



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



November 14, 2022

Mr. Kenneth Phung, Development Services Director
City of Perris
101 North D Street
Perris, CA 92570
Kphung@cityofperris.org



Subject: Mitigated Negative Declaration
Redlands East Industrial Project
State Clearinghouse No. 2022100322

Dear Mr. Phung:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the City of Perris (City) for the Redlands East Industrial Project (Project) for Lake Creek Industrial, LLC. (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.

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.

CDFW issued Natural Community Conservation Plan approval and take authorization in 2004 for the Western Riverside County 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 Perris 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 12.59-acre Project site is located north of Placentia Avenue, east of Redlands Avenue, south of East Rider Road, and west of Wilson Road in the City of Perris, Riverside County, California, in Section 17 West, Township 4 South, Range 3 West, of the U.S. Geological Survey 7.5" Perris, California topographic quadrangle map, Assessor's Parcel Numbers 300-210-006, 300-210-007, 300-210-008, 300-210-026, 300-210-027, and 300-210-028.

Project Description

The Project proposes to construct one 254,511 square-foot non-refrigerated warehouse with two grade level doors and 31 truck docks and would include the associated landscaping, parking, drive aisles, and road improvements. In addition, it would include approval of Tentative Parcel Map 38385 to merge six parcels for a total developed site area of 11.61 acres and propose approximately 0.98 acre for street improvements along Redlands Avenue.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the City in adequately identifying and/or mitigating the Project's potentially significant direct and indirect impacts to biological resources, and in Attachment 1 "Mitigation Monitoring and Reporting Program" for consideration by the City prior to adoption of the MND for the Project. CDFW is concerned about 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. The comments and recommendations are offered to enable the City to update the 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 and ensure that proposed impacts to fish and wildlife resources are properly identified and mitigated. CDFW recommends that each of these be addressed prior to finalization of the MND.

Western Riverside County Multiple Species Habitat Conservation Plan

Western Riverside County 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.

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 City is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. To demonstrate consistency with the MSHCP, as part of the CEQA review, the City shall ensure the Project pays Local Development Mitigation Fees and other relevant fees as set forth in Section 8.5 of the MSHCP; and demonstrates compliance with: 1) the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2 of the MSHCP); 2) the Protection of Narrow Endemic Plant Species (Section 6.1.3 of the MSHCP); 3) the Urban/Wildlands Interface Guidelines (Section 6.1.4 of the MSHCP); 4) the policies set forth in Section 6.3.2; 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.

Narrow Endemic Plant Species

As noted in the MND, the Project site occurs within survey areas for Narrow Endemic Plant Species, including San Diego ambrosia (*Ambrosia pumila*, rare plant rank [RPR] 1B.1), spreading navarretia (*Navarretia fossalis*, RPR 1B.1), California Orcutt grass (*Orcuttia californica*, RPR 1B.1), and Wright's trichocoronis (*Trichocoronis wrightii* var. *wrightii*, RPR 2B.1), which have the potential to occur onsite. While the MND reveals that focused surveys were conducted for Narrow Endemic Plant Species in October and November 2020, the results and details of the surveys were not discussed in detail.

Based on rainfall in a given year, surveys for San Diego ambrosia, California Orcutt grass, and spreading navarretia should be typically done at peak blooming which can be from April through the end of July. The MND should include surveys for these species done within the appropriate time of years. Absent further survey details and surveys being conducted outside of the blooming period for these species, CDFW cannot confirm 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 and include such information in detail in the final MND. If not, CDFW recommends the City adopt MM BIO-XX 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-XX: To avoid impacts to Narrow Endemic Plant Species, including San Diego ambrosia (*Ambrosia pumila*, Rare plant rank [RPR] 1B.1), spreading navarretia (*Navarretia fossalis*, RPR 1B.1), California Orcutt grass (*Orcuttia californica*, RPR 1B.1), and Wright's trichocoronis (*Trichocoronis wrightii* var. *wrightii*, RPR 2B.1), that may occur on the Project site the City shall ensure that 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 special-status plants 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 in-kind mitigation credits from a CDFW-approved bank or land acquisition and conservation at a 3:1 mitigation ratio of in-kind resources at a site approved by CDFW and the US Fish and Wildlife Service.

