



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 21, 2025

Lisa Wadley
Associate Environmental Planner
County of Riverside Transportation Department
3525 14th Street
Riverside, CA, 92501

Dear Ms. Wadley:

Subject: Initial Study/Mitigated Negative Declaration
Temescal Canyon Road Widening Project – El Cerrito Segment (Project)
State Clearinghouse No. 2025010686

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from the County of Riverside Transportation Department for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*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.

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. 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 DESCRIPTION SUMMARY

Proponent: County of Riverside Transportation Department

Objective: The objective of the Project is to widen Temescal Canyon Road from two lanes to four lanes from north of El Cerrito Road to Tom Barnes Street, along with a 200-foot segment north of Cajalco Road. Primary Project activities include removing existing pavement, vegetation, and trees, including oak trees; grading the roadway with import material; grading transitions and slopes at private properties; constructing retaining walls, curbs and gutters, sidewalks, curb ramps, driveway connections, and modifications to private properties; widening pavement; installing storm drains, catch basin inlets, connector pipes, and outlet structures; installing replacement fences/walls/gates, pavement markings, roadside signs, and street lights; and relocating existing underground and aboveground utilities and appurtenances.

Location: The Project site is located along Temescal Canyon Road, approximately 0.5 mile east of Interstate 15 (I-15) and the Santa Ana Mountains. Specifically, it would occur in southwest Riverside County in the unincorporated community of El Cerrito and the City of Corona, California.

Timeframe: The Project is expected to begin construction by the end of 2026 and expected to be completed by 2028.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County of Riverside Transportation Department in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The Project occurs within the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP) area and is subject to the provisions and policies of the MSHCP. Thus, CDFW has included recommendations regarding the MSHCP to improve the final MND.

Specific Comments

COMMENT 1: MSHCP

The IS/MND acknowledges that prior to the adoption of the final environmental document, a Joint Project Review (JPR) is required. The JPR package, including a Public Projects JPR Form, MSHCP Consistency Analysis Report, and Determination of Biologically Equivalent or Superior Preservation Report (DBESP), would need to be approved by CDFW, the United States Fish and Wildlife Service (USFWS), and the Western Riverside County Regional Conservation Authority (RCA) prior to the approval of the final MND.

The Project is located within an MSHCP Covered Roads Right-of-Way area with the allowable width being 128 feet. Based on figures included in the IS/MND, it appears that the Project boundary exceeds the allowable width. All Project activities conducted within Covered Roads must remain within the allowable widths assigned to them as provided in the MSHCP Covered Roads data layer (RCA can provide layer upon request). Allowable width includes all project components (e.g., landscaping, safety requirements, curb and gutter, manufactured slopes, fuel modification zones etc.). Components outside of the allowable width will require land replacement at equivalent or superior biological value and Reserve Assembly analysis. A Consistency Analysis must demonstrate that the Project impacts will not exceed the maximum allowable width of 128 feet.

COMMENT 2: Impacts to Riparian/Riverine Resources, Oaks, and Fish and Game Code Section 1602

Section 2.4.3, Pg. 57

Issue: The Project will impact riparian vegetation including coastal and valley freshwater marsh and southern cottonwood- willow riparian forest (CDFW Sensitive Community), and measure **BIO-15: Riparian/Riverine Resources Compensation (Mitigation)** considers compensation for permanent and temporary impacts to riparian/riverine resources at a 1:1 ratio. CDFW is concerned that a compensation ratio of 1:1 may be too low to adequately mitigate for Project impacts to riparian vegetation. CDFW typically requests that mitigation for removal of native riparian vegetation includes replacement, in-kind, at a minimum ratio of 3:1, either on- or off-site, including maintenance and monitoring until established.

The Project proposes mitigation for oak trees (i.e., BIO-18) if measures are not sufficient to avoid impacts (e.g., utility relocations), while direct impacts to willows and cottonwoods are not anticipated. Mitigation for the removal of all trees, including riparian vegetation (cottonwood-willow riparian forest) less than 19 inches diameter-

at-breast-height (DBH) should be at a minimum ratio of 3:1 and mitigation for mature trees (19 inches or greater diameter-at-breast-height [DBH]) or heritage trees (24 inches or greater DBH) should occur at a higher ratio (e.g., 5:1 to 10:1 ratio).

