



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 11, 2022
Sent via email

Governor's Office of Planning & Research

Jul 13 2022

STATE CLEARINGHOUSE

Deborah Bradford, Project Planner
Riverside County Planning Department
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Subject: Mitigated Negative Declaration
Seaton Avenue and Cajalco Road Industrial Project – Plot Plan No. 210133
State Clearinghouse No. 2022060441

Dear Ms. Bradford:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) on June 28, 2022, from the County of Riverside (County) for the Seaton Avenue and Cajalco Road Industrial Project – Plot Plan No. 210133 (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

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. 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 within the western portion of Riverside County near the City of Perris, comprising of eight parcels at the southeast corner of Seaton Avenue and Cajalco Road. Specifically, the Project is located within Assessor's Parcel Numbers 317-140-004, -005, -019, -020, -028, -044, -045, -046.

Project Description

The Project proposes to demolish an existing on-site structure and construct an approximately 350,481 square foot (SF) light industrial warehouse building, including ancillary office uses, parking lot, ornamental landscaping, and associated infrastructure. Approximately 20 percent of the warehouse would be operated as refrigerated storage. The Project would include a street-front landscape setback of 10 feet along Cajalco Road, a landscape setback of 20 feet along Seaton Avenue, and a landscape setback of 20 feet along the southern boundary.

COMMENTS AND RECOMMENDATIONS

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 Project 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.

Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) and Permittee Obligations

CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County MSHCP per Section 2800, *et seq.*, of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the

incidental take of covered species in association with activities covered under the permit.

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 County of Riverside is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. The MND concludes that the Project is outside of Plan Criteria Cells. However, upon review of parcel boundaries and roadways mapped within the MSHCP the Project boundary along Seaton Avenue includes road improvements to Seaton Avenue, which is within Criteria Cell 2334. The MSHCP Property Owner Initiated Habitat Evaluation and Acquisition Negotiation Strategy (HANS) Section 6.1.1, and Regional Conservation Authority Section 6.6.2, subitem E of MSHCP describes the Joint Project Review process for how projects within Criteria Cells are evaluated to ensure consistency with the provision of the MSHCP.

To demonstrate consistency with the MSHCP, as part of the CEQA review, the County shall ensure the Project implements the following:

1. Pays Local Development Mitigation Fees and other relevant fees as set forth in Section 8.5 of the MSHCP.
2. Demonstrates compliance with the HANS process or equivalent process to ensure application of the Criteria and thus, satisfaction of the local acquisition obligation.
3. Demonstrates compliance with: 1) the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, set forth in Section 6.1.2 of the MSHCP; 2) the Urban/Wildlands Interface Guidelines as set forth in Section 6.1.4 of the MSHCP; 3) the policies set forth in Section 6.3.2; and 4) 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.

CDFW recommends the County consult with the Western Riverside County Regional Conservation Authority regarding Seaton Avenue Road improvements in Criteria Cell 2334 to ensure full implementation of the MSHCP. In addition, CDFW recommends that the County complete MSHCP implementation prior to adoption of the MND for 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). Information can be submitted online or via completion of the CNDDDB field survey form at the following link:

<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 Seaton Avenue and Cajalco Road Industrial Project, State Clearinghouse No. 2022060441, 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:**

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