Burrowing Owl

In California, burrowing owl are in decline primarily because of habitat loss, as well as disease, predation, and drought². Burrowing owl require specific soil and microhabitat conditions, occur in few locations within a broad habitat category of grassland and some forms of agriculture land, require a relatively large home range to support its life history requirements, occur in relatively low numbers, and are semi-colonial. One mechanism the MSHCP employs to provide for conservation of burrowing owls is to require burrowing owl surveys in suitable habitat to identify suitable occupied nesting habitat for owls that may be required for conservation. The MND identifies that suitable habitat for burrowing owl was identified through aerial imagery and focused burrowing owl surveys were completed during the late October and early November 2020. However, CDFW reviewed the results of the surveys and found that all focused burrowing owl surveys were conducted outside of the nesting period for burrowing owl. CDFW is concerned that nesting owls may be missed by the timing of the surveys, and CDFW recommends that surveys are conducted at least one week apart during the breeding season to adequately detect presence of nesting owls on the site in order to evaluate if the site may be required for conservation. CDFW recommends that the surveys be repeated during the 2023 breeding season and that the focused surveys are conducted at least a week apart to avoid missing owls that may be using the site. CDFW recommends the inclusion of a process to avoid direct take of burrowing owls and to avoid project delays if the owls are detected during the pre-construction surveys.

CDFW requests the City evaluate the direct, indirect, and cumulative impacts to burrowing owl before approval and certification of the MND. Appropriate analysis would include a discussion of the results of the focused burrowing owl surveys and suitable habitat surveys for the Project site. To avoid take of active nests, appropriate avoidance and minimization measures need to be identified in the MND to protect burrowing owl during the burrowing owl nesting season. CDFW recommends creation of a Burrowing Owl Plan if owls are detected on the Project Site.

² DeSante, D. F., E. D Ruhlen, and R. Scalf. 2007. The distribution and relative abundance of burrowing owls in California during 1991–1993: Evidence for a declining population and thoughts on its conservation. Pages 1-41 in J. H. Barclay, K. W. Hunting, J. L. Lincer, J. Linthicum, and T. A. Roberts, editors. Proceedings of the California Burrowing Owl Symposium, 11-12 November 2003 Sacramento, California, USA. Bird Populations Monographs No. 1. The Institute for Bird Populations and Albion Environmental, Inc., Point Reyes Station, CA.

To avoid take of active burrowing owl burrows (nests), CDFW requests the addition of the following mitigation measure. Requested additions are identified in **bold** and removed measures are in ~~strikeout~~.

MM BIO-2: Burrowing Owl Survey. To avoid project-related impacts to burrowing owls potentially occurring on or in the vicinity of the project site, project-specific habitat assessments and focused surveys for burrowing owls shall be conducted before implementing development or infrastructure projects within burrowing owl survey areas. A pre-construction survey for resident burrowing owls will also be conducted by a qualified biologist within 30 days prior to commencement of ~~grading and~~ construction activities (**e.g., vegetation clearing, clearing, and grubbing, tree removal, site watering**) within those portions of implementing project sites containing suitable burrowing owl habitat and for those properties within an implementing project site where the biologist could not gain access. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. **The results of the survey should be submitted to the City and California Department of Fish and Wildlife within three days of survey completion.** The pre-construction survey ~~and any relocation activity~~ shall be conducted in accordance with the current Burrowing Owl Instruction for the Western Riverside MSHCP.

If no burrowing owls are observed during the survey, site preparation and construction activities may begin. ~~If active nests are identified on an implementing project site during the pre-construction survey, the nests shall be avoided, or the owls actively or passively relocated. To adequately avoid active nests, no grading or heavy equipment activity shall take place within at least 250 feet of an active nest during the breeding season (February 1 through August 31), and 160 feet during the non-breeding season.~~ **If burrowing owls are found to be present, then avoidance or minimization measures shall be undertaken in consultation with the City of Perris, California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS). CDFW shall be sent written notification within 48 hours of detection of burrowing owls.** ~~If burrowing owls occupy any implementing project site and cannot be avoided, active or passive relocation shall be used to exclude owls from their burrows, as agreed to by the City of Perris Planning Division and the CDFG. Relocation shall be conducted outside the breeding season or once the young are able to leave the nest and fly. Passive relocation is the exclusion of owls from their burrows (outside the breeding season or once the young are able to leave the nest and fly) by installing 1-way doors in burrow entrances. These 1-way doors allow the owl to exit the burrow, but not enter it. These doors shall be left in place 48 hours to ensure owls have left the burrow. Artificial~~

