



Community & Economic Development Department
Planning Division
14177 Frederick Street
P. O. Box 88005
Moreno Valley CA 92552-0805
Telephone: 951.413-3206
FAX: 951.413-3210

February 24, 2015

Kennon A. Corey
U.S. Fish and Wildlife Office
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, CA 92262

Leslie MacNair
California Department of Fish and Wildlife
Inland Desert Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91762

RE: World Logistics Center

Dear Mr. Corey and Ms. MacNair:

The City of Moreno Valley Planning Division is in receipt of your letter dated December 19, 2014 regarding the Western Riverside County Multiple Species Habitat Conservation Plan Determination of Biological Equivalence or Superior Preservation (DBESP) and related Multi-Species Habitat Conservation Plan (MSHCP) documents for the proposed World Logistics Center (WLC) project. Attached are responses to the detailed comments in your letter prepared by FirstCarbon Solutions on behalf of the Applicant.

As you are aware, the City has worked closely with the Regional Conservation Authority (RCA) to complete the Joint Project Review (JPR), MSHCP Consistency Analysis and DBESP report prepared for the Project. Given the programmatic nature of the project and the EIR, it is not feasible to address all comments in your letter at this time. Additional environmental documentation, including MSHCP consistency analyses and site specific DBESP reports will be prepared and processed when site-specific applications such as subdivision maps, site development plans, and/or improvement plans are submitted for review and approval. Please note that the entitlements presently in process do not permit any earthwork or other physical disturbance of existing site conditions. When applicable and prior to commencement of actual physical development, "project" applicants will be required to prepare a site-specific DBESP at the time the site-specific project is proposed. Each DBESP report will be forwarded to the Wildlife Agencies for review and comment.

Moreno Valley Planning staff and the applicant's consultants have worked through the comments provided in the Fish and Wildlife Service Agency letter dated December 19, 2014, while project discretionary review applications continue to be processed for consideration before the Planning Commission and City Council. Based on the contents of this letter and attached comments sheet, detailed responses have been provided to address Agency concerns up through the review of the proposed World Logistics Center Specific Plan and related discretionary applications. If said applications are approved, City staff will continue to coordinate the review of future site-specific development plans with RCA, U.S Fish and Wildlife Service and the California Department of Fish and Wildlife pursuant to all applicable processing requirements.

Letter to U.S. Fish and Wildlife
California Department of Fish and Wildlife
February 24, 2015
Page 2

If you have any questions, or need any additional information, please do not hesitate to call me at 951.413.3215 or email me at markg@moval.org

Sincerely,



Mark Gross, AICP
Senior Planner



Richard J. Sandzimier
Planning Official

Attachments: Response to Comments Letter from First Carbon Solutions date February 12, 2015



February 12, 2015

Mr. Mark Gross, Senior Planner
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92553

Re: Response to Comments on the Western Riverside County Multiple Species Habitat Conservation Plan Determination of Biological Equivalent or Superior Preservation for the World Logistics Center Specific Plan, Moreno Valley, California.

Dear Mr. Gross:

FirstCarbon Solutions (FCS) is pleased to provide this response to United States Fish and Wildlife Service and California Department of Fish and Wildlife comments regarding the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Determination of Biological Equivalent or Superior Preservation (DBESP) for the World Logistics Center Specific Plan.

FCS submitted a Habitat Assessment and MSHCP Consistency Analysis and DBESP to the City of Moreno Valley on December 10, 2013, which was forwarded to the RCA. FCS received comments from the RCA on December 18, 2013 and December 31, 2013. A Technical Memorandum: Response to Comments from the RCA regarding the Multiple Species Habitat Conservation Plan (MSHCP) and of Biologically Equivalent or Superior Preservation (DBESP) Documents was submitted to RCA for review on March 24, 2014.

