



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 22, 2022
Sent via email

Governor's Office of Planning & Research

JUL 25 2022

Ms. Julia Descoteaux, Senior Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

STATE CLEARINGHOUSE

Subject: Mitigated Negative Declaration
Valley & Whitney Planned Unit Development Project
State Clearinghouse No. 2022060550

Dear Ms. Descoteaux:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the City of Moreno Valley (City) for the Valley & Whitney Planned Unit Development Project (Project) for D.R. Horton (Project Applicant / Proponent) 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 (Fish & G. Code, § 1802.). Similarly, for purposes of CEQA, CDFW provides, 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.

CDFW issued Natural Community Conservation Plan approval and take authorization in 2004 for the Western Riverside 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. The City of Moreno Valley is a permittee to the MSHCP and is responsible for implementation of the MSHCP and its associated Implementation Agreement. CDFW is providing the following comments as they relate to the Project's consistency with the MSHCP and CEQA.

PROJECT DESCRIPTION SUMMARY

Project Location

The Project site comprises approximately 26.74 acres in the City of Moreno Valley within Riverside County, California, in the northwest quarter of Section 15, Township 3 South, Range 3 West, of the U.S. Geological Survey (USGS) 7.5" Sunnymead, California topographic quadrangle map. The Project is located south of Alessandro Boulevard, west of Oliver Street, and east of Nason Street. The Project is located within Assessor's Parcel Numbers (APNs) 486-260-003, 486-260-004, 486-260-006, and 486-260-009. Project approvals include a Tentative Tract Map (TTM No. 38236) and a Conditional Use Permit (No. PEN22-0091) for a Planned Unit Development (No. PEN21-0184).

Project Description

The Project proposes the construction of 204 single-family residential units with private internal streets and common open-space areas. The proposed Project includes landscaping, two parks totaling 2.34 acres of common open space, internal private streets, four water quality basins, and infrastructure improvements.

COMMENTS AND RECOMMENDATIONS

To assist the City of Moreno Valley in adequately mitigating the Project's potentially significant impacts to biological resources, CDFW offers the comments and recommendations presented below, and in Attachment 1 "Mitigation Monitoring and Reporting Program" for consideration by the City of Moreno Valley prior to adoption of the MND for the Project.

Western Riverside County Multiple Species Habitat Conservation Plan

Western Riverside MSHCP Implementation:

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.

Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools

The MSHCP Protection of Species Associated with Riparian/Riverine and Vernal Pool Resources Section 6.1.2 indicates that 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. As required by MSHCP Section 6.0, the DBESP process, which is described in MSHCP Section 6.1., ensures that full mitigation is provided under CEQA by mitigating for project impacts and ensures that there is no conflict with the MSHCP, a requirement of CEQA Environmental Impact Report, Biological Resources, Section 4 subitem f.

The MND and accompanying DBESP (located in Appendix B) indicate that 0.008 acres of riparian/riverine or vernal pool resources are located with the proposed Project area. However, a comment letter was provided to the City of Moreno Valley on February 28, 2022, stating that the U.S. Fish and Wildlife Service (Service) and CDFW (referred to jointly as Wildlife Agencies) did not agree with the Project's assessment of onsite resources and the associated mitigation, including the 0.008 acres of riparian/riverine resources. Consequently, a revised DBESP dated March 2022 was submitted to the Wildlife Agencies for review on March 31, 2022, and on May 17, 2022, the Wildlife Agencies concurred that conservation and restoration through the purchase of 0.786-acre of re-establishment credits to mitigate for impacts to 0.393 acres of riparian/riverine resources is biologically equivalent or superior preservation, which completed the MSHCP implementation process.

CDFW appreciates the analysis of impacts provided within the MND and DBESP. However, CDFW noted discrepancies in acreage cited for impacts to riparian/riverine

resources between the MND and the DBESP dated March 2022 (March 2022 DBESP) that the Wildlife Agencies concurred with May 17, 2022. Specifically, impacts to riparian/riverine resources are cited as 0.008 acres in MND versus 0.393 acres in the March 2022 DBESP. Thus, CDFW recommends that prior to adoption of the final MND, the City of Moreno Valley: (1) revise the MND's Table Bio-3: MSHCP Consistency Analysis and Biological Resources section to reflect the impacts described in the March 2022 DBESP, (2) update Appendix B to include the March 2022 DBESP, and (3) revise biological (BIO) mitigation measure (MM) three (3), as per below (edits are in ~~strike through~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".

MM BIO-3: State Drainages. **Prior to the start of Project activities, A a 1602 Streambed Alteration Agreement shall be obtained from the CDFW for impacts to ~~0.15 acres of~~ Fish and Game Code section 1602 resources.**

The proposed 0.05 acres of impacts to waters of the State ~~would~~ **will** require waste discharge requirements (WDR) under Port-Cologne from the Santa Ana RWQCB.

A MSHCP DBESP ~~shall be~~ **was** prepared for impacts to ~~0.15~~ **0.393** acres of **riparian/riverine** resources. ~~In addition,~~ The Project shall **purchase 0.786-acres of re-establishment credits** ~~offsite mitigation at a 2:1 ratio to accommodate~~ **mitigate** the impacts to ~~0.15~~ **0.393** acres of **riparian/riverine resources** from an **CDFW**-approved mitigation bank.

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 City revise MM BIO-1 and MM BIO-2, as per below (edits are in ~~strike through~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".

MM BIO-1: Burrowing Owl Preconstruction Survey. **A 30-day preconstruction survey shall be conducted by a qualified biologist prior to the commencement of Project activities (e.g., vegetation clearing, clearing, and grubbing, tree removal, site watering) to determine the presence of owl or sign thereof ensure that no owls have colonized the site in the days or weeks preceding Project activities. The results of the survey would be submitted to the City prior to obtaining a grading permit, in addition to a survey conducted and reported to CDFW within three days of ground disturbance or vegetation clearance following the recommended guidelines of the MSHCP.**

If burrowing owl are not detected during the pre-construction survey, no further mitigation is required. If burrowing owl is detected, CDFW shall be sent written notification within 3 days of detection of burrowing owls. If burrowing owl are found to have colonized on the Project site prior to the initiation of construction active burrowing owl burrows are detected during the breeding season, the onsite qualified biologist 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 shall be implemented, pursuant to a Burrowing Owl Plan that shall be prepared by the Project Applicant and approved by the City 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. When

a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, Project activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW prior to the start of Project activities.

If burrowing owls are detected after the Project has started, then construction activities shall be halted immediately. The Project proponent shall notify CDFW and USFWS within 48 hours of detection. ~~immediately inform RCA and the Wildlife Agencies and will prepare a Burrowing Owl Protection and Relocation Plan for approval by RCA and the Wildlife Agencies prior to initiating ground disturbance.~~ The qualified biologist and Project Applicant shall coordinate with the City, CDFW, and USFWS to develop a Burrowing Owl Plan to be approved by the City, 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. If ground-disturbing activities occur but the site is left undisturbed for more than 30 days, a preconstruction survey ~~for burrowing owl shall be~~ **will again be necessary conducted and reported to CDFW as described above to ensure ~~burrowing owl has not colonized the site since it was last disturbed. If a burrowing owl is found, the same coordination described above shall~~ **will be** necessary.**

MM BIO-2: Nesting Bird Survey. Prior to ground disturbances and construction activities, including vegetation removal, ~~If site-preparation activities for the Project are proposed during the nesting/breeding season (February 1 to September)~~ the Project Applicant shall ensure that impacts to nesting bird species at the Project site are avoided through the implementation of pre-construction surveys, ongoing monitoring, and if necessary, establishment of minimization measures. The Project Applicant shall adhere to the following:

1. **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. A pre-activity field survey shall be conducted by **the Designated Biologist** ~~a qualified biologist~~ prior to the issuance of grading permits ~~for~~, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. **Surveys shall be conducted 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 active nests are found during nesting bird surveys,~~ **the Designated Biologist** ~~they shall be flagged and a 200-foot buffer shall be fenced around the nests.~~ **shall immediately establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience. A biological monitor. **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.) shall visit the site once a week during ground disturbing activities to determine the efficacy of the****

~~buffer to ensure all fencing is in place and no sensitive species are being impacted.~~ **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 juveniles are surviving independent from the nest). The onsite Designated 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.**

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 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 MND for the Valley & Whitney Planned Unit Development Project, State Clearing House No. 2022060550 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 City of Moreno Valley addresses CDFW's comments and concerns prior to adoption of the MND for the Project.

Julia Descoteaux, Senior Planner
City of Moreno Valley
July 25, 2022
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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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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

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

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

ATTACHMENTS

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

REFERENCES

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://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline=true>

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 for implementing the mitigation measure. 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
<p>MM BIO-1: Burrowing Owl Preconstruction Survey</p> <p>A 30-day preconstruction survey shall be conducted by a qualified biologist prior to the commencement of Project activities (e.g., vegetation clearing, clearing, and grubbing, tree removal, site watering) to determine the presence of owl or sign thereof. The results of the survey would be submitted to the City prior to obtaining a grading permit, in addition to a survey conducted and reported to CDFW within three days of ground disturbance or vegetation clearance following the recommended guidelines of the MSHCP.</p> <p>If burrowing owl are not detected during the pre-construction survey, no further mitigation is required. If burrowing owl is detected, CDFW shall be sent written notification within 3 days of detection of burrowing owls. If active burrowing owl burrows are detected during the breeding season, the onsite qualified biologist 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 shall be implemented, pursuant to a Burrowing Owl Plan that shall be prepared by the Project Applicant and approved by the City in</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

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. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, Project activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW prior to the start of Project activities.

If burrowing owls are detected after the Project has started, then construction activities shall be halted immediately. The Project proponent shall notify CDFW and USFWS within 48 hours of detection. The qualified biologist and Project Applicant shall coordinate with the City, CDFW, and USFWS to develop a Burrowing Owl Plan to be approved by the City, 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. If ground-disturbing activities occur but the site is left undisturbed for more than 30 days, a preconstruction

<p>survey for burrowing owl shall be conducted and reported to CDFW as described above. If a burrowing owl is found, the same coordination described above shall be necessary.</p>		
<p>MM BIO-2: Nesting Bird Survey</p> <p>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 pre-construction 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. 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. A pre-activity field survey shall be conducted by the Designated Biologist prior to the issuance of grading permits, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. Surveys shall be conducted 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 	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

<p>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>If active nests are found, 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 juveniles are surviving independent from the nest). The onsite Designated Biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. Work can resume within</p>		
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<p>these avoidance areas when no other active nests are found.</p>		
<p>MM BIO-3: State Drainages</p> <p>Prior to the start of Project activities, a 1602 Streambed Alteration Agreement shall be obtained from the CDFW for impacts to Fish and Game Code section 1602 resources.</p> <p>The proposed 0.05 acres of impacts to waters of the State will require waste discharge requirements (WDR) under Port-Cologne from the Santa Ana RWQCB.</p> <p>A MSHCP DBESP was prepared for impacts to 0.393 acres of riparian/riverine resources. The Project shall purchase 0.786-acres of re-establishment credits to mitigate the impacts to 0.393 acres of riparian/riverine resources from a CDFW-approved mitigation bank.</p>	<p>Prior to start of Project activities</p>	<p>Project Proponent</p>