



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 12, 2023

Mr. Nathan Perez
Senior Planner
135 North "D" Street
Perris, CA 92570
NPerez@cityofperris.org

Subject: Draft Environmental Impact Report, First March Logistics Project, State Clearinghouse No. 2021120497, City of Perris, Riverside County

Dear Mr. Perez:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the City of Perris (City) for the First March Logistics Project (Project) for the City of Perris (Project Applicant/Proponent) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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

CDFW ROLE

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may

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

need to exercise regulatory authority as provided by the Fish and Game Code, including lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in “take”, as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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

PROJECT DESCRIPTION AND SUMMARY

Description: The City of Perris (City; Lead Agency) and First Industrial Realty Trust, Inc (Project Applicant) are proposing the First March Logistics Project (Project). The proposed Project will consist of the construction and operation of two warehouse buildings—Building 1 (419,034 square feet [sf]) and Building 2 (125,341 sf)—totaling 544,375 sf and associated on-site parking and landscaping, and roadway and infrastructure improvements. The Project would be constructed in two phases: 1) Building 1 on 20.0 acres and a detention basin on 6.4 acres (between Natwar Lane and Western Way) would be constructed by 2023, and 2) Building 2 would replace the detention basin by 2025.

Location: The Project site is located between Nandina Avenue on the south, March Air Reserve Base and Western Way on the east, undeveloped land to the north, and Interstate 215 on the west, in the City of Perris, Riverside County, California, in Township 3 South, Section 25, Range 4 West, of the U.S. Geological Survey 7.5”, California Steele Peek topographic quadrangle map; Assessor’s Parcel Numbers 295-300-005, -017, 294-180-013, -028, -029, -030, and -032.

COMMENTS AND RECOMMENDATIONS

Based on the documents for review, CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project’s significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. CDFW recommends the additional measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project’s CEQA mitigation,

monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Western Riverside County Multiple Species Habitat Conservation Plan

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP.

To be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the MSHCP, the Permits, and the Implementing Agreement. The City is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. To demonstrate consistency with the MSHCP, as part of the CEQA review, the City shall ensure the Project pays Local Development Mitigation Fees and other relevant fees as set forth in Section 8.5 of the MSHCP; and demonstrates compliance with: 1) the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2 of the MSHCP); 2) the Protection of Narrow Endemic Plant Species (Section 6.1.3 of the MSHCP); 3) the Urban/Wildlands Interface Guidelines (Section 6.1.4 of the MSHCP); 4) the policies set forth in Section 6.3.2; and 5) the Best Management Practices and the siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP.

Specific Comments

Comment #1: Protection of Riparian/Riverine and Vernal Pool Resources (MSHCP Section 6.1.2)

The procedures described in the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools section of the MSHCP (MSHCP Section 6.1.2) are to ensure that the biological functions and values of these areas are maintained throughout the MSHCP Plan Area (including all areas of the Plan located outside the Criteria Area). Additionally, this process helps identify areas to consider for priority acquisition, as well as those functions that may affect downstream values related to Conservation of Covered Species within the MSHCP Conservation Area. The assessment of riparian/riverine and vernal pool resources may be completed as part of the CEQA review process as set forth in Article V of the State CEQA Guidelines. However, the MSHCP identifies that the U.S. Fish and Wildlife Service and CDFW shall be notified in advance of approval of public or private projects of draft determinations for the biologically equivalent or superior determination findings associated with the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policies presented in Section 6.1.2 of the MSHCP (MSHCP Section 6.11).

The MSHCP identifies that assessment of these areas include identification and mapping of riparian/riverine areas and vernal pools. The assessment shall consider species composition, topography/ hydrology, and soil analysis, where appropriate. The documentation for the assessment shall include mapping and a description of the functions and values of the mapped areas with respect to the species identified in Section 6.1.2 of the MSHCP. Factors to be considered include hydrologic regime, flood storage and flood-flow modification, nutrient retention and transformation, sediment trapping and transport, toxicant trapping, public use, wildlife Habitat, and aquatic Habitat.

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

The City is required to ensure the Applicant completes the DBESP process prior to completion of the EIR to demonstrate implementation of MSHCP requirements in the CEQA documentation.

