



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Ecological Services  
Carlsbad Fish and Wildlife Office  
2177 Salk Avenue, Suite 250  
Carlsbad, California 92008

In Reply Refer To:  
FWS-OR/WRIV-14B0015-15TA0079

NOV 26 2014

Ms. Christina Taylor  
Orange County Public Works/  
Orange County Development Services  
300 N. Flower Street  
Santa Ana, California 92702-4048

Subject: Notice of Preparation of a Draft Environmental Impact Report for the Preserve at San Juan Project, Orange and Riverside Counties, California

Dear Ms. Taylor:

The U.S. Fish and Wildlife Service (Service) has reviewed the above mentioned Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) received by our office on October 31, 2014, for the Preserve at San Juan Project. The Preserve at San Juan Project is a proposed residential development in Orange and Riverside counties, California, involving the development of 72 single-family residential lots on primarily undeveloped land, with minimum residential lot sizes of 1 acre. The project area is 583.3 acres and includes residential development, open space, off-site improvements to Long Canyon Road, vineyards, fuel modification, and on-site and off-site improvements to Elsinore Valley Municipal Water District infrastructure. The new on-site water distribution facilities would include a 12-inch distribution line that would be constructed throughout the developed portions of the project site and installation of 715,000 and 525,000 gallon water storage tanks.

We offer the following comments and recommendations regarding project-associated biological impacts based on our review of the NOP and our knowledge of declining habitat types and species within Orange and Riverside counties. The Service provides these comments in keeping with our agency's mission to work "with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people." Specifically, we administer the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*).

To facilitate the evaluation of the proposed project from the standpoint of fish and wildlife protection, we request that the Draft EIR contain the following specific information:

1. A description of the environment in the vicinity of the project from both a local and regional perspective, including an aerial photograph of the area with the project site outlined.
2. A complete discussion of the purpose and need for the project and each of its alternatives.
3. A complete description of the proposed project, including the limits of the project area.
4. On June 22, 2004, we issued a section 10(a)(1)(B) permit for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. We recommend that the Draft EIR address potential impacts to the MSHCP including covered species, Criteria Area, and areas identified as Public-Quasi Public lands under the plan.
5. Quantitative and qualitative assessments of the biological resources and habitat types that will be impacted by the proposed project and its alternatives. An assessment of direct, indirect, and cumulative project impacts to fish and wildlife associated habitats, particularly growth-accommodating effects of the project (e.g., increased population, increased development, and increased traffic). All facets of the project (e.g., construction, implementation, operation, and maintenance) should be included in this assessment, including impacts due to fuel modification around residences and infrastructure and landscaping. Impacts to native species due to noise and periodic disturbance due to recreational activities post-construction should also be considered. Proposed developments in the surrounding area should be addressed in the analysis of cumulative impacts.

This assessment should include a list of Federal candidate, proposed, or listed species; State-listed species; and locally sensitive species that are on or near the project site, or which could be affected by the project or its alternatives. This should include a detailed discussion of these species and information pertaining to their local status and distribution. We recommend seeking assistance from our office to help determine the potential for federally listed species to occur on site. The analysis of impacts to biological resources and habitat types should also include detailed maps and tables summarizing specific acreages and locations of all habitat types.

The assessment should address potential impacts the project would have on aquatic species downstream of the project site. We are particularly interested in any and all information and data pertaining to potential impacts to the federally endangered arroyo toad (*Anaxyrus californicus*), which occurs downstream from the project site in San Juan Creek. Arroyo chub (*Gila orcutti*), a State species of special concern, and the partially armored threespine stickleback (*Gasterosteus aculeatus microcephalus*) also inhabit San Juan Creek.

6. A detailed discussion of measures to be taken to avoid, minimize, and mitigate impacts to biological resources.
7. A detailed analysis of impacts of the proposed project on the movement of wildlife and measures proposed to avoid, minimize, and mitigate impacts to wildlife movement. Of particular concern is the potential for impacts to movement of mountain lions in the Santa Ana Mountains and connectivity to other mountain lion populations. Recent research indicates that mountain lions in the Santa Ana Mountains have low levels of genetic diversity when compared to surrounding areas and other areas in California, likely due to lack of gene flow between populations (Ernest et al. 2014).<sup>1</sup>
8. An assessment of potential impacts to wetlands and jurisdictional waters of the United States. Section 404 of the Clean Water Act prohibits the unauthorized discharge of dredged or fill material into such waters, including wetlands. This section also provides that the U.S. Army Corps of Engineers (Corps) may issue permits for discharges of dredged or fill material into jurisdictional waters and wetlands. Potential areas of Corps jurisdiction should be evaluated and wetlands should be delineated using the methodology set forth in the Corps' Wetland Delineation Manual (Environmental Laboratory 1987).<sup>2</sup> The Draft EIR should disclose all impacts to jurisdictional waters and wetlands, and proposed measures to be taken to avoid and minimize impacts, and mitigate unavoidable impacts.
9. Although the development footprint for the project is described as 75.5 acres, the proposed development is distributed throughout much of the 583.3-acre project area. Therefore, edge effects from the project including fuel modification zones, fire ignition frequency, habitat fragmentation, increased noise and light, and introduction of non-native plants and animals are likely to have a substantial impact on quality of the surrounding undeveloped open space for wildlife habitat. We recommend consideration of development designs that preserve the maximum amount of connected native habitat, concentrate development in areas of the lowest habitat value, and delineate clear boundaries between development areas and areas to be preserved and managed for native species and habitats. In addition, we recommend that any undeveloped open space maintained as part of the project be protected with a conservation easement or equivalent site protection instrument and that an endowment or other funding mechanism be established to protect and manage conserved habitat consistent with a site-specific habitat management plan.

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<sup>1</sup> Ernest H.B., Vickers T.W., Morrison S.A., Buchalski M.R., Boyce W.M. 2014. Fractured genetic connectivity threatens a southern California puma (*Puma concolor*) population. PLoS ONE 9(10): e107985. doi:10.1371/journal.pone.0107985

<sup>2</sup> Environmental Laboratory. 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineers Waterways Experimental Station, Vicksburg, Mississippi.

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We appreciate the opportunity to comment on the referenced NOP for potential impacts to biological resources. If you have any questions regarding these comments, please contact Jesse Bennett at 760-431-9440, extension 305.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen A. Goebel". The signature is fluid and cursive, with a long horizontal stroke at the end.

for Karen A. Goebel  
Assistant Field Supervisor