

Comment Letter No. 2

8:32 AM 2/9/2012 8:32 AM

From: Mehta-Cooper, Mitra
Sent: Tuesday, February 07, 2012 11:25 AM
To: Early, Kristina; Nanthavongdouangsy, Phayvanh
Subject: FW: Temecula Valley Wine Country Community Plan (DEIR No. 524)
Attachments: 12B0107-12CPA0095_WRIV_Temecula Valley Wine Country Plan_sKC-Rose_20120206.pdf

A new comment letter...

From: [Noelle Ronan@fws.gov](mailto:Noelle_Ronan@fws.gov) [mailto:Noelle_Ronan@fws.gov]
Sent: Tuesday, February 07, 2012 11:22 AM
To: Mehta-Cooper, Mitra
Cc: JBrandt@dfg.ca.gov; HPERT@dfg.ca.gov; RMaloney@dfg.ca.gov
Subject: Temecula Valley Wine Country Community Plan (DEIR No. 524)

Hello Ms. Mehta-Cooper,
Please find attached the Service's comments on the above-referenced project Draft EIR. Feel free to call or email me if you have any questions.
Thank you.

} 2.1

Noelle Ronan
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Palm Springs Fish and Wildlife Office
777 E. Tahquitz Canyon Way, Suite 208
Palm Springs, CA 92262
760-322-2070 ext. 215



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262



In Reply Refer To:
FWS-WRIV-12B0107-12CPA0095

FEB - 6 2012

Mitra Mehta-Cooper
Riverside County Planning Department
4080 Lemon Street, 12th Floor
P.O. Box 1409
Riverside, California 92502-1409

Subject: Draft Environmental Impact Report for the Temecula Valley Wine Country
Community Plan (DEIR No. 524), Riverside County, California

Dear Ms. Mehta-Cooper:

The U.S. Fish and Wildlife Service (Service) has reviewed the Draft Environmental Impact Report (DEIR) for the Temecula Valley Wine Country Community Plan (Community Plan), received on December 16, 2011. The Service is providing the following comments as they relate to the Community Plan's consistency with the Western Riverside Multiple Species Habitat Conservation Plan (MSHCP).

2.2

The Community Plan area is generally located in the southwestern portion of unincorporated Riverside County, approximately three miles north of San Diego County. It is located east of the City of Temecula, south of Lake Skinner and northwest of Vale Lake, and extends from Tocalota Creek south to Highway 79, including a small area to the south of Highway 79. The Community Plan area encompasses approximately 18,990 acres, some of which are developed.

2.3

The proposed project is the adoption of General Plan Amendment No. 1077 and the accompanying Zoning Ordinance Amendment No. 348.4729, which will ensure consistency between the General Plan and the Zoning Ordinance. The Community Plan proposes revisions to the Southwest Area Plan of the current County General Plan to update existing policies, maps, and implementing directions related to potential implementing projects within the Community Plan area. Objectives of the Community Plan include increasing viticulture potential; protecting the rural lifestyle and equestrian activities; allowing appropriate levels of commercial tourist activities; and coordinating future growth. This is a Programmatic DEIR whereby individual projects will be analyzed for MSHCP consistency in the future as they are proposed.

2.4

The Community Plan is located within the Southwest Area Plan and contains 34 MSHCP Criteria Cells. MSHCP policies and procedures such as the Protection of Species Associated

2.5

Ms. Mitra Mehta-Cooper (FWS-WRIV-12B0107-12CPA0095)

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with Riparian/Riverine Areas and Vernal Pools policy (MSHCP section 6.1.2), Protection of Narrow Endemic Plant Species (MSHCP section 6.1.3), Additional Survey Needs and Procedures (MSHCP section 6.3.2), Fuels Management (MSHCP section 6.4) and the Guidelines Pertaining to the Urban Wildlands Interface (MSHCP section 6.1.4) will apply to future projects within the Community Plan area.

2.5
cont

According to the DEIR, the Country Community Plan area supports riparian and riverine areas. The DEIR states that as a requirement under the MSHCP, riparian/riverine habitat cannot be impacted by a proposed development without providing suitable offsite mitigation (DEIR, Chapter 04.04 Biology, Impact 4.4-5: Adverse Effect on Riparian or Sensitive Natural Communities, p. 4.4-17). Throughout this section of the DEIR, offsite mitigation is presented as the only method available to offset construction-related impacts to riparian/riverine habitats.


