



State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

October 26, 2023

October 26 2023

STATE CLEARINGHOUSE

Mr. Jason Swenson
Senior Flood Control Planner
1995 Market Street
Riverside, CA 92501
Jdswenso@rivco.org

**Subject: Draft Mitigated Negative Declaration, Woodcrest-Rinehart Acres
Drainage Plan Project, State Clearinghouse No. 2023090666, Riverside
County Flood Control and Water Conservation District, Riverside County**

Dear Mr. Swenson:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the Riverside County Flood Control and Water Conservation District (District), as the Project Applicant/Proponent, for the Woodcrest-Rinehart Acres Drainage Plan Project (Project), pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (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 state fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including 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.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

CDFW issued Natural Community Conservation Plan approval and take authorization in 2004 for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), as per Section 2800, *et seq.*, of the California Fish and Game Code. The MSHCP established a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. CDFW is providing the following comments as they relate to the Project’s consistency with the MSHCP and CEQA.

PROJECT DESCRIPTION AND SUMMARY

Description: The Riverside County Flood Control and Water Conservation District (District; Lead Agency), as the Project Applicant, is proposing the Woodcrest-Rinehart Acres Drainage Plan Project (Project). The proposed Project will consist of construction, operation, and maintenance of a series of 100-year reinforced concrete pipe (RCP) storm drain facilities ranging in diameter from 18 to 66 inches totaling approximately 8,000 linear feet (lf), as well as the construction of approximately 23 catch basins and 12 drop inlets to capture flows and address local drainage along Mariposa Avenue, Granite Avenue, Boulder Avenue, Dallas Avenue, Obsidian Drive, and Wood Road. The Project also includes installation of an outlet structure with an energy dissipator, and grouted riprap lined turnaround, as well as 10,600 lf of street improvements consisting of paving, berms, and gutters for currently unpaved street sections within the Project site. Additionally, the Project would include the removal and disposal of approximately 3,860 lf of existing asphalt concrete (AC) berm. In addition, drain conveyance from the mainline and three (3) laterals will outlet at a proposed structure that eventually drains into an existing stream approximately 700 ft east of the Dallas Avenue and Wood Drive intersection.

Location: The Project site is located south of Mariposa Avenue, west of Parsons Road, north of Dallas Avenue, and east of Taft Street within unincorporated Riverside County, California, in Township 3 South, Sections 31 and 32, Range 4 West, of the U.S. Geological Survey Steele Peak 7.5”, California topographic quadrangle map; Assessor’s Parcel Number 266-211-004.

COMMENTS AND RECOMMENDATIONS

Based on the documents for review, CDFW offers the comments and recommendations below to assist the District in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Specific Comments

Comment #1: Protection of Riparian/Riverine and Vernal Pool Resources (MSHCP Section 6.1.2)

The procedures described in the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools section of the MSHCP Plan (MSHCP Section 6.1.2) are to ensure that the biological functions and values of these areas are maintained throughout the MSHCP Plan Area (including all areas of the Plan located outside the Criteria 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 (USFWS) and CDFW shall be notified in advance of approval of public or private projects of draft determinations for the biologically equivalent or superior determination findings associated with the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policies presented in Section 6.1.2 of the MSHCP (MSHCP Section 6.11). As required by the MSHCP Plan, its Implementation Agreement, and the District's associated take permits from USFWS and CDFW, completion of the DBESP process prior to adoption of the environmental document helps to ensure that the Project will be consistent with the MSHCP Plan, and provides public disclosure and transparency during the CEQA process by identifying the Project impacts and mitigation for wetland habitats and species, 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 District is required to complete the DBESP process prior to completion of the MND to demonstrate implementation of MSHCP requirements in the CEQA documentation.

CDFW appreciate the analysis of impacts provided within the MND and the associated survey reports. However, the MSHCP implementation process is not complete because a DBESP has not been submitted to CDFW for review and response to determine if the mitigation proposed for the impacts to riparian/riverine resources is biologically equivalent or superior preservation to avoidance. It is not appropriate for the District to adopt the MND until the DBESP is complete because the District is required to notify CDFW in advance of approval of public and private projects for identified MSHCP activities, such as completion of the DBESP for the riparian/riverine policy.

