



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



February 7, 2020
Sent via email

Governor's Office of Planning & Research

FEB 07 2020

STATE CLEARINGHOUSE

Joanne Coletta
City of Corona
400 S. Vicentia Avenue
Corona, CA 92882

Subject: Initial Study with Proposed Mitigated Negative Declaration
Precise Plan 2019-0001 (PP2019-0001) and Tentative Tract Map 37608
(TTM 37608) Project
State Clearinghouse No. 2020019017

Dear Ms. Coletta:

The California Department of Fish and Wildlife (CDFW) received the Initial Study (IS) and proposed Mitigated Negative Declaration (MND) on January 9, 2020 from the City of Corona (City) for the Precise Plan 2019-0001 (PP2019-0001) and Tentative Tract Map 37608 (TTM 37608) 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. (*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.

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.

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

Project Location

The proposed Project site is located east of Interstate 15 and north of Tom Barnes Road within Temescal Canyon, in the City of Corona, Riverside County. APNs: 279-121-004, -005, -006; 279-122-001, -002, -003, and -004; 279-123-001, -002, and -003; 279-125-001, -002, and -004; 279-134-001, -002, -003, and 004; 279-140-001, and -007; 279-231-044.

Project Description

The Project proposes the construction of 15 industrial facilities ranging in size from 18,262 square feet (sq. ft.) to 253,798 sq. ft., and an associated parking lot. No offsite improvements are planned for the Project. The proposed Project will develop the entire 75-acre site, with the exception of a 1.7-acre conservation easement, and an approximately 1-acre native plant setback along the southern border of the Project site. The purpose of the native plant setback is to create a buffer between the Project and Joseph Canyon Wash (the existing 1.7-acre easement area). Historically, the Project site was used as an aggregate mining facility, and subsequently underwent mine reclamation during the 1990s.

COMMENTS AND RECOMMENDATIONS

CDFW is concerned about the adequacy of the impact analysis and the mitigation measures proposed in the MND and the ability of the Project to mitigate the significant, or potentially significant, direct and indirect impacts to native habitats and species that rely on these habitats. Following review of the Biological Resources section of the IS, CDFW offers the comments and recommendations presented 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. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to the Project's consistency

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with the Western Riverside County Multiple Species Habitat Conservation Plan. CDFW recommends that each of these be addressed prior to adoption of the MND.

Lake and Streambed Alteration Program

Fish and Game Code 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.

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 your 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). Therefore, to facilitate issuance of an LSA Agreement, if necessary, the MND 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>

The MND's Mitigation Measure (MM) did not indicate that the Project would require notification to CDFW pursuant to Fish and Game Code section 1602. Additionally, the IS/MND did not include a jurisdictional delineation or the full and formal biological assessment for the Project site. After conducting a Project site visit on January 30, 2020, CDFW identified fish and wildlife resources subject to Fish and Game Code 1600 on the Project site that were not included in the IS/MND. The fish and wildlife resources subject to Fish and Game Code 1600 discovered at the Project site include a seasonal pond near the southwestern boundary of the site, and a seasonally dry valley-bottom claypan wetland occupying much of the eastern and central portions of the site. The wetland supports emerging stands of mulefat shrubs (*Baccharis salicifolia*) as well as two stands of cattails (*Typha* species). Furthermore, standing water was observed at multiple locations across the Project site, demonstrating the site's ability to support standing water even 5 weeks after the last major rain event (December 24-25, 2019). At high water levels in the valley-bottom wetland area (as well as the southwestern pond), the water overflows to Temescal Creek via standpipes on the Project site which

lead into culverts directing the overflow to Temescal Creek. To ensure compliance with Fish and Game Code section 1602, CDFW recommends the new mitigation measure include the text below:

MM BIO-[X]: Prior to issuance of any grading or construction permits by the City, the applicant shall consult with the California Department of Fish and Wildlife regarding a Fish and Game Code section 1602 Streambed Alteration Agreement, the United States Army Corps of Engineers regarding a Clean Water Act Section 404 Permit, and the Regional Water Quality Control Board regarding a Clean Water Act Section 401 Certification. The Project applicant shall be required to obtain the necessary permits or provide written documentation that such permits are not needed. The Project shall mitigate impacts to waters of the United States and waters of the State, wetlands, and riparian habitats, by preserving on-site habitat, restoring similar habitat, or purchasing off-site credits from an approved mitigation bank. Mitigation shall be subject to pre-approval by the Regional Water Quality Control Board (RWQCB), U.S Army Corps of Engineers (ACOE) and the California Department of Fish and Wildlife.

