



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



July 15, 2022
Sent via email

Deborah Bradford, Project Planner
Riverside County Planning Department
4080 Lemon Street, 12th Floor
Riverside, CA 92501
dbradford@rivco.org

Governor's Office of Planning & Research

Jul 15 2022

STATE CLEARINGHOUSE

Subject: Mitigated Negative Declaration
Hemet 30
State Clearinghouse No. 2022060297

Dear Ms. Bradford:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) on June 18, 2022, from the County of Riverside (County) for the Hemet 30 Project (Project) for Global Investment & Development, LLC (Project Applicant) 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 provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Project Location

The proposed Project is located in the County of Riverside, California, just south of Highway 74 and west of Joel Drive. The Project is surrounded by Highway 74 to the north, vacant land to the east and west, and single family residential and rural housing to the south. Specifically, the Project is located within Assessor's Parcel Numbers 465-040-025, 465-040-026, and 465-040-027.

Project Description

The 30-acre Project includes construction of a residential community consisting of 144 detached single-family dwellings, park area, a water quality/detention basin, a temporary channel fronting the Project site for offsite flows, and expansion of Highway 74. Approvals include Zone Change from W-2 to R-4 and approval of a Tentative Tract Map No. 37737 and Plot Plan No. 210143.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW is concerned about the adequacy of the impact analysis in the MND and the ability of the Project to mitigate the significant, or potentially significant, direct and indirect impacts to native habitats and species that rely on these habitats. With respect to biological impacts, CDFW agrees that an MND could be appropriate for the Project with the addition and implementation of specific and enforceable avoidance and minimization measures, including those CDFW recommends within the body of this letter. Following review of the MND, CDFW offers the comments and recommendations presented below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The comments and recommendations are also offered to enable the County to update the MND to adequately disclose impacts and measures for CDFW and public review and comment with respect to the Project's compliance with Fish and Game Code sections

1602 and 3503, 3503.5, and 3513. CDFW recommends that the below be addressed prior to finalization of the MND.

Nesting Birds

It is the Project proponent's responsibility to avoid Take of all nesting birds. Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. These regulations apply anytime nests or eggs exist on the Project site.

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

The duration of a pair to build a nest and incubate eggs varies considerably, therefore, CDFW recommends surveying for nesting behavior and/or nests and construction within three days prior to start of project construction.

CDFW is concerned that potential impacts to nesting birds are not identified or discussed within the MND and strongly suggests the City evaluate the direct, indirect, and cumulative impacts to nesting birds, before approval and certification of the MND. Appropriate analysis would include conducting focused nesting bird surveys throughout the project site. To address the above issues and help the Project applicant avoid unlawfully taking of nests and eggs, CDFW requests the County include the following mitigation measures in the MND and revise the below biological (BIO) mitigation measures (MM) MM BIO-1, MM BIO-2, and added MM BIO-XX (edits are in ~~strike through~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".

MM BIO-1 **If-Prior to** grading and construction activities, **including vegetation removal**, ~~begin during the coastal California gnatcatcher breeding season (February 15 through August 3,~~ a qualified biologist shall survey all potential nesting vegetation within and adjacent to the site for nesting coastal California gnatcatcher, ~~prior to commencing vegetation removal. Surveys~~

~~shall be conducted at the appropriate time of day.~~ **Surveys shall be conducted by the Designated Biologist at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate. If no nesting coastal California gnatcatcher ~~are were~~ observed **and MM BIO-2 has been completed**, Project activities may begin. Prior to the removal of vegetation on the Project site, the qualified Project biologist ~~will~~ **may** use appropriate techniques **based on their best professional judgement and experience** to flush **any non-nesting** ~~the~~ coastal California gnatcatcher / bird(s) from the impacted area.**

If an active coastal California gnatcatcher nest is located, the nest site shall be fenced **with a buffer of** a minimum of 500 feet in all directions, and this area shall not be disturbed until after the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, ~~or the young will no longer be impacted by the activities,~~ **as confirmed by a qualified biologist.** ~~Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas provided the qualified biologist develops a monitoring plan to prevent any impacts and obtain approval from the Resource Agencies prior to implementation.~~ **Upon completion of the survey and nesting bird monitoring and any follow-up construction avoidance management, a report shall be prepared and submitted to County for mitigation monitoring compliance record keeping**

MM BIO-2 Prior to ground disturbances **and construction activities, including vegetation removal,** ~~impact potentially suitable nesting habitat for avian species,~~ the Project Applicant shall **ensure that impacts to nesting bird species at the project site are avoided through the implementation of preconstruction surveys, ongoing monitoring, and if necessary,**

establishment of minimization measures. The Project Applicant shall adhere to the following:

- ~~1. Vegetation removal activities shall be scheduled outside the nesting season (September 1 to February 14 for songbirds; September 1 to January 14 for raptors) to the extent feasible to avoid potential impacts to nesting birds and/or ground nesters.~~ **Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.**
- 2. Surveys shall be conducted by the Designated Biologist at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.**