Following review of our March 24, 2014 submittal, FCS and Highland Fairview met with the RCA on April 24, 2014 to discuss some follow-up items that required further review and clarification before the Habitat Assessment and MSHCP Consistency Analysis and DBESP reports could be finalized. The following is a list of those topics:

1. Burrowing Owl Relocation Plan
2. Burrowing Owl passive or active relocation to berms along the detention basins
3. Burrowing Owl Surveys will be required at a project-level basis at the time of CEQA Analysis
4. Detailed Discussion of each Riparian/Riverine Area
5. Description of Detention Basins Function and Value
6. Project-level lighting design
7. Additional development description within the 250-foot buffer along the southern boundary
8. Nitrogen Deposition

All of the above topics were adequately addressed by RCA standards and the MSHCP and DBESP

documents were submitted for final resource agency review.

Based on the December 19, 2014 comment letter from USFWS and CDFW, the following concerns and/or requests were identified and are addressed in this response letter.

In the introduction section of the comments letter, the acreage of the project is listed as 2,635 acres. It should be noted that the MSHCP and DBESP document lists the acreage as 2,610 acres.

Comment 1

The DBESP is programmatic and promulgates development of subsequent DBESP's as specific projects are proposed. The current Project DBESP includes general guidelines for mitigation requirements and long-term maintenance and monitoring of conservation areas. The Project has identified permanent impacts to 4.69 acres of riparian and/or riverine areas as defined by the MSHCP Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools Policy (Riparian/Riverine Policy, MSHCP section 6.1.2). Several on-site hydrological features were not considered MSHCP riparian riverine features and were excluded from the total project impact acreage calculation. The mitigation plan for unavoidable permanent impacts to riparian or riverine habitat consist of no less than a 1:1 replacement ratio and no more than 11.34 acres of restoration. The Project proposes that a separate project-level DBESP be prepared for any project-related impacts to riparian and riverine areas. Therefore, it is critical that riparian and riverine areas are identified correctly in the Specific Plan. We have concerns regarding the appropriate identification of riparian/riverine resources and the adequacy the mitigation plan proposed in the DBESP.

Response:

The approved MSHCP documents for the WLC project are based on General Plan and zoning-level development plans, not detailed site-specific project plans that the Wildlife Agencies routinely see in their permitting processes. The MSHCP's acreage numbers for potential impacts are based on the overall development concept for the project rather than specific projects. When site-specific projects are designed, project-level entitlement processing will be undertaken. As the Agencies' letter states, "The Project proposes that a separate project-level DBESP be prepared for any project-related impacts to riparian and riverine areas." This provision guarantees that subsequent evaluations of potential impacts to riparian and riverine areas will be required throughout the entire WLC project area.

Comment 2

There are 15 on-site drainage features identified in the DBESP. Drainages 1, 2, 4, 5, 6, 7, 8, 9, 12, and 15 were considered subject to the Riparian/Riverine Policy. Drainages 10 and 11 are within the San Jacinto Wildlife Area and will not be affected by project activities. Drainages 3, 13, and 14 were not considered riparian/riverine habitat due to lack of downstream hydrological connectivity. Drainage feature 3 terminates within a pool complex on-site and was also excluded because of lack of connectivity. Features 13 and 14 are man-made basins which do not appear to have an outflow capacity or natural connection to other hydrological features. We request a site visit to assess the on-site hydrological features. Additionally, off-site development discussed in the DBESP includes the construction of four debris basins and two water reservoirs. Based on review of aerial imagery, these

project features appear to have the potential to affect riparian/riverine resources. We would also like see those features as well during the site visit.

Response:

City staff has discussed this request with the property owner/applicant, Highland Fairview, and they have agreed to host a site visit at a mutually agreeable time. City staff will participate in the site visit. Highland Fairview will make the necessary arrangements. The site visit will allow the Agencies to fully understand the hydrologic features on and off site and identify the location of the proposed detention basin.

Comment 3

The DBESP recommends mitigation for the loss of riparian and riverine habitat using on-site, off-site, and/or in-lieu fee credit opportunities. On-site mitigation opportunities are identified as drainage improvements including the installation of flood control detention basins. The basins would primarily be located within the 250-foot conservation buffer. These areas are proposed as created riparian habitat. The Wildlife Agencies are concerned that the proposed 250-foot conservation buffer may not be an appropriate area to replace lost functions and values of on-site riparian and riverine resources. Flood control and water quality basins generally require maintenance, and without an understanding of the basin maintenance needs, we cannot identify the riparian values expected in the basins. Further, the shape and structure of the proposed basins in the identified conservation buffer may inhibit sediment transport and capture flows currently provide water to rare alkaline plants on the SJWA. We are concerned that the Project as configured will de-water rare alkaline resources at the SJWA and request a hydrology study to demonstrate that existing flows will not be lost.

