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GAVIN NEWSOM, Governor
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Sent via email

Governor's Office of Planning & Research

APR 06 2020

STATE CLEARINGHOUSE

Ms. Sandra Yang
Senior Planner
City of Corona
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Subject: Draft Supplemental Environmental Impact Report
Arantine Hills Specific Plan Amendment No. 3
State Clearinghouse No. 2006091093

Dear Ms. Yang:

The California Department of Fish and Wildlife (CDFW) received the Draft Supplemental Environmental Impact Report (SEIR) on February 24, 2020 from the City of Corona (City) for the Arantine Hills Specific Plan Amendment No. 3 (AKA Bedford Marketplace, DPR2019-0019, DPR2019-0020, DPR2019-0021) Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants,

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.

and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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

PROJECT DESCRIPTION SUMMARY

The Project proposes an amendment to the Arantine Hills Specific Plan to increase the boundary of the specific plan by approximately 17.85 acres. The Project proposes to increase the area designated as Commercial in the specific plan from 10.03 acres to approximately 21.67 acres and increase open space by 6.21 acres. To implement the Project the following discretionary approvals will be processed by the City: General Plan Amendment, Parcel Map, Noise Variance, Precise Plan, and this SEIR.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources

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. It may also apply to work undertaken within the flood plain of a body of water.

Figures 2.5B and 2.8 of the SEIR identify that a new 1.86-acre-foot water quality basin will be constructed as part of the Project. The aforementioned figures also identify that an outlet culvert will need to be constructed within the northern bank of Bedford Canyon Wash to connect the new water quality basin to Bedford Canyon Wash. Figure 2.7 also identifies the placement of three 36" concrete metal pipes in Bedford Wash, covered with sediment (5:1 side slopes), to accommodate a 25-foot wide temporary haul road.

Page 3.4.4-8 of SEIR describes impacts to Bedford Canyon Wash at these two separate locations as follows:

“Two components of the Modified Project could affect the jurisdictional areas of Bedford Canyon Wash. One component is a storm drain pipe from the proposed on-site detention basin that must outlet into Bedford Wash. The Modified Project proposes to outlet the storm drain pipe with the same design as the other outlet already installed into the improved Bedford Wash channel. The storm drain pipe would outlet through a concrete structure constructed into the rip-rap lined bank of Bedford Wash, which would result in approximately 0.01 acre of modification to the rip-rap lined bank of Bedford Wash.

The second component of the Modified Project that could affect the jurisdictional areas of Bedford Wash would occur if Soil Import Alternative 2 is selected for importing fill soil. As described in Chapter 2.0, this alternative would involve importing soil from Planning Area 14 on the south side of Bedford Wash, crossing the Wash at the existing downstream concrete crossing, and onto the Modified Project Site. The placement of temporary soil on the concrete pad would cover an area of 0.09 acre of Waters of the State/MSHCP Features, which matches the area of the existing concrete pad crossing.”

The Biological Technical Report for Bedford Marketplace (Appendix A) (page 37) and the SEIR (page 3.4.4.8) state that because these aforementioned activities occur within areas that were “...previously disturbed through authorization of Regulatory Permits...and those permits remain active...no additional Regulatory permits...” are required. This information is incorrect. The Arantine Hills Development Project was issued a Lake and Streambed Alteration (LSA) Agreement on July 25, 2016: LSA Agreement No. 1600-2015-0055-R6 (Revision 2). An amendment to the LSA Agreement No. 1600-2015-0055-R6 (Revision 2) was executed March 26, 2018, and the current expiration date for the LSA Agreement is July 9, 2021. The Project activities described in this SEIR were not described in Notification No. 1600-2015-0055-R6, nor were they described in the amendment request to Notification No. 1600-2015-0055-R6. As such, the Project activities described in this SEIR were not analyzed by CDFW and were therefore not identified as a component of the Project, as described in LSA Agreement No.

1600-2015-0055-R6 (Revision 2). It is true that the LSA Agreement for Notification No. 1600-2015-0055-R6 (Revision 2) has not yet expired. But the SEIR statement that “no additional regulatory permits...” are required is incorrect.

To ensure compliance with Fish and Game Code section 1602, CDFW recommends that an amendment to LSA Agreement No. 1600-2015-0055-R6 (Revision 2) be submitted to CDFW requesting authorization for the Project activities identified in this SEIR. CDFW further recommends the inclusion of the following new mitigation measure in the SEIR to ensure that the Project complies with Fish and Game Code section 1602:

Prior to issuance of any grading permit Project Applicant shall provide to the City of Corona either of the following: Written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project; or a copy of a CDFW-executed Lake or Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the activities identified in this Project.