When an active nest is confirmed, the Designated Biologist shall immediately establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as

redirecting or rescheduling construction or erecting sound barriers. Any construction activities that occur during typical nesting season (~~September 1 to February 14 for songbirds; September 1 to January 14 for raptors~~) will require that all suitable habitat, on-site and within 300-foot surrounding the site (as feasible), be thoroughly surveyed for the presence of nesting birds by a qualified biologist before commencement ground disturbances. If active nests are identified, the biologist would establish buffers around the vegetation (500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers ~~will would~~ be halted until the nesting effort is finished (i.e. the juveniles are surviving independent from the nest). The onsite **qualified** biologist ~~will would~~ review and verify compliance with these nesting **avoidance buffers** boundaries and ~~will would~~ verify the nesting effort has finished. Work can resume within these **avoidance** areas when no other active nests are found. ~~Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.).~~ Upon completion of the survey and **nesting bird monitoring** any follow-up construction avoidance management, a report shall be prepared and submitted to County for mitigation monitoring compliance record keeping.

MM BIO-XX Prior to impacts **ground disturbances and construction activities, including vegetation removal**, a pre-construction survey for burrowing owl within the Study Area (Project site and surrounding 500-foot buffer) shall be conducted by a qualified biologist where suitable habitat is present within 30 days to the commencement of ground disturbing activities, **in addition to a survey reported to CDFW 3 days prior to construction activities. If at any time there is a lapse of project activities for 30 days or more, another burrowing owl survey shall be conducted and reported to CDFW.** If active burrowing owl burrows are detected during the breeding season, ~~all work within 300 feet of any active burrow will be halted until that nesting effort is finished.~~ The onsite biologist will review and verify compliance with these boundaries and will verify the nesting effort has finished. Work can resume when no other active burrowing owl nesting efforts are observed. If active burrowing owl burrows are detected outside the breeding season, then passive and/or active relocation pursuant to a Burrowing Owl Exclusion Plan that shall be prepared by the Applicant and approved by the County of Riverside Environmental Programs Department (EPD) in consultation with CDFW. The Burrowing Owl Exclusion Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and MSHCP. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied and backfilled to ensure that animals do not reenter the holes/dens.

CDFW will be sent written notification within 3 days of detection of burrowing owls, if found. Pre-construction Burrowing Owl breeding bird surveys shall will be conducted by a qualified biologist within three days of ground disturbance or vegetation clearance following the recommended guidelines of the MSHCP. If the preconstruction surveys confirm occupied burrowing owl habitat, or if burrowing owls are detected after the Project has started, then construction activities shall be halted immediately. CDFW and USFWS shall be notified within 48 hours of detection. The qualified biologist and Project Applicant shall coordinate with the County, CDFW, and USFWS to develop a Burrowing Owl Plan to be approved by the County, CDFW and USFWS prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, relocation, monitoring, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Permittee shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval

Lake and Streambed Alteration Program

Based on review of material submitted with the MND and review of aerial photography the Project has the potential to impact of fish and wildlife resources subject to Fish and Game Code section 1600 et seq.. 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. To ensure compliance with Fish and Game Code section 1602 CDFW recommends that the County condition the MND 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. 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. It may also apply to work undertaken within the flood plain of a body of water.

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

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

CDFW recommends the inclusion of the following revised measure in the MND:

MM BIO-3 ~~Prior to the issuance of any grading permit for permanent impacts in the areas designated as jurisdictional features,~~ the Applicant shall obtain regulatory permits from the Resource Agencies. **The Applicant shall provide to the County written correspondence from the California Department of Fish and Wildlife (CDFW) confirming that CDFW has either executed a Streambed Alteration Agreement (Agreement), or informed the Project that an Agreement is not needed.**

MM BIO-4 ~~Prior to the issuance of any grading permit and prior to impacts to Fish and Game Code section 1602 resources, impacts to jurisdictional resources, and to mitigate for the impacts to onsite streams 0.44-acres of non-wetland drainage ditch,~~ the Applicant shall purchase ~~0.44-acres of re-establishment and/or rehabilitation credits through~~ **from a California Department of Fish and Wildlife (CDFW)-approved Riverpark Mitigation Bank and/or acquire, manage, and conserve land in perpetuity and provide funding thereof, in-lieu fee program or an approved mitigation bank** with written-approval from the Resource Agencies.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Information can be submitted online or via completion of the CNDDDB field survey form at the following link:

Deborah Bradford, Project Planner
Riverside County Planning Department
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<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment on the MND for the Hemet 30 Project, State Clearinghouse No. 2022060297, and recommends that the County address CDFW's comments and concerns prior to adoption of the MND to avoid, minimize, or mitigate Project impacts on biological resources. If you should have any questions pertaining to the comments provided in this letter, please contact John Dempsey at (909) 549-8245 or at John.Dempsey@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Heather Pert
Acting Environmental Program Manager

ec: **California Department of Fish and Wildlife:**
Cindy Castaneda, Acting Senior Environmental Scientist Supervisory
Cindy.Castaneda@wildlife.ca.gov.