Response:

Until site-specific project applications are submitted with specific designs and specific mitigation proposals, this entire discussion is conceptual and speculative. The Agencies' concerns about potential limitations on on-site mitigation are noted and any such request will be evaluated when the details of site-specific projects are submitted for review and approval.

Comment 4

The project is within an MSHCP Additional survey area for burrowing owl. Focused surveys were conducted for the species in 2007, 2010, 2012, and 2013. A single breeding pair of burrowing owl was observed during the 2005 focused surveys. Because the project considers the site occupied by the species, the DBESP included a burrowing owl relocation plan. In the MSHCP plan area, the Wildlife Agencies support the active relocation of burrowing owls within development footprints. We request that the Specific Plan be conditioned to actively relocate any owls detected during build out of the Specific Plan. A relocation plan will be needed for each translocation effort. The Wildlife Agencies and the Western Riverside County Regional Conservation Authority (RCA) will need to review and approve each relocation plan.

Response:

The Specific Plan is a planning document; it is not a vehicle to establish/enforce environmental mitigation nor does the City of Moreno Valley, the Lead Agency, place conditions on this document. Since this is only

a planning document, site improvement permits, i.e., grading permits will not be issued. If project-specific environmental documentation identifies potential impacts to burrowing owls, project-specific mitigation measures are the appropriate means to address such impacts. It is impossible to predict at this time if any burrowing owls will be observed on the property, what the nature and significance of the potential impact might be and what mitigation would be appropriate.

The MSHCP Consistency Analysis (page 116) specifically states that passive and/or active relocation of burrowing owls be completed prior to construction and is included as Mitigation Measure MM BIO-6f. Since new, updated, or revised relocation methods may be developed before many of these projects are constructed, a site-specific relocation strategy will be prepared, reviewed, and approved on a project-by-project basis during the project-level analysis. The MSHCP Consistency Analysis (page 152) specifically states that a burrowing owl relocation plan will be required when active and/or passive relocation is required and is included as Mitigation Measure MM BIO-6g.

Comment 5

Portions of the Project are within an additional survey area for Los Angeles pocket mouse (*Perognathus longimembris brevinasus*, LAPM). The DBESP does not consider the Project area occupied by LAPM and does not propose offsetting measures for potential impacts to the species. The Wildlife Agencies are concerned about the reported results of the focused surveys for Los Angeles pocket mouse conducted on the Project site. Specifically, the survey results report the capture of two (2) long-tailed pocket mice (*Chaetodipus formosus*) in 2005, and four (4) in 2010; and 87 desert pocket mice (*Chaetodipus penicillatus*) in 2010. The Wildlife Agencies dispute the accuracy of these identifications, as the Project site is well outside of the documented distribution of these species, and neither species have ever been identified at either the SJWA or Lake Perris State Recreational Area. Both areas have been trapped regularly over the last two decades by multiple entities for the purpose of monitoring Stephens' kangaroo rat and other small mammals. The DBESP states that focused LAPM surveys were conducted in 2012 and 2013 and that no LAPM were observed. However, the survey reports were not included with the DBESP. Because we have considerable concern regarding the accuracy of the previous survey identifications, the Wildlife Agencies requests the 2012 and 2013 focused surveys reports.

Response:

The requested focused survey reports will be provided to the Agencies. In connection with site-specific project applications, additional LAPM surveys will be prepared and processed.