Specific Impact: According to the IS/MND “There are 1.22 acres of riparian/riverine resources within the jurisdictional delineation study area (JSA), of which 0.93 acre is riparian and 0.29 acre is riverine. Riparian vegetation is present within two of the vegetation communities: coastal and valley freshwater marsh and southern cottonwood-willow riparian forest” (Section 2.4.2 pg. 49). Furthermore, the JSA identified 0.30 acres of CDFW streambed and 0.60 acres of associated riparian vegetation. The Project anticipates to temporarily disturb 0.06 acre and permanently remove 0.01 acres of riverine habitat.

Why impact would occur: Riparian habitat is present within the Project site within two drainage features. Riparian vegetation is likely to be impacted either permanently and/or temporarily along the road shoulder and/or at culvert outfalls due to installation of rock slope protection, removal of rock/cobble, and relocation of portions of the drainages.

Evidence impact would be significant: Wildlife species depend on riparian vegetation for nesting, foraging, and refugia. Removal of riparian vegetation may lead to displacement of species, and deposition of sediment, turbidity, erosion, changes in stream flow, and bank destabilization. Further, the MSHCP (Section 6.1.2) offers protection to riparian/riverine resources.

Recommended Potentially Feasible Mitigation Measures: CDFW recommends the inclusion of the Mitigation Measures below, as revised (edits are in ~~strikethrough~~ and additions are in ***bold italics***) in the final MND to ensure impacts to oaks and streams and associated habitat are avoided, minimized, and mitigated.

BIO-14: Aquatic Resources Compensation (Mitigation) (Revised)

To address effects on ~~jurisdictional~~ aquatic resources (***e.g., Fish and Game Code section 1602***), a compensatory mitigation plan will be developed during the permitting phase of the Project, which will include a minimum ~~3~~ ***4***:1 ratio for permanent impacts to aquatic resources ~~on jurisdictional resources~~. The required mitigation will be implemented through the use of an agency-approved mitigation bank, permittee-responsible mitigation, ***on site restoration***, or any other agency-approved mitigation provider, ***or through a combination of any of these***.

BIO-15 Riparian/Riverine Resources Compensation (Mitigation) (Revised):

Compensation for permanent and temporary impacts on riparian/riverine resources will occur ***through restoration on site*** at a minimum 1:1 ratio ***as follows: tamarisk or other non-native trees shall be replaced with a similar native species local to the Project area at a minimum ratio of 1:1, native riparian habitat including willows less than 19 inches diameter-at-breast-height (DBH) shall be replaced in-kind at a minimum ratio of 3:1, mature trees (19 inches or greater DBH) shall be replaced in-kind at a ratio of at least 5:1, and heritage trees (24 inches or greater DBH) shall be replaced in-kind at a ratio of at least 10:1. All restored habitat shall be monitored and maintained until established. If on site restoration is infeasible to fully compensate,*** For permanent impacts, compensation ***shall*** occur through the purchase of mitigation bank credits through an ***CFDW*** agency-approved mitigation bank, in-lieu fee provider, permittee-responsible mitigation, or any other agency-approved mitigation provider. Mitigation for all riparian/riverine resources will be biologically superior or equivalent to resources occurring on site. Temporary impacts on riparian/riverine resources may be replaced through restoration of the temporarily affected area to pre-Project conditions. Compensatory mitigation will be coordinated with U.S. Army Corps of Engineers (USACE) Clean Water Act (CWA) 404 authorization, Regional Water Quality Control Board (RWQCB) CWA 401 Certification, California Department of Fish and Wildlife (CDFW) Fish and Game Code 1602 Streambed Alteration Agreement acquisition, and Multiple Species Habitat Conservation Plan (MSHCP) riparian/riverine requirements to ensure efficiencies with the mitigation effort. Final mitigation ratios will be determined after consultation with USACE, RWQCB, U.S. Fish and Wildlife Service (USFWS), and CDFW. Western Riverside County Regional Conservation Authority (RCA) and the wildlife agencies will be notified for concurrence ***determine once the final mitigation ratios in the approved DBESP and Streambed Alteration Agreement;*** this will occur prior to the start of Project construction, including any ground disturbance work and/or vegetation clearing.

