



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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GAVIN NEWSOM, Governor
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July 18, 2022

Governor's Office of Planning & Research

Kathleen Mitchen, Urban Planner II
Riverside County
4080 Lemon St
Riverside, CA 92501

Jul 18 2022

STATE CLEARINGHOUSE

Subject: Initial Study/ Mitigated Negative Declaration
IsenGarden Cannabis Cultivation Facility
State Clearinghouse No. 2022060471

Dear Ms. Mitchen,

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (ISMND) from the County of Riverside (County) for the IsenGarden Cannabis Cultivation Facility Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802.) Similarly for purposes of CEQA, CDFW is charged by law to

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.

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provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources. CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The Project site is located at 32875 Red Mountain Road in unincorporated Riverside County in the State of California: Latitude 33.629314 N and Longitude - 116.877453 W. The Project proposes the development of approximately 5 acres on Assessor's Parcel Number (APN) 569-150-010 for an 18,070 square-foot two-story cannabis cultivation facility, 16 solar arrays and a six-foot fence that will encompass the facility and two of the solar arrays. The proposed Project Site is currently developed and occupied by an existing two-story residence, two sheds and one solar array on the northeast corner of the site and is accessible via Owl Creek Road at the northwest corner. The Project site has remained relatively unchanged since 2005.

Timeframe: Construction activities will occur in two phases and are anticipated to be completed within 14 months.

COMMENTS AND RECOMMENDATIONS:

The MND discloses that a Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis (provided with the MND) was completed by Principe and Associates on November 16, 2020, in which it was determined that the site is not located within an MSHCP Criteria Area, Cell, Cell Group or Subunit of the Riverside Extended Mountain Area Plan (REMAP). It was determined, however, that the Project site connects a large area of relatively undisturbed chaparral habitat located south and east of the site with a large core-sized area of similar

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habitat located on Western Riverside Regional Conservation Authority (RCA) Conserved Lands north and west of the site. As such, CDFW is concerned that large development projects in this area could have lasting impacts on local wildlife and plant species including but not limited to nesting birds, sensitive amphibians and reptiles including: western spadefoot toad (*Spea hammondi*; CDFW Species of Special Concern [SSC]), red-diamond rattlesnake (*Crotalus ruber*; SSC), coast horned lizard (*Phrynosoma blainvillii*; SSC), orange-throated whiptail (*Aspidoscelis hyperythra*; CDFW Watchlist [WL]), sensitive small mammals including: Stephens' kangaroo rat (*Dipodomys stephensi*; State and Federally Threatened), San Bernardino kangaroo rat (*Dipodomys merriami parvus*; Federally Endangered, State Candidate Endangered species), Los Angeles Pocket Mouse (*Perognathus longimembris brevinasus*; SSC), sensitive plants, and 1602 Fish and Game Code Resources within and adjacent to the Project site. CDFW therefore recommends the revision of MM BIO-1 and the adoption of MM BIO-2 through MM BIO-9 as per below and also found in Attachment 1 (Mitigation Monitoring and Reporting Program), all for inclusion in a final MND (termed hereafter as 'final MND').

Biological Mitigation Measures

Nesting Birds

CDFW appreciates the inclusion of MM BIO-1 to mitigate for impacts to nesting birds and offers the following revisions to MM BIO-1 (edits are in strikethrough and bold):

MM BIO-1:

~~When the trees are removed from the site, the Project Proponent shall demonstrate to the satisfaction of the County of Riverside that either of the following has been or will be accomplished: • Tree removal shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to avoid potential impacts to nesting birds; • Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) in the trees and will require that all~~ **Regardless of the time of year, a qualified biologist shall conduct at least one nesting bird survey no more than three (3) days prior to initiation of all Project activities. •** ~~Any construction activities that occur during the nesting season (February 15 to August 31 for songbirds; January 15 to August 31 for raptors) in the trees and will require that all~~ **All potential habitats shall be**

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thoroughly surveyed for the presence of nesting birds by a qualified biologist **no more than two hours** before commencement of **Project activities to verify the absence of nesting birds within the work area and surrounding 300-foot buffer.** ~~clearing.~~ If any active nests **containing eggs or young** are detected, **no work shall be permitted near the nest until the young birds have fledged or the nest is no longer active and** ~~then~~ a buffer of at least 300 feet (500 feet for raptors) **shall** ~~will~~ be delineated, flagged, and avoided until the **young have fledged or the nest is no longer active** ~~nesting cycle is complete~~ as determined by the **qualified biologist.** ~~biological monitor to minimize impacts.~~ **Nest avoidance buffers are species specific, and a smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.** ~~Monitoring: May be required depending on the results of the surveys.~~