Comment 6

As discussed above, the Specific Plan includes a 250-foot conservation buffer along its southern boundary. The Project prescribes translocation of listed flora, burrowing owl (*Athene cunicularia hypugea*), LAPM, and calls for the area to serve as a buffer that will act as a sequester zone for Project emission, noise, and lighting pollution. The proposed buffer area is not appropriate as a receptor site for either LAPM or burrowing owl. It is insufficient in terms of area, spatial configuration, and conflicting planned use (site of detention basins). Burrowing owls are a species of raptor, which prey on small mammals such as the LAPM. Translocation within this narrow, relatively restricted area may exacerbate the existing predator prey relationship between the species and

subsequently increase local population depredation frequencies (McKinney et. al. 2006). Furthermore, burrowing owls require large open expanses of sparsely vegetated area to forage and nest. The buffer area is to be planted with trees. Trees offer perch sites to bird eating raptors, such as red-tailed hawks, which eat burrowing owls.

Response:

Once site-specific projects are developed and submitted to the City for review and approval, any proposed relocation plan will include plans for all receptor sites showing proposed grading, improvements and landscaping to a level of detail adequate for the Agencies to determine the viability of any proposed receptor site.

The temporary 8-acre detention basin (500 ft. x 1000 ft.) in the northern portion of the WLC provided suitable nesting and foraging habitat for a single burrowing owl in the past. It is reasonable to assume that the detention basins proposed for the southern extent of the WLC would be built in a similar fashion, and would also provide suitable foraging and nesting habitat.

It should be noted that no LAPM have been trapped within the WLC or within the northern portion of the SJWA. Therefore, this species is considered absent and relocation of burrowing owl to the 250-foot buffer area will not likely exacerbate the existing predator prey relationship between these species.

The vegetation structure within the basins may have a detrimental effect on burrowing owl, especially if large trees are planted. Tall trees would provide perch sites for raptors that potentially prey on burrowing owl. Project specific design features of these basins will be completed at the site-specific project phase and will be designed to increase burrowing owl habitat and decrease predator perch sites.

Comment 7

The DBESP indicates that the Project will not be required to make improvements to Gilman Springs Road along its frontage or off site. However, the DBESP also indicates that the Project will make improvements to Drainage 9 under Gilman Springs Road. We request clarification regarding the status of the project's intent to make improvements to Gilman Springs Road. The Wildlife Agencies have concerns about the project's potential to restrict wildlife movement to and from the San Timoteo Badlands (Badlands) and SJWA/Mystic Lake area. As proposed, the project will border the Badlands along portions of its northern border as well as its nearly 2-mile long eastern border at Gilman Springs Road, creating an obstruction to wildlife movement between the Badlands (Proposed Core 3) and open areas to the south (Existing Core H of the MSHCP, Mystic Lake, Lake Perris, and SJWA). The Specific Plan is between the SJWA and the two existing culverts under State Route 60 and as such future projects within the Specific Plan can be expected to have substantial effects on existing wildlife movement patterns. The MSHCP anticipates securing long-term connectivity between the Badlands and the SJWA through future acquisitions within Proposed Core 3.

Response:

Extensive on-site biological observation on the WLC property as described in the MSHCP documents has provided no evidence of regular wildlife travel across the WLC property between the Badlands area and the SJWA/Mystic Lake area. Gilman Springs Road, a multi-lane regional highway that presently carries more than 14,000 vehicle trips per day, presents a major barrier to the wildlife travel route suggested in

the Agencies' letter. Established wildlife travel routes exist along the easterly side of Gilman Springs Road within existing drainage areas. Gilman Springs Road is a public road and is outside of the WLC boundary. The applicant does not own the land on the east side of the road. Therefore, the applicant is unable to commit to any specific improvements to Gilman Springs Road or to land east of the road. The applicant has, however, committed to contribute its fair share of the cost of improvements to Gilman Springs Road as established by the responsible agencies. This could include roadway widening, culvert upgrades, fencing, grading or other improvements to facilitate wildlife travel in the area.

Comment 8

Data collected from three culvert crossings under SR-60, located just north of the project area, has documented extensive wildlife movement in the canyons north of the Specific Plan area. Species observed using the crossings include: bobcat, badger, coyote, deer, long-tailed weasel, black-tailed jackrabbit, and desert cottontail. The increase in noise, lighting, and traffic resulting from build out of the Specific Plan can be expected to negatively affect wildlife through direct mortality, or alter movement patterns by forcing wildlife to move east or west, away from the Project, and by precluding the ability of wildlife to use the existing culverts under SR-60. Fencing north of Gilman Springs Road to reduce wildlife mortality and direct animals to future or existing wildlife crossings should be included in the Specific Plan.

