

## **APPENDIX A2**

Notice of Preparation Comment Letters





## NATIVE AMERICAN HERITAGE COMMISSION

June 23, 2023

Alma Robles  
City of Norco  
2870 Clark Ave.  
Norco, CA 92860

RECEIVED  
JUN 29 2023  
PLANNING

ACTING CHAIRPERSON  
**Reginald Pagaling**  
Chumash

**Re: 2023060617, JD Ranch Residential Project, Riverside County**

SECRETARY  
**Sara Dutschke**  
Miwok

Dear Ms. Robles:

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

COMMISSIONER  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

COMMISSIONER  
**Wayne Nelson**  
Luiseño

COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

COMMISSIONER  
**Vacant**

COMMISSIONER  
**Vacant**

COMMISSIONER  
**Vacant**

EXECUTIVE SECRETARY  
**Raymond C.  
Hitchcock**  
Miwok, Nisenan

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
  
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
  
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
  
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
  
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
  
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are, traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov)

Sincerely,

*Andrew Green*

Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse



# Santa Ana Watershed Project Authority

OVER 50 YEARS OF INNOVATION, VISION, AND WATERSHED LEADERSHIP

June 27, 2023

Alma Robles, Community Development Director  
City of Norco Planning Department  
2870 Clark Avenue  
Norco, CA 92860

## **RE: Notice of Preparation of an Environmental Impact Report for the JD Ranch Residential Project**

Dear Ms. Robles:

The Santa Ana Watershed Project Authority (SAWPA) is in receipt of your Notice of Preparation for an Environmental Impact Report to evaluate the potential impacts of the proposed JD Ranch Residential Project. The proposed project was analyzed for its proximity to our Inland Empire Brine Line (Brine Line). We have determined the proposed project is approximately one mile from the Brine Line and does not pose a negative impact to the existing infrastructure.

The position of SAWPA is neutral in regard to the Notice of Preparation for the the Environmental Impact Report to evaluate the potential impacts of the proposed JD Ranch Residential Project, however as owners of the Brine Line, our objective is to inform any entity that proposes construction activities within the vicinity of the Brine Line about its location, so that any potential conflicts are mitigated and the protection and integrity of the Brine Line are maintained.

The Brine Line is an effective, economical way to dispose of highly saline wastewater, which is sometimes produced by certain industries through manufacturing and water treatment processes. Publicly owned wastewater treatment plants in the inland areas may have high saline wastewater restrictions, which may prevent industrial companies from discharging its high saline wastewater to the municipal sewer. Industrial companies looking to locate at the Shea Project and Acacia Project sites and produce highly saline wastewater should contact SAWPA for additional information. Thank you for the opportunity to review the proposed project. If you have any questions, please contact us at (951) 354-4242.