Western Riverside Multiple Species Habitat Conservation Plan (WRCMSHCP)

The Project occurs within the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP) area and is subject to provisions and policies of the WRCMSHCP. Please note that in order to be considered a covered activity, Permittees should demonstrate that proposed actions are consistent with the WRCMSHCP and its associated Implementing Agreement. Additionally, per the MSHCP Protection of Species Associated with Riparian/Riverine and Vernal Pool Resources Section 6.1.2, if avoidance of onsite impacts to Section 6.1.2 resources is not feasible, then the impacts should be identified and mitigated for through a Determination of Biologically Equivalent or Superior Preservation (DBESP) process prior to or in parallel to CEQA. Therefore, CDFW recommends the adoption of MM BIO-2 and MM BIO-3 below.

MM BIO-2:

Prior to construction and issuance of any grading permit, the Project proponent shall ensure compliance with the Western Riverside County

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Multiple Species Habitat Conservation Plan (WRCMSHCP) and its associated Implementing Agreement and shall ensure that payment of the WRCMSHCP Local Development Mitigation Fee for the proposed Project is remitted to the Western Riverside Conservation Commission.

MM BIO-3:

Prior to approval of any implementing developments within the Project site (e.g., plot plans, conditional use permits) and the adoption of the final MND, the Project Proponent shall contract with a qualified biologist to prepare a Determination of Biologically Equivalent or Superior Preservation (DBESP), in accordance with Section 6.1.2 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The required DBESP shall address Project impacts to riparian/riverine and vernal pool features that comprise MSCHP riparian/riverine and vernal pool habitat, California Department of Fish and Game Code section 1602 resources, Regional Water Quality Control Board (RWQCB) jurisdiction, and/or U.S. Army Corps of Engineers jurisdiction. The required DBESP shall identify compensatory mitigation for the loss of riparian/riverine and vernal pool resources.

Prior to approval of the implementing development(s) and the adoption of the final MND, the required DBESP shall be subject to review and approval by Riverside County, and also shall be subject to a 60-day review period by the Wildlife Agencies, including California Department of Fish and Wildlife (CDFW), as required by the MSHCP. Following approval of the DBESP by Riverside County and the Wildlife Agencies (e.g., CDFW), and prior to issuance of grading permits, the Project Proponent shall provide evidence to that the required compensatory mitigation has been achieved in accordance with the approved DBESP.

Sensitive Amphibians and Reptiles

The MND discloses that a walk-over survey was conducted along the entire length of the ephemeral drainage onsite in conjunction with a drive-by survey across the land located upstream in September 2020 to assess the presence of mountain yellow-legged frog (*Rana muscosa*). During these surveys, it was determined that the site does not support suitable habitat for mountain yellow-legged frog due to the lack of permanent aquatic features capable of retaining freshwater long enough to support adults and tadpoles. CDFW remains

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concerned, however, that the Project's potential impacts to other sensitive amphibians, such as western spadefoot toad, were not considered since no other focused surveys were conducted. Please note that western spadefoot toad spends most of its time underground in self-made or small mammal burrows and may have gone undetected during the September surveys when, as the MSHCP Consistency Analysis noted "Wildlife was neither abundant nor diverse at the site during the September surveys probably due to the hot and dry weather conditions." Additionally, the ephemeral drainage onsite should not be excluded as suitable breeding habitat for western spadefoot toad considering it only requires shallow temporary pools of water created by heavy winter rains for breeding.

CDFW is also aware of the potential for several sensitive reptilian species to occur onsite, including red-diamond rattlesnake, coast horned lizard, and orange-throated whiptail. Red-diamond rattlesnakes are known to occur within chaparral habitats with rocky areas, such as the Project site, are mainly active March-June, do not require permanent water, and feed on small lizards and mammals, such as those that have potential to occur onsite. The Project site also contains suitable habitat for coast horned lizard such as the sandy loam soil and patches of riparian habitat that are reported to occur onsite by the MSHCP Consistency Analysis provided with the MND. Additionally, presence of coast horned lizard may have gone undetected during the September surveys considering they avoid extreme heat by burrowing into loose soil and are mostly inactive Fall through Winter, during which the site was surveyed. Lastly, the Project site also provides potentially suitable habitat to orange-throated whiptail, which prefers chamise-red shank, mixed chaparral habitats and sandy areas with patches of brush and rocks such as that found onsite.