CDFW requests that to demonstrate implementation of the MSHCP, the District complete the DBESP process prior to the final adoption of the MND.

Comment #2: Burrowing Owl

Issue: The Project may have a significant impact on burrowing owl (*Athene cunicularia*), a Species of Special Concern (SSC).

Specific impacts: Project construction and activities may result in injury or mortality of burrowing owl, disrupt natural burrowing owl breeding behavior, and reduce reproductive capacity. Also, the Project may impact breeding, wintering, and foraging habitat for the species. Habitat loss could result in local extirpation of the species and contribute to local, regional, and State-wide declines of burrowing owl.

Why impacts would occur: The MND and Appendix 2B identifies that protocol burrowing owl focused surveys of the Project site were completed, as described in the

2006 Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area and that no burrowing owls were seen; however, suitable habitat was found. Additional details (the survey dates, times, etc.) were provided regarding the burrowing owl surveys mentioned within the MND.

There is insufficient information provided to determine if the proposed avoidance and minimization measures will mitigate Project impacts below a level of significance. BIO-1 does not include any minimization measures to address the potential for occupied burrowing owl burrows, both during the nesting season and outside breeding season, from the types of disturbance associated with the Project. Burrowing owls could react to low level disturbances such as surveys, drive by, or minimal ground disturbance/excavation (Environment Canada 2009). The Project could generate noise and ground vibrations more consistent with medium to high level disturbance. Project construction would generate noise and ground vibrations during daytime and nighttime earthmoving activities, demolition, tunneling, spoils hauling, and operation of large machinery. These types of disturbances could result in burrowing owls abandoning active nests, potentially causing loss of eggs or developing young, and noise could cause birds to avoid suitable nesting habitat.

Evidence impact would be significant: Burrowing owl is a SSC, an SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or,
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status (CDFW 2022b). CEQA provides protection not only for ESA and CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. These SSC meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). In addition, migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). It is unlawful to take, possess, or needlessly

destroy the nest or eggs of any raptor.

In California, burrowing owls are in decline primarily because of habitat loss, as well as disease, predation, and drought. Burrowing owls require specific soil and microhabitat conditions, occur in few locations within a broad habitat category of grassland and some forms of agricultural land, require a relatively large home range to support their life history requirements, occur in relatively low numbers, and are semi-colonial.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To avoid take of active burrowing owl burrows (nests), CDFW requests the District include the following mitigation measures in the MND per below (edits are in ~~strike through~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program.

MM-Bio 1: Burrowing Owl. A pre-construction survey for burrowing owls shall be conducted, **to maintain compliance with the Multiple Species Habitat Conservation Plan (MSHCP), Migratory Bird Treaty Act (MBTA), and California Fish and Game Code (CFGC)**, within 30 days prior to ground disturbance to avoid direct impacts to the species. The survey shall encompass suitable habitat in the construction footprint plus a 500-foot buffer and follow the 2006 Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area. This requirement shall be included on project construction plans and specifications. **Once the survey is completed, the qualified biologist shall prepare and submit a final report documenting the results of the clearance survey to the District for review and file. In addition, a preconstruction survey for burrowing owl shall be conducted within 3 days prior to initiation of Project activities and reported to CDFW. Additionally, if ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey shall again be necessary to minimize the possibility burrowing owl have not colonized the site since it was last disturbed.**

If no BUOWs or occupied burrows are detected, project activities may begin. If the species is detected, then avoidance or minimization measures shall be undertaken in consultation with the District, California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS). CDFW shall be sent written notification within 48 hours of detection of burrowing owl. If active nests are identified on an implementing project site during the pre-construction survey, the Project applicant shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or a Burrowing Owl Protection and Relocation Plan shall be drafted to ensure protection of the species as described below, with approval from

CDFW. If owl presence is difficult to determine, a qualified biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan.

