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Sent via email

Haide Aguirre
TLMA Contract Planner
County of Riverside
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Riverside County, CA 92501
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Subject: Draft Mitigated Negative Declaration, Temecula Valley Charter School Project (Project), State Clearinghouse No. 2025061208, County of Riverside

Dear Haide Aguirre:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the County of Riverside (County) for the Temecula Valley Charter School Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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

CDFW ROLE

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

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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

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

PROJECT DESCRIPTION AND SUMMARY

Description: The proposed Project consists of the construction of a new campus for Temecula Valley Charter School. The proposed campus will consist of a 17,292 square foot (SF) main building, library, classroom buildings, parking spaces, playgrounds, and recreational areas. Outside of the project boundary, roadside improvements and a proposed sidewalk along the northern and western boundaries will be developed, impacting Washington Street and Yates Road. Approximately 12.47 total acres are expected to be impacted by development.

Location: The project site consists of Riverside County Assessor’s Parcel Number (APN) 472-210-002. The 11.95-acre property is located at 35780 Washington Street in Winchester, County of Riverside, California. Specifically, the project site is located within the Bachelor Mountain United States Geological Survey (USGS) 7.5’ topographic quadrangle. The center point latitude and longitude for the project site are 33° 36' 03.6404" North, 117° 04' 55.8587" West.

COMMENTS AND RECOMMENDATIONS

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

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

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 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 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.

The County of Riverside is the Lead Agency and is signatory to the implementing Agreement of the MSHCP. The Project is located in the Cactus Valley/SWRC-MSR/Johnson Ranch Area Plan in the Subunit 4, within Criteria Cell 5567. The Project is associated with JPR 04-12-14-01, for which the United States Fish and Wildlife Service and the California Department of Fish and Wildlife provided comments via letter on January 24, 2005. Comments focused on the need for additional information and surveys for riparian/riverine resources as well as burrowing owl. While the January 2005 comment letter states that CDFW concurred with the JPR findings in accordance with MSHCP Reserve Assembly, we recommend that the County coordinates with the Western Riverside County Regional Conservation Authority to ensure that the Rough Step is in step prior to issuance of a grading permit to ensure that additional unauthorized take of habitat does not occur.

Specific Comments

Comment #1: MSHCP Consistency

The procedures described in the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools section of the MSHCP Plan (MSHCP Section 6.1.2) are to ensure that the biological functions and values of these areas are maintained throughout the MSHCP Plan Area (including all areas of the Plan located

outside the Criteria Area). Additionally, this process helps identify areas to consider for priority acquisition, as well as those functions that may affect downstream values related to Conservation of Covered Species within the MSHCP Conservation Area. The assessment of riparian/riverine and vernal pool resources may be completed as part of the CEQA review process as set forth in Article V of the State CEQA Guidelines. However, the MSHCP identifies that the U.S. Fish and Wildlife Service and CDFW shall be notified in advance of approval of public or private projects of draft determinations for the biologically equivalent or superior determination findings associated with the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policies presented in Section 6.1.2 of the MSHCP (MSHCP Section 6.11). As required by the MSHCP Plan, its Implementation Agreement, and the County's associated take permits from USFWS and CDFW, completion of the DBESP process prior to adoption of the environmental document helps to ensure that the Project will be consistent with the MSHCP Plan, and provides public disclosure and transparency during the CEQA process by identifying the Project impacts and mitigation for wetland habitats and species, a requirement of CEQA Guidelines, §§ 15071, subds.(a)-(e).

The MSHCP identifies that assessment of these areas includes identification and mapping of riparian/riverine areas and vernal pools. As stated in the Wildlife Agencies 2005 comment letter, the Project lacks information about mapping of the MSHCP Section 6.1.2 resources onsite, including those that are being avoided by the Project. Thus, we recommend either including mapping and avoidance descriptions within the MND or following the DBESP process. If a DBESP is needed then the assessment shall consider species composition, topography/ hydrology, and soil analysis, where appropriate. The documentation for the assessment shall include mapping and a description of the functions and values of the mapped areas with respect to the species identified in Section 6.1.2 of the MSHCP. Factors to be considered include hydrologic regime, flood storage and flood-flow modification, nutrient retention and transformation, sediment trapping and transport, toxicant trapping, public use, wildlife Habitat, and aquatic Habitat.