Considering the aforementioned, CDFW recommends the adoption of MM BIO-4 and MM BIO-5 below to address potential impacts to sensitive amphibians and reptiles.

MM BIO-4:

For work conducted during migration and breeding season, a qualified biologist shall survey the active work areas (including access roads) in mornings following measurable precipitation events. Project activities may commence once the biologist has confirmed that no special-status amphibians are in the work area. When feasible, a 50-foot no-disturbance

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buffer shall be established around any suitable habitat. Suitable habitat shall be identified by a qualified biologist. The biologist shall delineate and mark the no-disturbance buffer. Prior to beginning work each day, a qualified biologist shall inspect underneath equipment and stored pipes greater than 1.2 inches (3 cm) in diameter. If any sensitive amphibians are found within the construction footprint, it shall be allowed to move out of harm's way of its own volition, or a qualified biologist shall relocate the organism to the nearest appropriate habitat that is outside of the Project area. Trenches and holes will be covered and inspected daily for stranded animals. Trenches and holes deeper than one foot deep shall contain escape ramps (maximum slope of 2:1) to allow trapped animals to escape uncovered holes or trenches. Holes and trenches shall be inspected prior to filling.

MM BIO-5:

Impacts to special-status reptiles shall be minimized through implementation of pre-construction clearance surveys. Within 2 hours of initiation of Project activities, a qualified biologist shall inspect areas containing suitable habitat, including burrows, sand fields, and rock piles. If any special-status reptiles are detected, the qualified biologist shall either provide the animal sufficient time to leave on its own accord or relocate it out of harm's way and place it in adjacent natural habitat. If any state-listed reptile species is identified, the Project Proponent shall avoid the species by implementing protective avoidance measures reviewed and approved by CDFW. If full avoidance cannot be accomplished, Project activities shall be postponed until appropriate California Endangered Species Act (CESA) authorization is obtained.

Sensitive Small Mammals

CDFW is aware that the Project site contains suitable habitat for San Bernardino kangaroo rat, Stephens' kangaroo rat, and Los Angeles pocket mouse. Stephen's kangaroo rat is known to occur in disturbed areas with sparse canopy cover and chamise such as that found onsite. Additionally, the Consistency Analysis disclosed that diagnostic signs (e.g., mounds, burrows and nests) of Botta's pocket gopher (*Thomomys bottae*) were detected, which raises further concern for Stephen's kangaroo rat to occur since they are known to occupy abandoned pocket gopher burrows. While the Biological Report Summary Sheet

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provided in the MSHCP Consistency Analysis discloses that surveys were conducted for San Bernardino kangaroo rat and Stephens' kangaroo rat and that neither were observed onsite, the methods and details were not provided and CDFW cannot confirm that their presence was properly assessed. Lastly, Los Angeles pocket mice hibernate during the Winter (October-February), during which the surveys took place and may have gone undetected. CDFW therefore recommends the adoption of BIO MM-6 below to properly assess the presence of special-status small mammals prior to initiating all Project activities.

MM BIO-6:

Prior to issuance of ground disturbing activities, a CDFW-approved qualified biologist shall conduct pre-construction trapping surveys within suitable habitat to determine presence of Los Angeles pocket mouse, Stephen's kangaroo rat and San Bernardino kangaroo rat following trapping protocols acceptable to CDFW. If Los Angeles pocket mouse is present, mitigation of no less than 2:1 shall be required. The County shall also prepare and implement a set of avoidance and minimization measures aimed at protecting special-status small mammals from Project-related impacts. The proposed avoidance and minimization measures shall be provided to CDFW for review and approval no fewer than 30 days prior to the initiation of Project activities. If Stephen's kangaroo rat is present onsite, an incidental take permit and mitigation at no less than a 3:1 (replacement to impact) ratio for loss of habitat shall be required, or as determined in the appropriate CESA authorization for listed species. Construction will not proceed until appropriate authorization (i.e., CESA ITP under Fish and Game Code section 2081) is obtained.

