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August 10, 2026
Sent via email

Russell Brady
Principal Planner
County of Riverside
4080 Lemon Street, 12th Floor
Riverside, CA 92501

Subject: Draft Environmental Impact Report, Galway Downs, State Clearinghouse No. 2025010280

Dear Russell Brady:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR), County of Riverside for the Galway Downs Project (Project), State Clearinghouse No. 2025010280 pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 *et seq.*) Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

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

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.

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 SUMMARY

Description: The County of Riverside (County; Lead Agency) and the SFT Realty Galway Downs, LLC (Project Applicant) are proposing the Galway Downs Project (Project). The Project is an existing multi-faceted events facility and encompasses 241.60 acres and consists of an operational traditional equestrian facility the majority of the time but also hosts a variety of other activities on the weekends. Specifically, Galway Downs includes a variety of existing recreational and event related facilities, including a horse racetrack and equestrian facilities; polo fields; lodging facilities; restaurants; retail space; mobile home park with club house; grooms' quarter; barn structures; office space; and horse corrals. The proposed Project would make physical and operation modifications on the property to elevate the caliber of equestrian events that can be held on the site; to permit a portion of the site to host non-equestrian sporting events; and designate areas of the site where exterior sound amplification can occur between 8 a.m. and 10 p.m.

Offsite improvements are proposed within the right-of-way of Los Caballos Road, Pauba Road and State Route 79 at the intersections of Los Caballos and Pauba Roads. An Eastern Municipal Water District (EMWD) sewer connection is proposed to extend north from the northwest order of the Project site to De Portola Road.

Location: The Project site is located south of Los Caballos Road, west of Pauba Road, and east and north of north Corralitos Road at 38801 Los Corralitos Road, within unincorporated Riverside County, state of California, within United States Geological Survey 7.5' Series Pechanga Quadrangle, Township South, Range 1 West, Section 18. The Project site encompasses two parcels of land, Assessor's Parcel Numbers (APNs) 927-160-001 and 927-160-002.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist County of Riverside in adequately identifying 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 may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends in Attachment A, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

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.

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 County 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 County shall ensure the Project implements the following:

- 1) Pays Local Development Mitigation Fees and other relevant fees as set forth in Section 8.5 of the MSHCP.
- 2) Demonstrates compliance with the HANS process (MSHCP Section 6.1.1) or equivalent process to ensure application of the Criteria and thus, satisfaction of the local acquisition obligation.
- 3) Demonstrates compliance with the policies for 1) the Protection of Species Associated

with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2 of the MSHCP); 2) the Urban/Wildlands Interface Guidelines (Section 6.1.4 of the MSHCP); and 3) the policies set forth in Additional Survey Needs and Procedures Section 6.3.2.

Comment #1: Western Riverside MSHCP Implementation: Joint Project Review

CDFW appreciates that the DEIR clearly identifies that the County of Riverside has implemented the MSHCP through participating in the Joint Project Review process (JPR) for the onsite portion of the Project in 2010. The DEIR and Appendix C2 MSHCP Consistency (Appendix C2) identifies that the Project had previously implemented the MSHCP through the Habitat Acquisition and Negotiation Strategy (HANS 2039), a Joint Project Review (JPR) 10-12-27-01, and a consistency determination which was issued on January 6, 2011. The onsite and offsite Project area is located within the Southwest Area Plan in Proposed Constrained Linkage 24. However, the DEIR and Appendix C2 Section 2.1 identify that there in an additional 2.62 acres of offsite impacts (2.16 acres of permanent and 0.46 acres of temporary impacts) which extend into Criteria Cells 7134 and 7185 that were not originally proposed within the approved JPR 10-12-27-01 and that an amendment to the JPR may be required. If the Project is to include the offsite road improvements, then the JPR has changed and as such the County of Riverside should consult with the Western Riverside County Regional Conservation Authority (RCA) to submit an application to amend JPR 10-12-27-01. The amendment should include all offsite impacts that occur within Criteria Cells, a complete analysis of the functions and values within the impact areas, and how Reserve Assembly may be affected. CDFW recommends that an amendment to JPR 10-12-27-01 occur prior to adoption of the final Environmental Impact Report, which would fully implement MSHCP Section 6.6.2 as intended. Requiring the JPR amendment to occur after adoption of the EIR would defer implementation and potential mitigation requirements after CEQA has been completed which will be a direct conflict with the MSHCP Section 6.6.2 and therefore Section 15125(d) of the CEQA Guidelines.

