

Comment Letter #1



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 24, 2023

Ms. Lupita Garcia
City of Perris
135 N. D Street
Perris, CA 92570
lgarcia@cityofperris.org

Subject: Prairie View Multi-Family Residential Project, Mitigated Negative Declaration, SCH # 2023020568, City of Perris, Riverside County

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 Prairie View Multi-Family Residential Project (Project) for EAC Limited Partnership (Project Applicant/Proponent) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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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

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

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including

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.

lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in “take”, as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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

PROJECT DESCRIPTION AND SUMMARY

Description: The City of Perris (City; Lead Agency) and EAC Limited Partnership (Project Applicant) are proposing the Prairie View Multi-Family Residential Project (Project). The proposed Project will consist of the construction of 16 buildings, with 6 different building types varying between 1-story for the Club House/Fitness Buildings and 3-story for the 12 residential buildings, for a total of 287 dwelling units within the 13.36-acre site.

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In addition, the proposed Project would also include the installation of concrete sidewalks, a community center, a fitness building, a common playground, open space activity areas, a barbeque area, bike racks and other amenities. Other Project activities would include the installation of water quality infrastructure, lighting, walls and fencing, and a security gate on Murrieta Road.

Location: The Project site is located north of Dale Street, east of Wilson Avenue, south of Metz Road, and west of Murrieta Road in the City of Perris, Riverside County, California, in Township 4 South, Section 28, Range 3 West, of the U.S. Geological Survey 7.5” Perris, California topographic quadrangle map; Assessor’s Parcel Number 311-502-001.

COMMENTS AND RECOMMENDATIONS

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Based on the documents for review, CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project’s significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also be included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains

1-4 cont'd adaptive management strategies as part of the Project's CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Western Riverside County Multiple Species Habitat Conservation Plan

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.

1-5 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 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.

Specific Comments

Comment #1: Burrowing Owl

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

1-6 **Specific impacts:** Project construction and activities may result in injury or mortality of burrowing owl, disrupt natural burrowing owl breeding behavior, and reduce reproductive capacity. Also, the Project may impact breeding, wintering, and foraging habitat for the species. Habitat loss could result in local extirpation of the species and contribute to local, regional, and State-wide declines of burrowing owl.

Why impacts would occur: The MND and Appendix 3 identifies that protocol burrowing owl habitat surveys of the Project site were completed May 22, 2022 as described in the *2006 Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area* and that no burrowing owls were seen

or suitable habitat was found. No additional details (the survey dates, times, etc.) were provided regarding the burrowing owl surveys mentioned within the MND. The “Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area” specify a written report must be provided detailing results of the habitat assessment with photographs and indicating whether the project site contains suitable burrowing owl habitat and burrow locations.

There is insufficient information provided to determine if the proposed avoidance and minimization measures will mitigate Project impacts below a level of significance. BIO-1 would require a no-work buffer around nesting birds, which would apply to occupied burrowing owl burrows, both during the nesting season and outside breeding season to be determined by the biologist. However, no-work buffer could be an insufficient buffer from occupied burrows and adjacent foraging grounds given the types of disturbance associated with the Project. Burrowing owls could react to low level disturbances such as surveys, drive by, or minimal ground disturbance/excavation (Environment Canada 2009). The Project is proposing a buffer that may be more suitable for low level disturbances; however, the Project could generate noise and ground vibrations more consistent with medium to high level disturbance. Project construction would generate noise and ground vibrations during daytime and nighttime earthmoving activities, demolition, tunneling, spoils hauling, and operation of large machinery. A buffer from occupied burrows during these types of disturbances could result in burrowing owls abandoning active nests, potentially causing loss of eggs or developing young, and noise could cause birds to avoid suitable nesting habitat. Finally, a buffer would not protect important foraging habitat during burrowing owl nesting season.

Implementation of buffer “to the extent feasible” does not ensure that buffers will be required, which means that the mitigation proposed is not an enforceable requirement. Furthermore, CDFW’s 2012 Staff Report on Burrowing Mitigation (CDFG 2012) does not support relocating breeding burrowing owls as mitigation. Finally, CDFW does not issue permits for the take of nesting birds, nests, or eggs. BIO-1 does not provide any performance standards suitable for successfully mitigating impacts on burrowing owl habitat. The mitigation measure proposed in the MND may not satisfy the CEQA standards for mitigation that formulation of mitigation measures shall not be deferred until some future date (CEQA Guidelines, § 15126.4).