Sensitive Plants

CDFW disagrees with the MND's determination that sensitive plant species are not expected to occur onsite considering no floristic surveys were conducted. For example, Perry's spine flower (*Chorizanthe parryi*; State Rare Plant Rank 1B.1) and southern mountains skullcap (*Scutellaria bolanderi* ssp. *austromontana*; State Rare Plant Rank 1B.2) both have potential to occur onsite, however floristic surveys were not conducted within their blooming seasons (April-June and June-August, respectively). Please note that according to CDFW's *2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* botanical field surveys should be conducted

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in a manner which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting. Reference sites (nearby accessible occurrences of the plants) should also be utilized to determine whether those special-status plants are identifiable at the times of year the botanical field surveys take place and to obtain a visual image of the special-status plants, associated habitat, and associated natural communities. CDFW therefore recommends the County adopt MM BIO-7 below to properly identify special-status plants onsite prior to initiating all Project activities.

MM BIO-7:

Prior to the initiation of Project activities, and during the appropriate season, a qualified biologist shall conduct botanical field surveys following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). If any special-status plants are identified, the Project Proponent shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the Project Proponent shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a minimum 3:1 (replacement to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed) or is not occupied by or available to special-status species. If the Project has the potential to impact a state-listed species, the Project Proponent should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.

Employee Awareness of Wildlife Resources

Considering the area surrounding the Project is primarily open land, the Project development will likely bring biological hazards common to urban-wildland interface areas. Waste management must be a priority as accessible waste can encourage opportunistic species such as rats, ravens, and coyotes (ravens and coyotes were reported as present in the MSHCP Consistency Analysis) to become more prevalent, posing a substantial predation hazard to wildlife. Waste management plans should include waste receptacles with closing, lockable lids

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and a waste removal schedule that does not allow for excess waste to accrue. Increased traffic may also pose a hazard to species in the form of vehicle-animal collisions which often lead to the death of the animal. For slow moving species, busy roads in their territory can have a significant impact on populations. It is also part of the Project Proponent's responsibility to educate individuals that will be on-site, whether they are employees or contractors, on the wildlife species that may be present and how to limit impacts to wildlife species in the area. As such, CDFW recommends that an Employee Education Program be added to the final MND as per MM BIO-8 below.

MM BIO-8:

A qualified biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site. The program shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. The qualified biologist shall also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations, and mitigation measures. The Employee Education Program should include, but not be limited to: (1) Best practices for managing waste and reducing activities that can lead to increased occurrences of opportunistic species and the impacts these species can have on wildlife in the area, (2) Protected species that have the potential to occur on the Project site including but not limited to nesting birds, western spadefoot toad, red-diamond rattlesnake, coast horned lizard, orange-throated whiptail, Stephens' kangaroo rat, San Bernardino kangaroo rat and Los Angeles Pocket Mouse and (3) The location of the ephemeral stream that crosses from the east to the northwest side of the parcels and the importance of ensuring that no refuse or pollution enters the streambed habitat. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing any work on-site.

Lake and Streambed Alteration Agreement

CDFW is aware that an ephemeral drainage with riparian vegetation is present onsite and that it is located outside of the Project footprint. However, CDFW remains concerned considering the increase in hardscaping on the Project site is

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likely to increase runoff into the drainage. An infiltration trench is proposed as a means to treat runoff and discharge prior to it entering the drainage, however this may not be a sufficient form of treatment and impacts to the onsite drainage may still occur. CDFW may require a more robust plan for treatment prior to issuing a Lake and Streambed Alteration Agreement (LSA) needed to obtain a Department of Cannabis Control (DCC) Annual License. Please note that DCC requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from DCC, cultivators must have an LSA or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through the Environmental Permit Information Management System (EPIMS) at <https://epims.wildlife.ca.gov> and learn more about permitting at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>. Therefore, CDFW recommends the adoption of MM BIO-9 in a final MND to avoid significant impacts to the ephemeral drainage onsite.

