

2. Response to Comments on the Public Review MND

This chapter of the Final Mitigated Negative Declaration (MND) contains responses to the comments that the City of Perris (Lead Agency) received on the Public Review MND (SCH No. 2023020069) (Chapter 1) for the Redlands and Placentia Project during the public review period, which began February 3, 2023 and closed March 6, 2023. This document has been prepared in accordance with California Environmental Quality Act (CEQA) as amended (Public Resources Code Section 21000 et seq.) and the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines) (Cal. Code Regs., tit. 14, § 15000 et seq.) and represents the independent judgment of the Lead Agency. This document, together with the Public Review MND, the Errata, and the Mitigation Monitoring and Reporting Program comprise the Final MND.

The following public comments were submitted to the City of Perris during the public review period:

1. Eastern Municipal Water District, Received February 13, 2023 (2 pages)
2. South Coast Air Quality Management District, Received February 23, 2023 (3 pages)
3. California Department of Fish and Wildlife, Received March 3, 2023 (17 Pages)

The public comments and responses to comments are included in the public record and are available to the Lead Agency decision-makers for their review and consideration prior to making their decision whether to approve the proposed Project. Pursuant to State CEQA Guidelines Section 15074(b) *Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration*, none of the comments provide substantial evidence that the Project will have significant environmental effects which would require preparation of an Environmental Impact Report. Further, none of the information in the letters or responses constitute the type of significant new information that requires recirculation of the Redlands and Placentia Project MND for further public review under State CEQA Guidelines Section 15073.5 *Recirculation of a Negative Declaration Prior to Adoption*. None of this new material indicates that the Project will result in a significant new environmental impact not previously disclosed in the Redlands and Placentia Project MND. Additionally, none of this information indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in State CEQA Guidelines Section 15073.5.

This Response to Comments includes revisions to the Public Review Draft MND based upon: (1) clarifications required to prepare a response to a specific comment; and/or (2) typographical errors. These revisions do not alter any impact significance conclusions as disclosed in the MND. Changes made to the MND are identified here in ~~strikeout~~ text to indicate deletions and in **underlined** text to signify additions. These revisions are also outlined in Chapter 3, Errata.

Although State CEQA Guidelines Section 15088 does not require a Lead Agency to prepare written responses to comments received, the City of Perris has elected to prepare the following written responses with the intent of providing a comprehensive and meaningful evaluation of the proposed Project. The number designations in the responses are correlated to the bracketed and identified portions of each comment letter.

LETTER 1: Eastern Municipal Water District, Received February 13, 2023 (2 pages)



February 13, 2023

Lupita Garcia, Associate Planner
City of Perris
Development Services Department, Planning Division
135 N. "D" Street
Perris, CA 92570

Subject: EMWD Comments for the Redlands and Placentia Project Notice of Intent to Adopt a Mitigated Negative Declaration

Location: Northeast corner of Redlands Avenue and Placentia Avenue in the Light Industrial Zone of the Perris Valley Commerce Center Specific Plan, City of Perris, Riverside County, California.

Dear Ms. Lupita Garcia:

Eastern Municipal Water District (EMWD) thanks you for the opportunity to comment on the Redlands and Placentia Project, Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND). The project proposes the construction of a 121,100 square foot light industrial, non-refrigerated warehouse building consisting of 8,000 square feet of office area and 113,100 square feet of warehouse area with one grade level door, 16 loading docks, and associated landscaping, parking, and street improvements, on 6.21 acres.

1.1

EMWD offers the following comments:

To define the impact(s) on the environment and on existing EMWD facilities, and as development within this area occurs over time, the proponents of implementing development projects shall consult EMWD's Development Services Department to compare proposed and existing water demands and sewer flows, and prepare a Design Conditions report (DC), formally known as the Plan of Service (POS), to detail all

1.2

Board of Directors
Philip E. Paule, *President* Stephen J. Corona, *Vice President* Jeff Armstrong Randy A. Record David J. Slawson

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300
T 951.928.3777 • F 951.928.6177 www.emwd.org

EMWD Comments
February 13, 2023
Page 2

pertinent facilities necessary to serve such implementing development projects, resulting in an approved DC, prior to final design and plan check of such facilities. 1.2
Cont.

To help define EMWD’s Design Conditions, EMWD requires beginning dialogue with project proponents at an early stage in the site design and development, via a one-hour complementary Due Diligence meeting. To set up this meeting the project proponent should complete a Project Questionnaire (form NBD-058) and submit to EMWD. To download this form or for additional information, please visit our web page www.emwd.org, then select the “Developer” link, then select the “New Development Process Forms” link. This meeting will offer the following benefits: 1.3

- 1. Describe EMWD’s development process
- 2. Identify project scope and parameters
- 3. Provide a preliminary review of the project within the context of existing infrastructure
- 4. Discuss potential candidacy for recycled water service
- 5. Identify project submittal requirements to start the Design Conditions review

Following the Due Diligence meeting, and to proceed with a project, the Design Conditions will need to be developed by the developer’s engineer and reviewed/approved by EMWD prior to submitting improvement plans for Plan Check. The DC process and approval will provide the following: 1.4

- 1. Technical evaluation of the project’s demands and existing system capacities
- 2. Identification of impacts to existing facilities
- 3. Identification of additional on-site and off-site facilities, necessary to serve the project
- 4. Identification of easement requirements, if necessary
- 5. Identification of potential EMWD’s cost participation in facility oversizing, if applicable

If you have questions or concerns, please do not hesitate to contact Maroun El-Hage at (951) 928-3777, extension 4468 or by e-mail at El-hagem@emwd.org.

Sincerely,

Al Javier

Digitally signed by Al Javier
Date: 2023.02.13 15:40:38
-08'00'

Alfred Javier
Director of Environmental and Regulatory Compliance

ARJ: hs
Attachments: Copy of Public Notice



RESPONSE TO COMMENT LETTER 1: Eastern Municipal Water District

Response to Comment 1.1: This comment thanks the Lead Agency for the opportunity to comment on the Project and provides a summary of the Project. The comment is introductory in nature and does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 1.2: This comment explains that Eastern Municipal Water District (EMWD) requires that new implementing development projects consult with EMWD's Development Services Department to compare the proposed and existing water demands and sewer flows. EMWD would then prepare Design Conditions (DC) for the implementing project which would need to be approved prior to final design and plan check of the facility. The comment then provides the steps that are needed to initiate the consultation meeting and what is provided following the DC process and approval.