Additionally, the DEIR states the additional offsite impacts will include the construction of a new sewer line connection between the northwest corner of the Project site to the main Eastern Municipal Water District (EMWD) sewer line within De Portola Rd. The sewer line connection would be constructed under Temecula Creek which is identified in the MSHCP as Constrained Linkage 24. This portion of Constrained Linkage 24 is a wide alluvial wash that allows Temecula Creek to meander, change and move location with each rain season. While the DEIR states that the EMWD sewer line will be constructed via Horizontal Directional Drilling and is not anticipated to have impacts to Temecula Creek, the staging areas, and start/end points of the horizontal drilling are not identified. CDFW recommends that the DEIR clearly identifies the full limits of Temecula Creek and compare it to the location of the staging areas to ensure that there are no additional impacts riparian/riverine or Constrained Linkage 24. If the analysis determines impacts to Temecula Creek or its tributaries are anticipated then mitigation for those impacts should be described in the DEIR prior to adoption and a Determination of Biologically Equivalent or Superior Preservation (DBESP) be submitted to the RCA, U.S. Fish and Wildlife Service, and the CDFW for review.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: As explained above, implementation of the MSHCP should occur prior to finalization of CEQA. If the County will not follow this approach, CDFW requests the County amend the mitigation measures in the DEIR as shown below (edits are in ~~strikethrough~~ and **bold**) and also included in Attachment 1 "Mitigation Monitoring and Reporting Program."

MM 4.3-2 Prior to issuance of grading or construction permits that facilitate or authorize off-site construction of the sewer line between the northwest corner of the Project site and the EMWD sewer main within De Portola Road, the Project Applicant shall provide Riverside County with a Jurisdictional Delineation map, ~~and technical report, and a Determination of Biologically Equivalent or Superior Preservation (if determined one is needed),~~ prepared by a Qualified Biologist meeting the qualifications defined by the Western Riverside County MSHCP with demonstrated experience conducting ~~jurisdictional~~ **riparian/riverine** delineations. ~~in accordance with the USACE Wetland~~

~~Delineation Manual and applicable Regional Supplements.~~ The Jurisdictional Delineation shall identify the jurisdictional limits of Temecula Creek within APN 927-690-005 under Section 404 of the Clean Water Act (USACE jurisdiction), Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act (RWQCB jurisdiction), and Fish and Game Code Section 1602 (CDFW jurisdiction), in relation to ground-disturbing activities associated with the sewer line installation **including the staging areas**. The plans included as part of the grading or construction permit application shall depict the limits of federal and state jurisdiction of Temecula Creek within APN 927-690-005, and shall require directional drilling (e.g., jack and bore) beneath all mapped jurisdictional areas such that there would be no surface impact to the drainage feature within those jurisdictional limits. The grading and construction plans associated with the off-site sewer construction shall further require that all temporary impact areas be recontoured to pre-existing conditions following completion of sewer line construction. Prior to commencement of sewer line installation, the Project Applicant shall provide Riverside County with pre-construction photographs of the creek alignment and proposed bore location documenting existing conditions. Prior to final grading and sewer line installation inspection, the Project Applicant shall provide Riverside County with post-construction photographs of the drainage and sewer alignment demonstrating that the drainage feature has been completely avoided and left in its existing condition and that all non-jurisdictional areas subject to disturbance during off-site sewer line construction have been recontoured to pre-existing grades.

Comment #2: Burrowing Owl

Issue: The Project may have a significant impact on burrowing owl (*Athene cunicularia hypugaea*) and burrowing owl habitat.

Specific impacts: The Project site has the potential to provide suitable foraging and/or nesting habitat for burrowing owl. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” 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 DEIR identifies that burrowing owl have the potential to occur within the Project site; however, MM 4.3-3 provides no buffer or avoidance and minimization measures if burrowing owls are found during the pre-activity surveys and instead directly states that the owls will be relocation/excluded from the site. MM-4.3-3 would require a pre-construction surveys and states if owls are found on site they shall be relocated/excluded from the site. However, there was no detail provided for a no-work buffer or any additional avoidance or minimization measures to be implemented if burrowing owl are found during the pre-construction surveys, while the burrowing owl management plan is being drafted and reviewed and approved by the RCA and U.S. Fish and Wildlife Service, and the CDFW.