The MSHCP identifies that for mapped riparian/riverine and vernal pool resources that are not included in the MSHCP conservation area, applicable mitigation under CEQA, shall be imposed by the Permittee (in this case the Lead Agency). Furthermore, the MSHCP identifies that to ensure the standards in Section 6.1.2 are met, the Permittee shall ensure that, through the CEQA process, project applicants develop project alternatives demonstrating efforts that first avoid, and then minimize direct and indirect effects to the wetlands mapped pursuant to Section 6.1.2. If an avoidance alternative is not feasible, a practicable alternative that minimizes direct and indirect effects to riparian/riverine areas and vernal pools and associated functions and values to the greatest extent possible shall be selected. Those impacts that are unavoidable shall be mitigated such that the lost functions and values as they relate to Covered Species are replaced as through the Determination of Biologically Equivalent or Superior Preservation (DBESP) process.

The County is required to ensure the Applicant completes the DBESP process prior to completion and adoption of the MND to demonstrate implementation of MSHCP requirements in the CEQA documentation. The Department of Fish and Wildlife appreciate the analysis of impacts provided within the MND. However, the MSHCP implementation process is not complete, because a DBESP has not been prepared and submitted to the Wildlife Agencies for review and response for us to determine if the mitigation proposed for the impacts to riparian/riverine resources is biologically equivalent or superior preservation to avoidance. It is not appropriate for the County to adopt the MND until the DBESP is complete because the County is required to notify the Wildlife Agencies in advance of approval of public and private projects for identified MSHCP activities, such as completion of the DBESP for the riparian/riverine policy (Section 6.11 of the MSHCP).

The Wildlife Agencies request that the County of Riverside complete the DBESP process or include the mapping of avoided resources and the appropriate analysis within the MND. If a DBESP is determined to be required then CDFW recommends completing the DBESP, then updating the MND with the riparian/riverine mitigation measures identified in the DBESP. This process would demonstrate the Project's consistency with and the County's implementation of the MSHCP.

Comment #2: 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 and the noise and light disturbance that could result from Project activities.

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

The timing of the nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes

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

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

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

Recommended Potentially Feasible Mitigation Measure(s):

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

MM BIO-1 and BIO-2: Preconstruction Surveys for Nesting Birds and Raptors.

There is suitable avian nesting habitat on the Project Site. To avoid impacts to nesting birds within or adjacent to the Project Site and to comply with the California Fish and Game Code Sections 3503 and 3513 and the Migratory Bird Treaty Act, any site clearing and ground-disturbing activities should occur **outside of the breeding season for migratory songbirds and raptors, as determined by appropriate nesting bird surveys.** ~~during the non-nesting (or nonbreeding) season for birds (generally, September 1st to January 31st).~~ If this avoidance

schedule is not feasible, prior to the commencement of any proposed actions (e.g., site clearing, grading) during the breeding/nesting season, a qualified ~~monitoring biologist contracted by the project applicant~~ shall conduct a preconstruction survey(s) **no more than three days prior to the start of construction** to identify any active nests in and adjacent to the Project Site, **including a 500ft buffer around the disturbance footprint . The results of the pre-construction survey shall be documented by the qualified biologist and shall be provided to the Applicant.**