MM BIO-9:

Prior to construction and issuance of any grading permit, the Project Proponent should obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Proponent should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

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 found at the following link: [Submitting Data to the CNDDDB \(ca.gov\)](#). The completed form can be mailed electronically to CNDDDB at the following email

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address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: [CNDDDB - Plants and Animals \(ca.gov\)](https://www.wildlife.ca.gov/Plants-and-Animals)

FILING FEES

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

CONCLUSION

CDFW requests that the County include in the final MND the suggested mitigation measures (Attachment 1) offered by CDFW to avoid, minimize, and mitigate Project impacts on California fish and wildlife resources.

CDFW appreciates the opportunity to comment on the IsenGarden Cannabis Cultivation Facility Project (SCH No.2022060471) and hopes our comments will assist the County in identifying, avoiding, minimizing, and mitigating Project impacts on fish and wildlife resources.

If you should have any questions pertaining to the comments provided in this letter, please contact Corina Jimenez, Environmental Scientist at Corina.Jimenez@wildlife.ca.gov

ATTACHMENTS

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

Sincerely,

DocuSigned by:

84FBB8273E4C480...

Alisa Ellsworth

Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
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REFERENCES

California Department of Fish and Game (CDFG). 2010. Mohave Ground Squirrel Survey Guidelines.

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975&inline>

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: <https://www.wildlife.ca.gov/conservation/survey-protocols>

California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available for download at:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PURPOSE OF THE MMRP

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

TABLE OF MITIGATION MEASURES

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

Mitigation Measures	Implementation Schedule	Responsible Party
<p>MM BIO-1</p> <p>Regardless of the time of year, a qualified biologist shall conduct at least one nesting bird survey no more than three (3) days prior to initiation of all Project activities. All potential habitats shall be thoroughly surveyed for the presence of nesting birds by a qualified biologist no more than two hours before commencement of Project activities to verify the absence of nesting birds within the work area and surrounding 300-foot buffer.. If any active nests containing eggs or young are detected, no work shall be permitted near the nest until the young birds have fledged or the nest is no longer active and a buffer of at least 300 feet (500 feet for raptors) shall be delineated, flagged, and avoided until the young have fledged or the nest is no longer active as determined by the qualified biologist. Nest avoidance buffers are species specific,</p>	<p>Prior to initiating Project activities</p>	<p>Project Proponent</p>

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<p>and a smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p>		
<p>MM BIO-2</p> <p>Prior to construction and issuance of any grading permit, the Project proponent shall ensure compliance with the Western Riverside County Multiple Species Habitat Conservation Plan (WRCMSHCP) and its associated Implementing Agreement and shall ensure that payment of the WRCMSHCP Local Development Mitigation Fee for the proposed Project is remitted to the Western Riverside Conservation Commission.</p>	<p>Prior to initiating Project activities</p>	<p>Project Proponent</p>
<p>MM BIO-3</p> <p>Prior to approval of any implementing developments within the Project site (e.g., plot plans, conditional use permits) and the adoption of the final MND, the Project Proponent shall contract with a qualified biologist to prepare a Determination of Biologically Equivalent or Superior Preservation (DBESP), in accordance with Section 6.1.2 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The required DBESP shall address Project impacts to riparian/riverine and vernal pool features that comprise MSCHP riparian/riverine and vernal pool habitat, California Department of Fish and Game Code</p>	<p>Prior to initiating Project activities</p>	<p>Project Proponent</p>

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<p>section 1602 resources, Regional Water Quality Control Board (RWQCB) jurisdiction, and/or U.S. Army Corps of Engineers jurisdiction. The required DBESP shall identify compensatory mitigation for the loss of riparian/riverine and vernal pool resources. Prior to approval of the implementing development(s) and the adoption of the final MND, the required DBESP shall be subject to review and approval by Riverside County, and also shall be subject to a 60-day review period by the Wildlife Agencies, including California Department of Fish and Wildlife (CDFW), as required by the MSHCP. Following approval of the DBESP by Riverside County and the Wildlife Agencies (e.g., CDFW), and prior to issuance of grading permits, the Project Proponent shall provide evidence to that the required compensatory mitigation has been achieved in accordance with the approved DBESP.</p>		
<p>MM BIO-4</p> <p>For work conducted during migration and breeding season, a qualified biologist shall survey the active work areas (including access roads) in mornings following measurable precipitation events. Project activities may commence once the biologist has confirmed that no special-status amphibians are in the work area. When feasible, a 50-foot no-disturbance buffer shall be established around any suitable habitat. Suitable habitat shall be identified by a qualified biologist. The biologist shall delineate and mark the no-disturbance buffer. Prior to beginning work each day, a qualified biologist shall inspect underneath equipment and stored pipes greater than 1.2 inches (3 cm) in diameter. If any sensitive amphibians are found within the construction footprint, it shall be allowed to move out of harm's way of its own volition, or a qualified</p>	<p>Prior to initiating Project activities</p>	<p>Project Proponent</p>

