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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

February 9, 2024

February 09 2024

## STATE CLEARINGHOUSE

Michael Sullivan  
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County of Riverside  
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**Subject: Draft Mitigated Negative Declaration, Riverside University Health System Mead Valley Wellness Village Project, State Clearinghouse No. 2024010232, County of Riverside**

Dear Michael Sullivan:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the County of Riverside (County), as the Project Applicant/Proponent, for the Riverside University Health System Mead Valley Wellness Village Project (Project), pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines<sup>1</sup>.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & G. Code, §§ 711.7, 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.

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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, 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 County of Riverside (County; Lead Agency), on behalf of PMB, LLC (the Project Applicant), are proposing the Riverside University Health System Mead Valley Wellness Village Project (Project). The proposed Project will consist of the construction and operation of five buildings that would total approximately 450,361 square feet, associated living facilities for patients, 633 surface parking spaces, landscaping, and walkways. The proposed project will include approximately 11,958 square feet of off-site landscaped area and 180,599 square feet of on-site landscaping (approximately 21 percent of the project site).

Site preparation will disturb approximately 20 acres, and grading activities would excavate and/or fill approximately 180 acres of material, resulting in approximately 6,000 cubic yards of cut material to export from the project site. The Project would interconnect to existing utility connections located within the surrounding street rights-of-way, including Placentia Avenue and Water Street.

**Location:** The Project site is located south of Placentia Avenue, west of Harvill Avenue, north of Water Street, and east of a small residential parcel and vacant land in unincorporated Riverside County, California, in Section 13, Township 4 South, Range 4 West, of the U.S. Geological Survey Perris 7.5”, California topographic quadrangle map within Assessor Parcel Number 317-260-034.

The Project is located within Subunit 1 (Motte/Rimrock) of the Mead Valley Area Plan that forms the Proposed Noncontiguous Habitat Block 4 of Criteria Cell 2529 of the MSHCP.

## COMMENTS AND RECOMMENDATIONS

Based on the documents for review, CDFW offers the comments and recommendations below to assist the County 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: 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 B identifies that the Project site was evaluated for burrowing owl habitat, and at least one potentially suitable burrow was found. Additional details (the survey dates, times, etc.) were provided regarding the burrowing owl habitat surveys mentioned within the MND. However, the MND states that "however, the one burrow detected during the survey contained no burrowing owl or their sign" but then states in the next sentence states that "no suitable burrowing owl burrows were observed during the focused surveys." CDFW recommends that the text in the MND be revised to clarify which of these statements is correct.

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.

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 states that "passive relocation activities during the non-breeding season (September 1 through January 31) may be authorized in consultation with CDFW, which would include

preparation, approval, and implementation of a Burrowing Owl Exclusion Plan in accordance with protocol described in the CDFW Staff Report on Burrowing Owl Mitigation". The CDFW *Staff Report on Burrowing Owl Mitigation* states that "exclusion in and of itself is not a take avoidance, minimization or mitigation method. Eviction of burrowing owls is a potentially significant impact under CEQA." (CDFW 2012), and the potential impacts to burrowing owl have yet to be mitigated to below a level of significance.

**Evidence impact would be significant:** Burrowing owl is an 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 County 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.** Since suitable habitat is present, pre-construction survey for burrowing owl will be required within 30 days prior to any ground-disturbing activities to avoid take of burrowing owls and occupied burrowing owl nests (MSHCP Species Specific Objective 6). If survey results are negative for burrowing owls during the 30 day preconstruction survey, project activities can proceed.