~~If the biologist does not find any active nests that would be potentially impacted, the proposed action may proceed. However, if the biologist finds an active nest within or directly adjacent to the action area (within 100 feet) and determines that the nest may be impacted, the biologist shall delineate an appropriate buffer zone (generally 300 feet for songbirds and 500 feet for raptors) around the nest using temporary plastic fencing or other suitable materials, such as barricade tape and traffic cones. The final buffer zone shall be determined by the biologist in consultation with applicable resource agencies; in consideration of species sensitivity and existing nest site conditions; and in coordination with the construction contractor. The qualified biologist shall serve as a construction monitor when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests. Only specified activities (if any) approved by the qualified biologist in coordination with the construction contractor shall take place within the buffer zone until the nest is vacated. Activities that may be prohibited within the buffer zone by the biologist include but are not limited to grading and tree clearing. Once the nest is no longer active and upon final determination by the biologist, the proposed action may proceed within the buffer zone. The monitoring biologist shall prepare a survey report summarizing his/her findings and recommendations of the preconstruction survey. Any active nests observed during the survey shall be mapped on a current aerial photograph, including documentation of GPS coordinates, and included in the survey report. The completed survey report shall be submitted to the Riverside County Planning Department prior to the commencement of construction-related activities that have the potential to disturb any active nests during the nesting season.~~

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 nesting birds or active nests (including nesting raptors) are identified, then avoidance or minimization measures shall be undertaken in consultation with the County of Riverside and the California Department of Fish and Wildlife. Measures shall include immediate establishment of avoidance buffers which shall be implemented as determined by the qualified biologist and approved by the County of Riverside, based on their best professional judgement and experience. 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. The buffer around the nest shall be delineated and flagged, and all work within these buffers shall be halted until a qualified biologist determines the nesting effort is finished (i.e., the juveniles are surviving independent from the nest, 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 effect, alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers, shall be implemented. If vegetation clearing is not initiated within 72 hours of a negative survey during the nesting season, the nesting survey must be repeated to confirm the absence of nesting birds. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to County of Riverside Planning Division for mitigation monitoring compliance record keeping.

Comment #3: Lighting and Light Pollution

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

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

Why Impact Would Occur: The MND identifies that light and glare from interior and exterior building lighting, safety and security lighting, and vehicular traffic accessing the site will occur once the site is in operation and would introduce a new source of light into the adjacent Conservation Area. Nighttime lighting has the potential to indirectly affect wildlife use and activity in adjacent Conservation Area. Shielded lighting will produce a glow, and with enough lights, may increase the ambient light level in the area at night. Species may be subject to increased predation from diurnal predators foraging for longer periods due to light from the adjacent development as well as increased visual acuity of nocturnal predators.

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 lighting will be shielded and directed away from wildlife areas, the Wildlife Agencies recommend that lighting analysis be conducted to demonstrate that Project construction and operations will result in minimal to no increase from existing lighting levels within the Conservation Area. The Wildlife Agencies request the inclusion of the following new measures in the MND:

Recommended Potentially Feasible Mitigation Measure(s):

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

MM BIO-3, BIO-4, & BIO-5: Artificial Lighting

The proposed project shall comply with the Western Riverside Multiple-Species Habitat Conservation Plan (MSHCP) Sections 6.1.4 Urban/Wildlands Interface

Guidelines (UWIG). **To reduce nighttime artificial lighting-related impacts to wildlife using conservation areas, the Project shall take lightning measurements before, during, and post-construction (i.e., during the operational period) to determine impacts of nighttime artificial lightning on adjacent conservation areas and the wildlife it supports. Measurements for the operational period shall be taken no less than 3 months following initiation of operations. To protect wildlife using conserved areas, project construction and operations shall not result in a net increase to pre-construction ambient night-time levels to all areas of conservation areas.** Lighting shall be directed away from **all of** the MSHCP conservation area(s) ~~to the east to protect wildlife and other biological resources from direct night lighting.~~ Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area(s), Public/Quasi-Public (PQP) Lands, and/or Riparian/Riverine/Vernal Pool areas do not increase over existing conditions. **If light or glare impacts to conservation areas exceed this threshold, within 30 days of identified impacts, the Project shall make changes to their operations and/or adopt additional landscape shielding, dimming, lighting curfews or other appropriate measures that result in the Project causing minimal to no glare to all conserved lands.** ~~A lighting plan shall be submitted and approved by the Riverside County Environmental Programs Division prior to building permit issuance. The lighting plan must clearly demonstrate that all light fixtures are directed away or shielded from any sensitive natural resources or habitat. A site visit may be required for verification purposes.~~

Comment #4: Burrowing Owl

Issue: On October 10, 2024, the California Fish and Game Commission accepted a petition to list Western Burrowing Owl as endangered under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.), determining the listing “may be warranted” and advancing the species to the candidacy stage of the CESA listing process. The Project may have a significant impact on burrowing owl (*Athene cunicularia hypugaea*) and burrowing owl habitat.