Evidence impact would be significant: On October 10, 2024, the Fish and Game Commission determined that western burrowing owl warrants protection as a candidate species under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). During the candidacy period, western burrowing owl will be afforded the same protection as threatened and endangered species under CESA. If Project activities could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities.

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

Recommended Potentially Feasible Mitigation Measure(s):

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

MM 4.3-3 **In order to avoid Project-related impacts to burrowing owls potentially occurring on or in the vicinity of the Project site , and** in accordance with MSHCP Objective 6, prior to issuance of grading permits or other permits authorizing ground disturbance or discing, the Project Applicant shall retain a qualified biologist to perform a burrowing owl survey at all potentially suitable habitat sites within the Project's limits of disturbance within 30 days prior to commencement of any ground-disturbing activities at the Project site **(and 500-foot survey buffer)**, as discussed below. **In addition, a preconstruction survey for burrowing owl shall be conducted within 3 days prior to initiation of Project activities and reported to CDFW.**

- **Pre-Construction Survey:** The pre-construction survey shall be performed by a qualified biologist that will survey the site for the presence/absence of burrowing owls within 30 days prior to commencement of ground-disturbing activities at the Project site. **If no burrowing owls are observed during the survey, site preparation and construction activities may begin. If burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities, the project proponent will immediately stop work and inform the County of Riverside, RCA, and the Wildlife Agencies (California Department of Fish and Wildlife [CDFW] and US Fish and Wildlife Service [USFWS]). In consultation with the RCA and Wildlife Agencies additional avoidance and minimization measures shall be undertaken including the possibility of preparing a Burrowing Owl Protecting and Relocation Plan, prior to initiating ground disturbance. CDFW shall be sent written notification within 48 hours of detection of burrowing owls. If active nests are identified on an implementing Project site during the pre-construction survey, the Project applicant shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or 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 burrowing owls are detected on-site during the pre construction survey, the owls shall be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to the approval of the RCA and Wildlife Agencies (i.e., CDFW and/or USFWS).**
- **Burrowing Owl Management Plan:** In the event that burrowing owl is determined to be present, or in the event that an assumption is made that the burrowing owl occurs on site, a burrowing owl management plan shall be prepared and implemented in coordination with the Western Riverside County Regional Conservation Authority (RCA) and CDFW. **The Burrowing Owl Plan shall describe proposed avoidance, relocation, monitoring, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The County will implement the Burrowing Owl Plan following CDFW and USFWS review and approval. that shall detail the relocation of owls from the Project site, passively and/or actively. If additional site visits determine the species is**

~~absent, then the pre-construction survey (as discussed above) shall instead be implemented.~~

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

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

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 has not colonized the site since it was last disturbed. If burrowing owl is found, the same coordination described above will be necessary.

Comment #3: Nesting Birds

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

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

Why impacts would occur: Project activities could result in temporary or long-term loss of suitable nesting and foraging habitats. Construction during the breeding season of nesting birds could potentially result in the incidental loss of breeding success or otherwise lead to nest abandonment. Noise from road use, generators, and heavy equipment may disrupt nesting bird mating calls or songs, which could impact reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009), and songbird abundance and density was significantly reduced in areas with high levels of noise (Bayne et al. 2008). Additionally, noise exceeding 70 dB(A) may affect feathers 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.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 2017²). 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 birds and to avoid take of nests.

The time required for birds 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

² Socolar JB, Epanchin PN, Beissinger SR and Tingley MW (2017). Phenological shifts conserve thermal niches. *Proceedings of the National Academy of Sciences* 114(49): 12976-12981.

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: To address the above issues and help the Project applicant avoid unlawfully taking nesting birds, CDFW requests the County include the following mitigation measures in the Final EIR as shown below (edits are in ~~strikethrough~~ and **bold**) and also included in Attachment 1 "Mitigation Monitoring and Reporting Program."