If survey results are positive and burrowing owl is found within the project site, the project proponent will need to inform the California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) immediately. An experienced biologist will need to verify if any burrowing owls within the project site are breeding or wintering, ~~and a non-disturbance buffer no less than 500 feet will be implemented and centered on the burrow(s) utilized. Burrowing owls should be allowed to leave the project site on their own accord if possible. Additional avoidance and minimization measures are not anticipated to be required by the wildlife resource agencies if non-disturbance buffers are maintained and burrowing owl are allowed to leave on their own accord. If burrowing owls cannot be avoided, a~~ Determination of Biologically Equivalent or Superior Preservation (DBESP) will need to be prepared and submitted to the CDFW and USFWS for approval prior to ground-disturbing activities. Additionally, a Burrowing Owl Protection and Relocation Plan will need to be prepared detailing passive (e.g., use of one-way doors and collapse of burrows) and/or active (e.g., capturing owls, relocating to a new site, and collapse of burrows) relocation methods. The Burrowing Owl Protection and Relocation Plan will need to be submitted to CDFW and USFWS for approval prior to initiating ground disturbance within the project site. **The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed.**

**If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation**

**method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the “Mitigation Impacts” section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, 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 Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval. ~~Take of active burrowing owl nests shall be avoided during the nesting season (March 1–August 31).~~**

~~If burrowing owls are observed within the project site at any time during project activities, the wildlife agencies CDFW and USFWS shall be notified immediately, and a Burrowing Owl Plan will be prepared as described above. Additional avoidance and minimization measures could be required by the wildlife resource agencies during the notification/document review process (e.g., exclusionary buffers, monitoring, or implementation of appropriate mitigation strategy).~~

## **Comment #2: Nesting Bird**

**Issue:** The Project may have a significant impact on nesting birds, including Species of Special Concern and fully protected species, that are subject to Fish and Game Code section 3513 and the Migratory Bird Treaty Act of 1918.

**Specific impact:** Project implementation could result in the loss of nesting and/or foraging habitat for passerine and raptor species from the removal of vegetation onsite.

**Why impacts would occur:** Project activities could result in temporary or long-term loss of suitable nesting and foraging habitats. Construction during the breeding season of nesting birds could potentially result in the incidental loss of breeding success or otherwise lead to nest abandonment. Noise from road use, generators, and heavy equipment may disrupt nesting bird mating calls or songs, which could impact reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009), and songbird abundance and density was significantly reduced in areas with high levels of noise (Bayne et al. 2008). Additionally, noise exceeding 70 dB(A) may affect feather and body growth of young birds (Kleist et al. 2018). In addition to construction activities, residential development and increased human presence in the Project site could contribute to nesting bird impacts.

The timing of the nesting season varies greatly depending on several factors, such as

the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have observed that changing climate conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests.

The duration of a pair to build a nest and incubate eggs varies considerably, therefore, CDFW recommends surveying for nesting behavior and/or nests and construction within three days prior to start of Project construction to ensure all nests on site are identified and to avoid take of nests. Without appropriate species-specific avoidance measures, biological construction monitoring may be ineffective for detecting nesting birds. This may result in take of nesting birds. Project ground-disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating native vegetation that may support essential foraging and breeding habitat.

**Evidence impacts would be significant:** It is the Project proponent's responsibility to avoid Take of all nesting birds. Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. These regulations apply anytime nests or eggs exist on the Project site.

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** To address the above issues and help the Project applicant avoid unlawfully taking of nesting birds, CDFW requests the County 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-2: Nesting Bird Surveys. Project activities requiring ground disturbance, construction activities, removal and/or trimming of vegetation suitable for nesting birds shall occur outside of the general bird breeding season to the greatest extent feasible. In the event that vegetation removal To ensure Project activities (i.e., earthwork, clearing, and grubbing) take place during are avoided or minimized during the bird nesting season (i.e., February 1–August 31), a qualified biologist shall**

conduct a nesting bird survey within 3 days prior to any construction activities beginning to ensure that birds are not engaged in active nesting within and around the project site. **If construction is inactive for more than three days, an additional survey shall be conducted. The results of the pre-construction survey shall be documented by the qualified biologist and shall be provided to County. The Project Applicant shall adhere to the following:**

- 1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.**
- 2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.**