Sincerely,

Rachel Gray  
Water Resources and Planning Manager

Bruce Whitaker  
Chair  
Orange County  
Water District

Mike Gardner  
Vice Chair  
Western Municipal  
Water District

T. Milford Harrison  
Secretary-Treasurer  
San Bernardino Valley  
Municipal Water District

David J. Slawson  
Commissioner  
Eastern Municipal  
Water District

Jasmin A. Hall  
Commissioner  
Inland Empire  
Utilities Agency

Jeffrey J. Mosher  
General Manager



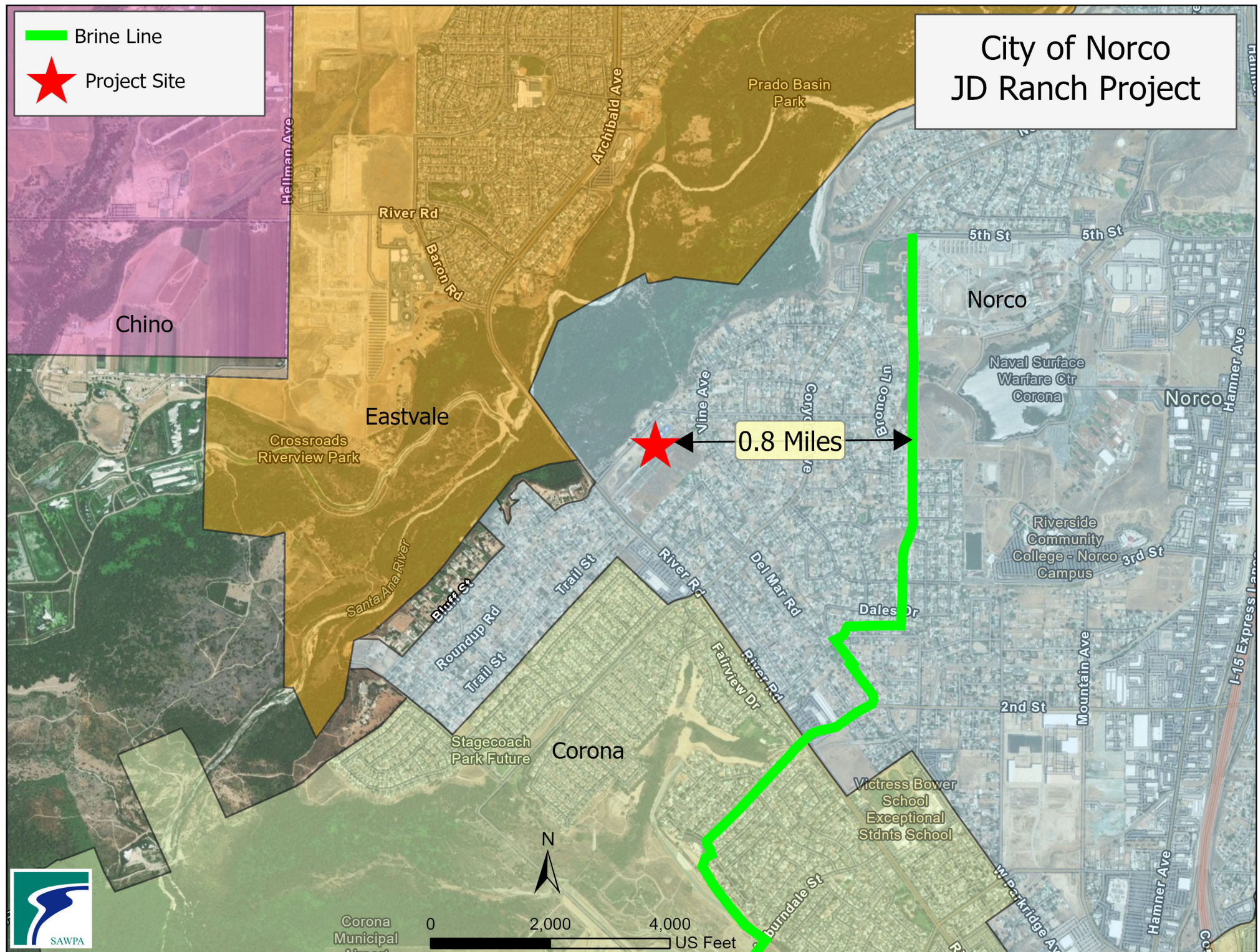
Ms. Robles  
June 27, 2023  
Page 2

Attachment:

1. GIS map of JD Ranch Residential Project Site and Inland Empire Brine Line

# City of Norco JD Ranch Project

 Brine Line  
 Project Site



**From:** [Vega, Jaqueline](#)  
**To:** [Alma Robles](#)  
**Subject:** JD Ranch  
**Date:** Thursday, June 29, 2023 2:58:05 PM  
**Attachments:** [image001.png](#)

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Hello Alma,

Thank you for transmitting the above referenced project to ALUC for review. Please note that the proposed project is located outside an airport influence area, and therefore review by ALUC is not required.

*Should you have any questions, please contact me.*

Jackie Vega  
Urban Regional Planner II



### **Confidentiality Disclaimer**

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[County of Riverside California](#)



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Gretchen Gutierrez

June 30, 2023

City of Norco

Alma Robles, Community Development Director

Norco Planning Department

2870 Clark Avenue

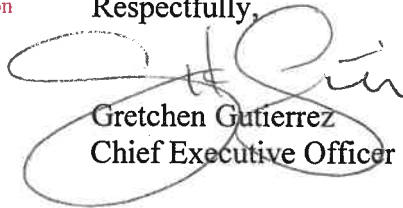
Norco, CA 92860

Dear Ms. Robles,

Thank you for providing the Desert Valleys Builders Association "notice" that the comment period has opened regarding the EIR for the JD Ranch Residential Project.

While we may not comment on this specific project we wish to remain on the City of Norco's mailing list.

Respectfully,



Gretchen Gutierrez  
Chief Executive Officer

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Wattenbarger Construction

34360 Gateway Drive • Palm Desert • CA 92211

(760) 776-7001 office • (760) 776-7002 fax

www.TheDVBA.org

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JUL 10 2023

PLANNING

### Written Comment Form

Use the space below to comment on areas of concern regarding the content of the Draft EIR, and offer potential alternatives and/or measures to avoid or reduce environmental impacts.

Main concerns: traffic/excessive speeding, size of lots are going to bring in non-equestrian residents who neglect 25 mph and speed dangerously. This makes unsafe conditions for pedestrians, bicyclists, and equestrians and noise for residents. We would like street calming measures to slow traffic like speed humps and/or stop signs on BOTH Bluff St and Vine Ave (three-way stop signs) Thank you for your time and listening.

### ENVIRONMENTAL ISSUES & IMPACTS

What key issues or potential impacts of concern should be addressed for the proposed project in the Draft EIR?

- Aesthetics/Visual Resources
- Agricultural and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas/Climate Change
- Hazards/Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning/size of lots
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Tribal Resources
- Utilities/Service Systems
- Wildfires

Please submit comments by July 23, 2023, by:  
 EMAIL: [arobles@ci.norco.ca.us](mailto:arobles@ci.norco.ca.us)  
 MAIL: City of Norco Planning Department  
 Attn: Alma Robles, Community Development Director  
 2870 Clark Avenue  
 Norco, CA 92860

### Contact Information: (please print clearly)

Name: Stacia Lloyd  
 Representing Agency or Organization: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip Code: \_\_\_\_\_  
 Email: \_\_\_\_\_

**From:** [Scott Dixon, Ph.D.](#)  
**To:** [Planning](#)  
**Cc:** [Robin Grundmeyer](#); [Kevin Bash](#); [Katherine Aleman](#); [Berwin Hanna](#); [gnewton@ci.norco.us](mailto:gnewton@ci.norco.us)  
**Subject:** JD Ranch Residential Project EIR  
**Date:** Wednesday, July 12, 2023 9:11:35 PM

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To Whom it May Concern,

We live at [REDACTED] in Norco. We received a letter regarding the proposed project on the land south of our residence. After reviewing the plans for this project, we are deeply concerned.

1) There has been no traffic analysis done. I walk my dogs daily on Bluff and there has been no meter. 68 homes x a minimum of 2 cars per household, coming and going once will add at minimum 272 additional vehicle units to our local streets daily. Furthermore, with the additional commercial units on 2nd street that will increase truck traffic, more people are likely to go down both Corydon and Bluff as a way to Hamner. This hasn't been studied and simply there is no way we benefit in terms of time lost and access with these additional homes and further construction in the area. We have a terrible speeding problem on our street already. Deputies sit here for 30 minutes and sometimes pull over 7 cars in that time frame for more than 15-20mph over the speed limit. So those additional homes will make this better?

2) There has been no significant environmental impact study done on the land currently used by various construction agencies that was supposed to be a park off of Bluff. This land contains various wildlife, in particular finches. I have spoken with no less than three ornithologists in the last two years who birdwatch on that property and the surrounding area by the bridge. There are ground squirrels, coyotes, a bobcat, various reptiles including turtles and snakes (racers), that I have personally observed on that property. Where will these animals go?

