

## MEMORANDUM

June 3, 2008

**To:** Bruce Grove

**From:** Amber Oneal  
BonTerra Consulting

**Subject:** Foothill Parkway Extension Project, Response to Comments on the Determination of Biologically Equivalent or Superior Preservation (DBESP)

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We have reviewed the comments issued by the USFWS on April 16, 2008. Amber Oneal, BonTerra Consulting, spoke with Kathleen Pollett of the USFWS on April 21, 2008 to further discuss the comments. A summary of discussion items and responses to written comments are provided below:

1. *Comment:* The U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (Department), collectively the "Wildlife Agencies," have reviewed the subject Determination of Biologically Equivalent or Superior Preservation (Determination) that we received from the City of Corona on February 20, 2008. The Determination has been submitted to address unavoidable impacts to riparian/riverine habitats in accordance with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policy (Riparian/Riverine Policy).

The proposed project includes construction of approximately 2 miles of a four lane road through undeveloped terrain in the foothills of the Santa Ana Mountains in the City of Corona, Riverside County, California. Cleveland National Forest is directly west of the proposed project, and Prado Flood Control Basin and the Santa Ana River are approximately 1.5 miles north. The study area described in the Determination totals approximately 150 acres that includes the project impact area and a 100-foot buffer. Vegetation types within the study area include oak woodland (1.21 acres) alluvial fan sage scrub (2.67 acres), riparian forest (4.60 acres), coastal sage scrub (~40 acres), chaparral (49.36 acres), and non-native grassland/disturbed/developed (~50 acres).

The majority of riparian riverine impacts are proposed to Wardlow Wash with approximately 5,000 linear feet of the wash in the direct path of the proposed road. In addition, Mabey Creek and several other unnamed drainages would be impacted by road crossings. Although estimates of riparian riverine impacts were detailed in the Determination, discussions during a field visit on March 20, 2008, indicated that the current estimates of impacts differ from those in the Determination. The Determination needs to clearly identify impacts to riparian and riverine habitats.

*Response:* Although the comments state that based on discussion in the field, impact acreages differ from the impacts detailed in the DBESP, the DBESP does accurately reflect the most current project design. As discussed at the field meeting, vegetation

impacts are expected to change only in the level of detail shown, not in overall quantity. The current version of the DBESP shows a vegetation type called “riparian”, whereas the Wildlife Agencies have requested that the riparian vegetation subtypes be mapped individually (e.g., mule fat scrub, willow scrub, oak woodland). The total impact on riparian and oak woodland vegetation types is not expected to change, although by adding additional detail, the numbers may be totaled slightly differently to correspond to the vegetation detail.

In our follow-up phone conversation, Ms. Pollett also clarified that she was referring to the public/quasi-public lands impacts. At the meeting, we discussed splitting these into permanent (Kroonen Channel) and temporary (Mabey Cayon Debris Basin) impacts. These changes will be made in the Biological Technical Report, EIR section, and DBESP.

2. *Comment:* As stated, in the MSHCP (page 6-24), Permittees shall ensure that, through the California Environmental Quality Act (CEQA) process, project applicants develop project alternatives demonstrating efforts that first avoid, and then minimize direct and indirect effects to riparian/riverine resources. The proposed project has not undergone the CEQA review process nor has information been provided in the Determination that demonstrates avoidance and minimization measures of riparian and riverine habitats have been thoroughly explored. For instance, it appears that a westerly shift of the northern approximate 5000 feet of the road from its current proposed location could eliminate most of the impacts to Wardlow Wash. In addition, incorporating bridge crossings into the proposed project could minimize riparian impacts.

*Response:* Section 3.0 (Infeasibility of Avoidance and/or Alternative) of the DBESP outlines the reasons that it is infeasible to avoid riparian/riverine areas, which primarily relate to existing design constraints (e.g., topography, connections to existing roadways, avoidance of the Cleveland National Forest). A Final DBESP will be resubmitted following the circulation of the EIR (i.e., the CEQA review process).