This comment does not specifically discuss the information disclosed within the Redlands and Placentia Project Public Review MND (Public Review MND or MND) nor does it raise any environmental concerns. The Project has consulted with EMWD and has completed Phase I for the initial due diligence consultation (EMWD Project No. (PPI): 2022-1023) and is currently working through Phase II, DC, which satisfies the request of the letter. Therefore, this comment does not raise any concerns regarding the content or conclusions of the MND and no further response is warranted.

Response to Comment 1.3: This comment states that EMWD requires a preliminary due diligence meeting to discuss the EMWD review process and the Project.

This comment does not specifically discuss the information disclosed within the Redlands and Placentia Project Public Review MND (Public Review MND or MND) nor does it raise any environmental concerns. The Project has consulted with EMWD and has completed Phase I for the initial due diligence consultation (EMWD Project No. (PPI): 2022-1023) and is currently working through Phase II, DC, which satisfies the request of the letter. Therefore, this comment does not raise any concerns regarding the content or conclusions of the MND and no further response is warranted.

Response to Comment 1.4: This comment states that after the due diligence meeting, the Project's engineer would need to prepare the Design Conditions, which would be reviewed and approved by EMWD. The comment discusses the requirements for the Design Conditions analysis.

This comment does not specifically discuss the information disclosed within the Redlands and Placentia Project Public Review MND (Public Review MND or MND) nor does it raise any environmental concerns. The Project has consulted with EMWD and has completed Phase I for the initial due diligence consultation (EMWD Project No. (PPI): 2022-1023) and is currently working through Phase II, DC, which satisfies the request of the letter. Therefore, this comment does not raise any concerns regarding the content or conclusions of the MND and no further response is warranted.

LETTER 2: South Coast Air Quality Management District, Received February 23, 2023 (3 pages)



SENT VIA E-MAIL:
lqarcia@cityofperris.org
 Lupita Garcia, Associate Planner
 City of Perris, Planning Division
 135 North D Street
 Perris, California 92570

February 23, 2023

**Mitigated Negative Declaration (MND) for the Proposed
 Redlands and Placentia Project Development Plan Review 22-00008 (Proposed Project)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The City of Perris is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. The following comments recommended revisions to the cumulative impacts during operation that the Lead Agency should include in the Final MND. 2.1

South Coast AQMD Staff’s Summary of Project Information in the MND
 Based on the MND, the Lead Agency proposes developing an approximately 121,100 square-foot non-refrigerated light industrial warehouse building on an approximately 6.21-gross-acre site.¹ The Proposed Project would include 16 dock doors along the northern side of the building,² and truck access would be via the driveway along Redlands Avenue.³ The Proposed Project is situated at the northeast corner of Redlands Avenue and Placentia Avenue.⁴ The Proposed Project is located within the Perris Valley Commerce Center Specific Plan (PVCCSP) planning area of the City of Perris and is designated as a light industrial zone.⁵ Based on the ariel photographs, South Coast AQMD staff found that the nearest sensitive receptor (e.g., residences) is adjacent north and within 100 feet south of the Proposed Project. The Proposed Project’s construction is anticipated to occur in one phase, beginning in the fourth quarter of 2023, and over ten months.⁶ 2.2

South Coast AQMD Staff’s Comments on the MND

Cumulative Impacts during Operation

As mentioned in the MND, the Proposed Project site is on six vacant parcels that will be consolidated into one parcel within the Perris Valley Commerce Center Specific Plan (PVCCSP) planning area.⁷ The PVCCSP was adopted by the City of Perris pursuant to a certified 2.3

¹ MND, Page 4.
² Ibid, Page 20.
³ Ibid.
⁴ Ibid, Page 5.
⁵ Ibid, Page 4.
⁶ Ibid, Page 21.
⁷ Ibid, Page 8.

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Environmental Impact Report (EIR) on 1/10/2012.⁸ Prior to certification of the PVCCSP, a Draft EIR was released for public review and comment between 7/20/2011 – 9/6/2011.⁹ During this public review period, the South Coast AQMD submitted a comment recommending that the Lead Agency include a more robust analysis of cumulative impacts in the Final EIR. Specifically, the South Coast AQMD asked that the lead agency revisit the estimated number of trucks projected to serve the site, provide additional analysis demonstrating that the project will not significantly impact sensitive receptors during operation and that it will not cause a significant air quality and air toxics impact, and to evaluate additional mitigation measures to further reducing any significant air quality and air toxics impacts. The PVCCSP has been revised and amended many times since 2012, and the most recent Perris Valley Commerce Center Specific Plan Amendment No. 12 was approved on January 11, 2022.¹⁰ However, the cumulative impacts from the revised projects in PVCCSP are not updated, and a robust analysis of cumulative air quality and air toxics impacts from all the projects in PVCCSP is not included in the PVCCSP or this MND.

2.3
Cont.

According to the City of Perris webpage under Planning – Environmental Documents for Public Review,¹¹ other development projects are located from 200 feet to 1,424 feet north and northwest of the Proposed Project, based on the ariel photographs. These projects are the Initial Study/Mitigated Negative Declaration (IS/MND) for the Redlands Avenue West Industrial Project¹² (prepared in September 2022), IS/MND for Chartwell Warehouse at Rider Street and Redlands Avenue Project¹³ (prepared in August 2022) and IS/MND for Redlands Avenue East Industrial Project¹⁴ (prepared in September 2022). Per CEQA Guidelines Section 15065(a)(3), South Coast AQMD staff is primarily concerned with the cumulative air quality impacts from increased concentrations of air toxics in the PVCCSP region. Therefore, South Coast AQMD staff recommends that, at minimum, the Lead Agency perform a qualitative analysis to provide the potential cumulative impacts from air toxics in consideration by listing all surrounding past, present, and probable future projects. The Lead Agency may also perform a more detailed and robust quantitative analysis of cumulative air toxic and potential health risk implications to be included in the Final MND.

2.4

Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the

2.5

⁸ ORDINANCE NUMBER 1284.

