State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
VALERIE TERMINI, Acting Director

February 2, 2026
Sent via email

Alisa Sramala, Principal Park Project Manager
Parks, Recreation, and Community Services Department
City of Riverside
3900 Main Street Parks, Recreation and Community Services
Riverside, CA 92522
asramala@riversideca.gov

Subject: Draft Mitigated Negative Declaration, Tequesquite Sites and Santa Ana River Greenway Park Master Plans, Riverside Gateway Parks Program (Project), State Clearinghouse No. 2025120520, City of Riverside

Dear Alisa Sramala:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the City of Riverside (City) for the Tequesquite Sites and Santa Ana River Greenway Park Master Plans, Riverside Gateway Parks Program (Project) for the City of Riverside Parks, Recreation and Community Services Department (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 provide, as available, biological expertise during public agency environmental review

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.

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 City of Riverside Parks, Recreation, and Community Services Department (PRCSD), Planning and Design Division is preparing several Park Master Plans for sites along the Santa Ana River Trail in Riverside, California under the Riverside Gateway Parks Program.

Tequesquite Extension North

The proposed Project would develop 41 acres of the undeveloped City-owned and managed parkland which includes the anticipated buildout of overlooks, shaded picnic area, water play area, restrooms and storage, bike rest stop, biological avoidance zones, proposed parking lot expansion, arroyo walk, Santa Ana River Trail reroute, equestrian rest stop with corral, water, seating and shade structure, exercise loop, planting buffer, pickleball courts, concession area and bike rest stop, two roller rinks, parking lot with permeable paving at parking rows, interpretive native garden and trailhead, flex meadow, signage, portion of the Santa Ana River Greenway rail, and lighting.

Tequesquite Extension South

The proposed Project would develop the 55 acres of undeveloped City-owned and maintained parkland which includes the anticipated buildout of skatepark half pipe, bike rest stop, skate park, nature play area and tot track, junior pump track and champions

plaza, cultural interpretive walk and demonstration gardens, pump track, Santa Ana River Greenway trail, riparian forest with sculpture installations, farm incubator plots, biological avoidance zone, ecological interpretive feature and overlook, and lighting.

Santa Ana River Greenway Park Project

The proposed Project would develop an approximately 2 mile long and 12-foot-wide decomposed granite trail. The proposed route would run along portions of the existing Santa Ana River Trail (SART) and Rubidoux Avenue. The proposed route would run along portions of the existing SART and would reroute a portion of the existing SART. The anticipated buildout for the project site includes lighting, seating/benches, shade structures, shade trees, bike path, signs, and walking trails.

Location: The Tequesquite Extension North Project is between the base of Mount Rubidoux and the Santa Ana River in Ward 1 of the Grand neighborhood area. The Project site is surrounded by Tequesquite Avenue to the south, a residential neighborhood to the east, and undeveloped open space to the west. The site extends from Carlson Park to the existing developed Ryan Bonaminio Park at the Tequesquite Arroyo. The Tequesquite Extension South Project lies at the base of a bluff in Ward 1 of the Grand neighborhood area and is bordered by the Santa Ana River Bike Path to the north, Ryan Bonaminio Park to the east, and an access road to the south and west. The Santa Ana River Greenway runs from the back of Carlson Park, along the Tequesquite Extension North site, past Ryan Bonaminio Park, the 4-acre private parcel, and to the Tequesquite Extension South site.

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 of Riverside 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) HANs process and/or Joint Project/Acquisition Review Process (Section 6.1.1 and Section 6.6.2 subitem E of the MSHCP) or equivalent process to ensure application of the Criteria and thus, satisfaction of the City's obligation to the MSHCP Conservation Area 2) the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2 of the MSHCP); 3) Urban/Wildlands Guidelines (Section 6.1.4 of the MSHCP); 4) Maintenance of Other Existing Facilities Within Public/Quasi-Public lands and Allowable Uses in the MSHCP Conservation Area (MSHCP Section 7.2.5 and 7.4) 5) the Best Management Practices and the siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP.