BIO-18: Protection of Oak Trees (Mitigation) (Revised)

The County or its contractor will protect oak trees to the maximum extent possible by adhering to the County of Riverside Oak Tree Management Guidelines. The guidelines include the following design provisions: no construction activities or placement of structures are to occur within the protected zone of any oak tree (i.e., the dripline); no cut or fill slopes are to extend within the protected zone of any oak tree; sedimentation and siltation are to be controlled to avoid filling around the base of an oak tree; and the protected zone around an oak tree is to be clearly delineated to prevent impacts from construction operations and to prevent storage or parking of equipment within this zone. Construction limits adjacent to oak tree avoidance areas will be demarcated using environmentally sensitive area (ESA) fencing (e.g., orange

snow fencing, silt fencing, signage). If an oak tree is required for removal after avoidance measures are not sufficient to avoid impacts (e.g., utility relocations), then ~~the County of Riverside Tree Removal Ordinance shall be followed accordingly, including a replacement ratio of 1:1 for each affected tree~~ ***oak trees shall be replaced as follows: oaks with 19 inches diameter-at-breast-height (DBH) shall be replaced in-kind at a minimum ratio of 3:1, oaks with 19 inches or greater DBH shall be replaced in-kind at a ratio of at least 5:1, and oaks with 24 inches or greater DBH shall be replaced in-kind at a ratio of at least 10:1. All replacements shall occur within the Project area or adjacent areas at a location approved by CDFW or through a CDFW-approved mitigation bank if restoration is infeasible.***

COMMENT 3: Nesting Birds

Section 2.4.3, Pg. 56

Issue: The Project includes suitable habitat for nesting birds. Consequently, measure **BIO-11: Nesting Bird Preconstruction Surveys** considers a pre-construction nesting bird survey during the nesting season. However, measure BIO-11 defines the nesting season as generally being from February 1 to August 31, but the timing of the bird 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/or later in the year than historical nesting season dates. CDFW recommends the completion of a nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests.

Specific impact: The Project will remove vegetation and cause ground disturbance, which could result in impacts to nesting birds including death, displacement, and loss of foraging, nesting, and refugia habitat. The Project may impact suitable nesting habitat for riparian birds, including least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*), which require protection through the MSHCP as outlined Section 6.1.2.

Evidence impact would be significant: 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 for all nests, all eggs, and any raptors or migratory birds 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 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.).

Recommended Potentially Feasible Mitigation Measure: CDFW recommends the inclusion of the Mitigation Measure below, as revised (edits are in ~~strikethrough~~ and additions are in ***bold italics***) in the final MND to ensure impacts to birds are mitigated to a level of less than significant.

BIO-11 Nesting Bird Preconstruction Surveys (Revised):

~~If construction commences during the nesting bird breeding season (February 1 through August 31), a~~ **A** preconstruction survey for nesting birds will occur within 3 days prior to construction activities by an experienced avian biologist. The survey will occur within all suitable nesting habitat within the Project impact area and a 500-foot buffer where access is permitted. If nesting birds are found, an avoidance area will be established as ***determined*** ~~appropriate~~ by a qualified biologist around the nest until it has ***been*** determined that young have fledged, ~~or~~ ***and no sign is present that the nest is being used*** ~~nesting activities have ceased~~. The Project site will need to be re-surveyed if there is a lapse in construction activities for more than **37** days during the nesting season.

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

Lisa Wadley, Associate Environmental Planner
County of Riverside Transportation Department
February 21, 2025
Page 8

required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist the County of Riverside Transportation Department in identifying and mitigating Project impacts to biological resources.

Questions regarding this letter or further coordination should be directed to Gabriella Tolley, Environmental Scientist at gabriella.tolley@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Cindy Castaneda for

58B2E2CAD6624CD...

Brandy Wood
Environmental Project Manager

ec: **California Department of Fish and Wildlife**
Cindy Castaneda, Senior Environmental Scientist Supervisor
Cindy.castaneda@wildlife.ca.gov

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

U.S. Fish and Wildlife Service
Karin Cleary-Rose
Karin_Cleary-Rose@fws.gov

Regional Conservation Authority
Tricia Campbell
tcampbell@rctc.org

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

ATTACHMENT A: Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the final MND for the Project.