MM 4.3-X Regulatory requirement for potential direct/indirect impacts to nesting common and sensitive bird species will require compliance with the Migratory Bird Treaty Act and California Fish and Game (CDFG) Code Section 3503, 3503.5, and 3513. Site preparation activities (such as ground disturbance, construction activities, and/or removal of trees and vegetation) should be conducted, to the greatest extent possible, outside of the peak nesting season. Regardless of the time of year, a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, vegetation grubbing, and grading. The survey(s) will focus on identifying any bird nests that would be directly or indirectly affected by construction activities. The survey area will include the Project impact footprint and a 500-foot buffer where legal access is granted around the disturbance footprint. Within 72 hours of the nesting bird survey, all areas surveyed by the biologist will be cleared by the Contractor or a supplemental nesting bird survey is required. The survey results shall be provided to the County'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. The qualified avian biologist will make**

every effort to avoid potential nest predation as a result of survey and monitoring efforts.

If no nesting birds are observed during the survey, site preparation and construction activities may begin. If active nests or nesting birds (including nesting raptors) are identified during the nesting bird survey, avoidance buffers shall be implemented as determined by a qualified biologist and approved by the County of Riverside, based on their best professional judgement and experience. The buffer areas shall be avoided until the Project biologist determines the young have fledged and dispersed or it is confirmed that the nest has been unsuccessful or abandoned. The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. All nests shall be monitored as determined by the qualified biologist until nestlings have fledged and dispersed or it is confirmed that the nest has been unsuccessful or abandoned. The Designated Biologist shall monitor the nest at the onset of Project activities, and at the onset of any changes in such Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. The qualified biologist will serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. The qualified biologist shall halt all construction activities within proximity to an active nest if it is determined that the activities are disturbing the nest and may result in nest abandonment or take. The qualified biologist shall also have the authority to require implementation of avoidance measures related to noise, vibration, or light pollution if indirect impacts are resulting in harassment of the nest. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a final monitoring report of the findings, prepared by a qualified biologist, will be submitted to the County of Riverside documenting compliance with the CDFW Code.

Comment #4: Crotch's Bumble Bee

Issue: The Project may impact Crotch's bumble bee (*Bombus crotchii*).

Specific Impacts: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why Impact Would Occur: The DEIR states that a habitat assessment and focused surveys were conducted in spring of 2025 and Crotch's bumble bee were not detected. However, some habitat types unlikely to support foraging or presenting low detectability for Crotch's bumble bee including disturbed or developed areas, riparian communities with limited floral resources, and non-native grasslands dominated by invasive species that had already senesced were excluded from the focused surveys. Since focused surveys were done in 2025 and the Project has suitable habitat onsite. CDFW recommends pre-constructions surveys prior to the initiation of Project activities to ensure potential take of Crotch's bumble bee does not occur.

Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list Crotch's bumble bee as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Crotch's bumble bee is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). In addition, Crotch bumble bee has a State ranking of S1/S2. This means that the Crotch bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch's bumble bee is also listed as an invertebrate of conservation priority under the Terrestrial and Vernal Pool Invertebrates of Conservation Policy (CDFW 2017).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: To avoid take of Crotch's bumble bee, CDFW requests the County include the following mitigation measures in the final EIR per below (edits are in strikethrough and **bold**) and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".

MM 4.3-XX: Crotch's bumble bee is a CDFW candidate endangered species, and shall be surveyed for prior to construction. Prior to commencing construction activities, a qualified biologist with expertise in surveying for native bumble bees shall conduct a pre-construction survey for Crotch's bumble bee (*Bombus crotchii* [CBB]) during the survey season before activities begin. The qualified biologist authorized to survey for CBB by the California Department of Fish and Wildlife (CDFW) shall conduct the surveys when colonies of this species are active (typically April through August) in accordance with the most recent CDFW guidelines (Survey Considerations for California Endangered Species Act [CESA] Candidate Bumble Bee Species, dated June 6, 2023). At least 14 days prior to the anticipated start date of the surveys, the qualified biologist shall submit a notification of intent to survey to the CDFW. If a CBB nest is found within or adjacent to the project area, CDFW will be notified within 3 days in accordance with CDFW survey guidelines.

The Project does not have the authority to take a candidate species and shall obtain an Incidental Take Permit (ITP) prior to grading if "take" or adverse impacts to Crotch's bumble bee cannot be avoided either during Project activities or over the life of the Project.

Comment #5: Noise Pollution

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

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

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

Evidence Impact Would Be Significant: Construction and long-term operational conditions may result in substantial noise through events, road use, equipment, and other Project-related activities. The proposed Project designates areas of the site where exterior sound amplification can occur between 8 a.m. and 10 p.m. above Riverside County Noise Ordinance No. 847. However, the does not include an analysis of the impacts of construction and long-term operational conditions that increased noise levels could have on biological resources. The Wildlife Agencies are concerned about impacts to wildlife from noise generated during Project activities.

