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DEPARTMENT OF FISH AND WILDLIFE  
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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



October 31, 2022  
Sent via email

Governor's Office of Planning & Research

OCT 31 2022

Kevin White, Planning Manager  
City of San Jacinto  
595 S. San Jacinto Ave  
San Jacinto, CA 92583

STATE CLEARINGHOUSE

Subject: Initial Study and Mitigated Negative Declaration  
Tentative Tract Map No. 38107 (TTM 38107) (P21-091)  
State Clearinghouse No. 2022100031

Dear Mr. White:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from the City of San Jacinto (City) for the Tentative Tract Map No. 38107 (TTM 38107) (P21-091) Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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 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

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<sup>1</sup> 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.

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 in the City of San Jacinto, Riverside County, California; Latitude, 33.814827 N and Longitude -117.009376 W. The Project site is located south of Romano Boulevard and west of Sanderson Avenue. The Project proposes the construction of 215 single-family detached residences, onsite roadways, a detention basin, and four park/open space areas on approximately 38.15 acres on Assessor’s Parcel Number 432-030-012. The Project site is on vacant land and has been used for agriculture for the past two decades. The Project site is currently designated as Medium Density Residential.

**Timeframe:** Unavailable

### **COMMENTS AND RECOMMENDATIONS**

The IS/MND indicates that a Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Consistency Analysis (Appendix B) was prepared by RCA Associates, Inc. although it was not provided with the IS/MND. The Project’s consistency with the MSHCP and related information about biological resources and associated minimization and mitigation measures are key details the City should address in the IS/MND. Absent these details and supporting documentation, the adequacy of the impact analysis and the mitigation measures proposed in the IS/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, could be questioned. Following review of the IS/MND, CDFW offers the comments and recommendations presented below to assist the City 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 City to update the IS/MND to adequately disclose impacts and measures for CDFW and the public to review and comment on the proposed Project with respect to the Project’s compliance with the Western Riverside County MSHCP and Fish and Game Code sections 3503, 3503.5, and 3513. CDFW recommends that each of these be addressed prior to finalization of the MND.

### **Western Riverside County Multiple Species Habitat Conservation Plan 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 Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. To be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the MSHCP, the Permits, and the Implementing Agreement. The City of San Jacinto is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. In addition to MSHCP fee payment, the other criteria to demonstrate MSHCP implementation includes Project compliance with: 1) the policies for the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, set forth in Section 6.1.2 of the MSHCP; 2) the policies for the Protection of Narrow Endemic Plant Species set forth in Section 6.1.3 of the MSHCP; 3) survey requirements as set forth in Section 6.3.2 of the MSHCP; 4) the Urban/Wildlands Interface Guidelines as set forth in Section 6.1.4 of the MSHCP; and 5) the Best Management Practices and the siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP.

### **MSHCP Survey Requirements**

The Project is required to demonstrate consistency with MSHCP requirements which include conducting required surveys for narrow endemic plant species and burrowing owl (*Athene cunicularia*) pursuant to Sections 6.1.3 and 6.3.2 of the MSHCP, respectively.

### **Assessment of Biological Resources**

#### **Burrowing Owl**

The IS/MND states that focused surveys were conducted for burrowing owl (*Athene cunicularia*, CDFW species of special concern) on June 9, 2021; however, the methods and details of the survey were not disclosed. The IS/MND reports that no burrowing owl or sign thereof were observed and concludes that burrowing owl are unlikely to occur due to the high disturbance and number of invasive plant species onsite. Absent further details and results of the focused surveys, CDFW cannot evaluate that the presence of suitable burrowing owl habitat or burrowing owl presence was properly assessed following the required "Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area"<sup>2</sup> which specifies that if suitable