The qualified biologist and Project Applicant shall coordinate with the District, CDFW, and USFWS to develop a Burrowing Owl Plan to be submitted and approved by the District, CDFW and USFWS prior to commencing Project activities. The plan shall include appropriate avoidance buffers, passive and/or active relocation, construction monitoring, and reporting requirements. ~~The plan shall be reviewed and approved within 30 days of receipt by the Regional Conservation Authority and California Department of Fish and Wildlife.~~ **The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The District will implement the Burrowing Owl Plan following CDFW and USFWS review and approval. If the species is not detected, then no further action is required.**

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

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

Comment #3: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA)

Issue: Based on review of material submitted with the MND and review of aerial photography, the Project has the potential to impact fish and wildlife resources subject to Fish and Game Code section 1600 et seq.

Specific Impact: Based on review of material submitted with the MND and review of aerial photography, the Project has the potential to impact fish and wildlife resources subject to Fish and Game Code section 1600 et seq. The MND identified that the drainage structure will be placed into an ephemeral stream approximately 700 ft east of the Dallas Avenue and Wood Drive intersection and may be considered a resource subject to Fish and Game Code section 1600. The Project activities have the potential to impact fish and wildlife resources through the deposition of debris, waste or other materials that could pass into any river, stream, or lake.

Why Impact Would Occur: Project-related activities could potentially alter drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.

Evidence Impact Would Be Significant: The Project may substantially adversely affect the existing stream pattern and geomorphologic processes of the Project site through the deposition of debris, waste or other materials that could pass into any river, stream or lake. 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 the 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 MND 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 obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Recommended potentially feasible mitigation measure(s):

Mitigation Measure #1: To ensure compliance with Fish and Game Code section 1602 CDFW recommends that the District condition the MND to include a mitigation measure for consultation with CDFW to determine if Fish and Game Code section 1600 et seq. resources may occur within the proposed Project alignment.

CDFW recommends the inclusion of the following measure in the MND per the edits below (edits are in ~~strike through~~ and **bold**), and also included in Attachment 1 “Mitigation Monitoring and Reporting Program”:

Mitigation Measure XX: If jurisdictional waters are impacted as a result of project implementation, the District shall obtain all appropriate permits pursuant to Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers, a Water Quality Certification pursuant to Section 401 of the Clean Water Act from the Regional Water Quality Control Board, and a Streambed Alteration Agreement from CDFW pursuant to Sections 1600–1616 of the California Fish and Game Code. Prior to the grading the Project site and prior to the start of Project activities, the Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources. The applicant shall either receive a Streambed Alteration Agreement (SAA) or written documentation from CDFW that a Streamed Alteration Agreement is not needed.

The notification to CDFW should provide the following information:

- 1. A stream delineation including the bed, bank and channel;**
- 2. Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation (Sawyer et al 2009);**
- 3. A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and**

4. A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site.

If an SAA is required, the Applicant shall provide compensatory mitigation at no less than 3:1 for impacts to streams and associated natural communities, or at a ratio acceptable to CDFW per a LSA Agreement. Mitigation should occur within the Western Riverside County. On-site mitigation measures may include the enhancement of existing streams. A conceptual Habitat Mitigation and Monitoring Plan shall be prepared, if necessary, for the enhancement activities to address impacts to Fish and Game Code section 1602 resources, which may include non-native species removal and revegetation followed by periodic monitoring. The plan shall specify the criteria and standards by which the enhancement actions will compensate for impacts of the project on streams.

Additional Recommendations

Weed Management Plan. A weed management plan should be developed for the Project site and implemented during the duration of this long-term Project. On-going soil disturbance promotes establishment and growth of non-native weeds. As part of the Project, non-native weeds should be prevented from becoming established. The Project's site should be monitored via mapping for new introductions and expansions of non-native weeds.

Mitigation and Monitoring Reporting Plan

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

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND for the Woodcrest-Rinehart Acres Drainage Plan Project, State Clearinghouse No. 2023090666 to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. CDFW requests that the Riverside County Flood Control and Water Conservation District address CDFW's comments and concerns prior to adoption of the MND for the Project.

Questions regarding this letter or further coordination should be directed to Katrina Rehrer, Environmental Scientist, at katrina.rehrer@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Kim Freeburn
Environmental Program Manager

ec: **California Department of Fish and Wildlife**
Carly Beck, Senior Environmental Scientist Supervisor
Carly.Beck@wildlife.ca.gov

U.S. Fish and Wildlife Service

Mr. Jason Swenson
Riverside County Flood Control and Water Conservation District
October 26, 2023
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REFERENCES

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project’s final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM)		Timing	Responsible Party
Burrowing Owl	<p>MM BIO-1: A pre-construction survey for burrowing owls shall be conducted, to maintain compliance with the Multiple Species Habitat Conservation Plan (MSHCP), Migratory Bird Treaty Act (MBTA), and California Fish and Game Code (CFGC), within 30 days prior to ground disturbance to avoid direct impacts to the species. The survey shall encompass suitable habitat in the construction footprint plus a 500-foot buffer and follow the 2006 Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area. This requirement shall be included on project construction plans and specifications. Once the survey is completed, the qualified biologist shall prepare and submit a final report documenting the results of the clearance survey to the District for review and file. In addition, a preconstruction survey for burrowing owl shall be conducted within 3 days prior to initiation of Project activities and reported to CDFW. Additionally, if ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey shall again be necessary to minimize the possibility burrowing owl have not colonized the site since it was last disturbed.</p> <p>If no BUOWs or occupied burrows are detected, project activities may begin. If the species is detected, then avoidance or</p>	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	<p>minimization measures shall be undertaken in consultation with the District, California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS). CDFW shall be sent written notification within 48 hours of detection of burrowing owl. If active nests are identified on an implementing project site during the pre-construction survey, the Project applicant shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or a Burrowing Owl Protection and Relocation Plan shall be drafted to ensure protection of the species as described below, with approval from CDFW. If owl presence is difficult to determine, a qualified biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan.</p> <p>The qualified biologist and Project Applicant shall coordinate with the District, CDFW, and USFWS to develop a Burrowing Owl Plan to be submitted and approved by the District, CDFW and USFWS prior to commencing Project activities. The plan shall include appropriate avoidance buffers, passive and/or active relocation, construction monitoring, and reporting requirements. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The District will implement the Burrowing Owl Plan following CDFW and USFWS review and approval. If the species is not detected, then no further action is required.</p> <p>If burrowing owls are observed within Project Site(s) during</p>		
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	<p>Project implementation and construction, the Project applicant shall notify CDFW immediately in writing within 48 hours of detection. A Burrowing Owl Plan will be submitted to CDFW for review and approval within two weeks of detection and no Project activity will continue within 1000 feet of the burrowing owls until CDFW approves the Burrowing Owl Plan. The District shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Plan.</p> <p>A final report shall be prepared by a qualified biologist documenting the results of the burrowing owl surveys and detailing avoidance, minimization, and mitigation measures. The final report will be submitted to the District and CDFW within 30 days of completion of the survey and burrowing monitoring for mitigation monitoring compliance record keeping.</p>		
<p>LSAA</p>	<p>MM BIO-X: If jurisdictional waters are impacted as a result of project implementation, the District shall obtain all appropriate permits pursuant to Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers, a Water Quality Certification pursuant to Section 401 of the Clean Water Act from the Regional Water Quality Control Board, and a Streambed Alteration Agreement from CDFW pursuant to Sections 1600–1616 of the California Fish and Game Code. Prior to the grading the Project site and prior to the start of Project activities, the Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources. The applicant shall either receive a Streambed Alteration Agreement (SAA) or written documentation from CDFW that a Streamed Alteration Agreement is not needed.</p> <p>The notification to CDFW should provide the following information:</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

	<ol style="list-style-type: none">1. A stream delineation including the bed, bank and channel;2. Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation (Sawyer et al 2009);3. A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and4. A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. <p>If an SAA is required, the Applicant shall provide compensatory mitigation at no less than 3:1 for impacts to streams and associated natural communities, or at a ratio acceptable to CDFW per a LSA Agreement. Mitigation should occur within the Western Riverside County. On-site mitigation measures may include the enhancement of existing streams. A conceptual Habitat Mitigation and Monitoring Plan shall be prepared, if necessary, for the enhancement activities to address impacts to Fish and Game Code section 1602 resources, which may include non-native species removal and revegetation followed by periodic monitoring. The plan shall specify the criteria and standards by which the</p>		
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Mr. Jason Swenson
Riverside County Flood Control and Water Conservation District
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	enhancement actions will compensate for impacts of the project on streams.		
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