Specific Comments

Comment #1: MSHCP Consistency

The City of Riverside is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. The Project and other associated projects within the Riverside Gateway Parks Program are located in the Jurupa Area Plan in Subunit 1, and proposing Project activities within MSHCP Criteria Cells 187, 443, 534, 621, and 617 adjacent to the Santa Ana River. The MND is missing information on how the Project might contribute to, or conflict with, assembly of the MSHCP Conservation Area consistent with the reserve configuration requirements. The MND lacks the specifications of Criteria for Cells within the Projects' location and does not address how Public/Quasi Public Lands (PQP) are being impacted and how they will be replaced. The City as a Permittee to the MSHCP should reach out to the Western Riverside County Regional Conservation Authority (RCA) and discuss the Joint Project Review (JPR) process set forth in Section 6.6.2 and the Determination of Biological Equivalent or Superior Preservation (DBESP) in Section 6.1.2 of the MSHCP for proposed discretionary Projects within the Criteria Area and discuss any impacts to habitats within existing PQP lands.

The City is required to ensure that all public and private projects complete the Consistency Analysis process prior to completion and adoption of the MND to demonstrate implementation of MSHCP requirements in the CEQA documentation. To meet this requirement, the City must prepare and submit a JPR and a DBESP to RCA, CDFW, and United States Fish and Wildlife Service (USFWS) for review and response to determine if the project is consistent with Reserve Assembly, PQP requirements, and that the mitigation proposed for the impacts to riparian/riverine resources is biologically equivalent or superior to an avoidance alternative.

Absent completion of this process, including the associated analysis, CDFW is concerned that the Project could be inconsistent with the MSHCP and could potentially harm MSHCP Conservation Areas through incompatible use of PQP Lands of which the reserve was based. Recreation can have significant impacts on wildlife and ecosystem health (Hammitt et al. 2015; Marion et al. 2016) and areas identified within the MND as being designed for additional trails, pickleball courts, skating rinks, and any other construction should be analyzed for their impacts not only on riparian/riverine resources but also on the MSHCP Conservation Area and specific habitat types.

CDFW requests that the City complete the Consistency Analysis process, and once the Consistency Analysis is complete, then update the MND with any additional measures identified through the JPR and DBESP process in the Consistency Analysis. This process would demonstrate the Project's consistency with and the City's implementation of the MSHCP.

Comment #2: Burrowing Owl

The MND identifies that burrowing owl have the potential to occur within the Project site and provides the results of focused surveys completed in 2022. CDFW is concerned that the information provided in the MND is outdated and may not effectively assess potential impacts. The Project site is within the Burrowing Owl survey area of the MSHCP (Section 6.3.2) which requires recent focused surveys to determine occupancy. CDFW recommends focused breeding seasons surveys be conducted, and where appropriate, mitigation required for the unavoidable impacts (see recommended language for inclusion in the MND). Further recommended revisions to MM-BIO-2 have been added below to address additional avoidance and minimization measures if burrowing owls are found during the pre-activity surveys.

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. During its candidacy, 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).

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. Therefore, the following revisions are recommended.

.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure: 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 replace MM-BIO-2 with the following:

MM-BIO-2: Focused Surveys and Pre-Construction Surveys for Burrowing Owl.

During burrowing owl breeding season (March 1-August 31), a total of four focused surveys for BUOW shall be conducted by a qualified biologist within the Project area and a 500 ft buffer around the disturbance footprint prior to ground disturbance to reevaluate the locations of active BUOW burrows. In addition to breeding season surveys, pre-construction presence/absence surveys for BUOW shall be conducted and submitted to USFWS and CDFW by a qualified biologist within 30 days prior to the commencement of ground disturbing activities to avoid direct take of BUOW (MSHCP Species Specific Objective 6). 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. If BUOWs are identified on-site, during either the breeding season or pre-construction surveys, a Burrowing Owl Protection and Relocation Plan shall be developed in compliance with the MSHCP and in coordination with the California Department of Fish and Wildlife, United States Fish and Wildlife Service and the Western Riverside County Regional Conservation Authority. The City shall implement the following measures as well as any others developed in coordination with CDFW, USFWS and RCA:

- **A biological monitor will be present during vegetation clearing, grading, and construction, to monitor occupied BUOW burrows and any construction-related impacts.**

- **Prior to any ground disturbance, all limits of Project construction will be delineated and marked to be clearly visible to personnel on foot and in heavy equipment. All construction-related activities (e.g., vegetation removal, grading, equipment lay-down and storage, and contractor parking) will occur inside the limits of construction and designated staging areas. Construction staging and equipment storage will be located outside any occupied BUOW burrow locations.**

- **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.

- **A qualified biologist will conduct any necessary BUOW passive relocation that may be required to avoid Project effects to BUOW.**
- **If BUOWs must be moved away from the proposed work area, passive relocation techniques (e.g., use of one-way doors and collapse of burrows) would be used rather than actual avian trapping. At least one or more weeks would be necessary to accomplish this to allow the birds to acclimate to alternate burrows.**
- **The Project shall provide funding for long-term management and monitoring of the protected lands acquired for BUOW impacts. This monitoring would include an annual report submittal to the CDFW.**

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

The MND and the Jurisdictional Delineation provided identified that the Project site has CDFW stream resources onsite as identified as Feature 5 within the Santa Ana River

Greenway site. Based on the description in the MND, the Project activities may impact fish and wildlife resources with the development of the park and could potentially have impacts to the downstream portion of the Santa Ana River as a result of increased energy of flow and deposition of debris, waste or other materials. Based on review of materials submitted with the draft MND and review of aerial photography, the Project has the potential to impact fish and wildlife resources and is subject to Fish and Game Code section 1600 et seq.

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. CDFW requests the MND edit mitigation measure MM-BIO-15, as shown below, to require a notification of lake or streambed alteration be submitted to CDFW, as required by Fish and Game Code section 1602.

Mitigation Measure: To ensure compliance with F&GC section 1602, CDFW requests the City include the following measure:

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 Streamed 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 #4: Crotch's Bumblebee

The California Fish and Game Commission accepted a petition to list Crotch's bumble bee (*Bombus crotchii*) 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's bumble bee has a State ranking of S1/S2. This means that the Crotch's 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).

The MND recognizes that Crotch's bumble bee has the potential to nest onsite and that impacts to an active nest could be significant. CDFW adds that the Project may result in temporal or permanent loss of suitable nesting and foraging habitat. Crotch's bumble bee could be directly affected by damage to suitable habitat, including grassland and scrub habitats near the Santa Ana River. 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. CDFW appreciates the inclusion of MM-BIO-11, and requests the City incorporate the revision shown below to address the potential need for the City to obtain "take" authorization and mitigate the loss of habitat, in addition to implementing avoidance and minimization measures aimed at addressing direct impacts to individual adults, eggs, and/or larvae.

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-11: Crotch's Bumble Bee **Habitat Assessment and** Pre-Construction Surveys: **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.**

- Pre-construction surveys for Crotch's bumble bee should be conducted no more than 30 days prior to any ground disturbance that would occur between March and September (the flight

season). If pre-construction surveys identify occupied Crotch's bumble bee habitat within the project area, the project biologist should notify the CDFW and establish, monitor, and maintain no-work buffers around active nest colonies and any associated floral resources identified. The size and configuration of the no-work buffer should be ~~based on best professional judgment of the project biologist~~ in consultation with the CDFW. ~~At a minimum, the buffer should provide at least 50 feet of clearance from construction activities around any nest entrances and maintain disturbance-free airspace between the nest and nearby floral resources. Construction activities should not occur within the no-work buffers until the colony is no longer active (i.e., no bees are seen flying in or out of the nest for 3 consecutive days, indicating the colony has completed its nesting season and the next season's queens have dispersed from the colony).~~ **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 Tequesquite Sites and Santa Ana River Greenway Master Plans, Riverside Gateway Parks Project (Project), State Clearinghouse No. 2025120520 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 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 Breanna Machuca, Senior Environmental Scientist Specialist, at Breanna.Machuca@wildlife.ca.gov.