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

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;

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

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

The Project's impact on burrowing owl has yet to be mitigated below a significant level. Accordingly, the Project continues to have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To avoid take of active burrowing owl burrows (nests), 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.

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MM-Bio 1: The project proponent shall retain a qualified biologist to conduct a preconstruction survey for resident burrowing owls within 30 days prior to commencement of ~~grading and construction activities~~ **initial ground-disturbing activities (e.g., vegetation clearing, clearing, and grubbing, grading, tree removal, site watering, equipment staging)** at the project site. The survey will 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

Migratory Bird Treaty Act (MBTA) nesting bird survey (mitigation measure BIO-3), to be conducted within three days of ground disturbance or vegetation clearance the observation shall be reported to the CDFW and the USFWS. 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 Instruction for the Western Riverside MSHCP.

A 30-day pre-construction survey for burrowing owls is required prior to initial ground-disturbing activities (e.g., vegetation clearing, clearing, and grubbing, grading, tree removal, site watering, equipment staging) to ensure that no owls have colonized the site in the days or weeks preceding the ground-disturbing activities.-If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure that burrowing owl have not colonized the site since it was last disturbed. A preconstruction survey for resident burrowing owls within three days prior to commencement shall also be conducted.

If burrowing owl are not detected during the pre-construction survey, no further mitigation is required. If burrowing owl are detected, the CDFW shall be sent written notification 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 City 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 qualified biologist and project applicant shall coordinate with the City of Perris Planning Division, the **US Fish and Wildlife Service (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 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)

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and management activities for relocated owls may also be required in the Burrowing Owl Plan. The permittee 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 CDFW prior to the start of project activities. **The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan.** When the biologist determines that burrowing owls are no longer occupying the project site per the criteria in the Burrowing Owl Plan, project activities may begin.

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MM-Bio 2: If burrowing owl are discovered to occupy the project site after project activities have started, then construction activities shall be halted immediately. The project proponent shall notify the CDFW and the USFWS within 48 hours of detection. A Burrowing Owl Plan, as detailed in mitigation measure BIO-1, shall be implemented. **The 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.**

Comment #2: Nesting Bird

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

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

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

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

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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. Without appropriate species-specific avoidance measures, biological construction monitoring may be ineffective for detecting nesting birds. This may result in Take of nesting birds. Project ground-disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating native vegetation that may support essential foraging and breeding habitat.

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

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To address the above issues and help the Project applicant avoid unlawfully taking of nesting birds, CDFW requests the City include the following mitigation measures in the MND per below (edits are in ~~strikethrough~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program.

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MM-Bio 3: 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 (ground disturbance, construction activities, staging equipment, 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.

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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 nest 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:**

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

~~If no nesting birds are observed during the survey, 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,~~ **site preparation and construction activities may begin during the nesting/breeding season. However, if active nests (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 buffer around the nest shall be delineated and flagged, and no construction activity**

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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. 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 onsite biologist shall review and verify compliance with these nesting avoidance buffers and shall 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 City of Perris Planning Division for mitigation monitoring compliance record keeping.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

Native Landscaping

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To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants, more information on native plants suitable for the Project location and nearby nurseries is available at CALSCAPE: <https://calscape.org/>. Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens (for example the Riverside-Corona Resource Conservation District in Riverside). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <https://saveourwater.com/>.

Mitigation and Monitoring Reporting Plan

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CDFW recommends updating the MND's proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [(Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the City in developing mitigation measures that are (1) consistent with CEQA

- 1-12 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).

ENVIRONMENTAL DATA

- 1-13 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

- 1-14 The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

- 1-15 CDFW appreciates the opportunity to comment on the MND for the Prairie View Multi-Family Residential Project, State Clearinghouse No. 2023020568 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.

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

Ms. Lupita Garcia
City of Perris, Associate Planner
March 24, 2023
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Sincerely,

DocuSigned by:

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REFERENCES

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https://www.wrcca.org/species/survey_protocols/burrowing_owl_survey_instructions.pdf



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Attachment A: Draft Mitigation and Monitoring Reporting Plan