3) The change in zoning is troublesome. Simply, it is not why we moved to Norco to have high density housing. When we moved in in 2017, the development was supposed to be 31, 1 acre lots, and a park. How that changed, and not a single person reading this would be happy to have this planned community put next to their homes. The fact is that the City of Norco is complicit because we are on the West end of town. Norco proper will never be impacted by this development. To be clear, just because you put horse trails in the project doesn't make this Norco or rural. In effect, what it is, is "Eastvale South." Where is the City's commitment to the "rural" lifestyle?

4) Given the changing dynamic of Southern California, it is highly unlikely that even 1/3rd of those new homes will be horse or animal owners. What will happen are ADUs, which will further increase the population density on our end of town. Will the City directly zone against ADUs violating the State? If not, this is simply asking for greater population density.

5) The only people who benefit from this are the developers. They make a lot of money and leave. We, the current residents, suffer from the traffic, noise pollution, environmental damage, increased crime, increased stress on an aging infrastructure, and our way of life. Why is the City letting the developer dictate lot sizes and housing numbers? Who is in control? If they cannot make money, then someone else will who abides by reasonable numbers.

6) The 68 houses will lower the value of our homes in the short-term. Not knowing the price

point, this could be drastic. The previous 31 homes would not have had the same impact due to their unique difference in lot size. There wouldn't be the same competition. As many of us age and plan to retire, our homes are our life investment. Why should we be penalized with potentially lower sales prices when the rest of Norco is not?

If the City approves this, and they will, because their service to their residents is not their priority, the City needs to make Bluff Street a cul-de-sac at Vine Ave. That will stop all the traffic problems and reduce noise. It will force the traffic out on River Rd. and distribute it through the community, which is fair. But the City won't because of potential issues with emergency vehicles.

So then we are left with a more crowded area that the City Council literally does not care about. We found out their commitment two years ago when the OCFCD seized half of our properties for a flood easement. I emailed Mayor Bash at that time. He responded quickly and asked the City Manager Andy to help us. Andy, after repeated emails to him, never even responded to us. We are the "bastard" children of Norco given our location and you can be assured this would never fly where the Council members live.

I sit here this evening after my neighbor, Mr. Oger at [REDACTED] St., has had his house flooded twice on Bluff Street due to failing water pipes (June of last year and May of this year). Thirteen months later he is still not in his home. This also damaged our property to which the City's response was to send us a form and have me fix it and hope the City reimburses us. Again, this evening, the *same water pipe* failed in a different location (about 50 yards east) and they are working on it again. We have a terribly aging infrastructure in Norco, which will further be stressed in our particular area by these homes unless it is all replaced. Will the developer be around when that breaks again? No, but we will and we will suffer from it. There should be no thought of any development until the current water main situation throughout the City is fixed. I hasten to also mention the City putting in two blue water tanks that blocked our view of the mountains and do not fit in with the environment at all. It looks like the Long Beach Aquarium. I am waiting for someone to paint some whales on them. No one even asked us about them. No notice from the City, a few weeks later, the Norco Aquarium was there. I heard a council member thought this was a great color supporting Norco High School. I guarantee the said council member doesn't look at them daily, everything else is brown, great choice. Once again, the people who live here, the "bastard" children of Norco, weren't even considered.

I don't expect a response to this. The only proper response is to stop the project and rethink how it will impact those of us who live here. But I have zero confidence that anything will change because this is already a done deal. That a 68 unit housing project was even proposed and taken seriously in Norco shows how things have changed here even in the short time we've been here. But let's be honest, we aren't really "Norco" on the west end of town and that's why this is going forward regardless.

Best regards,  
Scott and Monica Dixon

[REDACTED]

**From:** [Mauricio Alvarez](#)  
**To:** [Planning](#)  
**Subject:** JD Ranch Residential Project EIR  
**Date:** Wednesday, July 12, 2023 2:51:44 PM

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Hello Ms. Robles,

Thank you for including Riverside Transit Agency in the development review of the JD Ranch Residential Project. After reviewing the notice, there are no comments to submit for this particular project at this time.

Thank you,

**Mauricio Alvarez, MBA**

Planning Analyst  
Riverside Transit Agency  
p: 951.565.5260 | e: [malvarez@riversidetransit.com](mailto:malvarez@riversidetransit.com)  
[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)  
1825 Third Street, Riverside, CA 92507



JASON E. UHLEY  
General Manager-Chief Engineer



1995 MARKET STREET  
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RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

251878

July 17, 2023

City of Norco  
Planning Department  
2870 Clark Avenue  
Norco, CA 92860

Attention: Ms. Alma Robles

Re: JD Ranch Residential Project,  
APNs 121-110-003 and 121-110-001

The Riverside County Flood Control and Water Conservation District (District) does not usually review land divisions/land use cases or provide State Division of Real Estate letters/flood hazard reports for projects that are located within incorporated cities. Exceptions are made for cases with items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees).

The District's review is based on the above-referenced project transmittal, received June 28, 2023. The District has not reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

- This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.
- This project involves District proposed Master Drainage Plan facilities, namely, \_\_\_\_\_. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.
- If this project proposes channels, storm drains 36 inches or larger in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or

finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, \_\_\_\_\_. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.
- The District's previous comments are still valid.

### **GENERAL INFORMATION**

This project may need to obtain an applicable National Pollutant Discharge Elimination System (NPDES) permit coverage from the State Water Resources Control Board or the California Regional Water Quality Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,



AMY MCNEILL  
Engineering Project Manager

ec: Riverside County Planning Department  
Attn: Timothy Wheeler

EM:mm



Hans W. Kernkamp, General Manager-Chief Engineer

**SENT VIA EMAIL ONLY**

[planning@ci.norco.ca.us](mailto:planning@ci.norco.ca.us)

July 19, 2023

Alma Robles, Community Development Director  
City of Norco (City)  
2870 Clark Avenue  
Norco, CA 92860

**RE: Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the JD Ranch Residential Project**

Dear Ms. Robles,

The Riverside County Department of Waste Resources (RCDWR) has reviewed the NOP addressing an EIR for the proposed JD Ranch Residential Project (Project). The Project includes various applications to allow for the development of a 68-unit single family detached housing project. The project proposes to remove the existing dairy facilities and some of the power poles along River Road and retain an existing single family ranch house and the City's operated well.

