional BCC species identified as present on the project site is Lawrence's goldfinch. Any impacts to Lawrence's goldfinch would be less than significant through the implementation of mitigation described in section 5.1 (Upland Vegetation Communities Mitigation),

section 5.2 (Best Management Practices), and section 5.7 (Nesting Bird Avoidance and Minimization Measures) of the Upper Plateau Project Biological Technical Report.

Comment I-949-19

What needs to be done:

2) Expand the definition of special-status species to include MSHCP-covered species and federal Bird Species of Concern as per BIO-1 impact threshold in the 2022 March JPA CEQA Guidelines.

3) Expand search for special-status species within the Project vicinity using the most current version of the MSHCP database.

4) Reassess potential occurrence of additional special-status species using including additional field surveys.

5) Conduct any necessary impacts analysis.

Response to Comment I-949-19

This comment provides a list of tasks the writer would like completed based on the previous comments. Each recommended task in this list pertains to a specific previous comment, for which we have provided detailed responses to the concerns raised by the commenter, and in some cases revisions to the Upper Plateau Project Biological Technical Report, as noted above.

2) Please see response to comment I-949-18, above.

3) Please see response to comment I-949.6, above.

4) Additional field surveys are not required.

5) Though BCC species and all MSHCP species are not required for CEQA compliance, analysis of BCC and additional appropriate MSHCP covered species has been incorporated into the analysis for informational purposes.

Comment I-949-20

Other Errors and Omissions

The habitat description for the Tricolored blackbird is incomplete. The species is well documented to use a wide variety of upland plant species for nesting, including hoary nettle which is present in the Study Area. With the plentiful grassland also present, the site could potentially support a breeding colony.

Response to Comment I-949-20

The habitat description presented in Table 7 of the Upper Plateau Project Biological Technical Report has been revised to include grasslands as this was inadvertently omitted from suitable habitat types in the previous version of the Report. The potential to occur has been updated from none to low as the on-site grasslands have low potential to support a nesting colony. This revision does not change the analysis or conclusions of the Report. Tricolored blackbird nesting colonies are unlikely to occur on the project site; therefore, impacts on this species are not anticipated.

Comment I-949-21

What references were consulted for habitat preferences of special-status plants (Table 4.3-2) and animals (Table 4.3-3)? The Jepson Manual is the preferred source among botanists in California but it appears that another reference was used.

Response to Comment I-949-21

The Jepson Manual was one of two references consulted in preparing the special-status plant potential to occur table. The CNPS Inventory of Rare and Endangered Plants of California was also used, which considered to be accurate and reliable among botanists.

The following references were consulted for habitat preferences of special-status plants:

Baldwin, B. G., Goldman, D. H., Keil, D. J., Patterson, R., Rosatti, T. J. and Wilken, D. H. 2012. The Jepson Manual. Vascular plants of California (Second edition). Berkeley, Los Angeles, and London: University of California Press.

[CNPS] California Native Plant Society Rare Plant Program. 2021. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Accessed July 2021. http://www.rareplants.cnps.org

The following references were consulted for habitat preferences of special-status animals:

Poole, A., and F. Gill (eds.). The birds of North America, No. 574.

Unitt, Philip. 2004. San Diego County Bird Atlas. Proceedings of the San Diego Natural History Museum, No. 39. Ibis Publishing, Vista, CA. 644 pages.

Zeiner, D. C., W. F. Laudenslayer, Jr., K. E. Mayer, and M. White, eds. 1988-1990. California's Wildlife. Vol. I-III. California Depart. of Fish and Game, Sacramento, California.

Comment I-949-22

The species accounts in Appendix D need to be better referenced. It is hard to evaluate the accuracy of the analysis presented without confidence in the foundational information.

Response to Comment I-949-22

The reviewer has requested that the species accounts include more references. We attest that the species accounts were based on peer reviewed journal articles and agency publications. Additional references have been added to the species account presented in the Upper Plateau Project Biological Technical Report in response to this comment. The references were added as in-text citations to indicate the source of the information that was already presenting in the Report. Information presented in the species accounts did not change and the in-text citations do not constitute new information or change any analysis or conclusions.

Comment I-949-23

Mitigation Burrowing Owls

The EIR (Page 4.3-37) states: "Direct impacts to burrowing owl would be avoided and minimized through implementation of mitigation measure MM-BIO-5A, which requires pre- construction surveys, establishment of exclusion buffers around occupied burrows or burrow complexes (buffer width is

dependent upon breeding versus non-breeding season), and burrowing owl specific monitoring throughout construction to ensure full avoidance of owls."

"Should it be determined that full avoidance of occupied burrowing owl burrows or burrow complexes is not possible, MM-BIO-5B requires preparation of a Burrowing Owl Relocation and Mitigation Plan that would include methods for passive relocation; description of surrounding suitable habitat conditions; monitoring and management requirements for replacement burrow sites in coordination with CDFW; reporting requirements; and compensatory mitigation, if required by CDFW."