Per the MSHCP, wildlife adjacent to MSHCP Conservation Areas should not be subject to noise that would exceed residential noise standards. Appendix C1 and Appendix C2 provides information about the noise levels, but does not provide specific details on the types of measures that will be implemented to reduce noise impacts to the adjacent Constrained Linkage 24 and the MSHCP Conservation Area. CDFW recommends that an additional measure be included in the EIR to provide specific measures to address noise

impacts from the development to reduce edge effects from noise on the adjacent Conservation area. These measures should establish existing noise levels in the Conservation Area and post-project monitoring to evaluate the noise levels in the Conservation Area during construction and after the Project is complete.

Recommended Potentially Feasible Mitigation Measure(s):

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

MM 4.3-XX: Prior to approval of the Final Design, a Noise plan shall be submitted to the County of Riverside for review and approval. The proposed Noise Plan shall identify noise generating land uses that may affect Constrained Linkage 24 within the MSHCP Conservation Area and shall incorporate setbacks, berms or walls to minimize the effects of noise on habitat pursuant to applicable rules, regulations, and guidelines related to land use noise standards. For planning purposes, wildlife within the Constrained Linkage 24 and the adjacent MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards. The Noise Plan shall include monitoring during construction and post-project to demonstrate noise levels do not exceed residential standards. If noise standards are exceeded, the Project Applicant is responsible for immediate implementation of remedial actions to reduce noise levels to acceptable levels.

Comment #6: Lighting and Light Pollution

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

Specific Impacts: Artificial lighting and the resulting light pollution alter ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; and the detection of resources and natural enemies and navigation (Gatson et al. 2013). Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004). Further, many of the effects of artificial nighttime lightning on population- or ecosystem-level processes are still poorly known.

Why Impact Would Occur: The DEIR identifies that temporary and permanent lighting due to events and special occasions, as well as for parking areas, stables, and pavilion will be used and could introduce a new source of light into Constrained Linkage 24 and the adjacent MSHCP Conservation area. Nighttime lighting has the potential to indirectly affect wildlife use and activity. Shielded lighting will produce a glow, and with enough lights, may increase the ambient light level in the area at night. Species may be subject to increased predation from diurnal predators foraging for longer periods due to light from the adjacent development as well as increased visual acuity of nocturnal predators. The DEIR does not identify species that may be more vulnerable to increased predation from increased visibility and other impacts of adjacent habitats due to lighting.

The DEIR identifies that the proposed Project would be developed in accordance with the MSHCP requirements and that must comply with the County's requirements that lighting be restricted to the Project site through shielding and directing light downward. However, the EIR provides limited detail on shielded lighting and lacks specific technical details on the type of lighting along the Constrained Linkage 24 and the adjacent MSHCP Conservation Areas. The DEIR does not provide data on existing ambient lighting conditions and does not analyze the impacts of the lighting on the adjacent MSHCP

Conservation Areas. The DEIR does not contain any measure that could be sufficient to offset the impacts of Project-related lighting on the MSHCP Conservation Area. To ensure that any events, traffic, or parking area lighting would not significantly impact species within the MSHCP Conservation Area and would comply with MSHCP urban wildlife interface guidelines, the Wildlife Agencies recommend the Project is conditioned to provide a Lighting Plan that identifies existing ambient lighting conditions, analyzes the lighting impacts on the adjacent conservation area, and demonstrates that the proposed lighting plan will not increase the lighting on Constrained Linkage 24 and the MSHCP Conservation Area.