CDFW appreciate the analysis of impacts provided within the DEIR and General Biological Resource Assessment. However, the MSHCP implementation process is not complete because although a DBESP has been prepared, it has not been submitted to CDFW for review and response, to determine if the mitigation proposed for the impacts to riparian/riverine resources is biologically equivalent or superior preservation to avoidance. It is not appropriate for the City to adopt the final EIR until the DBESP is complete because the City is required to notify CDFW in advance of approval of public and private projects for identified MSHCP activities, such as completion of the DBESP for the riparian/riverine policy. CDFW requests that to demonstrate implementation of the MSHCP, the City of Perris complete the DBESP process by submitting the DBESP to both CDFW and the U.S. Fish and Wildlife Service for review and comment prior to adoption of the Final Environmental Impact Report. Once the DBESP is complete, revise the Biological Mitigation Measure 4-2 (MM 4-2) and update with the mitigation measures identified in the DBESP.

Recommended Potentially Feasible Mitigation Measure(s):

CDFW recommend revising Mitigation Measure 4-2 in the DEIR per the edits below (edits are in ~~strikethrough~~ and **bold**), and also included in Attachment 1 “Mitigation Monitoring and Reporting Program” .:

Mitigation Measure 4-2: The Project Proponent shall compensate for permanent impacts to 0.15 acre of riparian area and 0.03 acre of riverine area at a **minimum of 3:1** mitigation-to-impact ratio through the purchase of ~~0.36 acre~~ **of either or a combination of** rehabilitation, re-establishment, and/or establishment mitigation credits at an approved mitigation bank ~~or in-lieu-fee program~~ within the San Jacinto River and/or Santa Ana River Watershed, such as the Riverpark Mitigation Bank. If enhancement or preservation credits are pursued due to the lack of availability of rehabilitation, re-establishment, and/or establishment mitigation credits, the ratio may be higher as determined on a case by-case basis by the wildlife agencies.

Comment #2: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA)

Issue: Based on review of material submitted with the DEIR and review of aerial photography, the Project has the potential to impact fish and wildlife resources subject to Fish and Game Code section 1600 et seq.

Specific Impact: Based on review of material submitted with the DEIR and review of aerial photography, the Project has the potential to impact fish and wildlife resources subject to Fish and Game Code section 1600 et seq. The DEIR identified 0.18 acres of riparian/resources within the study area. The Project activities have the potential to impact fish and wildlife resources through the deposition of debris, waste or other materials that could pass into any river, stream, or lake.

Why Impact Would Occur: Project-related activities could potentially alter drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.

Evidence Impact Would Be Significant: The Project may substantially adversely affect the existing stream pattern and geomorphologic processes of the Project site through the deposition of debris, waste or other materials that could pass into any river, stream or lake. Depending on how the Project is designed and constructed, it is likely that the Project applicant will need to notify CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris,

waste or other materials that could pass into any river, stream or lake. Please note that “any river, stream or lake” includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

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

CDFW’s issuance of an LSA Agreement is a “project” subject to CEQA (see Pub. Resources Code, § 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: To ensure compliance with Fish and Game Code section 1602 CDFW recommends that the City condition the final EIR to include a mitigation measure for consultation with CDFW to determine if Fish and Game Code section 1600 et seq. resources may occur within the proposed Project alignment.

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

Mitigation Measure 4-3: Prior to the issuance of a grading permit for the Project and prior to the start of Project activities, the Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources. The applicant shall either receive a Streambed Alteration Agreement (SAA) or written documentation from CDFW that a Streambed Alteration Agreement is not needed.

The notification to CDFW should provide the following information:

- 1. A stream delineation including the bed, bank and channel;**

2. **Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation (Sawyer et al 2009);**
3. **A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and**
4. **A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site.**

All mitigation measures and conditions contained within the above permits shall be implemented. At a minimum, the following shall be completed for mitigation for impacts to waters of the state and jurisdictional streambed:

1. **The Project Proponent shall compensate for permanent impacts to 0.03 acre of Regional Board jurisdiction and 0.18 acre of CDFW jurisdiction at a 2:1 mitigation to impact ratio through the purchase of 0.36 acre of rehabilitation (inclusive of the 0.03 acre of Regional Board jurisdiction collectively within the 0.18 acre of CDFW jurisdiction), reestablishment, and/or establishment mitigation credits at an approved mitigation bank or in-lieu fee program within the San Jacinto River and/or Santa Ana River Watershed, such as the Riverpark Mitigation Bank. no less than 3:1 for impacts to streams and associated natural communities, or at a ratio acceptable to CDFW per a LSA Agreement. Mitigation should occur within the Western Riverside County. If enhancement or preservation credits are pursued due to the lack of availability of rehabilitation, reestablishment, and/or establishment mitigation credits, the ratio may be higher as determined on a case-by-case basis by the Regional Board and/or CDFW. The mitigation receipt from this fee payment will be provided to the Lead Agency prior to initiation of jurisdictional impacts. On-site mitigation measures may include the enhancement of existing streams. A conceptual Habitat Mitigation and Monitoring Plan shall be prepared, if necessary, for the enhancement activities to address impacts to Fish and Game Code section 1602 resources, which may include non-native species removal and revegetation followed by periodic monitoring. The plan shall specify the criteria and standards**

by which the enhancement actions will compensate for impacts of the project on streams.

Additional Recommendations

Weed Management Plan. A weed management plan should be developed for the Project site and implemented during the duration of this long-term Project. On-going soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds should be prevented from becoming established. The Projects site should be monitored via mapping for new introductions and expansions of non-native weeds.

Mitigation and Monitoring Reporting Plan

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

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of

Mr. Nathan Perez
City of Perris
June 12, 2023
Page 9 of 12


environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR for the First March Logistics Project, State Clearinghouse No. 2021120497, to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. CDFW requests that the City of Perris addresses CDFW's comments and concerns prior to adoption of the DEIR for the Project.

Questions regarding this letter or further coordination should be directed to Katrina Rehrer, Environmental Scientist, at katrina.rehrer@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Kim Freeburn
Environmental Program Manager

ec: **California Department of Fish and Wildlife**
Carly Beck, Senior Environmental Scientist
Carly.Beck@wildlife.ca.gov

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

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

Western Riverside County Regional Conservation Authority
Aaron Gabbe
agabbe@rctc.org

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



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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project’s final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM)		Timing	Responsible Party
Protection of Riparian/Riverine and Vernal Pool Resources (MSHCP Section 6.1.2)	Mitigation Measure 4-2: The Project Proponent shall compensate for permanent impacts to 0.15 acre of riparian area and 0.03 acre of riverine area at a minimum of 3:1 mitigation-to-impact ratio through the purchase of either or a combination of rehabilitation, re-establishment, and/or establishment mitigation credits at an approved mitigation bank within the San Jacinto River and/or Santa Ana River Watershed, such as the Riverpark Mitigation Bank. If enhancement or preservation credits are pursued due to the lack of availability of rehabilitation, re-establishment, and/or establishment mitigation credits, the ratio may be higher as determined on a case by-case basis by the wildlife agencies.	Prior to commencing ground- or vegetation disturbing activities	City of Perris
Impacts to Aquatic and Riparian Resources	Mitigation Measure 4-3: Prior to the issuance of a grading permit for the Project and prior to the start of Project activities, the Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources. The applicant shall either receive a Streambed Alteration Agreement (SAA) or written documentation from CDFW that a Streambed Alteration Agreement is not needed. The notification to CDFW should provide the following information: 1. A stream delineation including the bed, bank and	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	<p>channel;</p> <ol style="list-style-type: none">2. Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation (Sawyer et al 2009);3. A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and4. A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. <p>All mitigation measures and conditions contained within the above permits shall be implemented. At a minimum, the following shall be completed for mitigation for impacts to waters of the state and jurisdictional streambed:</p> <ol style="list-style-type: none">1. The Project Proponent shall compensate for permanent impacts to 0.03 acre of Regional Board jurisdiction and 0.18 acre of CDFW jurisdiction at no less than 3:1 for impacts to streams and associated natural communities, or at a ratio acceptable to CDFW per a LSA Agreement. Mitigation should occur within the Western Riverside County. On-site mitigation measures may include the enhancement of existing streams. A conceptual Habitat		
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	<p>Mitigation and Monitoring Plan shall be prepared, if necessary, for the enhancement activities to address impacts to Fish and Game Code section 1602 resources, which may include non-native species removal and revegetation followed by periodic monitoring. The plan shall specify the criteria and standards by which the enhancement actions will compensate for impacts of the project on streams.</p>		
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