~~burrows shall be provided nearby. The implementing project area shall be monitored daily for 1 week to confirm owl use of burrows before excavating burrows in the impact area. Burrows shall be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible pipe shall be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow. The CDFG shall be consulted prior to any active relocation to determine acceptable receiving sites available where this species has a greater chance of successful long-term relocation. If avoidance is infeasible, then a DBESP will be required, including associated relocation of burrowing owls. If conservation is not required, then owl relocation will still be required following accepted protocols. Take of active nests will be avoided, so it is strongly recommended that any relocation occur outside of the nesting season. 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 Western Riverside County Multiple Species Habitat Conservation Plan. 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 Project applicant shall notify CDFW immediately in writing within 48 hours of detection. A Burrowing Owl Plan shall be submitted to 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 City 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.

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 within 3 days prior to initiation of Project activities and reported to CDFW as described above. If burrowing owl are found, the same coordination described above shall be necessary.

A final report shall be prepared by the qualified biologist documenting the results of the burrowing owl surveys and detailing avoidance, minimization, and mitigation measures. The final report shall be submitted to the City and CDFW within 30 days of completion of the survey and burrowing monitoring for mitigation monitoring compliance record keeping.

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 and to avoid take of nests.

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 to ensure all nests on site are identified and to avoid take of nests.

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 include the following mitigation measures in the MND per below (edits are in ~~strikethrough~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".

MM BIO-1: Nesting Bird Survey. In order to avoid violation of the **Migratory Bird Treaty Act (MBTA)** and the California Fish and Game Code Sections 3503, 3503.5, and 3513, site preparation activities (**such as ground disturbance, construction activities, and/or** removal of trees and vegetation) for all PVCC implementing development and infrastructure projects shall be avoided, to the greatest extent possible, during the nesting season (~~generally February 1 to August 31~~) of potentially occurring native and migratory bird species. If site-preparation activities for an implementing project are proposed ~~during the nesting/breeding season (February 1 to August 31)~~, a pre-activity field survey shall be conducted by a qualified biologist prior to the issuance of grading permits for such project. ~~t, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone.~~ **The nest surveys shall include the project site and adjacent areas where project activities have the potential to cause nest failure. The survey results shall be provided to the City's Planning Department. 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. Pre-activity field 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 no nesting birds are observed during the survey, ~~If active nests are not located within the implementing Project Site and an appropriate buffer of 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (nonlisted), or 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season.~~ site preparation and construction activities may begin. However, if active nests or **nesting birds (including nesting raptors)** are located during the ~~pre-activity field survey,~~ **then no grading or heavy equipment activity shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected (under MBTA or California Fish and Game Code) bird nests (non listed), or within 100 feet of sensitive or protected songbird nests until the nest is no longer active.** **avoidance or minimization measures shall be undertaken in consultation with the City of Perris and California Department of Fish and Wildlife. Measures shall include immediate establishment of an appropriate buffer zone to be established by a qualified biologist, and approved by the City of Perris, based on their best professional judgement and experience. The buffer around the nest shall be delineated and flagged, and no construction activity shall occur within the buffer area until a qualified biologist determines nesting species have fledged and the nest is no longer active or the nest has failed. 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 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. Within 30 days of completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.**

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 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 Redlands East Industrial Project, State Clearinghouse No. 2022100322 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

Kenneth Phung, Development Services Director
City of Perris
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requests that the City of Perris addresses CDFW's comments and concerns prior to adoption of the MND for the Project.

