

MEMORANDUM

DATE July 28, 2025

TO Haide Aguirre, TLMA Contract Planner, Riverside County Planning Department | 4080 Lemon Street, 12th Floor, Riverside, CA 92501

FROM Jorge Estrada, Senior Associate, PlaceWorks, 3 MacArthur Place Suite 1100, Santa Ana, CA 92707

SUBJECT **Response to California Department of Fish and Wildlife Comments on the Temecula Valley Charter School Public Draft IS/MND**

Following please find responses to the comments provided by the California Department of Fish and Wildlife (CDFW) dated July 25, 2025.

Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

Comment

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.

Response

A General Biological Assessment and Western Riverside County MSHCP Consistency Analysis report (Bio Report) was prepared for the project site and was used as the basis for the analysis, findings and mitigation measures outlined in the Biological Resources topical section of the public draft IS/MND (report is included as Appendix B of the IS/MND). The Bio Report was also reviewed and approved by the County Biologist. Further, the County Biologist concurred with the analysis and findings of the Bio Report and believes that no further MSHCP analysis are required.

Comment #1: MSHCP Consistency

To demonstrate consistency with the MSHCP, as part of the CEQA review, the County shall ensure the Project demonstrates compliance with the protection of species associated with riparian/riverine areas and vernal pools (Section 6.1.2 of the MSHCP).

Response

As substantiated in the Bio Report and Biological Resources topical section of the public draft IS/MND, no streams, drainages, or riparian habitat occur on-site. Also, no CDFW, United States Army Corps of Engineers, or Regional Water Quality Control Board jurisdictional waters occur on-site. Further, no wetlands or vernal pools were found on-site during the intensive field survey conducted by biological staff of Hernandez Environmental Services. It was determined that no impact on riparian/riverine areas and vernal pools would

occur as a result of the Project. Therefore, the Project would be consistent with the MSHCP with regards to riparian/riverine areas and vernal pools. Additionally, the County and the RCA agreed (2005 HANS) that no features meeting the definition of riparian/riverine were present on the project site.

Comment #2: Nesting Birds

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. Specifically, 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. CDFW recommends the completion of nesting bird survey regardless of time of year (and not just limited to the nesting bird season) to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests.

Response

Impacts to nesting birds (including passerine and raptor species) were addressed in the Bio Report and Biological Resources topical section of the public draft IS/MND. As substantiated in the Bio Report and Biological Resources topical section, impacts to nesting birds would be reduced to a level of less than significant with implementation of Mitigation Measure BIO-2 (which was renumbered as Mitigation Measure BIO-1 in the County Errata dated July 2, 2025). Additionally, the revised MBTA survey conditions that were recently modified and added to the Project are standard conditions that are used by the County and have satisfied CDFW's requirements on many other projects. Therefore, no revisions to the mitigation measures of the IS/MND are required.

Comment #3: Lighting and Light Pollution

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.

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 away from wildlife areas, the Wildlife Agencies recommend that lightning 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.

Response

Nighttime lighting impacts on the adjacent Conservation Area to the east were addressed in the Bio Report and Biological Resources topical section of the public draft IS/MND. As substantiated in the Bio Report and Biological Resources topical section, lighting and light pollution impacts on the adjacent Conservation Area would be reduced to a level of less than significant with implementation of Mitigation Measures BIO-3 and BIO-4 (which were renumbered as Mitigation Measures BIO02 and BIO-3, respectively, in the County Errata dated July 2, 2025). Additionally, the revised conditions that were recently modified and added to the Project by the County would suffice to ensure compliance with MSHCP UWIG requirements. Therefore, no revisions to the mitigation measures of the IS/MND are required.

Comment #4: Burrowing Owls

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

Response

Impacts to burrowing owls were addressed in the Bio Report and Biological Resources topical section of the public draft IS/MND. As substantiated in the Bio Report and Biological Resources topical section, impacts to burrowing owls would be reduced to a level of less than significant with implementation of Mitigation Measure BIO-6 (which was renumbered as Mitigation Measure BIO4 in the County Errata dated July 2, 2025). Additionally, the revised burrowing owl survey conditions that were recently modified and added to the Project are standard conditions that are used by the County and have satisfied CDFW's requirements on many other projects. Therefore, no revisions to the mitigation measures of the IS/MND are required.

Comment #5: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement

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.

Response

Impacts to aquatic and riparian/riverine resources were addressed in the Bio Report and Biological Resources topical section of the public draft IS/MND. As substantiated in the Bio Report and Biological Resources topical section, no aquatic or riparian/riverine resources were found to occur on-site. Additionally, the County and the RCA agreed (2005 HANS) that no features meeting the definition of Riparian/Riverine were present on the site. Therefore, there is no need for a Lake and Streambed Alteration Agreement.

Comment #6: Crotch's Bumble Bee

The Project may result in temporal or permanent loss of suitable nesting and foraging habitat for Crotch's bumble Bee. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Response

Impacts to Crotch's bumble bee were addressed in the Bio Report and Biological Resources topical section of the public draft IS/MND. As substantiated in the Bio Report and Biological Resources topical section, no impacts to Crotch's bumble bee were determined to occur.

However, in response to CDFW's comment and their request to ensure the adequate measures are included to ensure that no impacts to Crotch's bumble bee will occur, the County concurs with CDFW's request and has added the following condition of approval, which requires pre-construction surveys to be conducted no more than seven days prior to any ground disturbing activities. With implementation of the condition of approval, impacts to Crotch's bumble bee would be deemed less than significant and no mitigation measures are necessary.

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.*

Mitigation and Monitoring Reporting Plan

Comment

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).

Response

Based on the responses provided above under each individual comment regarding the MSHCP, no revisions to the mitigation measures provided in the IS/MND and subsequent County Errata dated July 2, 2025 are required. Also, no further revisions to the final MMRP are required.

Environmental Data**Comment**

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>.

Response

Comment noted and no response is necessary.

Environmental Document Filing Fees**Comment**

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.)

Response

The appropriate CDFW fees for MND's will be paid to the County Clerk when the NOD is filed with the County Clerk.

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