2.6

In the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policy, the MSHCP requires that project applicants develop project alternatives that first avoid, and then minimize direct and indirect effects to riparian/riverine areas. An avoidance alternative should be selected, if feasible. Those impacts that are unavoidable are to be mitigated such that lost functions and values as they relate to covered species are replaced as set forth in a Determination of Biologically Equivalent or Superior Preservation (DBESP) (MSHCP section 6.1.2, pp. 6-24). Mitigation measures must demonstrate reduced indirect effects and minimize and/or compensate for lost function and value through restoration or enhancement. Mitigation measures may include onsite or offsite methods. We recommend that the Final EIR provide a clear statement of the avoidance and minimization requirements for riparian/riverine habitats and that mitigation for lost functions and values may include onsite or offsite enhancement or restoration measures.

2.7

We appreciate the opportunity to comment on the DEIR for this Project. If you have questions or comments regarding this letter, please contact Noelle Ronan of this office at 760-322-2070, extension 215.

Sincerely,


Kennon A. Corey
Assistant Field Supervisor

cc:
Charles Landry, RCA
Jeff Brandt, California Department of Fish and Game
Robin Maloney-Rames, California Department of Fish and Game
Heather Pert, California Department of Fish and Game

Response No. 2

**U.S. Fish and Wildlife Service
Kennon A. Corey, Assistant Field Supervisor**

- 2.1 This comment simply indicates that there are attached comments on the Draft PEIR, which are responded to below. Therefore, no further response is warranted.
- 2.2 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.))
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- 2.4 This comment does not identify any specific concern with the adequacy of the Draft PEIR or any environmental issues. Therefore, no further response is warranted. (State CEQA Guidelines § 15088(a) (CEQA requires that a lead agency respond to environmental comments.))
- 2.5 This comment does not identify any specific concern with the adequacy of the Draft PEIR. As suggested, all implementing projects will be required to be consistent with the Western Riverside County MSHCP including section 6.1.2, Section 6.1.3, Section 6.1.4, Section 6.3.2, and Section 6.4. Since its adoption, guidelines have been developed by the County to walk applicants through the MSHCP consistency analysis process, ensuring consistency of all implementing projects with the MSHCP (contained in Appendix E to the Draft PEIR). This information is consistent with the Draft PEIR and is stated on page 4.4-1, last paragraph in the Draft PEIR. The Project would substantially reduce the development intensity allowed within the Wine Country, as discussed in Draft PEIR Chapter 6 Alternatives to the Proposed Project. All implementing projects and related infrastructure projects will be required to comply with the MSHCP, as set forth in the Draft PEIR Chapter 4.4 Biological Resources. (Browning-Ferris Indust. of California, Inc. v. City Council of the City of San Jose (1986) 181 Cal.App.3d 852 (where a general comment is made, a general response is

sufficient.) Refer to Attachment A: *Temecula Valley Wine Country Community Plan Planning Commission Final Recommendations and PEIR No. 524 Determination.*

2.6 As noted in Response to Comment 2.5, all applicants will have to comply with Section 6.1.2 Riparian/Riverine Areas and Vernal Pools policy. In analyzing impacts and developing mitigation for impacts to riparian/riverine habitats, each applicant will be asked to consider avoidance measures as their first options for compensating for potential impacts to riparian/riverine habitats. For unavoidable impacts, each applicant will be asked to first minimize their unavoidable impacts. All remaining impacts will then be mitigated using both onsite mitigation measures, if available, and offsite mitigation measures. The guidelines developed for ensuring consistency with the MSHCP clearly point out that “any impact” to riparian/riverine habitat triggers the need for preparing a Determination of Biological Equivalent or Superior Preservation (DBESP) report for submittal to the Regional Conservation Authority (RCA) through the County of Riverside. The DBESP submittal and review occurs concurrently with the County’s review and consideration of discretionary actions within the Wine Country Community Plan. The proposed Project does not alter the review and approval authority of the County, the RCA, or the affected resource agencies such as the U.S. Fish and Wildlife Service. Also refer to Response No. 5. (*Browning-Ferris Indust. of California, Inc. v. City Council of the City of San Jose* (1986) 181 Cal.App.3d 852 (where a general comment is made, a general response is sufficient.))

It should be further noted that in response to a California Department of Fish and Game comment (Response to Comment 5.5), Mitigation Measure LU-1 has been revised to state that all implementing projects shall comply with the MSHCP and applicable resource agency regulations:

4th bullet added: “All implementing actions shall comply with the MSHCP and applicable resource agency regulations pertaining to the protection of biological resources and existing jurisdictional drainage courses. Applicants for such actions shall reference the current MHSCP criteria (biological objectives and requirements for any applicable Criteria Cell or linkage), conduct an MSHCP consistency analysis, and prepare a Jurisdictional Delineation where onsite drainages exist and obtain applicable permits/approvals from the U.S. Army Corps of Engineers, California Department of Fish and Game, Regional Water Quality Control Board and/or U.S. Fish and Wildlife Service. ”

2.7 Refer to Response 2.6.