Accessed at: <https://www.cityofperris.org/home/showpublisheddocument/2923/637250482796800000>

⁹ Perris Valley Commerce Center Specific Plan Final EIR. 9.0 Introduction, Public Review Summary. Page 9.0-1

Accessed at: <https://www.cityofperris.org/home/showpublisheddocument/2645/637455522835370000>

¹⁰ Perris Valley Commerce Center Specific Plan Amendment No. 12, approved January 11, 2022, available at

<https://www.cityofperris.org/home/showpublisheddocument/2647/637799977032200000>

¹¹ City of Perris. Planning – Environmental Documents. Access at: <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/>

¹² Redlands Avenue West Industrial Project. Access at: <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-338>.

¹³ Chartwell Warehouse at Rider Street and Redlands Avenue Project. Access at: <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-322>.

¹⁴ Redlands Avenue East Industrial Project. Access at: <https://www.cityofperris.org/departments/development-services/planning/environmental-documents-for-public-review/-folder-328>

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February 23, 2023

comments, responses should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision-makers and the public who are interested in the Proposed Project.

2.5
Cont.

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Danica Nguyen, Air Quality Specialist, at dnguyen1@aqmd.gov should you have any questions.

Sincerely,

Sam Wang

Sam Wang

Program Supervisor, CEQA-IGR

Planning, Rule Development & Implementation

SW:DN

RVC230207-02

Control Number

RESPONSE TO COMMENT LETTER 2: South Coast Air Quality Management District

Response to Comment 2.1: This comment thanks the lead agency for allowing South Coast Air Quality Management District (SCAQMD) to comment on the Project and recommends that the Lead Agency should incorporate the following revisions into the Final MND. This comment is introductory in nature and does not provide specific comments in relation to the Project. Therefore, no further response is warranted.

Response to Comment 2.2: This comment summarizes the location and scope of the Project as well as identifies the location of the nearest sensitive receptor and the construction timeline. This comment provides a summary of the Project and does not question the content or conclusions of the Public Review MND. No further response is warranted.

Response to Comment 2.3: This comment states that the Project site is located within the Perris Valley Commerce Center Specific Plan (PVCCSP) planning area which was adopted along with the certified Environmental Impact Report (EIR) on 1/10/2012. The comment continues by stating that SCAQMD submitted a comment letter on the Public Review Draft EIR recommending a more robust analysis of cumulative impacts in the Final EIR. The comment acknowledges that the PVCCSP has been revised and amended many times, most recently PVCCSP Amendment No. 12 was approved on 1/11/2022. However, the cumulative impacts from the revised PVCCSP were not updated, and an analysis of cumulative air quality and air toxics impacts from all projects in the PVCCSP are not included in the PVCCSP or the Project specific Public Review MND.

As discussed in the City's response to the SCAQMD's comments on the PVCCSP Draft EIR, (Response to Comment L-4), buildout of the PVCCSP was analyzed at a "programmatic" level (PVCCSP DEIR, p. 3.0-7) and the PVCCSP EIR is considered to be a programmatic document, as defined in Section 15168 of the State CEQA Guidelines. At the time the PVCCSP Draft EIR was prepared there were no specific implementing development projects proposed or truck trip data available and a meaningful analysis of health risk impacts could not be performed. Therefore, the PVCCSP EIR concluded that any such analysis would be, at best, speculative (PVCCSP DEIR, p. 4.2-49) and did not discuss the issue further as allowed per Section 15145 of the State CEQA Guidelines. Thus, the PVCCSP EIR's conclusions related to the individual PVCCSP implementing development and infrastructure projects exposing sensitive receptors to substantial pollutant concentrations were based on the health risks from previously evaluated industrial projects within the PVCCSP vicinity (PVCCSP DEIR Table 4.2-M) and the determination from the General Plan EIR. However, PVCCSP EIR mitigation measure MM Air 15 specifically requires a health risk assessment to identify project-specific impacts resulting from the use of diesel trucks from potential implementing development projects based on the number of dock doors and truck trips. Overall, the PVCCSP Final EIR concluded that a communitywide health risk assessment was unnecessary as the City of Perris relies on the SCAQMD's recommended methodology to evaluate cumulative impacts, which is to conclude that an impact that is considered to be significant on a project-specific basis would also cause a significant cumulative impact.

The comment does not question the content or conclusions of the Public Review MND, and no further response is warranted.

Response to Comment 2.4: This comment identifies nearby development projects found on the City of Perris webpage under Planning – Environmental Documents for Public review. SCAQMD states that they are concerned with the cumulative air quality impacts from the increased concentrations of air toxics in the PVCCSP region and therefore, recommends that the Lead Agency perform a qualitative analysis or quantitative analysis to provide the potential cumulative impacts from air toxics and potential health risk implications by listing all surrounding past, present, and probably future projects to include in the Final MND.

The City is aware of the toxic air contaminant and health risk conditions within its jurisdiction and surrounding areas. In the northern part of the City of Perris (zip code 92571), the SCAQMD's Multiple Air Toxics Exposure Study (MATES) V study identifies a cancer risk of 308 per million. Of this risk, 68.8% is associated with diesel

PM. The air toxics cancer risk in this area is higher than only 15% of the South Coast Air Basin population. The cancer risk in the southern part of the City (zip code 92585) is 288 per million. In comparison, the greatest cancer risk in Riverside County is 469 per million within the 92501 zip code of the City of Riverside. The greatest cancer risk within the South Coast Air Basin is 749 per million in downtown Los Angeles. It is not the responsibility of one individual development project to evaluate the potential health risks associated with the existing and future development of all properties within a community planning area. Instead, as per the State CEQA Guidelines, the health risk assessment included as Appendix A to the Redlands and Placentia Project IS/MND provides an analysis to determine whether the proposed Project would expose sensitive receptors to substantial DPM pollutant concentrations utilizing the methodologies and thresholds of significance recommended for individual development projects by the SCAQMD.

However, as discussed within Response to Comment L-4 within the PVCCSP Final EIR, there is currently no methodology to quantify the cumulative areawide or localized health risks from multiple facilities within a community-wide area. This is because the SCAQMD's recommended thresholds of significance (utilized by the City of Perris to evaluate air quality impacts of proposed projects) apply to individual development projects and are meant to evaluate the incremental increase in emissions from a proposed source. Further, current air dispersion modeling on a project-specific basis does not allow for the analysis of cumulative impacts from multiple projects within a certain area.