In order to reduce impacts to Fish and Game Code section 1602 resources to a level that is less than significant, CDFW recommends that the City identify a specific and enforceable mitigation strategy in the MND. The mitigation strategy should identify the amount (acreage) and type of mitigation and should be commensurate with impacts. CDFW is available to assist the City in evaluating the proposed mitigation prior to adoption of the MND.

Western Riverside County Multiple Species Habitat Conservation Plan

Based on a site visit conducted by CDFW on January 30, 2020, CDFW determined the project would result in impacts to Riparian/Riverine resources subject to Section 6.1.2 of the MSHCP. CDFW is unaware that a Determination of Biologically Equivalent or Superior Preservation (DBESP) has been prepared for this Project. Please note that the MSHCP consistency review process will not be complete until CDFW and the United States Fish and Wildlife Service approve a DBESP for impacts to MSHCP Section 6.1.2 resources. Because this process is not complete, CDFW recommends that City include a new mitigation measure in the Final MND conditioning the Project applicant to demonstrate compliance with Section 6.1.2 of the MSHCP. CDFW recommends the inclusion of the following new measure in the Final MND:

MM BIO-[X]: Prior to issuance of any grading permit the Project Applicant shall provide to the City written correspondence from the United States Fish and Wildlife Service and California Department of Fish and Wildlife confirming that the Determination of Biologically Equivalent

or Superior Preservation (DBESP) has been approved or provide written documentation that a DBESP is not needed.

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.).

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND for the Precise Plan 2019-0001 (PP2019-0001) and Tentative Tract Map 37608 (TTM 37608) Project (State Clearinghouse No. 2020019017), and recommends that the City address CDFW's comments and concerns prior to adoption of the MND. If you should have any questions pertaining to the comments provided in this letter, please contact Eric Chan at (909) 483-6317 or at Eric.Chan@wildlife.ca.gov.

Sincerely,



Scott Wilson
Environmental Program Manager

Attachment 1: Draft Mitigation Monitoring and Reporting Program for CDFW-proposed Mitigation Measures.

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ATTACHMENT 1

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party for implementing the mitigation measure. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure.

Mitigation Measure	Implementation Schedule	Responsible Party
Prior to issuance of any grading or construction permits by the City, the applicant shall consult with the California Department of Fish and Wildlife regarding a Fish and Game Code section 1602 Streambed Alteration Agreement, the United States Army Corps of Engineers regarding a Clean Water Act Section 404 Permit, and the Regional Water Quality Control Board regarding a Clean Water Act Section 401 Certification. The Project applicant shall be required to obtain the necessary permits or provide written documentation that such permits are not needed. The Project shall mitigate impacts to waters of the United States and waters of the State, wetlands, and riparian habitats, by preserving on-site habitat, restoring similar habitat, or purchasing off-site credits from an approved mitigation bank. Mitigation shall be subject to pre-approval by the Regional Water Quality Control Board (RQWCB), U.S Army Corps of Engineers (ACOE) and the California Department of Fish and Wildlife.	Prior to issuance of any grading or construction permits by the City	Project Applicant

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Prior to issuance of any grading permit the Project Applicant shall provide to the City written correspondence from the United States Fish and Wildlife Service and California Department of Fish and Wildlife confirming that the Determination of Biologically Equivalent or Superior Preservation (DBESP) has been approved or provide written documentation that a DBESP is not needed.	Prior to issuance of any grading or construction permits by the City	Project Applicant
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