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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Kim Freeburn

Environmental Program Manager

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

ATTACHMENTS

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

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
MM BIO XX. To avoid impacts to Narrow Endemic Plant Species, including San Diego ambrosia (<i>Ambrosia pumila</i> , Rare plant rank [RPR] 1B.1), spreading navarretia (<i>Navarretia fossalis</i> , RPR 1B.1), California Orcutt grass (<i>Orcuttia californica</i> , RPR 1B.1), and Wright's trichocoronis (<i>Trichocoronis wrightii</i> var. <i>wrightii</i> , RPR 2B.1), that may occur on the Project site the City shall ensure that 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	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

<p>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 special-status plants 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 in-kind mitigation credits from a CDFW-approved bank or land acquisition and conservation at a 3:1 mitigation ratio of in-kind resources at a site approved by CDFW and the US Fish and Wildlife Service.</p>		
<p>MM BIO-1: Nesting Bird Survey. In order to avoid violation of the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code Sections 3503, 3503.5, and 3513, site preparation activities (such as ground disturbance, construction activities, and/or removal of trees and vegetation) for all PVCC implementing development and infrastructure projects shall be avoided, to the greatest extent possible, during the nesting season of potentially occurring native and migratory bird species. If site-preparation activities for an implementing project are proposed, a pre-activity field survey shall be conducted by a qualified biologist prior to the issuance of grading permits for such project. The nest surveys shall include the project site and adjacent areas where project activities have the potential to cause nest failure. The survey results shall be provided to the City's Planning Department. 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 	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

<p>minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.</p> <p>2. Pre-activity field 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.</p> <p>If no nesting birds are observed during the survey, site preparation and construction activities may begin. However, if active nests or nesting birds (including nesting raptors) are located, then avoidance or minimization measures shall be undertaken in consultation with the City of Perris and California Department of Fish and Wildlife. Measures shall include immediate establishment of an appropriate buffer zone to be established by a qualified biologist, and approved by the City of Perris, based on their best professional judgement and experience. The buffer around the nest shall be delineated and flagged, and no construction activity shall occur within the buffer area until a qualified biologist determines nesting species have fledged and the nest is no longer active or the nest has failed. 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</p>		
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<p>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 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. Within 30 days of completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City for mitigation monitoring compliance record keeping.</p>		
<p>MM BIO-2: MM BIO-2: Burrowing Owl Survey. To avoid project-related impacts to burrowing owls potentially occurring on or in the vicinity of the project site, project-specific habitat assessments and focused surveys for burrowing owls shall be conducted before implementing development or infrastructure projects within burrowing owl survey areas. A pre-construction survey for resident burrowing owls will also be conducted by a qualified biologist within 30 days prior to commencement of construction activities (e.g., vegetation clearing, clearing, and grubbing, tree removal, site watering) within those portions of implementing project sites containing suitable burrowing owl habitat and for those properties within an implementing project site where the biologist could not gain access. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The results of the survey should be submitted to the City and California Department of Fish and Wildlife within three days of survey completion. The pre-construction survey shall be conducted in accordance with the current Burrowing Owl Instruction for the Western Riverside MSHCP.</p> <p>If no burrowing owls are observed during the survey, site preparation and construction activities may begin. If burrowing owls are found to be present, then avoidance or minimization measures shall be undertaken in consultation with the City of Perris, California Department of Fish and Wildlife (CDFW) and US Fish and</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

<p>Wildlife Service (USFWS). CDFW shall be sent written notification within 48 hours 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.</p> <p>The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and Western Riverside County Multiple Species Habitat Conservation Plan. 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 Project applicant shall notify CDFW immediately in writing within 48 hours of detection. A Burrowing Owl Plan shall be submitted to CDFW for review and approval within two weeks of detection and no Project activity shall</p>		
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<p>continue within 1000 feet of the burrowing owls until CDFW approves the Burrowing Owl Plan. the City 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> <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 within 3 days prior to initiation of Project activities and reported to CDFW as described above. If burrowing owl are found, the same coordination described above shall be necessary.</p> <p>A final report shall be prepared by the qualified biologist documenting the results of the burrowing owl surveys and detailing avoidance, minimization, and mitigation measures. The final report shall be submitted to the City and CDFW within 30 days of completion of the survey and burrowing monitoring for mitigation monitoring compliance record keeping.</p>		
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