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 statewide declines of burrowing owl.

Why impacts would occur: The MND identifies that burrowing owl have the potential to occur within the Project site; however, the MND does not disclose the level of impacts

that could occur. To effectively assess potential impacts, focused breeding seasons surveys should be conducted, and where appropriate, mitigation required for the unavoidable impacts. Further, MM BIO-6 provides limited avoidance and minimization measures if burrowing owls are found during the pre-activity surveys.

Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list Burrowing Owl as endangered under CESA, determining the listing “may be warranted” and advancing the species to the candidacy stage of the CESA listing process. Burrowing Owl 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 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.

Additionally, the measures provided do not adequately implement the terms of MSHCP Section 6.3.2 as well as the burrowing species objectives outlined in Volume II Species Accounts. Accordingly, the Project may 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) and comply with MSHCP Additional Survey Needs and Procedures for burrowing owl under Section 6.3.2, CDFW requests the County include the following mitigation measures in the MND per below (edits are in ~~strike through~~ and **bold**), and also included in Attachment 1 “Mitigation Monitoring and Reporting Program”.

MM BIO-6: Pre-Construction and Focused Surveys for Burrowing Owl

Pursuant to Objectives 6 & 7 of the Species Account for the Burrowing Owl included in the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), **four focused burrowing owl surveys shall be conducted on the Project area and within a 500-foot buffer during the burrowing owl breeding season (March 1 through August 31) in accordance with the Western Riverside MSHCP Burrowing Owl Survey Instructions (County of Riverside, 2006). If survey results are negative (i.e., no occupied burrows or live burrowing owls are detected) and ground-disturbing Project activities are scheduled to begin within 30 days of the final survey, then no additional preconstruction survey or**

biological monitoring requirements will be necessary. ~~within 30 days prior to the issuance of a grading permit, including permits for clearing, grubbing, and/or stockpiling, a pre-construction presence/absence survey for the burrowing owl shall be conducted by a qualified biologist.~~ **A qualified biologist will conduct a preconstruction presence/absence survey for burrowing owls within 30 days prior to site disturbance (including vegetation clearing, grubbing, tree removal, site watering, equipment staging, grading, etc.), and the results provided in writing to the Riverside County Environmental Programs Department.**

~~If it is determined that the project site is occupied by the Burrowing Owl, take of "active" nests shall be avoided pursuant to the MSHCP and Migratory Bird Treaty Act. However, if a Burrowing Owl is present, relocation outside of the nesting season (February 1 through August 31) by a qualified biologist shall be required.~~ **If burrowing owls are documented onsite or have colonized the project site prior to the initiation of ground-disturbing activities, the project proponent will immediately inform the Regional Conservation Authority (RCA) and the Wildlife Agencies and will need to coordinate further with RCA and the Wildlife Agencies, including the possibility of preparing a Burrowing Owl Protection and Relocation Plan, prior to initiating ground disturbance. An experienced biologist will need to verify if the burrowing owls within the project site are breeding or wintering and prepare a Burrowing Owl Protection and Relocation Plan detailing passive (e.g., use of one-way doors and collapse of burrows) and/or active (e.g., capturing owls, relocating to a new site, and collapse of burrows) relocation methods. The Burrowing Owl Protection and Relocation Plan will be submitted to CDFW and USFWS for approval prior to initiating ground disturbance within the project site.**

The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify

compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

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 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 #5: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA)

Issue: Based on review of material submitted with the MND and review of aerial photography, the Project has the potential to impact fish and wildlife resources subject to Fish and Game Code section 1600 et seq.