Response:

The project site was not included as part of the conservation area concept under the MSHCP and was not included as designated open space in the City of Moreno Valley General Plan due to the disturbed nature of the habitat and ongoing land-use as an agricultural field. Numerous years of biological surveys have concluded that the WLC does not provide a significant travel path between the Badlands and the San Jacinto Wildlife Area (SJWA). Therefore, this project site was never considered for conservation or included as part of any conservation concept to maintain wildlife movement between the Badlands and the SJWA.

During the April 24, 2014 meeting, the RCA did not consider the WLC project site to be a significant corridor between the badlands and the SJWA and therefore, fencing or otherwise directing wildlife to cross Gilman Springs Road at another location was not necessary.

Since Highland Fairview does not own the property along the eastern side of Gilman Springs Road, they can't be expected to install a barrier fence to prohibit wildlife crossing on land that they don't own.

If fencing or wildlife crossing improvements along Gilman Springs Road are required, those improvements will be completed by the County of Riverside, who maintains the right-of-way northeast of the WLC project site. The applicant will be required to contribute its fair share toward the cost of those improvements based on the increase in truck traffic along Gilman Spring Road. The requested fencing or roadway undercrossing will be located on lands that are owned and/or maintained by the County of Riverside. It should be noted that the County of Riverside recently replaced and upgraded all of the culverts beneath Gilman Springs Road from State Route 60 south to the southern edge of the SJWA.

Comment 9

We support the adoption and use of a programmatic DBESP. However, in order for the programmatic DBESP to be useful to future project proponents and to provide enough information to demonstrate that the mitigation strategy is equivalent or superior to avoidance, it needs to be more defined. As stated above, we do not expect the proposed detention basins to provide replacement for the affected riparian/riverine resources on site and the installation energy dissipaters and other engineered features in a stream is not enhancement equivalent or superior to avoidance of that stream. We also find 1:1 mitigation to be inadequate. A 1:1 conservation ratio for lost resources results in 50 percent reduction of resources and is therefore not equivalent or superior to avoidance.

Response:

The programmatic level of entitlement provided with a General Plan Amendment or zone change does not include the level of design detail needed to determine specific impacts to specific areas of a large project. Until that information is prepared and processed through the appropriate agencies, the precise extent and significance of a project's impact on sensitive resources cannot be established in order to impose precise mitigation measures. No disturbance of any land will be permitted until these details are presented to the appropriate agencies for review and approval. The programmatic DBESP and MSHCP document state that a minimum of a 1:1 mitigation ration will be required. Final mitigation ratios will be negotiated when site- specific projects are submitted for review and approval to ensure consistency with the MSHCP.

Mitigation ratios typically range from 1:1 to 5:1 depending on the quality of the habitat that is being removed compared to the quality of habitat that is being conserved/replaced. Generally, temporary impacts are replaced at a 2:1 mitigation ratio for in-kind habitat replacement and a 3:1 mitigation ratio is used for permanent impacts for in-kind habitat. For the purposes of the Specific Plan document, the mitigation ratio was specifically stated that it would be no less than a 1:1 mitigation ratio, which simply means that once the mitigation ratio is negotiated during the project specific assessment, it will not be less than a 1:1 mitigation ratio, but since the mitigation ratios are negotiated on a project by project basis, it was not appropriate to estimate a specific mitigation measure at this time.

Comment 10

We approve of the intent to retain and enhance Drainage 9 and recommend that this strategy be more fully developed in an amended DBESP. We request that the alignment of Draining 9 be moved so it extends from the canyon just north of the intersection of Alessandro Boulevard and Gilman Springs Road south to the SJWA. The detention basin that is proposed at the mouth of that canyon would also need to be shifted to the west side of the canyon opening. There is a wildlife undercrossing planned for State Route 60 at the top of that canyon. Realigning, enhancing and restoring Drainage 9 would provide the opportunity for the project to self-mitigate its riparian/riverine impacts and avoid project-related disruptions to regional wildlife movement patterns. There would need to be an undeveloped area around realigned and enhanced Drainage 9 wide enough to support meaningful riparian function and wildlife movement. We recommend 1500 feet. There would also need to be an undercrossing for medium to large wildlife at Gilman Springs Road near this drainage.