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

Recommended Potentially Feasible Mitigation Measure(s):

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

MM 4.3-XX: During both project construction activities and the long-term operations of the Project facility, indirect effects shall be minimized by having all artificial lighting shielded, cast downward, and directed away from adjacent Criteria Cells 7185 and 7134. Prior to issuance of any grading permit a lighting plan shall be provided to the County that identifies the type, intensity, and location of each proposed on-site lighting source during construction and long-term operation including lighting for the track, parking, roads, trails, and buildings. The lighting plan shall ensure all nonessential lighting is eliminated from the Project site and the use of artificial light during the hours of dawn and dusk is avoided or limited, as these windows of time are when many wildlife species are most active. To reduce nighttime artificial lighting-related impacts to wildlife using adjacent to conservation areas, the Project shall take lighting measurements pre-Project and during both Project construction and post-construction operations to confirm there will be no increased lighting on the adjacent Criteria Cell. If light impacts to adjacent the Criteria Cell exceed this threshold, the Project shall make changes to their operations and/or adopt landscape shielding, dimming, lighting curfews or other appropriate measures that result in the Project causing minimal to no glare to all areas of the Criteria Cell. The lighting plan shall also ensure that lighting for project activities and security purposes does not spill upward into the night sky (see the International Dark- Sky Association standards at <http://darksky.org/>). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.

Lake and Streambed Alteration Program

Based on review of material submitted with the DEIR and as stated above in the discussion on MSHCP riparian/riverine resources, Temecula Creek traverse some of the offsite improvements within the Project's scope. Depending on how the Project is designed and constructed, it is likely that the Project applicant will need to notify CDFW per Fish and

Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream, or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code § 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To submit a Lake or Streambed Alteration notification, please go to <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>.

Additional Recommendations

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

Mitigation and Monitoring Reporting Plan

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

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the County of Riverside 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 County of Riverside address the CDFW's comments and concerns prior to adoption of the final EIR.

Questions regarding this letter or further coordination should be directed to Breanna Machuca, Senior Environmental Scientist (Specialist) at breanna.machuca@wildlife.ca.gov.

Sincerely,

DocuSigned by:

84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

cc: **Office of Planning and Research, State Clearinghouse, Sacramento**
state.clearinghouse@lci.ca.gov

U.S. Fish and Wildlife Service
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REFERENCES

Beiswenger, R. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. Ecological Society of America, 1977

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>

Francis, C.D., C.P. Ortega, and A. Cruz. 2009. Noise Pollution Changes Avian Communities and Species Interactions. *Current Biology* 19:1415–1419.

Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. The ecological impacts of nighttime light pollution: a mechanistic appraisal. *Biological Reviews*, 2013.\

Halfwerk, W., L.J.M. Holleman, C. M Lessells, H. Slabbekoorn. 2011. Negative Impact of Traffic Noise on Avian Reproductive Success. *Journal of Applied Ecology* 48:210–219.

Kleist, N. J., R. P. Guralnick, A. Cruz, C. A. Lowry, and C. D. Francis. 2018. Chronic Anthropogenic Noise Disrupts Glucocorticoid Signaling and has Multiple Effects on Fitness in an Avian Community. *Proceedings of the National Academy of Sciences* 115: E648–E657.

Longcore, T. and Rich, L. Ecological Light Pollution. *Frontiers in Ecology and the Environment*, 2004.

Miller, M. 2006. Apparent Effects of Light Pollution on Singing Behavior of American Robins. *The Condor*, 108(1), University of Florida.

Stone, E., Jones, G., and Harris, S. Street lighting disturbs commuting bats. *Current Biology*, 19(13), p. 1123-1127, 2009

Western Riverside County Multiple Species Habitat Conservation Plan (RCA). 2006. Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area. Available for download at: https://www.wrcca.org/species/survey_protocols/burrowing_owl_survey_instructions.pdf



Attachment A

Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
MM 4.3-2: Prior to issuance of grading or construction permits that facilitate or authorize off-site construction of the sewer line between the northwest corner of the Project site and the EMWD sewer main within De Portola Road, the Project Applicant shall provide Riverside County with a Jurisdictional Delineation map, technical report, and a Determination of Biologically Equivalent or Superior Preservation (if determined one is needed), prepared by a Qualified Biologist meeting the qualifications defined by the Western Riverside County MSHCP with demonstrated experience conducting riparian/riverine delineations. The Jurisdictional Delineation shall identify the jurisdictional limits of Temecula Creek within APN 927-690-005 under Section 404 of the Clean Water Act (USACE jurisdiction), Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act (RWQCB jurisdiction), and Fish and Game Code Section 1602 (CDFW jurisdiction), in relation to ground-disturbing activities associated with the sewer line installation including the staging areas. The plans included as part of the grading or construction permit application shall depict the limits of federal and state jurisdiction of Temecula Creek within APN 927-690-005, and shall require directional drilling (e.g., jack and bore) beneath all mapped jurisdictional areas such that there would be no surface impact to the drainage feature within those jurisdictional limits. The grading and construction plans associated with the off-site sewer construction shall further require that all temporary impact areas be recontoured to pre-existing conditions following completion of sewer line construction. Prior to commencement of sewer line installation, the Project Applicant shall provide Riverside County with pre-construction photographs of the creek alignment and proposed bore location documenting existing conditions. Prior to final grading and sewer line installation inspection, the Project Applicant shall provide Riverside County with post-construction photographs of the drainage and sewer	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