The RCDWR offers the following comments for your consideration while preparing the Project's final EIR:

1. Construction of the Project may generate a substantial quantity of construction and demolition (C&D) waste. Should a large quantity of C&D waste, that is unable to be recycled, be brought to a County landfill for disposal, it could exceed the landfill's daily permitted capacity, thus a violation of state regulations.<sup>1</sup> To assess waste impacts, the DEIR should consider quantitatively analyzing this potential solid waste impact and discuss feasible mitigation programs/regulatory compliance.

Note: CalRecycle's website may be helpful to determine the Project's waste generation:

<https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>

2. The following information can be useful in the analysis of the solid waste impacts:
  - a) Solid waste generated within the Project area is collected by WMI, with the bulk of recyclable waste and green waste delivered to the Moreno Valley Solid Waste Recycling and Transfer Station (MVRTS) for processing. The facility is located at 17700 Indian Street in Moreno Valley. It is permitted for a 2,500 tons per day (tpd) operation.
  - b) The waste hauler may utilize the El Sobrante, Lamb Canyon, and/or the Badlands Landfill for disposal. Descriptions of the local landfills are provided below:

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<sup>1</sup> Title 40, Vol. 41 C.F.R § 243.203 *et seq.* (1976).

El Sobrante Landfill:

The El Sobrante Landfill is located east of Interstate 15 and Temescal Canyon Road to the south of the City of Corona and Cajalco Road at 10910 Dawson Canyon Road. The landfill is owned and operated by USA Waste of California, a subsidiary of Waste Management, Inc., and encompasses 1,322 acres, of which 645 acres are permitted for landfill operation. The El Sobrante Landfill has a total disposal capacity of approximately 209.9 million cubic yards and can receive up to 70,000 tons per week (tpw) of refuse. USA Waste must allot at least 28,000 tpw for County refuse. The landfill's permit allows a maximum of 16,054 tons per day (tpd) of waste to be accepted into the landfill, due to the limits on vehicle trips. If needed, 5,000 tpd must be reserved for County waste, leaving the maximum commitment of Non-County waste at 11,054 tpd. Per the 2021 Annual Report, the landfill had a remaining in-County disposal capacity of approximately 50.1 million tons.<sup>2</sup> In 2022, the El Sobrante Landfill accepted a daily average of 10,646 tons with a period total of approximately 3,278,846 tons. The landfill is expected to reach capacity in approximately 2057.

Lamb Canyon Landfill:

The Lamb Canyon Landfill is located between the City of Beaumont and City of San Jacinto at 16411 Lamb Canyon Road (State Route 79), south of Interstate 10 and north of Highway 74. The landfill is owned and operated by Riverside County. The landfill property encompasses approximately 1,189 acres, of which 703.4 acres encompass the current landfill permit area. Of the 703.4-acre landfill permit area, approximately 144.6 acres are permitted for waste disposal. The landfill is currently permitted to receive 5,000 tpd of MSW for disposal and 500 tpd for beneficial reuse. The site has an estimated total disposal capacity of approximately 21.1 million tons.<sup>3</sup> As of January 1, 2023 (beginning of day), the landfill has a total remaining capacity of approximately 7.3 million tons.<sup>4</sup> The current landfill remaining disposal capacity is estimated to last, at a minimum, until approximately 2032.<sup>5</sup> From January 2022 to December 2022, the Lamb Canyon Landfill accepted a daily average of 1,969 tons with a period total of approximately 606,481 tons. Landfill expansion potential exists at the Lamb Canyon Landfill site.

Badlands Landfill:

The Badlands Landfill is located northeast of the City of Moreno Valley at 31125 Ironwood Avenue and accessed from State Highway 60 at Theodore Avenue. The landfill is owned and operated by Riverside County. The existing landfill encompasses 1,168.3 acres, with a total disturbance area of 278 acres, of which 150 acres are for refuse disposal. Landfill expansion potential exists at the Badlands Landfill site. Under the 2022 Solid Waste Facility Permit (SWFP), the permitted disturbance area increased from 278 acres to 811 acres, and the refuse disposal area increased from 150 acres to 409 (in multiple stages). The landfill is currently permitted to receive 5,000 tpd of MSW for disposal and 300 tpd for beneficial reuse. The site has an estimated total capacity of approximately 82.3 million

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<sup>2</sup> 2021 El Sobrante Landfill Annual Report- Based on 125,193,774 tons remaining capacity (40% for in-county waste).

<sup>3</sup> GASB 18\_2022 – Engineering Estimate for total landfill capacity

<sup>4</sup> GASB 18\_2022 & SiteInfo

<sup>5</sup> SWFP # 33-AA-0007

tons.<sup>6</sup> As of January 1, 2023 (beginning of day), the landfill had a total remaining disposal capacity of approximately 3.5 million tons.<sup>7</sup> Under the 2022 SWFP, the landfill would have a remaining disposal capacity estimated to last, at a minimum, until approximately 2059.<sup>8</sup> From January 2022 to December 2022, the Badlands Landfill accepted a daily average of 2,660 tons with a period total of approximately 819,166 tons.

3. Additionally, you may wish to consider incorporating the following measures to help reduce the Project's anticipated solid waste impacts and enhance efforts to comply with the State's mandate (AB 75) of 50% solid waste diversion from landfilling<sup>9</sup>:

- The use of mulch and/or compost in the development and maintenance of landscaped areas within the project boundaries is recommended. Recycle green waste through either onsite composting of grass, i.e., leaving the grass clippings on the lawn, or sending separated green waste to a composting facility.
- Consider xeriscaping and the use of drought tolerant low maintenance vegetation in all landscaped areas of the project.
- Hazardous materials are not accepted at the Riverside County landfills. Any hazardous wastes, including paint, used during construction must be properly disposed of at a licensed facility in accordance with local, state and federal regulations. For further information regarding the determination, transport, and disposal of hazardous waste, please contact the Riverside County Department of Health, Environmental Protection and Oversight Division, at 1.888.722.4234.
- AB 341 focuses on increased commercial waste recycling as a method to reduce greenhouse gas (GHG) emissions.<sup>10</sup> The regulation requires businesses and organizations that generate four or more cubic yards of waste per week and multifamily units of 5 or more, to recycle. A business shall take at least one of the following actions in order to reuse, recycle, compost, or otherwise divert commercial solid waste from disposal:
  - Source separate recyclable and/or compostable material from solid waste and donate or self-haul the material to recycling facilities.
  - Subscribe to a recycling service with waste hauler.
  - Provide recycling service to tenants (if commercial or multi-family complex).
  - Demonstrate compliance with requirements of California Code of Regulations Title 14.