3. *Comment:* For those impacts to riparian and riverine habitat that are not feasible to avoid, the Determination needs to evaluate the functions and values of the impacted resources and downstream Conservation Areas (e.g. Santa Ana River) including the effects to the hydrologic regime, nutrient retention, and transformation, sediment trapping and transport, wildlife habitat, and aquatic habitat.

*Response:* Section 5.3 (Impact on Riparian/Riverine Functions and Values) of the DBESP contains a discussion of the items requested in the comments. In our follow-up phone conversation, Ms. Pollett clarified that she would like to see additional detail on a proposed mitigation strategy and an evaluation of the replacement functions and values that it would provide. The Final DBESP submitted following EIR circulation will be revised to include additional detail on the mitigation strategy and an evaluation of replacement functions and values.

In our follow-up conversation, Ms. Pollett stated that the Wildlife Agencies are concerned with the functioning of wildlife movement along Wardlow Wash following project implementation. I pointed out that the project includes a public trail at the base of the proposed roadway as a project design feature. This area will be vegetated with native species in order to provide for a continued connection for wildlife movement and also to mitigate for the loss of native habitat types. I also mentioned that the project engineers are acting proactively with regards to designing the roadway to maximize

area at the base of the roadway slope that may be used for mitigation opportunities. Therefore, although the project is not required to retain wildlife movement, because it was not identified by the Western Riverside MSHCP for long-term preservation as a wildlife linkage, the project design is attempting to incorporate measures to do so in order to meet General Plan policies of the City of Corona to retain riparian habitat and wildlife movement opportunities.

4. *Comment:* Ultimately, the Determination needs to demonstrate that the project including any mitigation measures would be biologically equivalent or superior to an avoidance alternative.

*Response:* This statement was discussed at length. Ms. Pollett stated that in order for her to make a conclusion that a project of this size is “biologically equivalent or superior” to the functions and values of the existing condition, she needs to have additional detail on the mitigation strategy. Once she can review the mitigation strategy, then she would be able to make a finding. Therefore, the DBESP will be resubmitted with a Draft Habitat Mitigation and Monitoring Plan outlining a strategy to mitigate impacts on riparian/riverine, oak woodland, and special status plant species (intermediate mariposa lily [*Calochortus weedii* var. *intermedius*] and Coulter’s matilija poppy [*Romneya coulteri*]).

5. *Comment:* It appears that several acres of suitable habitat for least Bell's vireo (*Vireo bellii pusillus*; vireo) are available on the project site. It is our understanding that surveys are being conducted this breeding season since the previous survey in 2006 is now outdated. Please note that if vireo are found, the MSHCP calls for 90 percent avoidance of habitat that provides for the long-term conservation of this species. If avoidance is not feasible, a Determination must be submitted to address the vireo.

*Response:* The DBESP currently addresses potential impacts on the least Bell’s vireo. The DBESP also currently identifies that regardless of whether the vireo is observed on the project site, riparian/riverine habitat along Wardlow Wash provides functions and values to downstream habitat that is occupied along the Santa Ana River and Prado Basin. In our follow-up discussion, Ms. Pollett stated that the DBESP adequately addresses the vireo as long as only a single locality is observed, and the discussion would only need to change if several pairs of vireo were observed during the survey.

6. *Comment:* The current mitigation outlined in the Determination included several options ranging from 3.62 acres to 12.58 of replacement, restoration, and enhancement. Details of where, and what types of habitat would be created/restored or enhanced were not provided. Due to lack of information pertaining to habitats being impacted and vague mitigation measures, we cannot evaluate if the proposed project would provide equal or superior preservation than an avoidance alternative.

We recommend that a revised Determination be submitted that details the unavoidable impacts to riparian/riverine resources, all mitigation, measures, and the results of the vireo survey. In submitting the revised Determination, Section 6.1.2 of the MSHCP should be revisited to ensure all aspects of the Riparian/Riverine Policy are adequately addressed. Detailed plans including planting palettes, monitoring plans, success criteria, location and means by which the mitigation land will be conserved in perpetuity should be included with the revised Determination.

*Response:* See response to Comment 4.