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<sup>2</sup> [https://www.wrc-rca.org/species/survey\\_protocols/burrowing\\_owl\\_survey\\_instructions.pdf](https://www.wrc-rca.org/species/survey_protocols/burrowing_owl_survey_instructions.pdf)

habitat is found, then a burrow and burrowing owl survey including both Parts A and B should be completed. Part A includes a focused burrow survey; recording and mapping (including GPS coordinates) the location of all suitable burrowing owl habitat, potential owl burrows, burrowing owl sign, and any owls observed; and preparation of a written report including photographs of the Project site, location of burrowing owl habitat, location of transects, and burrow survey methods. Part B includes focused burrowing owl surveys on four separate days during the appropriate time of year, the first one may be conducted during the Focused Burrow Survey. Surveys are not accepted if they are conducted during rain, high winds (> 20 mph), dense fog, or temperatures over 90 °F. Part B focused burrowing owl surveys should be conducted in the morning one hour before sunrise to two hours after sunrise or in the early evening two hours before sunset to one hour after sunset. The Biological Resource Assessment report did not include weather conditions, time that surveys were conducted, mapping of burrows, photographs, and only conducted one focused burrowing owl survey. CDFW recommends that the City review and follow requirements for burrowing owl outlined in the MSHCP, specifically Section 6.3.2 (Additional Survey Needs and Procedures) and the MSHCP Burrowing Owl Survey Instructions to ensure the Project meets MSHCP burrowing owl survey requirements and evaluate if the surveys were conducted according to MSHCP requirements.

CDFW requests the City evaluate the direct, indirect, and cumulative impacts to burrowing owl through the appropriate analysis, before approval and certification of the MND. Appropriate analysis would include conducting focused burrow and burrowing owl surveys as described in the MSHCP Burrowing Owl Survey Instructions and a discussion of the results of the focused burrow and burrowing owl surveys and suitable habitat surveys for the Project site. If burrowing owls are not detected onsite during focused burrowing owl surveys, then the proposed revised MM BIO-1 below is appropriate. However, if burrowing owls are detected during focused surveys, then the City should complete the Determination of Biologically Equivalent or Superior Preservation (DBESP) process prior to approval and certification of the MND.

Therefore, CDFW offers the following revisions to MM BIO-1 and MM BIO-3 below to incorporate focused pre-construction burrowing owl surveys consistent with MSHCP requirements in order to determine presence and avoid potential take of burrowing owl (edits are in ~~strike through~~ and **bold**):

MM BIO-1:

A pre-construction survey for ~~BUOW~~ **burrowing owl** shall be conducted by a qualified biologist within 30 days of Project-related construction activities (i.e.,

grubbing, grading, **vegetation removal**, etc.) following accepted protocols within the 2006 Burrowing Owl Survey Instructions<sup>3</sup>.

**If burrowing owl are not detected during the pre-construction survey, then Project implementation may proceed. If burrowing owl are detected, CDFW shall be sent written notification within 3 days of detection of burrowing owls. If active burrowing owl burrows are detected, the Project Applicant shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or following CDFW approval of a Burrowing Owl Plan as described below. If owl presence is difficult to determine, a qualified biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan.**

**The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and 2006 Burrowing Owl Survey Instructions. 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 City shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.**

**If burrowing owls are observed within Project Site(s) during Project implementation and construction, the Applicant shall notify the City and CDFW immediately in writing within 48 hours of detection. A Burrowing Owl Plan shall be submitted to City and CDFW for review and approval within two weeks of detection and no Project activity shall continue within 1000 feet of the burrowing owls until CDFW approves the Burrowing Owl Plan. The Applicant shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive**

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<sup>3</sup> Western Riverside County Multiple Species Habitat Conservation Plan (RCA). 2006. Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area. Available for download at: [https://www.wrc-ca.org/species/survey\\_protocols/burrowing\\_owl\\_survey\\_instructions.pdf](https://www.wrc-ca.org/species/survey_protocols/burrowing_owl_survey_instructions.pdf)

**or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Plan.**

**If ground-disturbing activities occur but the site is left undisturbed for more than 30 days, a preconstruction 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.**

**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.**

MM BIO-3:

If ~~BUOW~~ **burrowing owl** and/or active nests are detected ~~in areas within the Project area where Project-related construction activities could have an indirect impact~~ **within the Project Site(s) during Project implementation and construction, MM BIO-1 shall apply. CDFW shall be notified within three days of burrowing owl detection. Further, it is recommended that a qualified biological monitor shall be onsite during construction activities to monitor bird behavior to ensure no negative effects occur from Project-related construction activities, and to ensure that construction activities do not enter the no disturbance buffer(s). The biological monitor will shall have the authority to cease Project-related construction activities if indirect impacts are observed.**

### **Nesting Birds and Migratory Bird Treaty Act**

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 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. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act. 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.). It has been observed that changing climate conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. In addition, the duration of a pair to build a nest and incubate eggs varies considerably, therefore, if pre-construction surveys are proposed

in the MND, CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities regardless of time of year, as instances of nesting could be missed if surveys are conducted sooner.