Further, the SCAQMD has published a report on how to address cumulative impacts from air pollution: White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution (<http://www.aqmd.gov/docs/default-source/Agendas/Environmental-Justice/cumulative-impacts-working-group/cumulative-impacts-white-paper.pdf>). In this report the SCAQMD clearly states (Page D-3):

“...the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or Environmental Impact Report (EIR). The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for TAC emissions. The project specific (project increment) significance threshold is $HI > 1.0$ while the cumulative (facility-wide) is $HI > 3.0$. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts. Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant.”

Therefore, per the SCAQMD's methodology, projects that do not exceed the project-specific thresholds are not cumulatively considerable. As shown on IS/MND Table AQ-7, the MICR for the Project would be 4.27 in one million, which is less than the threshold of 10 in one million, and the Chronic and Acute HI would be 0.001 and 0.000, respectively, which is less than the threshold of 1.0. Therefore, as the proposed Project would not exceed the project-specific thresholds for MICR or HI, the Project would not be considered to result in a cumulative considerable health risk impact pursuant to the SCAQMD's methodology.

The closest cumulative projects to the Project site include the Redlands Avenue East Industrial Project, located approximately 200 feet north of the Project site, the Redlands Avenue West Industrial Project, located approximately 600 feet northwest of the Project site, and DPR 22-00012, located approximately 300 feet northeast of the Project site. Based on the individual health risk assessments prepared for the previously listed cumulative projects, the receptor with the maximum exposure to DPM from the nearby cumulative projects would be the existing non-conforming mobile home located directly north of the Project site.

However, the respective health risk assessments prepared for the nearby cumulative projects all concluded that impacts to the receptor would be less than the 10 in one million threshold set by SCAQMD.

Further, cumulative impacts related to development, including industrial development, in the City of Perris were analyzed in the PVCCSP EIR and City of Perris General Plan EIR. As the Project is consistent with the General Plan and PVCCSP designations for the Project site, Project cumulative impacts would be consistent with the impacts related to buildout of both the General Plan and PVCCSP. The comment does not contain any information requiring changes to the MND or that would require the preparation of an EIR. No further response is warranted.

Response to Comment 2.5: This comment concludes the comment letter by stating that per CEQA Guidelines, prior to approving the Project, the Lead Agency shall consider the MND for adoption together with comments received during the public review process. SCAQMD requests that written responses be provided by all comments in the letter prior to adoption of the MND.

As discussed in Response to Comments 2.1 through 3.4, above, SCAQMD's comments have been addressed within the MND and an Errata has been provided as Chapter 3 of this Final MND, where necessary. Overall, the letter does not present a fair argument that the Project would have a significant environmental effect, nor does any of the information in the letters or responses constitute the type of significant new information that requires recirculation of the Redlands and Placentia Project MND for further public review under State CEQA Guidelines Section 15073.5 *Recirculation of a Negative Declaration Prior to Adoption*. No further response is warranted.

Letter 3: Kim Freeburn, California Department of Fish and Wildlife, Received March 3, 2023 (17 Pages)



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



March 3, 2023

Lupita Garcia, Associate Planner
City of Perris
101 North D Street
Perris, CA 92570
lgarcia@cityofperris.org

Governor's Office of Planning & Research

March 3 2023

STATE CLEARING HOUSE

Subject: Mitigated Negative Declaration
Redlands and Placentia Project
State Clearinghouse No. 2023020069

Dear Ms. Garcia:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the City of Perris (City) for the Redlands and Placentia Project (Project) for Dedeaux Properties (Project Applicant/Proponent) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

3.1

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

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802.). Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

3.2

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

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.

Lupita Garcia, Associate Planner
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alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

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

3.2
Cont.

PROJECT DESCRIPTION SUMMARY

Project Location

The 6.21-acre Project site is located north of the intersection of Placentia Avenue, east of Redlands Avenue, south of Rider Street, and west of Wilson Road in the City of Perris, Riverside County, California, in Section 17 West, Township 4 South, Range 3 West, of the U.S. Geological Survey 7.5” Perris, California topographic quadrangle map; Assessor’s Parcel Numbers 300-210-010 and 300-210-022.

Project Description

The Project proposes to construct one 121,100-square-foot non-refrigerated light industrial warehouse building, 16 truck docks, and associated landscaping, parking, drive aisles, and road improvements. In addition, the Project would include the approval of Parcel Merger 22-05056 to merge two parcels for a total developed site area of 5.74 acres and propose approximately 0.94 acres of street improvements along Redlands Avenue and Placentia Avenue.

3.3

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations presented below to assist the City in adequately identifying and/or mitigating the Project’s potentially significant direct and indirect impacts to biological resources, and in Attachment 1 “Mitigation Monitoring and Reporting Program” for consideration by the City prior to adoption of the MND for the Project. CDFW is concerned about the adequacy of the impact analysis and the mitigation measures proposed in the IS/MND and the ability of the Project to mitigate the significant, or potentially significant, direct and indirect impacts to native habitats and species that rely on these habitats. The comments and recommendations are

3.4

Lupita Garcia, Associate Planner
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offered to enable the City to update the MND to adequately disclose impacts and measures for CDFW and the public to review and comment on the proposed Project with respect to the Project’s compliance with the Western Riverside County MSHCP and Fish and Game Code sections 3503, 3503.5, and 3513 and ensure that proposed impacts to fish and wildlife resources are properly identified and mitigated. CDFW recommends that each of these be addressed prior to finalization of the MND.

3.4
Cont.

Western Riverside County Multiple Species Habitat Conservation Plan

Western Riverside County MSHCP Implementation

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements.

The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. To be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the MSHCP, the Permits, and the Implementing Agreement. The City is the Lead Agency and MSHCP Permittee who is signatory to the Implementing Agreement of the MSHCP. To demonstrate consistency with the MSHCP, as part of the CEQA review, the City shall ensure the Project pays Local Development Mitigation Fees and other relevant fees as set forth in Section 8.5 of the MSHCP; and demonstrates compliance with: 1) the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2 of the MSHCP); 2) the Protection of Narrow Endemic Plant Species (Section 6.1.3 of the MSHCP); 3) the Urban/Wildlands Interface Guidelines (Section 6.1.4 of the MSHCP); 4) the policies set forth in Section 6.3.2; and 5) the Best Management Practices and the siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP.