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

Biological Resources (BIO)			
	Mitigation Measure (MM)	Timing	Responsible Party
Burrowing Owl	MM BIO-1: The project proponent shall retain a qualified biologist to conduct a preconstruction survey for resident burrowing owls within 30 days prior to commencement of initial ground-disturbing activities (e.g., vegetation clearing, clearing, and grubbing, grading, tree removal, site watering, equipment staging) at the project site. The survey will 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 Migratory Bird Treaty Act (MBTA) nesting bird survey (mitigation measure BIO-3), to be conducted within three days of ground disturbance or vegetation clearance the observation shall be reported to the CDFW and the USFWS. 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 Instruction for the Western Riverside MSHCP.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	<p>A 30-day pre-construction survey for burrowing owls is required prior to initial ground-disturbing activities (e.g., vegetation clearing, clearing, and grubbing, grading, tree removal, site watering, equipment staging) to ensure that no owls have colonized the site in the days or weeks preceding the ground-disturbing activities. -If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure that burrowing owl have not colonized the site since it was last disturbed. A preconstruction survey for resident burrowing owls within three days prior to commencement shall also be conducted.</p> <p>If burrowing owl are not detected during the pre-construction survey, no further mitigation is required. If burrowing owl are detected, the CDFW shall be sent written notification within three days of detection of burrowing owls. If active nests are identified during the pre-construction survey, the City 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 qualified biologist and project applicant shall coordinate with the City of Perris Planning Division, the US Fish and Wildlife Service (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 MSHCP. The</p>		
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	<p>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 permittee 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 CDFW prior to the start of project activities. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan. When the biologist determines that burrowing owls are no longer occupying the project site per the criteria in the Burrowing Owl Plan, project activities may begin.</p>		
<p>Burrowing Owl</p>	<p>MM BIO-2: If burrowing owl are discovered to occupy the project site after project activities have started, then construction activities shall be halted immediately. The project proponent shall notify the CDFW and the USFWS within 48 hours of detection. A Burrowing Owl Plan, as detailed in mitigation measure BIO-1, shall be implemented. The 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</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

	<p>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>		Project Proponent
<p>Nesting Birds</p>	<p>MM-BIO-3: 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 (ground disturbance, construction activities, staging equipment, 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 nest 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; 	<p>Prior to commencing ground- or vegetation disturbing activities</p>	

	<p>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.</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 observed during the survey, -site preparation and construction activities may begin during the nesting/breeding season. However, if active nests (including nesting raptors) are located, 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 buffer around the nest shall be delineated and flagged, and no</p>		
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	<p>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. 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 onsite biologist shall review and verify compliance with these nesting avoidance buffers and shall 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 City of Perris Planning Division for mitigation monitoring compliance record keeping.</p>		
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1-16
cont'd

Comment Letter #2



March 22, 2023

Lupita Garcia, Associate Planner
City of Perris
Development Services Department
135 North "D" Street
Perris, CA 92570

Subject: EMWD Comments for the Prairie View Apartments Project Notice of Intent to Adopt a Mitigated Negative Declaration

Location: West side of Murrieta Road, north of Dale Street, and east of Wilson Avenue in the City of Perris, Riverside County, California.

Dear Ms. Lupita Garcia:

2-1

Eastern Municipal Water District (EMWD) thanks you for the opportunity to comment on the Notice of Intention to Adopt a Mitigated Negative Declaration for the Prairie View Apartments Project (project). The project proposes the construction of a 287-unit multi-family residential complex consisting of various three-story residential structures and recreational structures. The project proposes (170) 1-bedroom units and (117) 2-bedroom units, and associated landscaping, parking, and street improvements, on 13.36 acres.

2-2

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

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

2-3 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. 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.

2-4 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. 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.

2-5 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: 2023.03.22 09:07:16
-07'00'

Alfred Javier
Director of Environmental and Regulatory Compliance

ARJ: hs

TOM DODSON & ASSOCIATES

PHYSICAL ADDRESS: 2150 N. ARROWHEAD AVENUE SAN BERNARDINO, CA 92405

MAILING ADDRESS: PO BOX 2307, SAN BERNARDINO, CA 92406

TEL (909) 882-3612 • FAX (909) 882-7015 • E-MAIL TDA@TDAENV.COM

WEBSITE: TDAENVIRONMENTAL.COM



MEMORANDUM

March 27, 2023

From: Kaitlyn Dodson-Hamilton

To: Lupita Garcia, Associate Planner, Development Services Department

Subj: Completion of the Mitigated Negative Declaration for the Prairie View Multi-Family Residential Project, DPR No. 20-00008 (SCH No. 2023020568)

The City of Perris (City) received 2 written comment letters on the proposed Mitigated Negative Declaration for the Prairie View Multi-Family Residential Project. CEQA requires a Negative Declaration to consist of the Initial Study; copies of the comments; any responses to comments as compiled on the following pages; and any other Project-related material prepared to address issues evaluated in the Initial Study.