For more information, please visit:

<http://www.rcwaste.org/business/recycling/mcr>

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<sup>6</sup> SWFP # 33-AA-0006

<sup>7</sup> GASB\_18\_2022 & SiteInfo

<sup>8</sup> SWFP # 33-AA-0006

<sup>9</sup> A.B. 75, Chapter 764, 1999-2000 Strom-Martin, (Cal. 1999).

<sup>10</sup> A.B. 341, Chapter 476, 2011-2012 Chesbro, (Cal. 2011).

- AB 1826 requires businesses and multifamily complexes to arrange for organic waste recycling services.<sup>11</sup> Those subject to AB 1826 shall take at least one of the following actions in order to divert organic waste from disposal:
  - Source separate organic material from all other recyclables and donate or self-haul to a permitted organic waste processing facility.
  - Enter into a contract or work agreement with gardening or landscaping service provider or refuse hauler to ensure the waste generated from those services meet the requirements of AB 1826.
- Demonstrate compliance with SB 1383 which establishes regulations to reduce organics waste disposal and went into effect on January 1, 2022.<sup>12</sup> This law establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants caused by organics waste disposal.

Thank you for including RCDWR in the review process. Please continue to include the RCDWR in future transmittals. Please email me at [kaavila@rivco.org](mailto:kaavila@rivco.org) if you have any questions regarding the above comments.

Sincerely,



Katherine Avila  
Urban/Regional Planner I

Cc: Kinika Hesterly, RCDWR

DM# 317099

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<sup>11</sup> A.B. 1826, Chapter 727, 2013-2014 Chesbro, (Cal. 2014).

<sup>12</sup> A.B 1383, Chapter 395, 2015-2016 Lara, (Cal. 2016).

**From:** [Stacia Lloyd](#)  
**To:** [Planning](#)  
**Subject:** JD ranch project  
**Date:** Thursday, July 20, 2023 6:53:43 PM

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Dear Alma and city officials,

>> As a long time resident of Norco and an avid equestrian, I am not opposed to the development of the JD Ranch Residential project but the proposed building of 68 1/4 lots is anti-Norco ranch living style. This city has always prided itself for its horse and animal keeping, yet there is very little potential that these sized lots are going to bring in residents who have horses or are looking to buy horses and adopt the equestrian lifestyle.

>>

>> The main concern about this project is that the amount of residents that will move into this community are going to amplify the already terrible traffic conditions on our residential streets. Primarily Bluff St. and Vine Ave. These two streets experience high commuter traffic from Corona and EastVale. Drivers are on average in excess of 10-15 mph and some even more. I know this because I see it every day flashing on the electronic speed signs on these streets. Non-equestrian drivers are more apt to speed disregarding the suddenness of horses spooking or simply crossing the street.

>>

>> Lastly, regardless of lot sizes there is still going to be an influx of traffic. Many residents on both Bluff and Vine Ave have experienced a decrease in the quality of their lives due to the noise that traffic, especially speeding drivers create. It is long past due that city managers, directors, and council deal with this problem by installing speed humps or more stop signs. Streets like Broken Lance, adjacent to the prison, have three way stop signs at Broken Feather and Broken Twig. So should Bluff at the proposed "F" Street and on Vine at Half Moon and Driftwood. This would quiet the noise of traffic and slow speeding drivers. It could potentially redirect many commuters to take The light at River Rd. and Corydon. Since there is a history of traffic fatalities on Vine Ave, specifically Quinn McKeagan who was sitting in the passenger seat when his sister was speeding and distracted crashed into the horse trail fencing. The city failed to account that that was the second fatality and neglected to do anything but name a baseball field after him. Drivers today could care less if pedestrians are walking in the street pushing strollers or taking their dogs for a walk. It is also an official horse trail street and frequented by many pedestrians who ride the bluff trails or to the Ted Brooks park. Just recently a speeding driver locked up on his brakes and crashed into the speed sign and horse trail and taking down a resident's mailbox. Will it take a third fatality for the city to think there is a problem?

>>

>> All in all, while I'm glad that the project does include some open space, there are critical matters that necessitate change to the proposed development and issues of traffic that must be attended to. I hope Alma Robles that you are not closed minded to these points and will act V in good faith for your community.

>>

>> Thank you for your time.

>>

>> Stacia Lloyd

Sent from my iPhone

July 21, 2023

Virginia Paul  
[REDACTED]  
Norco, CA 92860  
[REDACTED]  
[REDACTED]

Alma Robles, Community Development Director  
City of Norco Planning Department  
2870 Clark Avenue  
Norco, CA 92860  
951-201-2067  
[arobles@ci.norco.ca.us](mailto:arobles@ci.norco.ca.us)

Dear Alma

Thank you for the opportunity to comment on the proposed JD Ranch Residential Project (Project) described in the Notice of Preparation (NOP) phase of the Environmental Impact Report (EIR). I support the development of the dairy and adjoining parcels into residential animal keeping lots but have some concerns.

My two major issues with the proposed Project are:

1. **Increased volume and speed of vehicle traffic** on Bluff Street and Vine Avenue adding to existing hazardous conditions for horses and pedestrians especially during morning and evening commute times. Active and passive traffic management controls need to be designed, deployed and monitored to improve safety for residents, pedestrians and horses.
2. **High lot density** within the Project. The surrounding single family residential areas (NOP, Figure 2) are dominated by lots about a half-acre or larger. Many of the Project's proposed lots are about a quarter acre. The Project lots should conform to the larger lot minimums of the adjacent animal keeping community to maintain neighborhood values. Larger lot minimums within the Project will also permit more than one horse per lot without modifying the current Animal Keeping Overlay (AKO) Zone (Chapter 18.16).