3.5

Burrowing Owl

In California, burrowing owls are in decline primarily because of habitat loss, as well as disease, predation, and drought². 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

3.6

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

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history requirements, occur in relatively low numbers, and are semi-colonial. One mechanism the MSHCP employs is to require burrowing owl surveys in suitable habitat to identify suitable occupied nesting habitat for owls that may be required for conservation. The MND identifies that suitable habitat for burrowing owl was identified through aerial imagery and focused burrowing owl surveys were completed during late March and April 2022. CDFW reviewed the results of the surveys and found that all focused burrowing owl surveys were conducted within the required survey time for focused surveys for burrowing owl.

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CDFW recommends the inclusion of a process to avoid direct take of burrowing owls and to avoid project delays if the owls are detected during the pre-construction surveys. To avoid take of active nests, appropriate avoidance and minimization measures need to be identified in the MND to protect burrowing owl during the burrowing owl nesting season. CDFW recommends creation of a Burrowing Owl Plan if owls are detected on the Project Site.

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

MM BIO-2: Burrowing Owl Survey. **To avoid project-related impacts to burrowing owls potentially occurring on or in the vicinity of the project site, focused surveys for burrowing owls shall be conducted before implementing development or infrastructure projects within burrowing owl survey areas.** The survey shall include the Project site and all suitable burrowing owl habitat within a 500-foot buffer. The Project proponent shall retain a qualified biologist to conduct a pre-construction survey for resident burrowing owls within 30 days prior to commencement of ~~grading and construction activities on the Project site~~ **of construction activities (e.g., vegetation clearing, clearing, and grubbing, tree removal, site watering) within those portions of implementing project sites containing suitable burrowing owl habitat and for those properties within an implementing project site where the biologist could not gain access. A pre-construction survey for resident burrowing owls within 3 days prior to commencement shall also be conducted.** The results of the survey shall be submitted to the City of Perris Planning Division prior to obtaining a grading permit. In addition, if burrowing owls are observed during the ~~MBTA~~ nesting bird survey (**MM BIO-1**), to be conducted within three days prior to ground disturbance or vegetation clearance, the observation shall be reported to the Wildlife Agencies **within 48 hours**. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The pre-construction survey ~~and any relocation activity~~ will be conducted in accordance with the current Burrowing Owl Survey Instructions for the Western Riverside MSHCP.

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If no burrowing owls are observed during the survey, site preparation and construction activities may begin. ~~If burrowing owl are detected, the CDFW shall be sent written notification by the City within three days of detection of burrowing owls.~~ **then avoidance or minimization measures shall be undertaken in consultation with the City of Perris, California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS). CDFW shall be sent written notification within 48 hours of detection of burrowing owls. If active burrowing owl burrows are detected, the Project applicant shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or following CDFW approval of a Burrowing Owl Plan as described below. If owl presence is difficult to determine, a qualified biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan.** If active nests are identified during the pre-construction survey, the nests shall be avoided and the qualified biologist and Project proponent shall coordinate with the City of Perris Planning Division, the USFWS, and the CDFW to develop a Burrowing Owl Plan to be approved by the City in consultation with the CDFW and the USFWS prior to commencing Project activities. The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and the **Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).** The Burrowing Owl Plan shall describe proposed avoidance, minimization, relocation, and monitoring as applicable. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls and/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 may also be required in the Burrowing Owl Plan. **The City shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.**

If burrowing owls occupy the Project site after Project activities have started, then construction activities shall be halted immediately. The Project proponent shall notify the City of Perris Planning Division and the City shall notify the CDFW and the USFWS within 48 hours of detection. A Burrowing Owl Plan, as detailed above, shall be implemented. **A Burrowing Owl Plan shall be submitted to CDFW for review and approval within two weeks of detection and no Project activity shall continue within 1000 feet of the burrowing owls until CDFW approves the Burrowing Owl Plan. The City shall be responsible for implementing appropriate avoidance and**

3.7
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mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Plan.

If ground-disturbing activities occur but the site is left undisturbed for more than 30 days, a preconstruction survey for burrowing owl shall be conducted within three (3) days prior to initiation of Project activities and reported to CDFW as described above. If burrowing owl are found, the same coordination described above shall be necessary.

The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and concurrence. A final letter report shall be prepared by the qualified biologist documenting the results of the Burrowing Owl Plan. **of the burrowing owl surveys and detailing avoidance, minimization, and mitigation measures. The letter shall be submitted to the CDFW prior to the start of Project activities.** When the qualified biologist determines that burrowing owls are no longer occupying the Project site per the criteria in the Burrowing Owl Plan, Project activities may begin. **The final report shall be submitted to the City and CDFW within 30 days of completion of the survey and burrowing monitoring for mitigation monitoring compliance record keeping.**

3.7
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Nesting Birds

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

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

3.8

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The duration of a pair to build a nest and incubate eggs varies considerably; therefore, CDFW recommends surveying for nesting behavior and/or nests and construction within three days prior to start of Project construction to ensure all nests on site are identified and to avoid take of nests.

CDFW is concerned that potential impacts to nesting birds are not identified or discussed within the MND and strongly suggests the City evaluate the direct, indirect, and cumulative impacts to nesting birds, before approval and certification of the MND. Appropriate analysis would include conducting focused nesting bird surveys throughout the project site. To address the above issues and help the Project applicant avoid unlawfully taking of nests and eggs, CDFW requests the City include the following mitigation measures in the MND per below (edits are in ~~strike through~~ and **bold**), and also included in Attachment 1 “Mitigation Monitoring and Reporting Program”.

3.8
Cont.

MM BIO-1: Nesting Bird Survey. In order to avoid violation of the **Migratory Bird Treaty Act (MBTA)** and the California Fish and Game Code **Sections 3503, 3503.5, and 3513**, site-preparation activities (**such as ground disturbance, construction activities, and/or** removal of trees and vegetation) for the Project shall be avoided, to the greatest extent possible, during the nesting season of potentially occurring native and migratory bird species.

If site-preparation activities are proposed during the nesting/breeding season, the Project proponent shall retain a qualified biologist to conduct a pre-activity field survey prior to the issuance of grading permits for the Project to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. **The nesting bird surveys shall include the project site and adjacent areas where project activities have the potential to cause nest failure. The survey results shall be provided to the City’s Planning Department. The Project Applicant shall adhere to the following:**

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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**

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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 active nests~~ **no nesting birds** are not located ~~within~~ **during the survey** the Project site and an appropriate buffer of 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed), or 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season.