Specific Impact: Although the MND identified that the project site does not contain any stream resources, a review of the aerial imagery indicates that there is a possibility that stream resources are present onsite. The Project activities have the potential to impact fish and wildlife resources within the existing earthen channel during construction activities and downstream of the project, as a result of increased energy of flow and deposition of debris, waste or other materials.

Why Impact Would Occur: Project-related activities would likely alter drainage patterns and water quality within downstream and immediate upstream portions of the Project site, including: volume, velocity, and frequency of existing and post-Project flows; polluted runoff; habitat loss; increased flooding; soil erosion and/or sedimentation in downstream water bodies and resources.

Evidence Impact Would Be Significant: Based on the proposed activities, the Project may substantially adversely affect the pattern and the geomorphological processes of the streams that the channel feeds into through increased velocity and scour.

CDFW requests that the County fully identify the potential impacts to the riparian and riverine resources. Consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife

resources. 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.

MM-BIO XX: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA)

Direct and indirect permanent impacts to rivers, streams, and lakes shall be addressed through Section 1602 of the California Fish and Game Code. Prior to the grading of the Project site and prior to the start of Project activities, the Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts subject to Fish and Game Code section 1602 and obtain one of the following: a CDFW-executed Streambed Alteration Agreement (SAA) authorizing impacts to Fish and Game Code section 1602 resources associated with the Project, written documentation from CDFW that notification is not required, or written documentation that a Streambed Alteration Agreement is not required.

The notification to CDFW should provide the following information:

- 1. A stream delineation including the bed, bank and channel;**
- 2. Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation (Sawyer et al 2009);**
- 3. A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and**
- 4. A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site.**

If an SAA is required, the Applicant shall provide compensatory mitigation at no less than 3:1 for impacts to streams and associated natural communities, or at a ratio acceptable to CDFW per a LSA Agreement. Mitigation should occur within the Western Riverside County. Onsite mitigation measures may include the enhancement of existing streams. A conceptual Habitat Mitigation and Monitoring Plan shall be prepared, if necessary, for the enhancement activities, which may include non-native species removal and revegetation followed by periodic monitoring. The plan shall specify the criteria and standards by which the enhancement actions will compensate for impacts of the project on streams.

Comment #6: 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 MND states that there is no suitable habitat present on the Project site due to its food plant genera not being present on the Project site. However, Crotch's bumble bee are generalists and could be directly affected by damage to suitable habitat, including grassland and scrub habitats. Direct effects would also include the permanent conversion of occupied habitat to project infrastructure or changes to micro/local hydrology. Indirect effects on Crotch's bumble bee during construction would include the accumulation of fugitive dust resulting in degradation of habitat for these invertebrates. In addition, changes to local runoff would have negative effects on the health and vigor of plants that make up suitable habitat.

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

MM-BIO XX: Crotch's Bumblebee

Crotch's bumble bee is a CDFW candidate endangered species, and shall be surveyed for prior to construction. Prior to ground disturbance, a habitat assessment for Crotch's bumble bee will be conducted within the Project Site and an appropriate survey buffer by a qualified biologist with experience surveying for and observing Crotch's bumble bee. If the qualified biologist determines that suitable habitat is present, site specific surveys for Crotch's bumble bee shall be conducted in accordance with any Crotch's bumble bee survey protocol provided by CDFW. If Crotch's bumble bee are determined to be present within the impact site and it is determined the species will be impacted by Project implementation, appropriate take authorizations will be required, including appropriate mitigation, determined in consultation with CDFW. In addition, the Project Applicant shall adhere to the following:

- **Inactive small mammal burrows and thatched/bunch grasses should be avoided whenever feasible. If an inactive burrow may be disturbed by Project activities, it should be resurveyed for Crotch's bumble bee presence within seven (7) days prior to the scheduled disturbance.**
- **If Crotch's bumble bee is present, the qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, a minimum 15-meter no disturbance buffer zones should be established around nests to reduce the risk of disturbance or accidental take. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take.**
- **The Project does not have the authority to take a candidate species and shall obtain an Incidental Take Permit (ITP) with CDFW 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**