**If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements.** If nesting birds are discovered during preconstruction surveys, the biologist shall identify an appropriate buffer **based on their best professional judgement and experience** (~~i.e., up to 500 feet depending on the circumstances and specific bird species~~) within which no construction activities or other disturbances are allowed to occur until after the birds have fledged from the nest **or the nest is confirmed to no longer be active.** Construction personnel shall be instructed regarding the ecological sensitivity of the fenced area. **The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. All nests shall be monitored as determined by the qualified biologist until nestlings have fledged and dispersed or it is confirmed that the nest has been unsuccessful or abandoned. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities**



**(e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. The qualified biologist shall halt all construction activities within proximity to an active nest if it is determined that the activities are harassing the nest and may result in nest abandonment or take. The biological monitor may modify the buffer or propose other recommendations in order to minimize disturbance to nesting birds. Work can resume within these avoidance areas when no other active nests are found.** The results of the survey shall be documented and filed with the Environmental Permitting Department prior to construction.

### **Comment #3: Noise Pollution**

**Issue:** Construction may result in substantial noise through road use, equipment, and other Project-related activities.

**Specific Impacts:** The proposed Project activities may result in a substantial amount of noise through road use, equipment, and other project-related activities. This may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55 to 60 dB (Barber et al. 2009).

**Why Impact Would Occur:** Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

**Evidence Impact Would Be Significant:** Construction may result in substantial noise through road use, equipment, and other Project-related activities. The MND (Section 3.13) states construction noise would occur due to the use of equipment that includes a combination of trucks, power tools, rock drills, and Impact Pile Drivers that when combined can reach high levels, but includes no analysis of the impacts of construction noise on biological resources. The MND indicates noise levels have the potential to reach 77 to 91 dBA during the hours when construction is permitted, which exceeds exposure levels that may adversely affect wildlife species. CDFW is concerned about impacts to wildlife from noise generated during Project activities.

The Project is located within Subunit 1: Motte/Rimrock of the Mead Valley Area Plan that forms the Proposed Noncontiguous Habitat Block 4 of Criteria Cell 2529 of the MSHCP and is also adjacent to proposed conserved lands associated with the Motte /

Rimrock Reserve the southwest. Per the MSHCP, wildlife adjacent to MSHCP Conservation Areas should not be subject to noise that would exceed residential noise standards. However, the MND only has the generic language from the MSHCP and does not provide specific details on the types of measures that will be implemented to reduce noise impacts to the adjacent Conservation Area. CDFW recommends that MM BIO-XX is included to provide specific measures to address noise impacts from the development to reduce edge effects from noise on the adjacent Conservation area. These measures should establish existing noise levels in the Conservation Area and post-project monitoring to evaluate the noise levels in the Conservation Area during construction and after the Project is complete.

#### **Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** To address the above issues and help the Project applicant avoid impacts from noise, CDFW requests the County include the following mitigation measures in the MND per below (edits are in strikethrough and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".

**MM BIO-XX:** Prior to approval of the Final Design, a Noise plan shall be submitted to County of Riverside for review and approval. The Noise Plan shall identify noise generating land uses that may affect the MSHCP Conservation Area and shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards. The Noise Plan shall include monitoring during construction and post-project to demonstrate noise levels in the Conservation Area do not exceed residential standards. If noise standards are exceeded, the Project Applicant is responsible for immediate implementation of remedial actions to reduce noise levels to acceptable levels.

#### **Comment #4: Lighting and Light Pollution**

**Issue:** Artificial lighting that does not conform to wildlife-friendly lighting guidelines often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife.

**Specific Impacts:** Artificial lighting and the resulting light pollution alter ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; and the detection of resources and natural enemies and navigation (Gatson et al. 2013). Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to

begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). Further, many of the effects of artificial nighttime lighting on population- or ecosystem-level processes are still poorly known.

**Why Impact Would Occur:** The MND identifies that light and glare from interior and exterior building lighting, safety and security lighting, and vehicular traffic accessing the site will occur once the site is in operation and would introduce a new source of light into the adjacent proposed Conservation Area. Nighttime lighting has the potential to indirectly affect wildlife use and activity in adjacent proposed Conservation Area. Shielded lighting will produce a glow, and with enough lights, may increase the ambient light level in the area at night. Species may be subject to increased predation from diurnal predators foraging for longer periods due to light from the adjacent development as well as increased visual acuity of nocturnal predators. The MND does not identify species that may be more vulnerable to increased predation from increased visibility and other impacts of adjacent lighting.