However, if ~~active nests~~ **or nesting birds (including nesting raptors)** are located during the pre-activity field survey, **then avoidance or minimization measures shall be undertaken in consultation with the City of Perris and California Department of Fish and Wildlife. Measures shall include immediate establishment of an appropriate buffer zone to be established by a qualified biologist, and approved by the City of Perris,** ~~the biologist shall immediately establish a conservative avoidance buffer surrounding the nest~~ based on their best professional judgement and experience. The ~~biologist~~ **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 buffer around the nest shall be delineated and flagged, and no construction activity shall occur within the buffer area until a qualified biologist determines nesting species have fledged and the nest is no longer active or the nest has failed.** If the ~~biologist~~ **Designated Biologist** determines that such Project activities may be causing an adverse reaction, the biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The on-site qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found. **Within 30 days of** ~~Upon~~ completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City of Perris Planning Division for mitigation monitoring compliance record keeping.

3.9
Cont.

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

3.10

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

3.10
Cont.

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>.

3.11

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.)

3.12

CONCLUSION

CDFW appreciates the opportunity to comment on the MND for the Redlands and Placentia Project, State Clearinghouse No. 2023020069 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 City of Perris addresses CDFW’s comments and concerns prior to adoption of the MND for the Project.

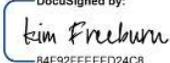
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Questions regarding this letter or further coordination should be directed to Katrina Rehrer, Environmental Scientist, at katrina.rehrer@wildlife.ca.gov.

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Cont.

Sincerely,

DocuSigned by:

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Kim Freeburn
Environmental Program Manager

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

U.S. Fish and Wildlife Service
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Western Riverside County Regional Conservation Authority
Aaron Gabbe
agabbe@rctc.org

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

REFERENCES

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline=true>

ATTACHMENTS

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Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during Project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party for implementing the mitigation measure. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure.

| Biological (BIO) Mitigation Measures (MM) | Implementation Schedule | Responsible Party |
|---|--|--------------------------|
| <p>MM BIO-1: Nesting Bird Survey. In order to avoid violation of the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code Sections 3503, 3503.5, and 3513, site-preparation activities (such as ground disturbance, construction activities, and/or removal of trees and vegetation) for the Project shall be avoided, to the greatest extent possible, during the nesting season of potentially occurring native and migratory bird species.</p> <p>If site-preparation activities are proposed during the nesting/breeding season, the Project proponent shall retain a qualified biologist to conduct a pre-activity field survey prior to the issuance of grading permits for the Project to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. The nesting bird surveys shall include the project site and adjacent areas where project activities have the potential to cause nest failure. The survey results shall be provided to the City's Planning Department. The Project Applicant shall adhere to the following:</p> <ol style="list-style-type: none"> 1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding | <p>Prior to commencing ground- or vegetation disturbing activities</p> | <p>Project Proponent</p> |

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| <p>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.</p> <p>2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.</p> <p>If no nesting birds are located during the survey, construction may be conducted during the nesting/breeding season.</p> <p>However, if nests or nesting birds (including nesting raptors) are located during the pre-activity field survey, then avoidance or minimization measures shall be undertaken in consultation with the City of Perris and California Department of Fish and Wildlife. Measures shall include immediate establishment of an appropriate buffer zone to be established by a qualified biologist, and approved by the City of Perris, based on their best professional judgement and experience. The 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 buffer around the nest shall be delineated and flagged, and no construction activity shall occur within the buffer area until a qualified biologist determines nesting species have fledged and the nest is no longer active or the nest has failed. If the Designated Biologist determines</p> | | | |
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| <p>that such Project activities may be causing an adverse reaction, the biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The on-site qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found. Within 30 days of completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City of Perris Planning Division for mitigation monitoring compliance record keeping.</p> | | | 3.14 Cont. |
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| <p>MM BIO-2: Burrowing Owl Survey</p> <p>To avoid project-related impacts to burrowing owls potentially occurring on or in the vicinity of the project site, focused surveys for burrowing owls shall be conducted before implementing development or infrastructure projects within burrowing owl survey areas. The survey shall include the Project site and all suitable burrowing owl habitat within a 500-foot buffer. The Project proponent shall retain a qualified biologist to conduct a pre-construction survey for resident burrowing owls within 30 days prior to commencement of construction activities (e.g., vegetation clearing, clearing, and grubbing, tree removal, site watering) within those portions of implementing project sites containing suitable burrowing owl habitat and for those properties within an implementing project site where the biologist could not gain access. A pre-construction survey for resident burrowing owls within 3 days prior to commencement shall also be conducted. The results of the survey shall be submitted to the City of Perris Planning Division prior to obtaining a grading permit. In addition, if burrowing owls are observed during the nesting bird survey (MM BIO-1), to be conducted within three days prior to ground disturbance or vegetation clearance, the observation shall be reported to the Wildlife Agencies within 48 hours. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. The pre-construction survey will be conducted in accordance with the current Burrowing Owl Survey Instructions for the Western Riverside MSHCP.</p> <p>If no burrowing owls are observed during the survey, site preparation and construction activities may begin. If burrowing owl are detected, then avoidance or minimization measures shall be undertaken in consultation with the City of Perris, California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS). CDFW shall be sent written notification within 48 hours of detection of burrowing owls. If active burrowing owl burrows are detected, the Project</p> | <p>Prior to commencing ground- or vegetation disturbing activities</p> | <p>Project Proponent</p> |
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| <p>applicant shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or following CDFW approval of a Burrowing Owl Plan as described below. If owl presence is difficult to determine, a qualified biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan. If active nests are identified during the pre-construction survey, the nests shall be avoided and the qualified biologist and Project proponent shall coordinate with the City of Perris Planning Division, the USFWS, and the CDFW to develop a Burrowing Owl Plan to be approved by the City in consultation with the CDFW and the USFWS prior to commencing Project activities. The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The Burrowing Owl Plan shall describe proposed avoidance, minimization, relocation, and monitoring as applicable. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls and/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 may also be required in the Burrowing Owl Plan. The City shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>If burrowing owls occupy the Project site after Project activities have started, then construction activities shall be halted immediately. The Project proponent shall notify the City of Perris Planning Division and the City shall notify the CDFW and the USFWS within 48 hours of detection. A Burrowing Owl Plan, as detailed above, shall be implemented. A</p> | | | |
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| <p>Burrowing Owl Plan shall be submitted to CDFW for review and approval within two weeks of detection and no Project activity shall continue within 1000 feet of the burrowing owls until CDFW approves the Burrowing Owl Plan. The City shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Plan.</p> <p>If ground-disturbing activities occur but the site is left undisturbed for more than 30 days, a preconstruction survey for burrowing owl shall be conducted within three (3) days prior to initiation of Project activities and reported to CDFW as described above. If burrowing owl are found, the same coordination described above shall be necessary.</p> <p>The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and concurrence. A final letter report shall be prepared by the qualified biologist documenting the results of the burrowing owl surveys and detailing avoidance, minimization, and mitigation measures. When the qualified biologist determines that burrowing owls are no longer occupying the Project site per the criteria in the Burrowing Owl Plan, Project activities may begin. The final report shall be submitted to the City and CDFW within 30 days of completion of the survey and burrowing monitoring for mitigation monitoring compliance record keeping.</p> | | | |
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RESPONSE TO COMMENT LETTER 3: California Department of Fish and Wildlife