Mitigation Measure		Timing	Responsible Party
BIO-14: Aquatic Resources Compensation (Mitigation)	To address effects on aquatic resources (e.g., Fish and Game Code section 1602), a compensatory mitigation plan will be developed during the permitting phase of the Project, which will include a minimum 3:1 ratio for permanent impacts to aquatic resources. The required mitigation will be implemented through the use of an agency-approved mitigation bank, permittee-responsible mitigation, on site restoration, or any other agency-approved mitigation provider, or through a combination of any of these.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent
BIO-15 Riparian/Riverine Resources Compensation (Mitigation)	Compensation for permanent impacts on riparian/riverine resources will occur through restoration on site as follows: tamarisk or other non-native trees shall be replaced with a similar native species local to the Project area at a minimum ratio of 1:1, native riparian habitat including willows less than 19 inches diameter-at-breast-height (DBH) shall be replaced in-kind at a minimum ratio of 3:1, mature trees (19 inches or greater DBH) shall be replaced in-kind at a ratio of at least 5:1, and heritage trees (24 inches or greater DBH) shall be replaced in-kind at a ratio of at	Prior to or after commencing Project depending on mitigation type	Project Proponent

	<p>least 10:1. All restored habitat shall be monitored and maintained until established. If on site restoration is infeasible to fully compensate for permanent impacts, compensation shall occur through the purchase of mitigation bank credits through CFDW approved mitigation bank, permittee-responsible mitigation, or any other agency-approved mitigation provider. Mitigation for all riparian/riverine resources will be biologically superior or equivalent to resources occurring on site. Temporary impacts on riparian/riverine resources may be replaced through restoration of the temporarily affected area to pre-Project conditions. Compensatory mitigation will be coordinated with U.S. Army Corps of Engineers (USACE) Clean Water Act (CWA) 404 authorization, Regional Water Quality Control Board (RWQCB) CWA 401 Certification, California Department of Fish and Wildlife (CDFW) Fish and Game Code 1602 Streambed Alteration Agreement acquisition, and Multiple Species Habitat Conservation Plan (MSHCP) riparian/riverine requirements to ensure efficiencies with the mitigation effort. Final mitigation ratios will be determined after consultation with USACE, RWQCB, U.S. Fish and Wildlife Service (USFWS), and CDFW. Western Riverside County Regional Conservation Authority (RCA) and the wildlife agencies</p>		
--	--	--	--

	<p>will determine the final mitigation ratios in the approved DBESP and Streambed Alteration Agreement; this will occur prior to the start of Project construction, including any ground disturbance work and/or vegetation clearing.</p>		
<p>BIO-18: Protection of Oak Trees (Mitigation)</p>	<p>The County or its contractor will protect oak trees to the maximum extent possible by adhering to the County of Riverside Oak Tree Management Guidelines. The guidelines include the following design provisions: no construction activities or placement of structures are to occur within the protected zone of any oak tree (i.e., the dripline); no cut or fill slopes are to extend within the protected zone of any oak tree; sedimentation and siltation are to be controlled to avoid filling around the base of an oak tree; and the protected zone around an oak tree is to be clearly delineated to prevent impacts from construction operations and to prevent storage or parking of equipment within this zone. Construction limits adjacent to oak tree avoidance areas will be demarcated using environmentally sensitive area (ESA) fencing (e.g., orange snow fencing, silt fencing, signage). If an oak tree is required for removal after avoidance measures are not sufficient to avoid impacts (e.g., utility relocations), then oak trees shall be replaced as follows: oaks with 19 inches diameter-at-breast-</p>	<p>Prior to or after commencing Project depending on mitigation type</p>	<p>Project Proponent</p>

	<p>height (DBH) shall be replaced in-kind at a minimum ratio of 3:1, oaks with 19 inches or greater DBH shall be replaced in-kind at a ratio of at least 5:1, and oaks with 24 inches or greater DBH shall be replaced in-kind at a ratio of at least 10:1. All replacements shall occur within the Project area or adjacent areas at a location approved by CDFW or through a CDFW-approved mitigation bank if restoration is infeasible.</p>		
<p>BIO-11 Nesting Bird Preconstruction Surveys</p>	<p>A preconstruction survey for nesting birds will occur within 3 days prior to construction activities by an experienced avian biologist. The survey will occur within all suitable nesting habitat within the Project impact area and a 500-foot buffer where access is permitted. If nesting birds are found, an avoidance area will be established as determined by a qualified biologist around the nest until it has been determined that young have fledged, and no sign is present that the nest is being used. The Project site will need to be re-surveyed if there is a lapse in construction activities for more than 3 days.</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>