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January 08, 2009

Cathy Bechtel
Riverside County Transportation Commission
4080 Lemon Street, 3rd Floor
Riverside, CA 92502-2208

Re: Mid-County Parkway (MCP) Draft Environmental Impact Report - Environmental Impact Statement - SCH #2004111103

Dear Ms. Bechtel:

The Department of Fish and Game (Department) appreciates this opportunity to comment on the Draft Environmental Impact Report - Environmental Impact Statement (DEIR) for the above-referenced project with regard to impacts to biological resources. The proposed project is the improvement and construction of a 32-mile east-west transportation parkway between State Route 79 in San Jacinto in the east and Interstate 15 in Corona in the west. The preferred alternative is Alternative 9: Far South/Placentia Avenue with the Temescal Wash Area Design Variation (Alt 9 TWS DV).

The Department is responding as a Trustee Agency for fish and wildlife resources [Fish and Game Code sections 711.7 and 1802 and the California Environmental Quality Act Guidelines (CEQA) section 15386] and as a Responsible Agency regarding any discretionary actions (CEQA Guidelines section 15381), such as a Lake or Streambed Alteration Agreement (LSAA) or California Endangered Species Act (CESA) Incidental Take Permit.

The Department appreciates the considerable time, resources, and effort expended in preparing the DEIR. Throughout the DEIR, an agreement pursuant to Section 1600 of the California Fish and Game Code should be entitled a “Lake or Streambed Alteration Agreement”. There is varying usage in the DEIR.

Section 3.18 - Wetlands and Other Waters and *Appendix Q - Conceptual Mitigation Plan for Impacts to Wetlands and Other Waters of the United States* describe the framework for regulatory compliance for impacts to aquatic resources including areas under Department jurisdiction. Because of the unknown potential future construction location, phasing and schedule, there is the distinct possibility that “temporary impacts” to aquatic resources would persist beyond a single season and that these impacts would then be considered for higher “permanent impact” mitigation ratios based on habitat and value. The two year duration referenced in Appendix Q (p. Q-5) is not a standard that is uniform across all resources values. Additionally, due to the length and size of the project, there might be opportunities to proceed with mitigation in different areas of the alignment before impacts occur that could conceivably reduce mitigation requirements. This could be explored in the future when potential construction staging is determined.

It is unclear if the aquatic resource impacts described in Section 3.18 take into account the potential shading affects of the numerous bridges described in Appendix I, Attachment D. The reference to the thesis of M. SanClements (2003), which is not listed in the Appendix R – References, concludes that any bridge with a height to width ratio of less than 0.7 would have an impact on the underlying vegetation and a ratio of less than 0.5 would have a permanent impact. The column entitled "Wetland Shading Impact" in Appendix I, Attachment D seemingly does include other aquatic resources and the descriptions of impacts are not correct if applying the results of SanClements (2003). The aquatic impacts to Department jurisdiction resources need to be calculated for each bridge that has a height to width ratio of less than 0.7, with the impacts classified by permanent footing or piers, permanent shading, and temporary construction impacts.

The Conceptual Mitigation Plan also needs to acknowledge that there will be potential aquatic resources acquired and available for enhancement or restoration within the additional acreage of the proposed habitat mitigation area described in Section 3.17.4.1 to the east of Core 2 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

Section 3.19 Plant Species and *Section 3.21 Threatened and Endangered Species* describe areas where several populations of Narrow Endemic species (i.e., smooth tarplant, Munz's onion, many-stemmed dudleya, spreading navarretia, Coulter's goldfields) will be potentially impacted from Alt 9 TWS DV. The sole mitigation measure for these impacts is the preparation of a Determination of Biological Equivalent or Superior Preservation (DBESP) under the authority of the MSHCP to conserve existing unconserved populations or by the restoration and enhancement of existing conserved populations. Due to the extremely specific environmental requirements of these species, it is highly unlikely that new unconserved populations could be found and conserved or that there would be enough restoration and enhancement opportunities to offset the impacts. This is especially a concern for the dwindling Munz's onion populations in western Riverside County and the amount of potential impacts from Alt 9 TWS DV. The Department will await the 2008 survey results to be contained in the Final EIR/EIS before making a determination if the mitigation proposed will be adequate.

Thank you for this opportunity to comment. Please contact me at (909) 987-7764, if you have any questions regarding this letter.

Sincerely,

Scott Dawson
Senior Environmental Scientist
Habitat Conservation Planning

cc: State Clearinghouse, Sacramento
Doreen Stadtlander, USFWS, Carlsbad