CDFW recommends the MND include completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws and to avoid impacts to nesting birds as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. The MND should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. As such, CDFW offers the following revisions to MM BIO-2 below (edits are in ~~striketrough~~ and **bold**):

#### **MM BIO-2:**

**Regardless of the time of year, ~~If Project-related construction activities occur during the avian nesting season (typically February 1 to August 31),~~ the Project Applicant shall adhere to the following.** A pre-construction survey for nesting birds ~~should~~ **shall** be conducted within 3-days of **initiation of** Project-related activities by a qualified biologist. **Surveys shall include any potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by activities resulting in nest destruction or abandonment. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts.** If active nests **containing eggs or young** are detected during the pre-construction survey, a **Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity.**

MM-BIO-2 shall be conducted to ensure that an active nest will not be directly impacted (i.e., eggs destroyed, nestlings/fledglings killed or removed, etc.) or indirectly impacted (i.e., disturbance altering regular behavior potentially causing nest abandonment, nest failure, etc.) by Project-related construction.

#### **Narrow Endemic Plant Species**

As noted in the IS/MND, the Project site occurs within survey areas for Narrow Endemic Plant Species, including spreading navarretia (*Navarretia fossalis*, Rare plant rank [RPR] 1B.1), and Wright's trichocoronis (*Trichocoronis wrightii* var. *wrightii*, RPR 2B.1),

both of which have the potential to occur onsite. While the IS/MND reveals that focused surveys were conducted for Narrow Endemic Plant Species on June 9, 2021, the results and details of the surveys were not disclosed. Absent further survey details, it is unclear whether presence for Narrow Endemic Plant Species was properly assessed.

Narrow endemic plant species are highly restricted by their habitat affinities, edaphic requirements or other ecological factors, and for which specific conservation measures have been identified in the MSHCP if the species are present. The special surveys are required to ensure conservation of the species if present on the Project site. The MSHCP specifies that survey results shall be documented in mapped and text form and shall be presented for review by the City. Therefore, CDFW recommends that the City evaluate whether focused surveys for narrow endemic plants followed CDFW guidelines below in MM BIO-4, or similar guidance aimed at identifying presence of narrow endemic plants, and include such information in detail in the final MND. If not, CDFW recommends the City adopt MM BIO-4 in the final MND to ensure to avoidance, minimization and mitigation strategies are implemented for the species and to demonstrate consistency with MSHCP requirements.

#### **MM BIO-4**

**Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area 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). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status. If any narrow endemic plants are detected during focused surveys, then the City should complete the Determination of Biologically Equivalent or Superior Preservation (DBESP) process prior to approval and certification of the MND. If any special-status plants not covered by the MSHCP are identified, the City shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the City 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 mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species not covered by the MSHCP, the Project proponent should apply for a California Endangered Species Act Incidental Take Permit with CDFW.**

### **DROUGHT-TOLERANT LANDSCAPING**

Because California has entered another period of extended drought, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Additionally, native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants. Information on native plants suitable for the Project location and nearby nurseries is available at CALSCAPE: <https://calscape.org/>. Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: [Around the Yard \(saveourwater.com\)](http://www.saveourwater.com).

### **MITIGATION AND MONITORING REPORTING PLAN**

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

### **ENVIRONMENTAL DATA**

CEQA requires that information developed in Environmental Impact Reports and Negative Declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: [Submitting Data to the CNDDDB \(ca.gov\)](http://www.wildlife.ca.gov/cnddb). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The

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types of information reported to CNDDDB can be found at the following link: [CNDDDB - Plants and Animals \(ca.gov\)](#).

### **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 IS/MND for the City of San Jacinto Tentative Tract Map No. 38107 (TTM 38107) (P21-091) (SCH No. 2022100031) to assist the City in identifying, avoiding, minimizing, and mitigating Project impacts on fish and wildlife resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. CDFW requests that the City include the suggested mitigation measures (Attachment 1) and addresses CDFW's comments and concerns prior to adoption of the MND for the Project.

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](mailto:Corina.Jimenez@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C8...

Kimberly Freeburn  
Environmental Program Manager

ec: **California Department of Fish and Wildlife**  
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**U.S. Fish and Wildlife Service**  
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[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov).