Response to Comment 3.1: This comment acknowledges that the California Department of Fish and Wildlife (CDFW) received the Public Review MND and thanks the Lead Agency for the opportunity to provide comments and recommendations regarding the Project. The is introductory in nature and does not question the content or conclusions of the Public Review MND. No further response is warranted.

Response to Comment 3.2: This comment provides background on CDFW as California's Trustee Agency for fish and wildlife resources. The comment continues by explaining that CDFW issued Natural Community Conservation Plan approval and take authorization in 2004 for the Western Riverside County Multiple Species Habitat Conservation Plan (MSCHP) which is a conservation program aimed to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. The comment ends with stating that CDFW is providing comments as they relate to the Project's consistency with both the MSHCP and CEQA. This comment is informative in nature and does not question the content or conclusions of the Public Review MND. No further response is warranted.

Response to Comment 3.3: This comment provides a summary of the Project. This comment does not question the content or conclusions of the Public Review MND and no further response is warranted.

Response to Comment 3.4: This comment states that the CDFW is providing comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's potentially significant impacts related to biological resources prior to Final MND adoption. Specifically, the comment states that CDFW is concerned about the adequacy of the impact analysis and mitigation measures proposed. The comment continues by explaining that the comments and recommendations are offered to relation to the Western Riverside County MSHCP and Fish and Game Code sections 3503, 3503.5, and 3513 and recommends that the comments be addressed prior to finalization of the MND.

This comment is informational in nature and provides a brief introduction to the concerns that CDFW has regarding the adequacy of the Project identifying and/or mitigating potentially significant impacts related to biological resources. This comment, though expressing concern regarding the biological assessment and mitigation provided, is introductory in nature and does not raise any specific concerns regarding the Public Review MND. No further response is warranted.

Response to Comment 3.5: This comment provides information on the MSCHP and states that assessment of the Project related impacts to the MSCHP is necessary to address CEQA requirements. The comment confirms that the Project is located within the MSHCP area and is subject to the provisions and policies of the MSHCP and therefore, the Project would need to demonstrate consistency with the MSCHP. As such, the Project would be required to pay Local Development Mitigation Fees and demonstrate compliance with the Protection of Species Associated with Riparian/Riverine Area and Vernal Pools, the Protection of Narrow Endemic Plant Species, the Urban/Wildlands Interface Guidelines, the policies set forth in Section 6.3.2, and Best Management Practices and the siting, construction, design, operation, and maintenance guidelines set forth in Section 7 and Appendix C of the MSHCP.

As discussed in the Public Review MND within Table BIO-3, the Project would be consistent with the requirements set forth by the Western Riverside MSHCP. The Project would not result in impacts to riparian/riverine habitat, sensitive plant species, and urban/wildlands interfaces. Further, the Project would implement mitigation measure MM BR 2, as revised per CDFW direction within Chapter 3 of this Final MND, which would reduce impacts related to burrowing owls to less than significant. Further, Appendix B to the Public Review MND demonstrates that the Project is consistent with the MSHCP Consistency Analysis reporting requirements.

Response to Comment 3.6: This comment provides information on Burrowing Owls (BUOW) and states that the Public Review MND identified suitable habitat for the species. The comment continued by stating that

CDFW confirmed that all focused BUOW surveys were conducted within the required survey time. In addition, CDFW recommends including a Burrowing Owl Plan if owls are detected on the Project site. This comment is informational in nature and does not provide specific guidelines for the inclusion of a Burrowing Owl Plan. Therefore, no further response is warranted.

Response to Comment 3.7: This comment provides the revised mitigation measures related to BUOW. The comment bolds the added language and strikeouts the deleted language.

The revised mitigation measure provided in Comment 3.7 does not align with the requirements set forth in the Public Review MND Project-specific mitigation measure MM BR 2. However, in response to this comment, Project-specific mitigation measure MM BR 2, which is identified on page 69 of the Public Review MND is being revised as follows.

MM BR 2. To avoid project-related impacts to burrowing owls potentially occurring on or in the vicinity of the Project site, the Project proponent shall retain a qualified biologist to conduct a pre-construction survey for resident burrowing owls within 30 days prior to commencement of ~~grading and construction activities on the Project site.~~ construction activities (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering) grading and construction activities on the Project site. The survey shall include the Project site and all suitable burrowing owl habitat within a 500-foot buffer. The results of the survey shall be submitted to the City of Perris Planning Division prior to obtaining a grading permit. In addition, if burrowing owls are observed during the nesting bird survey **(MM BR 1)**, to be conducted within three days prior to ground disturbance or vegetation clearance, the observation shall be reported to the Wildlife Agencies. If ground disturbing activities in these areas are delayed or suspended for more than 30 days after the pre-construction survey, the area shall be resurveyed for owls. **An additional preconstruction survey for resident burrowing owls within 3 days prior to commencement of construction shall also be conducted.** The preconstruction survey and any relocation activity will be conducted in accordance with the current Burrowing Owl Survey Instructions for the Western Riverside MSHCP.