- **Any floral resource associated with Crotch's bumble bee that will be removed or damaged by the Project should be replaced at no less than 1:1. Floral resources should be replaced as close to their original location as is feasible. If active Crotch's bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be planted in the most centrally available location relative to identified nests. This location should be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources should be maintained in perpetuity and should be replanted and managed as needed to ensure the habitat is preserved.**

ADDITIONAL RECOMMENDATIONS

Mitigation and Monitoring Reporting Plan

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

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

Haide Aguirre
County of Riverside
July 25, 2025
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The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND for Temecula Valley Charter School Project (Project), State Clearinghouse No. 2025061208 to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. CDFW requests that the County of Riverside address CDFW's comments and concerns prior to adoption of the MND for the Project.

Questions regarding this letter or further coordination should be directed to Alta Vasquez, Scientific Aid, at Alta.Vasquez@wildlife.ca.gov.

Sincerely,

DocuSigned by:

84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

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

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

Tricia Campbell (Western Riverside County Regional Conservation Authority)
Director of Reserve Management and Monitoring
tcampbell@rctc.org

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

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

Biological Resources (BIO)			
Mitigation Measure (MM)		Timing	Responsible Party
MM BIO-1 and BIO-2: Nesting Birds and Raptors.	There is suitable avian nesting habitat on the Project Site. To avoid impacts to nesting birds within or adjacent to the Project Site and to comply with the California Fish and Game Code Sections 3503 and 3513 and the Migratory Bird Treaty Act, any site clearing and ground-disturbing activities should occur outside of the breeding season for migratory songbirds and raptors, as determined by appropriate nesting bird surveys. If this avoidance schedule is not feasible, prior to the commencement of any proposed actions (e.g., site clearing, grading) during the breeding/nesting season, a qualified biologist shall conduct a preconstruction survey(s) no more than three days prior to the start of construction to identify any active nests in and adjacent to the Project Site, including a 500ft buffer around the disturbance footprint . The results of the pre-construction survey shall be documented by the qualified biologist and shall be provided to the Applicant. The Project Applicant shall adhere to the following: 3. Applicant shall designate a biologist (Designated	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	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. 4. 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 nesting birds or active nests (including nesting raptors) are identified, then avoidance or minimization measures shall be undertaken in consultation with the County of Riverside and the California Department of Fish and Wildlife. Measures shall include immediate establishment of avoidance buffers which shall be		
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	implemented as determined by the qualified biologist and approved by the County of Riverside, based on their best professional judgement and experience. 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. The buffer around the nest shall be delineated and flagged, and all work within these buffers shall be halted until a qualified biologist determines the nesting effort is finished (i.e., the juveniles are surviving independent from the nest, 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 effect, alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers, shall be implemented. If vegetation clearing is not initiated within 72 hours of a negative survey during the nesting season, the nesting survey must be repeated to confirm the absence of nesting birds. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to County of Riverside Planning Division for mitigation monitoring compliance record keeping.		
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MM BIO-3, BIO-4, & BIO-5: Artificial Lighting	The proposed project shall comply with the Western Riverside Multiple-Species Habitat Conservation Plan (MSHCP) Sections 6.1.4 Urban/Wildlands Interface Guidelines (UWIG). To reduce nighttime artificial lighting-related impacts to wildlife using conservation areas, the Project shall take lightning measurements before, during, and post construction operations to determine impacts of nighttime artificial lightning on adjacent conservation areas and the wildlife it supports. To protect wildlife using conserved areas, project construction and operations shall not result in a net increase to pre-construction ambient night-time levels to all areas of conservation areas. Lighting shall be directed away from all of the MSHCP conservation area(s). Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area(s), Public/Quasi-Public (PQP) Lands, and/or Riparian/Riverine/Vernal Pool areas do not increase over existing conditions. If light or glare impacts to conservation areas exceed this threshold, the Project shall make changes to their operations and/or adopt additional landscape shielding, dimming, lighting curfews or other appropriate measures that result in the Project causing minimal to no glare to all conserved lands.	Prior to commencing ground- or vegetation disturbing activities	Project Proponent
MM BIO-6: Pre-Construction and Focused Surveys for Burrowing Owl	The proposed project shall comply with the Western Riverside Multiple-Species Habitat Conservation Plan (MSHCP) Sections 6.1.4 Urban/Wildlands Interface Guidelines (UWIG). To reduce nighttime artificial lighting-related impacts to wildlife using conservation areas, the Project shall take lightning measurements before, during, and post-construction (i.e., during the operational period) to	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	determine impacts of nighttime artificial lightning on adjacent conservation areas and the wildlife it supports. Measurements for the operational period shall be taken no less than 3 months following initiation of operations. To protect wildlife using conserved areas, project construction and operations shall not result in a net increase to pre-construction ambient night-time levels to all areas of conservation areas. Lighting shall be directed away from all of the MSHCP conservation area(s). Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area(s), Public/Quasi-Public (PQP) Lands, and/or Riparian/Riverine/Vernal Pool areas do not increase over existing conditions. If light or glare impacts to conservation areas exceed this threshold, within 30 days of identified impacts, the Project shall make changes to their operations and/or adopt additional landscape shielding, dimming, lighting curfews or other appropriate measures that result in the Project causing minimal to no glare to all conserved lands.		
MM-BIO XX: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA)	Direct and indirect permanent impacts to rivers, streams, and lakes shall be addressed through Section 1602 of the California Fish and Game Code. Prior to the grading of the Project site and prior to the start of Project activities, the Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts subject to Fish and Game Code section 1602 and obtain one of the following: a CDFW-executed Streambed Alteration Agreement (SAA) authorizing impacts to Fish and Game Code section 1602 resources associated with the Project, written documentation from CDFW that notification is not required, or written	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	documentation that a Streamed Alteration Agreement is not required. The notification to CDFW should provide the following information: 5. A stream delineation including the bed, bank and channel; 6. Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation (Sawyer et al 2009); 7. A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and 8. A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site. If an SAA is required, the Applicant shall provide compensatory mitigation at no less than 3:1 for impacts to streams and associated natural communities, or at a ratio		
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	acceptable to CDFW per a LSA Agreement. Mitigation should occur within the Western Riverside County. Onsite mitigation measures may include the enhancement of existing streams. A conceptual Habitat Mitigation and Monitoring Plan shall be prepared, if necessary, for the enhancement activities, which may include non-native species removal and revegetation followed by periodic monitoring. The plan shall specify the criteria and standards by which the enhancement actions will compensate for impacts of the project on streams.		
MM-BIO XX: Crotch's Bumblebee	Crotch's bumble bee is a CDFW candidate endangered species, and shall be surveyed for prior to construction. Prior to ground disturbance, a habitat assessment for Crotch's bumble bee will be conducted within the Project Site and an appropriate survey buffer by a qualified biologist with experience surveying for and observing Crotch's bumble bee. If the qualified biologist determines that suitable habitat is present, site specific surveys for Crotch's bumble bee shall be conducted in accordance with any Crotch's bumble bee survey protocol provided by CDFW. If Crotch's bumble bee are determined to be present within the impact site and it is determined the species will be impacted by Project implementation, appropriate take authorizations will be required, including appropriate mitigation, determined in consultation with CDFW. In addition, the Project Applicant shall adhere to the following: • Inactive small mammal burrows and thatched/bunch grasses should be avoided whenever feasible. If an inactive burrow may be disturbed by Project activities, it should be resurveyed for Crotch's	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	bumble bee presence within seven (7) days prior to the scheduled disturbance. • If Crotch's bumble bee is present, the qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, a minimum 15-meter no disturbance buffer zones should be established around nests to reduce the risk of disturbance or accidental take. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take. • The Project does not have the authority to take a candidate species and shall obtain an Incidental Take Permit (ITP) with CDFW 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 • Any floral resource associated with Crotch's bumble bee that will be removed or damaged by the Project should be replaced at no less than 1:1. Floral resources should be replaced as close to their original location as is feasible. If active Crotch's bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be planted in the most centrally available location relative to identified nests. This location should be no		
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