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<p>biologist shall relocate the organism to the nearest appropriate habitat that is outside of the Project area. Trenches and holes will be covered and inspected daily for stranded animals. Trenches and holes deeper than one foot deep shall contain escape ramps (maximum slope of 2:1) to allow trapped animals to escape uncovered holes or trenches. Holes and trenches shall be inspected prior to filling.</p>		
<p>MM BIO-5</p> <p>Impacts to special-status reptiles shall be minimized through implementation of pre-construction clearance surveys. Within 2 hours of initiation of Project activities, a qualified biologist shall inspect areas containing suitable habitat, including burrows, sand fields, and rock piles. If any special-status reptiles are detected, the qualified biologist shall either provide the animal sufficient time to leave on its own accord or relocate it out of harm's way and place it in adjacent natural habitat. If any state-listed reptile species is identified, the Project Proponent shall avoid the species by implementing protective avoidance measures reviewed and approved by CDFW. If full avoidance cannot be accomplished, Project activities shall be postponed until appropriate California Endangered Species Act (CESA) authorization is obtained.</p>	<p>Prior to initiating Project activities</p>	<p>Project Proponent</p>
<p>MM BIO-6</p> <p>Prior to issuance of ground disturbing activities, a CDFW-approved qualified biologist shall conduct pre-construction trapping surveys within suitable habitat to determine presence of Los Angeles pocket mouse, Stephen's kangaroo rat and San Bernardino kangaroo rat following trapping protocols acceptable to CDFW. If Los Angeles pocket mouse is</p>	<p>Prior to initiating Project activities</p>	<p>Project Proponent</p>

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<p>present, mitigation of no less than 2:1 shall be required. The County shall also prepare and implement a set of avoidance and minimization measures aimed at protecting special-status small mammals from Project-related impacts. The proposed avoidance and minimization measures shall be provided to CDFW for review and approval no fewer than 30 days prior to the initiation of Project activities. If Stephen's kangaroo rat is present onsite, an incidental take permit and mitigation at no less than a 3:1 (replacement to impact) ratio for loss of habitat shall be required, or as determined in the appropriate CESA authorization for listed species. Construction will not proceed until appropriate authorization (i.e., CESA ITP under Fish and Game Code section 2081) is obtained.</p>		
<p>MM BIO-7</p> <p>Prior to the initiation of Project activities, and during the appropriate season, a qualified biologist shall conduct botanical field surveys following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). If any special-status plants are identified, the Project Proponent shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the Project Proponent shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a minimum 3:1 (replacement to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed) or is not occupied by or available to special-</p>	<p>Prior to initiating Project activities</p>	<p>Project Proponent</p>

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<p>status species. If the Project has the potential to impact a state-listed species, the Project Proponent should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.</p>		
<p>MM BIO-8</p> <p>A qualified biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site. The program shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. The qualified biologist shall also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations, and mitigation measures. The Employee Education Program should include, but not be limited to: (1) Best practices for managing waste and reducing activities that can lead to increased occurrences of opportunistic species and the impacts these species can have on wildlife in the area, (2) Protected species that have the potential to occur on the Project site including but not limited to nesting birds, western spadefoot toad, red-diamond rattlesnake, coast horned lizard, orange-throated whiptail, Stephens' kangaroo rat, San Bernardino kangaroo rat and Los Angeles Pocket Mouse and (3) The location of the ephemeral stream that crosses from the east to the northwest side of the parcels and the importance of ensuring that no refuse or pollution enters the streambed habitat. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing any work on-site.</p>	<p>Prior to initiating Project activities</p>	<p>Project Proponent</p>

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<p>MM BIO-9</p> <p>Prior to construction and issuance of any grading permit, the Project Proponent should obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Proponent should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Prior to initiating Project activities</p>	<p>Project Proponent</p>
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