For this Project, the original Initial Study (IS) will be utilized as one component of the Final Mitigated Negative Declaration (MND) package. The attached responses to comments, combined with the Initial Study and the Mitigation Monitoring and Reporting Program, constitute the Final MND package that will be used by the City to consider the environmental effects of implementing the proposed Project.

The following parties submitted comments. The comments in this letter are addressed in the attached Responses to Comments:

1. California Department of Fish and Wildlife (CDFW)
2. Eastern Municipal Water City

Because mitigation measures are required for this Project to reduce potentially significant impacts to a less than significant level, the Mitigation Monitoring and Reporting Program (MMRP) attached to this package is required to be adopted as part of this Final MND package. The MMRP has been incorporated by reference to this package for approval and implementation. The City consideration of the proposed Project and adoption of the Mitigated Negative Declaration will occur at a hearing that has been scheduled on **day month, 2023**.

Do not hesitate to give me a call if you have any questions regarding the contents of this package.

A handwritten signature in black ink, appearing to read 'Kaitlyn Dodson-Hamilton'.

Kaitlyn Dodson-Hamilton
Attachments

**RESPONSE TO COMMENT
LETTER #1
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

- 1-1 The comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City acknowledges the role of the California Department of Fish and Wildlife's (CDFW) as a commenter on this Project.

- 1-2 The City acknowledges the CDFW's role as a Trustee Agency, and as Responsible Agency under CEQA for this Project, and understands that authorization as provided by the Fish and Game Code for several Project-related activities may be required.

- 1-3 The Project description summary outlined in this comment are generally accurate, although the Project site is south of Patriot Lane, which turns into Metz Road east of the Project site.
- 1-4 The comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City appreciates CDFW's comments and recommendations, and addresses each comment and/or recommendation individually below.

- 1-5 The comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. As provided in the BRA and IS/MND, a full discussion of the Project's consistency with the Western Riverside County MSHCP has been provided and made available to CDFW. The BRA prepared for the Project lists the MSHCP Consistency Analysis under Section 3.4 of the document (provided as Appendix 3 to the IS/MND) on pages xv through xviii. The conclusions thereof are presented in the Initial Study on pages 30 and 34. The applicant will be required to pay the MSHCP fees and shall be required to implement mitigation measures **BIO-1** and **BIO-2** to protect BUOW through a preconstruction survey 30 and 3 days prior to commencement of construction activities. No other conservation or avoidance measures are expected, and the Project as described, is consistent with the conservation criteria and overall conservation goals and objectives set forth in the MSHCP.
- 1-6 The City appreciates CDFW's feedback on the potential for the Project to impact burrowing owl (BUOW). It appears that the reviewer overlooked the survey details provided in the BRA on page x, which indicates that the reconnaissance-level field survey occurred on May 22, 2022, and included a floristic botanical survey and a BUOW habitat suitability assessment survey, which consisted of a pedestrian survey that encompassed the entire Subject Parcel and included 100 percent visual coverage of the site and adjacent earthen flood control channel to the north. Wildlife species were detected during field surveys by sight, calls, tracks, scat, and/or other sign. In addition to species observed, expected wildlife usage of the site was determined based on known habitat preferences of regional wildlife species and knowledge of their relative distributions in the area. The focus of the faunal species survey was to identify potential habitat for special status wildlife that may occur within the Project vicinity. Photographs of the Project were provided at the end of the BRA on page xxxiv. Regardless, the City concurs with intent of CDFW's modifications to mitigation measures **BIO-1** and **BIO-2** proposed in comment 1-8, and proposes to modify the language used in these mitigation measures to address CDFW's comment.

1-7 The comment is noted and the information provided therein regarding BUOW classification by CDFW as a species of special concern (SSC) will be made available to the City decision-makers for consideration prior to a decision on the proposed Project.

1-8 As stated above, City concurs with intent of CDFW's modifications to mitigation measures **BIO-1** and **BIO-2**, and proposes to modify the language used in these mitigation measures to address CDFW's comment. The City proposes the following modified measures (additions are underlined and omissions are in strikeout), which are hereby incorporated by reference into the Final IS/MND.

BIO-1 *30-day pre-construction survey for burrowing owls is required prior to initial ground-disturbing activities (e.g., vegetation clearing, clearing, and grubbing, grading, tree removal, site watering, equipment staging) to ensure that no owls have colonized the site in the days or weeks preceding the ground-disturbing activities. If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure that burrowing owl have not colonized the site since it was last disturbed. A preconstruction survey for resident burrowing owls within three days prior to commencement shall also be conducted.*

If burrowing owl are not detected during the pre-construction survey, no further mitigation is required. If burrowing owl are detected, the CDFW shall be sent written notification 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 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 qualified biologist and Project applicant shall coordinate with the City of Perris Planning Division, the US Fish and Wildlife Service (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 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 permittee 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 CDFW prior to the start of Project activities. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan. When the biologist determines that burrowing owls are no longer occupying the Project site per the criteria in the Burrowing Owl Plan, Project activities may begin.