Sincerely,

Kim Freeburn

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

Western Riverside County Regional Conservation Authority
Harry Sandoval, Deputy Director
Hsandoval@rctc.org

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

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

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

Hammitt, W.E., D.N. Cole, and C.A. Monz. 2015. Wildland Recreation: Ecology and Management. 3rd edit. West Sussex, UK: John Wiley and Sons.

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

Marion, J.L. 2016. A review and synthesis of recreation ecology research supporting carrying capacity and visitor use management decision making. Journal of Forestry 114 (3): 339-351.

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

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

***GAVIN NEWSOM*, Governor**
***VALERIE TERMINI*, Acting 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**
Burrowing Owl	MM-BIO-XX: Focused Surveys and Pre-Construction Surveys for Burrowing Owl. During burrowing owl breeding season (March 1-August 31), a total of four focused surveys for BUOW shall be conducted by a qualified biologist within the Project area and a 500 ft buffer around the disturbance footprint prior to ground disturbance to reevaluate the locations of active BUOW burrows. In addition to breeding season surveys, pre-construction presence/absence surveys for BUOW shall be conducted and submitted to USFWS and CDFW by a qualified biologist within 30 days prior to the commencement of ground disturbing activities to avoid direct take of BUOW (MSHCP Species Specific Objective 6). 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. If BUOWs are identified on-site, during either the breeding season or pre-construction surveys, a Burrowing Owl Protection and Relocation Plan	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	shall be developed in compliance with the MSHCP and in coordination with the California Department of Fish and Wildlife, United States Fish and Wildlife Service and~~/or~~ the Western Riverside County Regional Conservation Authority. These measures would include the following as well as any others developed in coordination with CDFW, USFWS and RCA: • A biological monitor will be present during vegetation clearing, grading, and construction, to monitor occupied BUOW burrows and any construction-related impacts. • Prior to any ground disturbance, all limits of Project construction will be delineated and marked to be clearly visible to personnel on foot and in heavy equipment. All construction-related activities (e.g., vegetation removal, grading, equipment lay-down and storage, and contractor parking) will occur inside the limits of construction and designated staging areas. Construction staging and equipment storage will be located outside any occupied BUOW burrow locations. ○ All movement of contractors, subcontractors, or their agents and equipment will be restricted to the limits of construction and staging areas. ○ A qualified biologist will conduct any necessary BUOW passive relocation that may be required to avoid Project effects to BUOW. • If BUOWs must be moved away from the proposed		

	work area, passive relocation techniques (e.g., use of one-way doors and collapse of burrows) would be used rather than actual avian trapping. At least one or more weeks would be necessary to accomplish this to allow the birds to acclimate to alternate burrows. • The Project would provide funding for long-term management and monitoring of the protected lands acquired for BUOW impacts. This monitoring would include an annual report submittal to the CDFW. • 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.		
Lake and Streambed Alteration Agreement	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 Streamed 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.		
Crotch's Bumble Bee	MM-BIO-11: Crotch's Bumble Bee Habitat Assessment and Pre-Construction Surveys: 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. • Pre-construction surveys for Crotch's bumble bee	Prior to commencing ground- or vegetation disturbing activities	Project Proponent

	should be conducted no more than 30 days prior to any ground disturbance that would occur between March and September (the flight season). If pre-construction surveys identify occupied Crotch's bumble bee habitat within the project area, the project biologist should notify the CDFW and establish, monitor, and maintain no-work buffers around active nest colonies and any associated floral resources identified. The size and configuration of the no-work buffer should be in consultation with the CDFW. 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.		