The two concerns outlined above will negatively impact the quality of life for horses and people living within and traveling through our bluff community if they are ignored. Please let me know if you have questions or need additional information. I look forward to reviewing the EIR expected later this year.

Sincerely



Virginia Paul

CC: Norco Planning [planning@ci.norco.ca.us](mailto:planning@ci.norco.ca.us)





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](http://www.wildlife.ca.gov)

*GAVIN NEWSOM, Governor*  
*CHARLTON H. BONHAM, Director*



July 21, 2023  
*Sent via email*

Alma Robles, Community Development Director  
City of Norco  
2870 Clark Avenue  
Norco, CA 92860

Subject: Notice of Preparation of a Draft Environmental Impact Report  
JD Ranch Residential Project  
State Clearinghouse No. 2023060617

Dear Ms. Robles:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Norco (City) for the JD Ranch Residential Project (Project) pursuant 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.

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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.

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

## **PROJECT LOCATION**

The proposed Project is located northeast of River Road, south/southeast of the Santa Ana River and Bluff Street, and north of Sundance Lane. The proposed Project is located within Assessor's Parcel Numbers 121-110-001 and 121-110-003. The site is located within the U.S. Geological Survey (USGS) 7.5- Corona North quadrangle; Township 3 South, Range 7 West, Section 11 of the San Bernardino Base and Meridian (SBBM).

## **PROJECT DESCRIPTION SUMMARY**

The Project would consist of a General Plan Amendment, a Zone Change, and Tentative Parcel Map (on 34.38 acres), to allow for the development of a 68-unit single family detached housing project on a minimum 10,000 square foot lots. The Project proposes to widen River Road an additional 21 feet with a proposed 6-foot parkway and 12-foot equestrian trail for a total width of 110 feet. The Project also proposes the widening of Bluff Street to 60 feet. It would also include the removal of the existing dairy facilities and some of the power poles along River Road.

In addition, the Project proposes a 12-foot equestrian trail on the north side of River Road and on the east side of Bluff Street. Additionally, within the project a 12-foot equestrian trail is proposed along the local streets and would connect to the proposed equestrian trails along River Road and Bluff Street.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the City of Norco 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 CDFW to adequately review and comment on the proposed Project with respect to the Project's consistency with the MSHCP.

CDFW recommends that the forthcoming DEIR address the following:

## Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the Project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

CDFW recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the Project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association-based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009<sup>2</sup>). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the Project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov) or <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data> to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project.

CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish & G. Code, § 3511). Species to be addressed should

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<sup>2</sup> Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2<sup>nd</sup> ed. California Native Plant Society Press, Sacramento, California. <http://vegetation.cnps.org/>

include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific/MSHCP surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.

Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018<sup>3</sup>).
5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).
6. A full accounting of all open space and mitigation/conservation lands within and adjacent to the Project.

### **Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources**

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project. To ensure that Project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity (e.g., recreation), defensible space, and wildlife-human interactions created by zoning of development projects or other Project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface

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<sup>3</sup> CDFW, 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, State of California, California Natural Resources Agency, Department of Fish and Wildlife: March 20, 2018 (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>)

flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.

2. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g., National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).
3. An evaluation of impacts to on-site and adjacent open space lands from both the construction of the Project and any long-term operational and maintenance needs.
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The DEIR should analyze the cumulative effects of the plan's land use designations, policies, and programs on the environment. Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

### **Alternatives Analysis**

CDFW recommends the DEIR describe and analyze a range of reasonable alternatives to the Project that are potentially feasible, would "feasibly attain most of the basic objectives of the Project," and would avoid or substantially lessen any of the Project's significant effects (CEQA Guidelines § 15126.6[a]). The alternatives analysis should also evaluate a "no project" alternative (CEQA Guidelines § 15126.6[e]).

### **Objectives**

Section 15124(b) of the CEQA Guidelines requires that the project description contain a clear statement of the project objectives. CDFW recommends that the DEIR should include an objective to demonstrate consistency with the MSHCP, including the biological issues and considerations for urban/wildlands interface guidelines, narrow endemic plant species, and sensitive species.

### **Mitigation Measures for Project Impacts to Biological Resources**

The DEIR should identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. The Lead Agency should assess all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the Project and its long-term operation and maintenance.

When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from Project-related direct and indirect impacts.
3. *California Species of Special Concern (CSSC)*: CSSC status applies to animals generally not listed under the federal Endangered Species Act or the CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. CSSCs should be considered during the environmental review process. CSSC that have the potential or have been documented to occur within or adjacent to the Project area, including, but not limited to: arroyo chub, burrowing owl, coast horned lizard, coastal California gnatcatcher, coastal whiptail, pocketed free-tailed bat, red-diamond rattlesnake, Southern California legless lizard, tricolored blackbird, western mastiff bat, western pond turtle, western yellow bat, yellow rail, yellow warbler, and yellow-breasted chat.
4. *Mitigation*: CDFW considers adverse Project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR should include mitigation measures for adverse Project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of Project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement, and preservation should be evaluated and discussed in detail. Where habitat preservation is not available onsite, offsite land acquisition, management, and preservation should be evaluated and discussed in detail.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset Project-induced qualitative and quantitative losses of

biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR. CEQA Guidelines section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. County of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

CDFW recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, in order for mitigation measures to be effective, they need to be specific, enforceable, and feasible actions that will improve environmental conditions.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in advance of Project impacts in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration

efforts. Specific restoration plans should be developed for various Project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

6. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: 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 Treaty Act.

CDFW recommends that the DEIR include the results of avian surveys, 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 DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. If pre-construction surveys are proposed in the DEIR, the CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

7. *Moving out of Harm's Way*: To avoid direct mortality, CDFW recommends that the lead agency condition the DEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from Project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting Project impacts associated with habitat loss.



8. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

### **California Endangered Species Act**

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (California Fish and Game Code Section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of State-listed CESA species, either through construction or over the life of the Project. It is the policy of CESA to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. The California Fish and Game Code requires that CDFW comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the DEIR addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of CESA.

### **Western Riverside County Multiple Species Habitat Conservation Plan**

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. To obtain additional information regarding the MSHCP please go to: <https://www.wrc-rca.org/>.

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 of Norco 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 implements the following:

1. Pays Local Development Mitigation Fees and other relevant fees as set forth in Section 8.5 of the MSHCP.
2. Demonstrates compliance with the policies for 1) the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools, set forth in Section 6.1.2 of the MSHCP; 2) the policies for the Protection of Narrow Endemic Plant Species set forth in Section 6.1.3 of the MSHCP; 3) compliance with the Urban/Wildlands Interface Guidelines as set forth in Section 6.1.4 of the MSHCP; 4) the policies set forth in Section 6.3.2 and associated vegetation survey requirements identified in Section 6.3.1; and 5) compliance with 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.

Following this sequential identification of the relationship of the Project to the MSHCP the DEIR should then include an in-depth discussion of the Project in the context of these aforementioned elements, and as mentioned, examine how the Project might contribute to, or conflict with, the conservation criteria of the MSHCP.

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

Procedures described in the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools section (MSHCP Section 6.1.2) are to ensure that the biological functions and values of these areas are maintained throughout the MSHCP area. Additionally, this process helps identify areas to consider for priority acquisition, as well as those functions that may affect downstream values related to Conservation of Covered Species within the MSHCP Conservation Area. The assessment of riparian/riverine and vernal pool resources may be completed as part of the CEQA review process as set forth in Article V of the State CEQA Guidelines. However, the MSHCP identifies that the U.S. Fish and Wildlife Service and CDFW shall be notified in advance of approval of public or private projects of determinations for the biologically equivalent or superior determination findings associated with the Protection of Wetland Habitats and Species policies presented in Section 6.1.2 of the MSHCP (MSHCP Section 6.11). As required by MSHCP, completion of the DBESP process prior to adoption of the environmental document ensures that the project is consistent with the MSHCP and provides public disclosure and transparency during the CEQA process by identifying the project impacts and mitigation for wetland habitat, a requirement of CEQA Guidelines, §§ 15071, subs.(a)-(e).

The MSHCP identifies that assessment of these areas include identification and mapping of riparian/riverine areas and vernal pools. The assessment shall consider species composition, topography/ hydrology, and soil analysis, where appropriate. The documentation for the assessment shall include mapping and a description of the

functions and values of the mapped areas with respect to the species identified in Section 6.1.2 of the MSHCP. Factors to be considered include hydrologic regime, flood storage and flood-flow modification, nutrient retention and transformation, sediment trapping and transport, toxicant trapping, public use, wildlife Habitat, and aquatic Habitat.

The MSHCP identifies that for mapped riparian/riverine and vernal pool resources that are not included in the MSHCP conservation area, applicable mitigation under CEQA, shall be imposed by the Permittee (in this case the Lead Agency). Further, the MSHCP identifies that to ensure the standards in Section 6.1.2 are met, the Permittee shall ensure that, through the CEQA process, project applicants develop project alternatives demonstrating efforts that first avoid, and then minimize direct and indirect effects to the wetlands mapped pursuant to Section 6.1.2. If an avoidance alternative is not feasible, a practicable alternative that minimizes direct and indirect effects to riparian/riverine areas and vernal pools and associated functions and values to the greatest extent possible shall be selected. Those impacts that are unavoidable shall be mitigated such that the lost functions and values as they relate to Covered Species are replaced as through the Determination of Biologically Equivalent or Superior Preservation (DBESP). The City is required to ensure the Applicant completes the DBESP process prior to completion of the DEIR to demonstrate implementation of MSHCP requirements in the CEQA documentation.

Within the Project site, the following MSHCP requirements apply for the Narrow Endemic Plant Species Survey Area (MSHCP Section 6.1.3) and Additional Survey Needs and Procedures (MSHCP Section 6.3.2):

#### Narrow Endemic Plant Species

Portions of the Project site fall within the MSHCP Section 6.1.3 survey area and have the potential to support the following Narrow Endemic Plant Species: San Diego ambrosia (*Ambrosia pumila*), Brand's phacelia (*Phacelia stellaris*), and San Miguel savory (*Clinopodium chandleri*). Therefore, the DEIR should address any potential impacts to these species.

More specifically the DEIR should include surveys for these species done within the appropriate time of years. Based on rainfall in a given year, surveys for San Diego ambrosia and San Miguel savory are typically done at peak blooming which can be from April through the end of July. Surveys for Brand's phacelia should be completed between March to May. The survey results and discussion of the findings should be included in the DBESP, pursuant to MSHCP Section 6.1.3. Additionally, the DBESP should be submitted prior to completion/adoption of the DEIR. Site specific surveys for Narrow Endemic Plant Species are required for all public and private projects where appropriate habitat is present.

CDFW recommends that the City follow the recommendations and guidance provided through MSHCP Section 6.1.3 to ensure Narrow Endemic Plant Species requirements are fulfilled.

Burrowing Owl (*Athene cunicularia*)

The Project site has the potential to provide suitable foraging and/or nesting habitat for burrowing owl. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.”

CDFW recommends that the Lead Agency follow the survey instructions in the “Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area”<sup>4</sup>. The Survey Instructions specify that first a habitat assessment is conducted. If suitable habitat is not found on site, simply reporting the site is disturbed or under agricultural/dairy use is not acceptable. A written report must be provided detailing results of the habitat assessment with photographs and indicating whether or not the project site contains suitable burrowing owl habitat. If suitable habitat is found, then focused surveys at the appropriate time of year (March 1 to August 31), time of day, and weather conditions must be completed. Surveys will not be accepted if they are conducted during rain, high winds (> 20 mph), dense fog, or temperatures over 90 °F. The surveys must include focused burrow surveys and burrowing owl surveys. For the focused burrow surveys, the location of all suitable burrowing owl habitat, potential owl burrows, burrowing owl sign, and any owls observed should be recorded and mapped, including GPS coordinates in the report. The focused burrowing owl surveys include site visits on four separate days. CDFW recommends that the site visits are conducted at least a week apart to avoid missing owls that may be using the site. Finally, CDFW recommends the report also include an impact assessment evaluating the extent to which burrowing owls and their habitat may be impacted, directly or indirectly by Project activities. A final report discussing the survey methodology, transect width, duration, conditions, and results of the Survey shall be submitted to the RCA and the City.

Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be

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<sup>4</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)

impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

Additionally, 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 Appendix E (Summary of Species Survey Requirements). Appendix E of the MSHCP outlines survey requirements, actions to be taken if survey results are positive, and species-specific conservation objectives, among other relevant information.

Urban/ Wildlands Interface Guidelines, MSHCP Section 6.1.4:

As the MSHCP Conservation Area is assembled, boundaries are established between development and MSHCP Conservation Areas. Development near the MSHCP Conservation Area may result in edge effects that will adversely affect biological resources within the MSHCP Conservation Area. To minimize edge effects and maintain conservation values within the Conservation Areas, the County is required to implement the Urban/Wildlands Interface Guidelines (MSHCP Section 6.1.4) to minimize harmful effects from drainage, toxics, lighting, noise, invasives, barriers, and grading/land development. The MSHCP identifies that Project review and impact mitigation be provided through the CEQA process to address the Urban/Wildland Interface guidelines.

CDFW recommends that the DEIR include an analysis of edge effects related to project construction and operation, such as noise, lighting, trespass, and toxics and that Project specific mitigation measures to avoid and minimize any effects be included in the DEIR. Avoidance and minimization measures can include, but are not limited to:

1. *Lighting Plan*: A Lighting Plan that identifies existing ambient lighting conditions, analyzes the Project lighting impacts on the adjacent Conservation Area, and demonstrates that the proposed lighting plan will not significantly increase the lighting on the Conservation Area. The Lighting Plan should identify measures that address light and glare from interior and exterior building lighting, safety and security lighting, and vehicular traffic accessing the site at a minimum.
2. *Noise Plan*: A Noise Plan to avoid and minimize noise impacts based on an assessment of Project noise impacts on adjacent conservation areas during construction and post development. The MSHCP identifies that Project noise impacts do not exceed the residential standards within the Conservation Areas.
3. *Landscaping Plan*: A Landscaping plan that includes the use of native plant material on the Project site and avoids the use of invasive plant species identified in Table 6-2 of the MSHCP.
4. *Fencing Plan*: A Barrier and Fencing plan that provides specific details designed to minimize unauthorized public access, domestic animal predation, illegal trespass,

and dumping in the MSHCP Conservation Area (such as block walls along areas directly adjacent to potential conservation areas) and

5. *Best Management Practices*: The DEIR should incorporate the guidance in MSHCP Section 7.0 and Appendix C of the MSHCP for addressing Best Management Practices.

### **Stephens' Kangaroo Rat Habitat Conservation Plan**

The Project occurs within the Stephens' kangaroo rat (*Dipodomys stephensi*) Habitat Conservation Plan (SKR HCP) fee area boundary, SKR HCP plan area map available here: <https://rchca.us/DocumentCenter/View/200/SKR-Plan-Area>. State and federal authorizations associated with the SKR HCP provide take authorization for Stephens' kangaroo rat within its boundaries, and the MSHCP provides Take Authorization for Stephens' kangaroo rat outside of the boundaries of the SKR HCP, but within the MSHCP area boundaries. The DEIR should identify if any portion of the Project will occur on SKR HCP lands, or on Stephens' kangaroo rat habitat lands outside of the SKR HCP, but within the MSHCP. Note that the SKR HCP allows for encroachment into the Stephens' kangaroo rat Core Reserve for public projects, however, there are no provisions for encroachment into the Core Reserve for privately owned projects. If impacts to Stephens' kangaroo rat habitat will occur from the proposed Project, the DEIR should specifically identify the total number of permanent impacts to Stephens' kangaroo rat core habitat and the appropriate mitigation to compensate for those impacts.

### **Lake and Streambed Alteration Program**

Based on review of material submitted with the NOP, drainage features may traverse some of the parcels within the Project's scope. Depending on how the Project is designed and constructed, it is likely that the Project applicant will need to notify CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream, or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

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

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

## **ADDITIONAL COMMENTS AND RECOMMENDATIONS**

### *Native Landscaping*

To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants, more 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, and some facilities display drought-tolerant locally native species demonstration gardens (for example the Riverside-Corona Resource Conservation District in Riverside). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <https://saveourwater.com/>.

## **ENVIRONMENTAL DATA**

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

Alma Robles, Community Development Director  
City of Norco  
July 21, 2023  
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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 NOP of a DEIR for the JD Ranch Residential Project (SCH No. 2023060617) and recommends that the City of Norco address CDFW's comments and concerns in the forthcoming DEIR. Questions regarding this letter or further coordination should be directed Katrina Rehrer, Environmental Scientist, at [Katrina.rehrer@wildlife.ca.gov](mailto:Katrina.rehrer@wildlife.ca.gov).

Sincerely,

Kim Freeburn  
Environmental Program Manager

ec:

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Riverside County Fire Department  
Office of the Fire Marshal  
City of Norco  
3902 Hillside Ave. Norco, CA 92860  
Bus (951) 737-8097 FAX (951) 734-8531



Date: July 24, 2023

Reviewer: Frank Martinez, Fire Safety Specialist

Project: JD Ranch Residential Project; Notice of Preparation (Environmental Impact Report)  
APN: 121-110-003 & 121-110-001

**This letter provides fire protection comments in accordance with the City of Norco and Riverside County Fire Department standards. This is a preliminary review; final conditions will be addressed when complete EIR is reviewed.**

1. At this time the Fire Department has no comment. The Notice of Preparation indicates the EIR will evaluate Wildfire.

**Review of this plan does not authorize or approve any omission or deviation from all applicable regulations. Final approval is subject to field inspection.**

**All questions regarding the meaning of the code requirements should be directed to the Fire Department at (951) 737-8097.**