Response:

As suggested, a new or amended DBESP will be prepared when applicable site-specific development projects are submitted for review and approval. Relative to Drainage 9, this future DBESP document will detail any modifications and proposed enhancements to Drainage 9. At such time, the impacts of each site-specific project can be evaluated and appropriate mitigation can be determined for consistency with the MSHCP.

It should be noted that a 7 foot x 6 foot box culvert currently occurs at the Gilman Springs Road crossing at Drainage 9. There is also a secondary crossing (4 foot x 4 foot) further to the south that also conveys flows to Drainage 9. These box culverts meet the minimum requirements to provide wildlife movement for the target species as discussed in the MSHCP (mountain lion). The box culverts feed directly into Drainage 9 and no realignment of the drainage is required. The applicant does propose to enhance and restore portions of the drainage, but realigning the entire drainage from Gilman Springs Road to the habitat associated with the SJWA is not feasible.

Comment 11

We would like to meet with the City and the applicant to discuss the realignment of Drainage 9. We invite the City and the applicant to a pre-application meeting for this discussion. Pre-application meetings are attended by the Department, the Service, the Army Corps of Engineers, and the Regional Water Quality Control Board and hosted by RCA, so the City and the Applicant could discuss the existing proposed strategy and the realignment of Drainage 9 with all of the water regulatory agencies. The next Santa Ana Watershed pre-application meeting is scheduled for February 11, 2015 at the RCA's office in Riverside. We also request a site visit to assess the on and off site drainage resources. After the Wildlife Agencies have concurred on the assessment of on-site riparian/riverine resources and a programmatic equivalent or superior mitigation strategy for unavoidable impacts has also been agreed upon, we request an amendment to the DBESP be prepared to reflect those agreements as appropriate, and that the Specific Plan be conditioned to implement the agreed upon amendment. The agreed upon changes should also be included in the environmental and planning documents for the Specific Plan.

Response:

The City of Moreno Valley and the Applicant are both available to attend future Santa Ana Watershed meetings to discuss the project. Please provide the details of the time and location for any upcoming meeting.

The Applicant has offered to coordinate a site visit for Agency staff to visit the WLC site. City staff will attend as well as members of the Applicant's consulting team. Please provide a list of individuals who will be attending from the Agencies and their individual contact information.

As this project continues through the entitlement process, and project-specific development proposals are prepared and submitted for review and approval, the details of these projects will enable the Agencies to analyze project specific impacts.

Comment 12

We would also like to discuss the results of the Los Angeles Pocket mouse surveys, and as stated above, request copies of the latest survey reports. Prior to completion of the DBESP process, we request a hydrology report that addresses existing flows to the rare alkaline plant community on the SJWA and expected changes in those flows in the presence of the proposed basins at the southern edge of the project. We cannot concur with the conclusion in the DBESP until our questions regarding site hydrology, the assessment of riparian/ riverine resources, the presence of Los Angeles pocket mouse and redirection of wildlife movement around the site are resolved and a strategy that is equivalent or superior to avoidance has been identified.

Response:

The requested focused survey reports will be provided to the Agencies. In connection with project-specific applications, additional LAPM surveys will be prepared and processed.

A program-level Hydrology Report (September 2014 CMH2Hill) was prepared as part of the Specific Plan. Wildlife Agencies will be provided a site-specific project Hydrology Report when site-specific projects are proposed. The project is required to maintain the same amount of flows off-site after construction that currently occur pre-construction. In addition, the accumulated run-off from the impermeable surface of the project site will provide more available moisture that will be contained within the detention basins, which will then percolate and contribute to the sub-surface flows.

Please feel free to contact me at 714.508.4100, by email at Scrawford@fcs-intl.com, or my cell at 714.742.5316 with any questions you may have regarding the augment for this project.

Sincerely,



Scott A. Crawford, M.A
FirstCarbon Solutions
250 Commerce, Suite 250
Irvine, CA 92602