Western Riverside County Multiple Species Habitat Conservation Plan and Permittee Obligations

CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) per section 2800, *et seq.*, of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit.

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. To obtain additional information regarding the MSHCP please go to: <http://rctlma.org/epd/WR-MSHCP>.

The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. In order to be considered a covered activity, Permittees must demonstrate that proposed actions are consistent with

the MSHCP and its associated Implementing Agreement. The City is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP.

As previously mentioned, the Project proposes impacts at two separate locations within Bedford Canyon Wash. Because impacts are proposed to Bedford Canyon Wash, the Project is subject to the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (MSHCP section 6.1.2). The City previously submitted a Determination of Biologically Equivalent or Superior Preservation (DBESP), as required for impacts to MSHCP riparian/riverine resources, for the Arantine Hills Specific Plan (submitted to CDFW May 27, 2015), and for the Arantine Hills Specific Plan, Amendment No. 2 (submitted to CDFW December 14, 2018). Neither of these DBESP submittals identified impacts to Bedford Canyon Wash as described in this Project. CDFW recommends that the City submit an amendment to the existing DBESP identifying the project elements described in the SEIR. Submission of a revised DBESP to CDFW (and the U.S. Fish and Wildlife Service) will ensure that the City demonstrates compliance with the MSHCP and its associated Implementing Agreement.

CDFW recommends that the City include a new mitigation measure in the SEIR conditioning the Project to demonstrate compliance with the MSHCP and its associated Implementing Agreement. CDFW recommends the inclusion of the following new measure in the SEIR:

Prior to issuance of any grading permit the Project shall demonstrate compliance with the MSHCP and its associated Implementing Agreement, via the provision of written correspondence from the USFWS and CDFW stating that the Project is consistent with the MSHCP's Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (MSHCP section 6.1.2).

ENVIRONMENTAL DATA

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

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 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.)

CDFW CONCLUSIONS AND FURTHER COORDINATION

CDFW appreciates the opportunity to comment on the SEIR for the City of Corona's Arantine Hills Specific Plan Amendment No. 3 Project (SCH No. 2006091093) and recommends that the City address the CDFW's comments and concerns prior to adoption of the SEIR.

Pursuant to CEQA Guidelines section 15097(f) CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for the new proposed mitigation measures. The draft MMRP is enclosed at the end of this letter.

If you should have any questions pertaining to the comments provided in this letter, and to schedule a meeting, please contact Joanna Gibson at (909) 987-7449 or at Joanna.Gibson@wildlife.ca.gov.

Sincerely,



Scott Wilson
Environmental Program Manager

ec: California Department of Fish and Wildlife
HCPB CEQA Coordinator

Office of Planning and Research, State Clearinghouse
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Mitigation Monitoring and Reporting Program for the City of Corona's Arantine Hills Specific Plan Amendment No. 3 Project

Mitigation Measure	Timing and Methods	Responsible Parties
Biological Resources		
<p>Prior to issuance of any grading permit Project Applicant shall provide to the City of Corona either of the following: Written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project; or a copy of a CDFW-executed Lake or Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the activities identified in this Project.</p>	<p>Timing: Prior to issuance of grading permit. Methods: Prior to issuance of a Grading Permit, Project Applicant shall submit to the City of Corona either of the following: written correspondence from CDFW stating that notification pursuant to section 1602 of the Fish and Game Code is not required for the Project, or a copy of a CDFW-executed Lake or Streambed Alteration Agreement authorizing impacts to Fish and Game Code section 1602 resources associated with the activities identified in this Project.</p>	<p>Implementation: Project Applicant Monitoring and Reporting: City of Corona.</p>
<p>Prior to issuance of any grading permit the Project shall demonstrate compliance with the MSHCP and its associated Implementing Agreement, via the provision of written correspondence from the USFWS and CDFW stating that the Project is consistent with the MSHCP's Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (MSHCP section 6.1.2</p>	<p>Timing: Prior to issuance of grading permit. Methods: Prior to issuance of a Grading Permit the Project shall submit to the City of Corona written correspondence from CDFW and the USFWS stating that the Project is consistent with the MSHCP.</p>	<p>Implementation: Project Applicant Monitoring and Reporting: City of Corona.</p>