"With implementation of MM-BIO-5A and MM-BIO-5B, direct impacts to burrowing owl would be less than significant with mitigation incorporated."

Response to Comment I-949-23

This comment is acknowledged to be a reiteration of text present within the Upper Plateau Project Biological Technical Report.

Comment I-949-24

Any disturbance of Burrowing owls or their burrows, whether breeding or over-wintering should be considered significant. Passive relocation alone has been shown to be a failure, leading to complete abandonment of occupied sites and death of "relocated" owls. This is due in part to the fact that few burrows are actually suitable for owls. Burrowing owls in the west do not excavate their own burrows but depend on burrowing mammals to do this. Burrows must meet suitable conditions for owls with respect to depth, slope, drainage, number of openings and possibly other factors, which means owls may not be able to simply move to another burrow or burrow system even if it looks suitable to us. Passive relocation may be most successful with the proper provision of artificial burrows [5].

The EIR should:

1) Ensure passive relocation provides for suitable arrays of artificial burrows in a plan approved by CDFW.

2) Address the mechanisms and sources of funding that will continue to protect burrowing owls and their burrows on site after completion of the Project or post-2025 when the March JPA sunsets.

Response to Comment I-949-24

As stated in the Upper Plateau Project Biological Technical Report, pre-construction survey for burrowing owl would be conducted prior to any site disturbance and potential impacts to the species (if present) are potentially significant. If burrowing owl are detected during pre-construction surveys, any relocation would be done only with CDFW approval. CDFW has vast knowledge concerning the conditions that lead to successful outcomes. Any necessary funding to ensure successful mitigation would be negotiated between the applicant and CDFW prior to approval of relocation plans.

Comment I-949-25

Coastal Whiptail and Orange-throated Whiptail

The EIR (Page 4.3-39) states: "Potential direct mortality of coastal whiptail, orange-throated whiptail, and western yellow bat could occur during construction activities and would be considered a

significant impact requiring mitigation to reduce impacts on the species to a level below significant. Impacts to these species would be reduced to less than significant by implementation of MM-BIO-1, which requires a biologist flush sensitive species from suitable habitat immediately prior to initial ground disturbing activities, and daily biological monitoring during the initial vegetation removal and during any ground disturbing activities that result in breaking of the ground surface. In addition, the measure calls for regular random checks at least once a week, after the initial ground disturbance phase, and sets forth best management practices (BMPs) to reduce impacts to these special-status species. With the implementation of the mitigation measures described in MM-BIO-1, impacts to coastal whiptail, orange-throated whiptail, and western yellow bat would be less than significant with mitigation incorporated."

The EIR must explain how flushing whiptails from their habitat immediately prior to ground disturbing activities is beneficial mitigation. A whiptail cannot travel far on its own in such a short period of time. How can direct harm be avoided? Why is flushing favorable to relocation to a safer location?

Response to Comment I-949-25

As described in the analysis, impacts on these species are less than significant with incorporation of the direct mortality avoidance measure the commenter references and habitat-based mitigation. Mitigation for species impacts has been completed in part through previous base closure land conservation requirements (664 acres), and will be expanded through sage scrub habitat mitigation (13.66 acres)(orange-throated whiptail and coastal whiptail habitat) as outlined in section 5.1 (Upland Vegetation Communities Mitigation) of the Upper Plateau Project Biological Technical Report. The mitigation measure cited by the commenter is included exclusively in order to avoid and minimize direct mortality as much as possible during construction activities and is standard pre-construction minimization and avoidance practice.

Comment I-949-26

Western Yellow Bat

Little is known about the habitat requirements and behavior of this species. The EIR must recognize that the impacts on individuals of flushing from a daytime roost are unknown, unless evidence to the contrary is found. Otherwise, any disturbance must be considered unmitigated.

Response to Comment I-949-26

The habitat for this SSC species is typically riparian habitat with palm trees; however, we acknowledge that the life history of the species is not well understood. Note also that riparian habitat suitable for western yellow bat primarily occurs outside the proposed project footprint (and given the limited palm trees is not high quality western yellow bat habitat); with the exception of the Cactus Road extension to the east of the proposed project site, suitable daytime roosting habitat is not present in the project footprint.

Please see response I-949-25, above; potential western yellow bat species impacts have been addressed through habitat-based mitigation. The mitigation measure described in this comment is strictly to avoid and minimize direct mortality on all species that may be present in the construction area; it is not intended as a species-specific take mitigation measure. With implementation of

mitigation set out in section 5.2 (Best Management Practices) of the Upper Plateau Project Biological Technical Report, impacts to the western yellow bat will be less than significant.

Comment I-949-27

Interagency Review

I request all revisions be evaluated by the CDFW.

Response to Comment I-949-27

Comment noted.