## **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: [http://www.dfg.ca.gov/wildlife/nongame/survey\\_monitor.html](http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html)

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>

## **ATTACHMENTS**

Attachment 1: MMRP for CDFW-Proposed Mitigation Measure

**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.

<b>Biological (BIO) Resources Mitigation Measure (MM)</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>
<p>MM BIO-1:</p> <p>A pre-construction survey for burrowing owl shall be conducted by a qualified biologist within 30 days of Project-related construction activities (i.e., grubbing, grading, vegetation removal, etc.) following accepted protocols within the 2006 Burrowing Owl Survey Instructions<sup>4</sup>.</p> <p>If burrowing owl are not detected during the pre-construction survey, then Project implementation may proceed. If burrowing owl are detected, CDFW shall be sent written notification within 3 days of detection of burrowing owls. If active burrowing owl burrows are detected, the Project Applicant shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or following CDFW approval of a Burrowing Owl Plan as described below. If owl presence is difficult to determine, a</p>	<p>Prior to commencing ground- or vegetation-disturbing activities</p>	<p>Project Proponent</p>

<sup>4</sup> Western Riverside County Multiple Species Habitat Conservation Plan (RCA). 2006. Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area. Available for download at: [https://www.wrc-ca.org/species/survey\\_protocols/burrowing\\_owl\\_survey\\_instructions.pdf](https://www.wrc-ca.org/species/survey_protocols/burrowing_owl_survey_instructions.pdf)

<p>qualified biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan.</p> <p>The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and 2006 Burrowing Owl Survey Instructions. 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 City shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>If burrowing owls are observed within Project Site(s) during Project implementation and construction, the Applicant shall notify the City and CDFW immediately in writing within 48 hours of detection. A Burrowing Owl Plan shall be submitted to City and CDFW for review and approval within two weeks of detection and no Project activity shall continue within 1000 feet of the burrowing owls until CDFW approves the Burrowing Owl Plan. The Applicant shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Plan.</p>		
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<p>If ground-disturbing activities occur but the site is left undisturbed for more than 30 days, a preconstruction 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>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.</p>		
<p>MM BIO-2:</p> <p>Regardless of the time of year, the Project Applicant shall adhere to the following. A pre-construction survey for nesting birds shall be conducted within 3-days of initiation of Project-related activities by a qualified biologist. Surveys shall include any potential habitat (including trees, shrubs, the ground, or nearby structures) that may be impacted by activities resulting in nest destruction or abandonment. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests containing eggs or young are detected during the pre-construction survey, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity.</p> <p>MM-BIO-2 shall be conducted to ensure that an active nest will not be directly impacted (i.e., eggs destroyed, nestlings/fledglings killed or removed, etc.) or indirectly impacted (i.e., disturbance altering</p>	<p>Prior to commencing ground- or vegetation-disturbing activities</p>	<p>Project Proponent</p>

<p>regular behavior potentially causing nest abandonment, nest failure, etc.) by Project-related construction.</p>		
<p><b>MM BIO-3</b></p> <p>If burrowing owl and/or active nests are detected within the Project Site(s) during Project implementation and construction, MM BIO-1 shall apply. CDFW shall be notified within three days of burrowing owl detection. Further, a qualified biological monitor shall be onsite during construction activities to monitor bird behavior to ensure no negative effects occur from Project-related construction activities, and to ensure that construction activities do not enter the no disturbance buffer(s). The biological monitor shall have the authority to cease Project-related construction activities if indirect impacts are observed.</p>	<p>During Project construction</p>	<p>Project Proponent</p>
<p><b>MM BIO-4</b></p> <p>Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area 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). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that</p>	<p>Prior to commencing ground- or vegetation-disturbing activities</p>	<p>Project Proponent</p>

<p>occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status. If any narrow endemic plants are detected during focused surveys, then the City should complete the Determination of Biologically Equivalent or Superior Preservation (DBESP) process prior to approval and certification of the MND. If any special-status plants not covered by the MSHCP are identified, the City shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the City 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 mitigation ratio determined by CDFW after Project analysis. If the Project has the potential to impact a state-listed species not covered by the MSHCP, the Project proponent should apply for a California Endangered Species Act Incidental Take Permit with CDFW.</p>		
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