alignment demonstrating that the drainage feature has been completely avoided and left in its existing condition and that all non-jurisdictional areas subject to disturbance during off-site sewer line construction have been recontoured to pre-existing grades.		
MM 4.3-3: In order to avoid Project-related impacts to burrowing owls potentially occurring on or in the vicinity of the Project site, and in accordance with MSHCP Objective 6, prior to issuance of grading permits or other permits authorizing ground disturbance or discing, the Project Applicant shall retain a qualified biologist to perform a burrowing owl survey at all potentially suitable habitat sites within the Project’s limits of disturbance within 30 days prior to commencement of any ground-disturbing activities at the Project site (and 500-foot survey buffer), as discussed below. In addition, a preconstruction survey for burrowing owl shall be conducted within 3 days prior to initiation of Project activities and reported to CDFW. • Pre-Construction Survey: The pre-construction survey shall be performed by a qualified biologist that will survey the site for the presence/absence of burrowing owls within 30 days prior to commencement of ground-disturbing activities at the Project site. If no burrowing owls are observed during the survey, site preparation and construction activities may begin. If burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities, the project proponent will immediately stop work and inform the County of Riverside, RCA, and the Wildlife Agencies (California Department of Fish and Wildlife [CDFW] and US Fish and Wildlife Service [USFWS]). In consultation with the RCA and Wildlife Agencies additional avoidance and minimization measures shall be undertaken including the possibility of preparing a Burrowing Owl Protecting and Relocation Plan, prior to initiating ground disturbance. CDFW shall be sent written notification within 48 hours of detection of burrowing owls. If active nests are identified on an implementing Project site during the pre-construction survey, the Project applicant shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or 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	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

occupancy. The onsite qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan. • Burrowing Owl Management Plan: In the event that burrowing owl is determined to be present, or in the event that an assumption is made that the burrowing owl occurs on site, a burrowing owl management plan shall be prepared and implemented in coordination with the Western Riverside County Regional Conservation Authority (RCA) and CDFW. The Burrowing Owl Plan shall describe proposed avoidance, relocation, monitoring, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The County will implement the Burrowing Owl Plan following CDFW and USFWS review and approval. If active burrowing owl burrows are detected within Impact Site(s) during Project implementation and construction, the Project applicant shall notify CDFW immediately in writing within 48 hours of detection. A Burrowing Owl Plan will be submitted to CDFW for review and approval within two weeks of detection and no Project activity will continue within 1000 feet of the burrowing owls until CDFW approves the Burrowing Owl Plan. The County shall be responsible for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Plan. A final report shall be prepared by a qualified biologist documenting the results of the burrowing owl surveys and detailing avoidance, minimization, and mitigation measures. The final report will be provided to County of Riverside and CDFW within		
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30 days of completion of the survey and burrow monitoring for mitigation monitoring compliance record keeping. 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 has not colonized the site since it was last disturbed. If burrowing owl is found, the same coordination described above will be necessary.		
MM 4.3-XX: Regulatory requirement for potential direct/indirect impacts to nesting common and sensitive bird species will require compliance with the Migratory Bird Treaty Act and California Fish and Game (CDFG) Code Section 3503, 3503.5, and 3513. Site preparation activities (such as ground disturbance, construction activities, and/or removal of trees and vegetation) should be conducted, to the greatest extent possible, outside of the peak nesting season. Regardless of the time of year, a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, vegetation grubbing, and grading. The survey(s) will focus on identifying any bird nests that would be directly or indirectly affected by construction activities. The survey area will include the Project impact footprint and a 500-foot buffer where legal access is granted around the disturbance footprint. Within 72 hours of the nesting bird survey, all areas surveyed by the biologist will be cleared by the Contractor or a supplemental nesting bird survey is required. The survey results shall be provided to the County'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;	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