If burrowing owl are detected, the CDFW shall be sent written notification by the City within three days of detection of burrowing owls. If active nests are identified during the pre-construction survey, the nests shall be avoided and the qualified biologist and Project proponent shall coordinate with the City of Perris Planning Division, the USFWS, and the CDFW to develop a Burrowing Owl Plan to be approved by the City in consultation with the CDFW and the USFWS prior to commencing Project activities. The Burrowing Owl Plan shall be prepared in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and the **Western Riverside County Multiple Species Habitat Conservation Plan** (MSHCP). The Burrowing Owl Plan shall describe proposed avoidance, minimization, relocation, and monitoring as applicable. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls and/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 may also be required in the Burrowing Owl Plan.

The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and concurrence. A final letter report shall be prepared by the qualified biologist documenting the results of the Burrowing Owl Plan. The letter shall be submitted to the CDFW prior to the start of Project activities. When the qualified biologist determines that

burrowing owls are no longer occupying the Project site per the criteria in the Burrowing Owl Plan, Project activities may begin.

If burrowing owls occupy the Project site after Project activities have started, then construction activities shall be halted immediately. The Project proponent shall notify the City of Perris Planning Division and the City shall notify the CDFW and the USFWS within 48 hours of detection. A Burrowing Owl Plan, as detailed above, shall be implemented.

The City is implementing this mitigation measure with all applicable projects moving forward. Therefore, MM BR 2 has been revised to meet CDFW recommendations, where applicable, and no further response is required.

Response to Comment 3.8: This comment states that the Project would be required to comply with the regulations set forth in Fish and Game Code Sections 3503 and 3513 related to nesting birds. The comment states that the timing of nesting season varies greatly depending on several factors, such as bird species, weather conditions, and long-term climate changes. Given the changing climate, CDFW recommends the completion of preconstruction nesting bird surveys regardless of the time of year to avoid take of nests. Further, CDFW recommends surveying for nesting behavior within three days prior to construction. The comment discusses concerns related to the potential impacts related to nesting birds from the Project and suggests the City should evaluate the direct, indirect, and cumulative impacts to nesting birds. The Public Review MND addresses impacts related to nesting birds on page 62 and discusses that the existing trees onsite have the potential to provide habitat for nesting birds. As such, the Project would implement mitigation measure MM BR 1, which would require conduct of preconstruction nesting bird surveys, which would reduce impacts to nesting birds to a less than significant level. Therefore, the Public Review MND adequately analyzes potential impacts to nesting birds and no further response is required.

Response to Comment 3.9: The comment provides revisions to mitigation measure MM BIO-1. The revised mitigation measure provided in Comment 3.8 does not align with the requirements set forth in the Public Review MND Project-specific mitigation measure MM BR 1. However, in response to this comment, Project-specific mitigation measure MM BR 1, which is identified on pages 68 to 69 of the Public Review MND is being revised as follows.

MM BR 1. In order to avoid violation of the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code Sections 3503, 3503.5, and 3513, site-preparation activities (such as ground disturbance, construction activities, and/or removal of trees and vegetation) for the Project shall be avoided, to the greatest extent possible, during the nesting season of potentially occurring native and migratory bird species.

If site-preparation activities are proposed during the nesting/breeding season, the Project proponent shall retain a qualified biologist to conduct a pre-activity field survey prior to the issuance of grading permits for the Project to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone.

If active nests are not located within the Project site and an appropriate buffer of 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (non-listed), or 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season.

However, if active nests are located during the pre-activity field survey, the biologist shall immediately establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience. The biologist shall monitor the nest at the onset of Project activities, and at the onset of any changes in such Project activities (e.g., increase

in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the biologist determines that such Project activities may be causing an adverse reaction, the biologist shall adjust the buffer accordingly or implement alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers. All work within these buffers will be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The on-site qualified biologist will review and verify compliance with these nesting avoidance buffers and will verify the nesting effort has finished. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City of Perris Planning Division for mitigation monitoring compliance record keeping.

The City is implementing this mitigation measure with all applicable projects moving forward. Therefore, MM BR 1 has been revised to meet CDFW recommendations, where applicable, and no further response is required.

Response to Comment 3.10: This comment states CDFW recommends updating the MND's proposed biological resources mitigation measures based on the revisions provided in the letter. As discussed in Response to Comments 3.7 and 3.9, mitigation measures MM BR 1 and MM BR 2 have been revised based on CDFW's recommended revisions. The Project's Mitigation Monitoring and Reporting Program, as included in Chapter 4 of this Final MND will incorporate Project-specific Mitigation Measures MM BR 1 and MM BR 2, as identified above. No further response is required.

Response to Comment 3.11: This comment states that any special status species or natural communities detected during Project surveys should be reported to the California Natural Diversity Database (CNDDDB). As discussed in Section 5.4 of the Public Review MND, *Biological Resources*, no sensitive wildlife or plant species were identified during previous site surveys. However, should any sensitive wildlife or plant species be identified during preconstruction surveys on the Project site, they shall be reported to CNDDDB. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 3.12: This comment states that the Project would have an impact on biological resources and CDFW filing fees are necessary, which would be payable upon filing of the Notice of Determination. As provided by the comment, applicable CDFW filing fees will be paid upon filing of the Notice of Determination with the Riverside County Clerk. The comment does not contain any information requiring changes to the MND. No further response is warranted.

Response to Comment 3.13: This comment states that CDFW appreciates the opportunity to comment on the Project and recommends the City address CDFW's comments prior to adoption of the MND. As discussed in Response to Comments 3.1 through 3.12, above, CDFW's comments have been addressed within the MND and an Errata has been provided as Chapter 3 of this Final MND, where necessary. Overall, the letter does not present a fair argument that the Project would have a significant environmental effect, nor does any of the information in the letters or responses constitute the type of significant new information that requires recirculation of the Redlands and Placentia Project MND for further public review under State CEQA Guidelines Section 15073.5 *Recirculation of a Negative Declaration Prior to Adoption*. No further response is warranted.

Response to Comment 3.14: This comment provides the revised mitigation measures MM BIO-1 and MM BIO-2 per CDFW's previous comments. As discussed in Response to Comments 3.7 and 3.9, mitigation measures MM BR 1 and MM BR 2 have been revised based on CDFW's recommended revisions. The Project's Mitigation Monitoring and Reporting Program, as included in Chapter 4 of this Final MND will incorporate Project-specific Mitigation Measures MM BR 1 and MM BR 2, as identified above. No further response is required.