The MND identifies that the proposed Project would be developed in accordance with the MSHCP requirements and that must comply with the County's requirements that lighting be restricted to the Project site through shielding and directing light downward. However, the MND provides limited detail on shielded lighting and lacks specific, technical details on the type of lighting along the proposed Conservation Area boundary. The MND does not provide data on existing ambient lighting conditions and does not analyze the impacts of the lighting on the adjacent proposed Conservation Areas. The MND does not contain any measure that could be sufficient to offset the impacts of Project-related lighting on the Conservation Area. To ensure that any building, traffic, or parking area lighting would not significantly impact species within the proposed Conservation Area and would comply with MSHCP urban wildlife interface guidelines, recommend the Project is conditioned to provide a Lighting Plan that identifies existing ambient lighting conditions, analyzes the lighting impacts on the adjacent conservation area, and demonstrates that the proposed lighting plan will not significantly increase the lighting on the proposed Conservation Area.

**Evidence Impact Would Be Significant:** A significant source of artificial nighttime lighting with the potential to impact wildlife in adjacent conservation areas may come from lighting associated with the Project. Although the CEQA document indicates that all lightning will be shielded and directed away from wildlife areas, CDFW recommend that lightning analysis before Project construction and operations is needed to determine that existing lighting levels and to demonstrate that potential lightning impacts to wildlife using adjacent conserved area will be less than significant. To determine if artificial nighttime lighting associated with Project construction and operations will result in minimal to no increase from existing lighting levels to all areas of proposed Conservation Area, CDFW recommend that lighting and glare impacts are evaluated

before, during, and after Project construction and operations. CDFW request the inclusion of the following new measures in the MND:

**Recommended Potentially Feasible Mitigation Measure(s):**

**Mitigation Measure #1:** To address the above issues and help the Project applicant avoid impacts from light and light pollution, CDFW requests the County include the following mitigation measures in the MND per below, and also included in Attachment 1“Mitigation Monitoring and Reporting Program”.

**MM BIO-XX: To reduce nighttime artificial lighting-related impacts to wildlife using conservation areas, the Project shall take lightning measurements before, during, and post construction operations to determine impacts of nighttime artificial lightning on adjacent conservation areas and the wildlife it supports. To protect wildlife using conserved areas, project construction and operations shall result in no net increase to pre-construction ambient night-time levels to all conservation areas. If light or glare impacts to conservation areas exceed this threshold, the Project shall make changes to their operations and/or adopt landscape shielding, dimming, lighting curfews or other appropriate measures that result in the Project causing minimal to no glare to all conserved.**

**Additional Recommendations**

**Weed Management Plan.** A weed management plan should be developed for the Project site and implemented during the duration of this 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 Projects 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 County 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 County 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 County 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 Riverside University Health System Mead Valley Wellness Village Project, State Clearinghouse No. 2024010232 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 County of Riverside 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](mailto:katrina.rehrer@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C8...

Kim Freeburn  
Environmental Program Manager

Michael Sullivan  
County of Riverside  
February 9, 2024  
Page 14 of 22

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## REFERENCES

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Michael Sullivan  
County of Riverside  
February 9, 2024  
Page 16 of 22