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. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If no nesting birds are observed during the survey, -site preparation and construction activities may begin. If active nests or nesting birds (including nesting raptors) are identified during the nesting bird survey, avoidance buffers shall be implemented as determined by a qualified biologist and approved by the County of Riverside, based on their best professional judgement and experience. The buffer areas shall be avoided until the Project biologist determines the young have fledged and dispersed or it is confirmed that the nest has been unsuccessful or abandoned. The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. All nests shall be monitored as determined by the qualified biologist until nestlings have fledged and dispersed or it is confirmed that the nest has been unsuccessful or abandoned. The Designated Biologist shall monitor the nest at the onset of Project activities, and at the onset of any changes in such Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. The qualified biologist will serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. The qualified biologist shall halt all construction activities within proximity to an active nest if it is determined that the activities are disturbing the nest and may result in nest abandonment or take. The qualified biologist shall also have the authority to require		
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implementation of avoidance measures related to noise, vibration, or light pollution if indirect impacts are resulting in harassment of the nest. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, a final monitoring report of the findings, prepared by a qualified biologist, will be submitted to the County of Riverside documenting compliance with the CDFW Code.		
MM 4.3-XX: Crotch’s bumble bee is a CDFW candidate endangered species, and shall be surveyed for prior to construction. Prior to commencing construction activities, a qualified biologist with expertise in surveying for native bumble bees shall conduct a pre-construction survey for Crotch’s bumble bee (<i>Bombus crotchii</i> [CBB]) during the survey season before activities begin. The qualified biologist authorized to survey for CBB by the California Department of Fish and Wildlife (CDFW) shall conduct the surveys when colonies of this species are active (typically April through August) in accordance with the most recent CDFW guidelines (Survey Considerations for California Endangered Species Act [CESA] Candidate Bumble Bee Species, dated June 6, 2023). At least 14 days prior to the anticipated start date of the surveys, the qualified biologist shall submit a notification of intent to survey to the CDFW. If a CBB nest is found within or adjacent to the project area, CDFW will be notified within 3 days in accordance with CDFW survey guidelines. The Project does not have the authority to take a candidate species and shall obtain an Incidental Take Permit (ITP) prior to grading with CDFW if “take” or adverse impacts to Crotch’s bumble bee cannot be avoided either during Project activities or over the life of the Project.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent
MM 4.3-XX: Prior to approval of the Final Design, a Noise plan shall be submitted to the County of Riverside for review and approval. The proposed Noise Plan shall identify noise generating land uses that may affect Constrained Linkage 24 within the MSHCP Conservation Area and shall incorporate setbacks, berms or walls to minimize the effects of noise on habitat pursuant to applicable rules, regulations, and guidelines	Prior to commencing ground- or vegetation	Project Proponent

related to land use noise standards. For planning purposes, wildlife within the Constrained Linkage 24 and the adjacent MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards. The Noise Plan shall include monitoring during construction and post-project to demonstrate noise levels do not exceed residential standards. If noise standards are exceeded, the Project Applicant is responsible for immediate implementation of remedial actions to reduce noise levels to acceptable levels.	disturbing activities	
MM 4.3-XX: During both project construction activities and the long-term operations of the Project facility, indirect effects shall be minimized by having all artificial lighting shielded, cast downward, and directed away from adjacent Criteria Cells 7185 and 7134. Prior to issuance of any grading permit a lighting plan shall be provided to the County that identifies the type, intensity, and location of each proposed on-site lighting source during construction and long-term operation including lighting for the track, parking, roads, trails, and buildings. The lighting plan shall ensure all nonessential lighting is eliminated from the Project site and the use of artificial light during the hours of dawn and dusk is avoided or limited, as these windows of time are when many wildlife species are most active. To reduce nighttime artificial lighting-related impacts to wildlife using adjacent to conservation areas, the Project shall take lighting measurements pre-Project and during both Project construction and post-construction operations to confirm there will be no increased lighting on the adjacent Criteria Cell. If light impacts to adjacent the Criteria Cell exceed this threshold, the Project shall make changes to their operations and/or adopt landscape shielding, dimming, lighting curfews or other appropriate measures that result in the Project causing minimal to no glare to all areas of the Criteria Cell. The lighting plan shall also ensure that lighting for project activities and security purposes does not spill over onto other properties or upward into the night sky (see the International Dark- Sky Association standards at http://darksky.org/). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

