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DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 13, 2020
Sent via email

Governor's Office of Planning & Research

APR 13 2020

STATE CLEARINGHOUSE

Mr. Carl Stiehl
Senior Planner
City of Murrieta
1 Town Square
Murrieta, CA 92562
cstiehl@murrietaca.gov

Subject: Draft Supplemental Environmental Impact Report
City of Murrieta General Plan Update 2035 Project
State Clearinghouse No. 2010111084

Dear Mr. Stiehl:

The California Department of Fish and Wildlife (CDFW) received the Draft Supplemental Environmental Impact Report (SEIR) on March 2, 2020 from the City of Murrieta (City) for the Murrieta General Plan Update 2035 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, and habitat necessary for biologically sustainable populations of those species.

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.

(*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 update to the existing General Plan to achieve land use, transportation, greenhouse gas emissions, and other goals of the City that reflect the community's growth for a future horizon year of 2035. The purpose of the Project is to create a policy framework that articulates a vision for the City's long-term physical form and development, while preserving and enhancing the quality of life for the City's residents.

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 City is a Permittee to the MSHCP and its associated Implementing Agreement. Section 13.2 of the Implementing Agreement identifies County and Cities Obligations under the MSHCP and states that the County and Cities will “Adopt and maintain ordinances or resolutions as necessary, and amend their general plans as appropriate, to implement the requirements and to fulfill the purposes of the Permits, the MSHCP and this [Implementing] Agreement for private and public development projects...” Following review of the SEIR, CDFW is concerned that the City has not adequately identified the City’s obligations under the MSHCP and its Implementing Agreement. CDFW’s review has identified specific concerns related to the following sections of the SEIR: Transportation, and Wildfire.

Transportation

The Transportation section (Section 4.2) evaluates transportation impacts associated with implementation of the Project. Included in this section are the City’s future intersections and roadway segments. CDFW was unable to find discussion of, or reference to, how the City’s proposed transportation network will demonstrate compatibility with the goals and objectives of the MSHCP; specifically with Planned Roads within the Criteria Area (MSHCP section 7.3.5), as identified in General Plan Circulation Element with Criteria Area (Figure 7-1) of the MSHCP. For example, the SEIR identifies a future intersection at Briggs Road/Keller Road, and a new roadway segment of Keller Road east of Whitewood Road (SEIR, page 4.2-2), described as an “extension of Keller Road to Leon Road” (SEIR, page 4.2-9). This proposed extension of Keller Road to Leon Road is not identified as a covered road in Figure 7-1 of the MSHCP.

Because the City is proposing the construction of a road within the MSHCP Criteria Area that is not currently identified as a covered activity under the MSHCP, CDFW recommends that the City include a new mitigation measure in the SEIR conditioning all forthcoming road projects to demonstrate consistency with the MSHCP and its associated Implementing Agreement. CDFW recommends the inclusion of the following new measure in the SEIR:

Prior to final plan check (or equivalent), all proposed road Projects within MSHCP Criteria Cells shall demonstrate compliance with the MSHCP and its associated Implementing Agreement, via the completion of appropriate review and consistency determinations by the Western Riverside County Regional Conservation Authority (RCA), including at a minimum: Joint Project Review (JPR), and potentially a Major Amendment to the MSHCP (if deemed necessary by the United States Fish and Wildlife Service, and California Department of Fish and Wildlife).

CDFW further recommends that the City revise Section 4.2 of the SEIR to demonstrate compatibility with the goals and objectives of the MSHCP. CDFW recommends that the City consult Figure 7-1 of the MSHCP, and that Section 4.2 of the SEIR identify and describe the City's obligations as a Permittee to the MSHCP and its Implementing Agreement.

Wildfire

The SEIR discusses Wildfire (Section 4.5) within the City and its Sphere of Influence. Included in this section is a discussion of wildland fires within undeveloped hillside areas in and adjacent to the City, including the escarpments of the western boundary of the City (SEIR, page 4.5-3). In addition to discussing construction material requirements, Section 4.5 also briefly mentions that "other techniques, such as fuel modification and firebreaks, may be utilized to reduce the threat from wildland fires." (SEIR, page 4.5-3). Though not identified in the SEIR, CDFW is concerned that fuel modification and firebreaks may be proposed on existing conservation lands or on lands identified for future conservation under the MSHCP. Because of these concerns, we request that the City involve the RCA, U.S. Fish and Wildlife Service, and CDFW in any discussions/meetings, plan development or review, for vegetation management, fire access, fuel modification requirements, and fire/fuel break maintenance for locations within or adjacent to areas described for conservation under the MSHCP.

CDFW also recommends that the City require the location, acreage, and composition of defensible space/fuel modification zones, access routes, and water availability occur entirely within the proposed development. The City, through their planning processes, should be ensuring that defensible space is provided and accounted for *within proposed development land use designated areas*, and not transferred to adjacent open space or conservations lands.

To assist the City with the enforcement of wildfire-related mitigation measures, for example: fuel modification, brush clearance, access routes, and water availability, CDFW recommends that Mitigation Measures (MM) FP-1 through FP-3 be revised as follows (additions in **bold**, deletions in ~~strikethrough~~):

MM FP-1 The Murrieta Fire and Rescue [MFR] shall review future development projects to determine if a Fuel Modification Plan is required. If required, **prior to issuance of a grading or building permit** project applicants shall prepare the Fuel Modification Plan in accordance with MFR requirements. **The Applicant shall ensure that the entirety of the Fuel Modification Plan can be accommodated within the proposed development footprint boundary.** ~~prior to the issuance of a grading or building permit.~~

MM FP-2 Brush clearance shall be conducted prior to initiation of construction activities in accordance with MFR requirements. **Brush clearance shall occur entirely within the proposed development footprint boundary.**

MM FP-3 Adequate access to all buildings on the project site shall be provided for emergency vehicles during the building construction process. **Access shall occur within the proposed development footprint or provided from existing developed areas.**

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 Murrieta's General Plan Update 2035 Project (SCH No. 2010111084) and recommends that the City address the CDFW's comments and concerns prior to adoption of the FEIR. Pursuant to CEQA Guidelines section 15097(f) CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for the new Transportation mitigation measure. The draft MMRP is enclosed at the end of this letter.

Mr. Carl Stiehl, Senior Planner
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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 Murrieta's General Plan Update 2035 Project

Mitigation Measure	Timing and Methods	Responsible Parties
Transportation		
<p>Prior to final plan check (or equivalent), all proposed road Projects within MSHCP Criteria Cells shall demonstrate compliance with the MSHCP and its associated Implementing Agreement, via the completion of appropriate review and consistency determinations by the Western Riverside County Regional Conservation Authority (RCA), including at a minimum: Joint Project Review (JPR), and potentially a Major Amendment to the MSHCP (if deemed necessary by the US Fish and Wildlife Service, and California Department of Fish and Wildlife).</p>	<p>Timing: Prior to final plan check. Methods: Prior to final plan check the City of Murrieta shall demonstrate compliance with the MSHCP and its associated Implementing Agreement</p>	<p>Implementation: City of Murrieta Monitoring and Reporting: City of Murrieta.</p>