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



**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.

<b>Biological Resources (BIO)</b>			
	<b>Mitigation Measure (MM)</b>	<b>Timing</b>	<b>Responsible Party</b>
<b>Burrowing Owl</b>	<p><b>MM-BIO 1: Burrowing Owl.</b> Since suitable habitat is present, pre-construction survey for burrowing owl will be required within 30 days prior to any ground-disturbing activities to avoid take of burrowing owls and occupied burrowing owl nests (MSHCP Species Specific Objective 6). If survey results are negative for burrowing owls during the 30 day preconstruction survey, project activities can proceed.</p> <p>If survey results are positive and burrowing owl is found within the project site, the project proponent will need to inform the California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) immediately. An experienced biologist will need to verify if any burrowing owls within the project site are breeding or wintering, a Burrowing Owl Protection and Relocation Plan will be prepared detailing passive (e.g., use of one-way doors and collapse of burrows) and/or active (e.g., capturing owls, relocating to a new site, and collapse of burrows) relocation methods. The Burrowing Owl Protection and Relocation Plan will need to be submitted to CDFW and USFWS for approval prior to initiating ground disturbance within the project site.</p>	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	<p>The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed.</p> <p>If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, 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 Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>If burrowing owls are observed within the project site at any time during project activities, the CDFW and USFWS shall be</p>		
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	<p>notified immediately, and a Burrowing Owl Plan will be prepared as described above.</p>		
<p><b>Nesting Birds</b></p>	<p><b>MM BIO-2: Nesting Bird Surveys.</b> Project activities requiring ground disturbance, construction activities, removal and/or trimming of vegetation suitable for nesting birds shall occur outside of the general bird breeding season to the greatest extent feasible. To ensure Project activities (i.e., earthwork, clearing, and grubbing) are avoided or minimized during the bird nesting season, a qualified biologist shall conduct a nesting bird survey within 3 days prior to any construction activities beginning to ensure that birds are not engaged in active nesting within and around the project site. If construction is inactive for more than three days, an additional survey shall be conducted. The results of the pre-construction survey shall be documented by the qualified biologist and shall be provided to County. The Project Applicant shall adhere to the following:</p> <ol style="list-style-type: none"> <li>1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy</li> </ol>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

	<p>of implemented avoidance and minimization measures.</p> <p><b>2.</b> Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.</p> <p>If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If nesting birds are discovered during preconstruction surveys, the biologist shall identify an appropriate buffer based on their best professional judgement and experience within which no construction activities or other disturbances are allowed to occur until after the birds have fledged from the nest or the nest is confirmed to no longer be active. Construction personnel shall be instructed regarding the ecological sensitivity of the fenced area. The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. All nests shall be monitored as determined by the qualified biologist until nestlings have fledged and dispersed or it is confirmed that the nest has been</p>		
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	<p>unsuccessful or abandoned. The Designated Biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. The qualified biologist shall halt all construction activities within proximity to an active nest if it is determined that the activities are harassing the nest and may result in nest abandonment or take. The biological monitor may modify the buffer or propose other recommendations in order to minimize disturbance to nesting birds. Work can resume within these avoidance areas when no other active nests are found. The results of the survey shall be documented and filed with the Environmental Permitting Department prior to construction.</p>		
<p><b>Noise</b></p>	<p><b>MM BIO-XX:</b> Prior to approval of the Final Design, a Noise plan shall be submitted to County of Riverside for review and approval. The Noise Plan shall identify noise generating land uses that may affect the MSHCP Conservation Area and shall incorporate setbacks, berms or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations and guidelines related to land use noise standards. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards. The Noise Plan shall include monitoring during construction and post-project to demonstrate noise levels in the Conservation Area do not exceed residential standards. If noise standards are exceeded, the Project</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

	Applicant is responsible for immediate implementation of remedial actions to reduce noise levels to acceptable levels.		
<b>Lighting</b>	<b>MM BIO-XX:</b> To reduce nighttime artificial lighting-related impacts to wildlife using conservation areas, the Project shall take lightning measurements before, during, and post construction operations to determine impacts of nighttime artificial lightning on adjacent conservation areas and the wildlife it supports. To protect wildlife using conserved areas, project construction and operations shall result in no net increase to pre-construction ambient night-time levels to all conservation areas. If light or glare impacts to conservation areas exceed this threshold, the Project shall make changes to their operations and/or adopt landscape shielding, dimming, lighting curfews or other appropriate measures that result in the Project causing minimal to no glare to all conserved.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent