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

November 5, 2025
Sent via email

Ryan Fowler
City Planner
City of Menifee
29844 Haun Road
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Ryan Luckert
Senior Supervising Planner
Rincon Consultants, Inc.
250 East 1st Street
Los Angeles, CA 90012

Subject: Draft Mitigated Negative Declaration, Cypress Sands Project (Project), State Clearinghouse No. 2025100052, City of Menifee

Dear Ryan Fowler:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the City of Menifee (City) for Cypress Sands Project (Project) for Rincon Consultants, Inc (Project Applicant/Proponent) pursuant to 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, 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

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.

provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect state fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code, including 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 Project proposes the construction of a multi-family residential development with 132-total units and 295 parking spaces. The Project site contains disturbed area and is adjacent to an existing residential community.

Location: The Project is located in the City of Menifee, Riverside County, California. The site is north of Tioga Lane, west of Antelope Road, south of Chambers Avenue, and east of Chatham Lane. The Project site is approximately 7.93 acres and is identified as Assessor Parcel Number (APN) 333-050-034.

COMMENTS AND RECOMMENDATIONS

Based on the documents for review, CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also 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 City is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. To demonstrate consistency with the MSHCP, as part of the CEQA review, the City shall ensure the Project pays Local Development Mitigation Fees and other relevant fees as set forth in Section 8.5 of the MSHCP; and demonstrates compliance with: 1) the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2 of the MSHCP); 2) the Best Management Practices and the siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP.

Specific Comments

Comment #1: MSHCP Consistency

Issue: The City is required to ensure the Applicant completes the Consistency Analysis 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 Determination of Biologically Equivalent or Superior Preservation (DBESP) has not been prepared and submitted to the Wildlife Agencies for review and response 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 City to adopt the MND until the DBESP is complete because the City 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 Consistency Analysis for the riparian/riverine policy (Section 6.11 of the MSHCP).

The Wildlife Agencies request that the City of Menifee complete the Consistency Analysis process, and once the Consistency Analysis is complete, then update the MND with the riparian/riverine mitigation measures identified in the Consistency Analysis.

This process would demonstrate the Project's consistency with and the City's implementation of the MSHCP.

Specific Impact: Completion of the MSHCP would still be required due to an incomplete assessment of riparian-riverine resources. The MND does not acknowledge the Project's relationship to the Underwood Residential Development Project and how the City of Menifee completed a DBESP delineating riparian-riverine resources within the Cypress Sands Project area. Further details are included below, under Comment #2: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA).

Evidence Impact Would Be Significant: The MSHCP identifies that assessment of these areas include identification and mapping of riparian/riverine areas and vernal pools. 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 MSHCP Consistency Analysis process.

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, its Implementation Agreement, and the City's associated take permits from USFWS and CDFW, completion of a MSHCP Consistency Analysis process prior to adoption of the environmental document helps to ensure that the Project will be consistent with the MSHCP, 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).

Comment #2: 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: The MND identified that the Project site contains 0.02-acres of riparian-riverine features that could potentially be considered sensitive in the MSHCP, but after further analysis was determined to not meet the definition of riparian-riverine resources. The MND concluded that while the resource is present onsite it may not require regulatory permits or be subject to Fish and Game Code section 1600 et seq.

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: In a previously submitted DBESP from the City of Menifee for the Underwood Residential Development Project, multiple riparian-riverine resources were mapped adjacent to and within the Cypress Sands Project site. Indicated as an "Off-Site Drainage", the resource is mapped starting from a drainage south of Chambers Avenue and north of O'Sullivan Road. The drainage continues parallel to Chambers Avenue, crossing Aspel Road and Antelope Road and ending within the Cypress Sands Project site. While the Off-Site Drainage resource was fully avoided in the Underwood Residential Development Project, it was still identified as 0.77-acres of riparian-riverine resource. CDFW recommends that the City

re-evaluate the impacts to the resources on site, as the Project may substantially adversely affect the existing stream pattern and geomorphologic processes of the Project site through the deposition of debris, waste or other materials that could pass into any river, stream or lake.