Western Riverside County Regional Conservation Authority:
Tricia Campbell
TCampbell@RCTC.org.

United States Fish and Wildlife Service:
Karin Cleary-Rose
Karin_Cleary-Rose@fws.gov.

State Clearinghouse:

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

ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PURPOSE OF THE MMRP

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

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party. 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.

Biological (BIO) Mitigation Measures (MM)	Implementation Schedule	Responsible Party
MM-BIO 1. Prior to grading and construction activities, including vegetation removal, a qualified biologist shall survey all potential nesting vegetation within and adjacent to the site for nesting coastal California gnatcatcher. Surveys shall be conducted by the Designated Biologist at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

<p>inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate. If no nesting coastal California gnatcatcher are observed and MM BIO-2 has been completed, Project activities may begin. Prior to the removal of vegetation on the Project site, the qualified Project biologist will may use appropriate techniques based on their best professional judgement and experience to flush any non-nesting coastal California gnatcatcher / bird(s) from the impacted area.</p> <p>If an active coastal California gnatcatcher nest is located, the nest site shall be fenced with a buffer of a minimum of 500 feet in all directions, and this area shall not be disturbed until after the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, as confirmed by a qualified biologist. Upon completion of the survey and nesting bird monitoring and any follow-up construction avoidance management, a report shall be prepared and submitted to County for mitigation monitoring compliance record keeping.</p>		
<p>MM-BIO 2. Prior to ground disturbances and construction activities, including vegetation removal, the Project Applicant shall ensure that impacts to nesting bird species at the project site are avoided through the implementation of preconstruction surveys, ongoing monitoring, and if necessary, establishment of minimization measures. The Project Applicant shall adhere to the following:</p> <ol style="list-style-type: none"> 1. Project Proponent shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing 	<p>Prior to ground disturbances and construction activities</p>	<p>Project Proponent</p>

<p>appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.</p> <p>2. Surveys shall be conducted by the Designated Biologist at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. If a nest is suspected, but not confirmed, the Designated Biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the Designated Biologist shall monitor the nest for one hour (four hours for raptors during the non-breeding season) prior to approaching the nest to determine status. The Designated Biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.</p> <p>When an active nest is confirmed, the Designated Biologist shall immediately establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the Designated Biologist determines that such project activities may be causing an adverse reaction, the Designated Biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e., the</p>		
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<p>juveniles are surviving independent from the nest). The onsite qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to County for mitigation monitoring compliance record keeping.</p>		
<p>MM BIO-XX</p> <p>Prior to ground disturbances and construction activities, including vegetation removal, a pre-construction survey for burrowing owl within the Study Area (Project site and surrounding 500-foot buffer) shall be conducted by a qualified biologist where suitable habitat is present within 30 days to the commencement of ground disturbing activities, in addition to a survey reported to CDFW 3 days prior to construction activities. If at any time there is a lapse of project activities for 30 days or more, another burrowing owl survey shall be conducted and reported to CDFW. If active burrowing owl burrows are detected during the breeding season. The onsite biologist will review and verify compliance with these boundaries and will verify the nesting effort has finished. Work can resume when no other active burrowing owl nesting efforts are observed. If active burrowing owl burrows are detected outside the breeding season, then passive and/or active relocation pursuant to a Burrowing Owl Exclusion Plan that shall be prepared by the Applicant and approved by the County of Riverside Environmental Programs Department (EPD) in consultation with CDFW. The Burrowing Owl Exclusion Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and MSHCP. Burrowing owl burrows shall be excavated with hand tools by a qualified biologist when determined to be unoccupied and backfilled to ensure that animals do not reenter the holes/dens.</p>	<p>Prior to ground disturbances and construction activities</p>	<p>Project Proponent</p>

<p>MM BIO-3</p> <p>Prior to the issuance of any grading permit and prior to impacts to Fish and Game Code section 1602 resources, the Applicant shall obtain regulatory permits from the Resource Agencies. The Applicant shall provide to the County written correspondence from the California Department of Fish and Wildlife (CDFW) confirming that CDFW has either executed a Streambed Alteration Agreement (Agreement), or informed the Project that an Agreement is not needed.</p>	<p>Prior to issuing any grading permit and prior to impacts to Fish and Game Code section 1602 resources</p>	<p>Project Proponent</p>
<p>MM BIO-4</p> <p>Prior to the issuance of any grading permit and prior to impacts to Fish and Game Code section 1602 resources, to mitigate for the impacts to onsite streams, the Applicant shall purchase re-establishment and/or rehabilitation credits from a California Department of Fish and Wildlife (CDFW)-approved Mitigation Bank and/or acquire, manage, and conserve land in perpetuity and provide funding thereof, with written-approval from the Resource Agencies.</p>	<p>Prior to issuing any grading permit</p>	<p>Project Proponent</p>