BIO-2 *If burrowing owl are discovered to occupy the Project site after Project activities have started, then construction activities shall be halted immediately. The Project proponent shall notify the CDFW and the USFWS within 48 hours of detection. A Burrowing Owl Plan, as detailed in mitigation measure BIO-1, shall be implemented. The 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.*

The above modification constitutes a modification to mitigation measures that does not require recirculation pursuant to CEQA Section 15073.5(c). The above measures would be equal to or more effective than that which was incorporated into the Initial Study.

1-9 The comment is noted and the information provided therein regarding impacts to nesting birds as determined by the Fish and Game Code section 3513 and the Migratory Bird Treaty Act of 1918 will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City concurs with intent of CDFW's modifications to mitigation measure **BIO-3** proposed in comment 1-10, and proposes to modify the language used in these mitigation measures to address CDFW's comment

1-10 As stated above, City concurs with intent of CDFW's modifications to mitigation measure **BIO-3**, and proposes to modify the language used in this mitigation measure to address CDFW's comment. The City proposes the following modified measure (additions are underlined and omissions are in strikeout), which is hereby incorporated by reference into the Final IS/MND.

BIO-3 *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 (ground disturbance, construction activities, staging equipment, 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 nest 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:

1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.

2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.

If no nesting birds are observed during the survey, ~~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,~~ site preparation and construction activities may begin conducted during the nesting/breeding season. However, if active nests (including nesting raptors) are located during the pre-activity field survey, the biologist shall immediately establish a conservative avoidance buffer surrounding the nest 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 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. 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 onsite biologist shall review and verify compliance with these nesting avoidance buffers and shall 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 City of Perris Planning Division for mitigation monitoring compliance record keeping.

The above modification constitutes a modification to a mitigation measure that does not require recirculation pursuant to CEQA Section 15073.5(c). The above measure would be equal to or more effective than that which was incorporated into the Initial Study.

- 1-11 The City will require the Applicant to meet City landscape and design standards, which include requiring water-wise concepts. The links provided in this comment will be retained in the Project file for reference and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project.
- 1-12 The MMRP will be updated with the revised mitigation measures as detailed in these responses to comments. The City appreciates that CDFW has provided a Draft MMRP of their proposed measures, and will integrate the data contained therein, where applicable.

- 1-13 The City will require the Applicant report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The link to CNDDDB field survey form provided will be retained in the Project file, as will the email address that is provided in this comment. Additionally, the link pertaining to the types of information reported to CNDDDB will be retained in the Project file.
- 1-14 The City understands the assessment of CDFW filing fees, and understands that City will be responsible for the payment of a filing fee upon filing the Notice of Determination for this Project.
- 1-15 Thank you for the comments on the Prairie View Multi-Family Project. The contact information provided in this comment will be retained in the Project file.

1-16 The City has incorporated the proposed modifications to mitigation measures **BIO-1** through **BIO-3** to address CDFW's recommendations. The items listed under Schedule and Responsible Party as they pertain to the MMs that will be incorporated into the Final IS/MND will be inputted into the MMRP. The City appreciates CDFW's initiative in developing an MMRP for its proposed mitigation measures.

**RESPONSE TO COMMENT
LETTER #2
EASTERN MUNICIPAL WATER DISTRICT**

- 2-1 The comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The description of the Project provided in the comment is accurate.
- 2-2 The comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The Applicant has initiated consultation with EMWD, and as a result has prepared the DC Report. The Applicant was provided with a reference number by EMWD of: TR 31240-1/APN 311-502-001/DC PPI 2022-1342.

- 2-3 The comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. As stated under response to comment 2-2, above, the Applicant has initiated consultation with EMWD has already attended the referenced meeting with EMWD staff.
- 2-4 The comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. As stated under response to comment 2-2, above, the Applicant has begun the DC approval process, as the Applicant has been assigned a Design Condition number of DC PPI 2022-1342. Though the Applicant has not yet concluded the DC approval process, the Applicant will be required to do so prior to construction of the proposed Project.
- 2-5 Thank you for the comments on the Prairie View Multi-Family Project. The contact information provided in this comment will be retained in the Project file.