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 the 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 obtain a Lake or Streambed Alteration notification package, please go to https://www.wildlife.ca.gov/Conservation/LSA/Forms.

Comment #3: 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 determined that there is no suitable burrowing owl habitat within the Project site due to the smaller size of burrows that were present and the lack of vegetation cover ideal for nesting habitat. However, because burrowing owl are known to migrate and the Project site falls under a burrowing owl Survey Area, it is recommended to minimize potential impacts by conducting pre-activity surveys as detailed in the MM BIO measure below.

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.

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 City include the following mitigation measures in the MND per below (edits are in ~~strikethrough~~ and **bold**), and also included in Attachment 1"Mitigation Monitoring and Reporting Program".

MM BIO-XX: Pre-Construction Survey for Burrowing Owl.

- **A pre-construction presence/absence survey for burrowing owl (BUOW) within the Project area shall be conducted and submitted to USFWS and CDFW by a qualified biologist within 30 days prior to the commencement of ground disturbing activities. If active BUOW burrows are detected during the breeding season, all work within an appropriate buffer (typically a minimum of 300 feet) of any active burrow will be halted. The project proponent shall immediately inform the Regional Conservation Authority (RCA) and Wildlife Agencies and will need to coordinate further with the RCA and 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 any burrowing owls are within the project site are breeding or**

wintering, a Burrowing Owl Protection and Relocation Plan will be prepared 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 Plan shall describe proposed avoidance, monitoring, relocation, minimization, mitigation actions, creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls. 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. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.**

- **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. 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 #4: Crotch's Bumblebee

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: While the MND identifies the Project site as not having suitable habitat, Crotch's bumble bee has been found to be a generalist when foraging and may occupy small burrows on site. Crotch's bumble bee has also been found present in other Projects within the City of Menifee and neighboring cities. As a result, the Project may result in direct effects to Crotch's bumble bee including the permanent conversion of occupied habitat to project infrastructure or changes to micro/local hydrology. Indirect effects on Crotch 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 avoid take of Crotch's bumble bee, CDFW requests the City include the following mitigation measures in the MND per below (edits are in ~~strikethrough~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program.

MM-BIO XX: 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 mitigation will be 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, 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) 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, the Project proponent should obtain appropriate take authorization from CDFW pursuant to Fish and Game Code section 2081 subdivision (b).**

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

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 CNNDB 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 MND for the Cypress Sands Project (Project), State Clearinghouse No. 2025100052 to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for

consultation regarding biological resources and strategies to minimize impacts. CDFW requests that the City of Menifee 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 Enola Fulgencio, Environmental Scientist, at Enola.Fulgencio@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Kim Freeburn
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@opr.ca.gov.

REFERENCES

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

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 and Monitoring Reporting Plan

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

Biological Resources (BIO)			
Mitigation Measure (MM)		**Timing**	**Responsible Party**
Burrowing Owl	MM BIO-XX: Pre-Construction Surveys for Burrowing Owl. • A pre-construction presence/absence survey for burrowing owl (BUOW) within the Project area shall be conducted and submitted to USFWS and CDFW by a qualified biologist within 30 days prior to the commencement of ground disturbing activities. If active BUOW burrows are detected during the breeding season, all work within an appropriate buffer (typically a minimum of 300 feet) of any active burrow will be halted. The project proponent shall immediately inform the Regional Conservation Authority (RCA) and Wildlife Agencies and will need to coordinate further with the RCA and 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 any burrowing owls are within the project site are breeding or wintering, a Burrowing Owl Protection and Relocation Plan will be prepared detailing passive (e.g., use of one-way doors and collapse of burrows) and/or active (e.g., capturing owls, relocating to a new	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	site, and collapse of burrows) relocation methods. • The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, mitigation actions, creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls. 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. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval. • 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. 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.		
Crotch's Bumble Bee	MM-BIO XX: 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 mitigation will be 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, 15-meter no disturbance buffer zones should be established around nests to reduce the risk of disturbance or accidental	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	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) 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, the Project proponent should obtain appropriate take authorization from CDFW pursuant to Fish and Game Code section 2081 subdivision (b). • 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.		