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Date:	December 17, 2025
Prepared by:	Meaghan Truman, Senior Environmental Planner
To:	Albert Armijo, City of Perris
Site:	Harvest Landing Retail Center and Business Park Project
Subject:	**Responses to Golden State Environmental Justice Alliance (GSEJA), Letter L1**

This memo contains responses to comments related to the Environmental Impact Report (EIR) that the City of Perris received on December 15, 2025, prior to the City's Planning Commission meeting on December 17, 2025 for which the Project is on the agenda. It should be noted that similar comments have been previously submitted in a comment letter to the Draft EIR, and responded to in the Final EIR, as detailed below.

As further detailed in the individual responses to comments below, none of the comments indicate that there would be a substantial increase in the severity of a previously identified environmental impact that would not be mitigated, or that there would be any of the other circumstances requiring recirculation as described in CEQA Guidelines Section 15088.5. No new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented, there is no substantial increase in the severity of an environmental impact, no feasible project alternative or mitigation measure considerably different from others previously analyzed would lessen the environmental impacts of the proposed Project, and the EIR is not fundamentally inadequate and conclusory in nature.

Letter L1: Golden State Environmental Justice Alliance (GSEJA) (83 pages) Late Comment letter

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August 1, 2025

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Via Email to:
aarmijo@cityofperris.org

Subject: Comments on Harvest Landing Retail Center & Business Park Project EIR (SCH NO. 2024080337)

Dear Mr. Armijo,

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the proposed Harvest Landing Retail Center & Business Park Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

1.0 Summary L1.1

The project proposes multiple amendments to and the expansion of the existing Harvest Landing Specific Plan (HLSP) adopted by the City Council in 2011. The Project proposes a Specific Plan Amendment (SPA) to annex 3 parcels (APNs 305-060-042, -036, -037) into the HLSP and apply an MBU Overlay to APN 305-060-038, increasing the SP area to 358.28 AC. The SPA would also change the land use plan to replace residential uses with Multiple Business Uses (MBU) and Commercial uses, and increase the maximum floor area ratio (FAR) from 0.35 to 0.75 for both designations to align with the City's Commercial Community and Light Industrial General Plan land use designations. The proposed Phase 1 development includes a 139.89 acre business park (1

hub parcel, 3 high-cube warehouses, 3 light industrial buildings totaling 1,727,579 SF), a 22.16 acre shopping center with a major retail building and eight retail pads totaling 250,457 square feet; and a 24.33-acre commercial big box retail site with a new 167,050-square-foot, free-standing big box discount store with a 12-pump gas station and two approximately 5,500 square foot fast food restaurants. The maximum feasible buildout of the entire Specific Plan, based on the submitted development applications for commercial and industrial uses within the Phase I sites, would be 5,735,535 square feet of MBU uses and 428,507 square feet of commercial uses.

The following discretionary approvals from the City of Perris are necessary for implementation of the proposed Project:

1. Specific Plan Amendment No. 22-05250 to revise land use designations, establish a plan for public facilities, design guidelines, and to annex properties to the north of the Project into the Specific Plan.
2. General Plan Amendment No. 24-05175 to redesignate annexed parcels as Harvest Landing Specific Plan (HL SP).
3. Zone Change No. 24-05176 to rezone the properties being annexed into the Specific Plan and overlay from various zonings to MBU under the Harvest Landing Specific Plan.
4. Development Plan Review (DPR) Nos. 22-00023, 22-00024, 22-00025, 22- 05235, 22-05238, 23-00017, 24-00008, and 24-0009 to review the site plans and building elevations for the proposed industrial and commercial buildings.
5. Tentative Tract Map No. 22-05250 (TTM 38810 and 38811) to revise site boundaries within the Harvest Landing Specific Plan.
6. Conditional Use Permit (CUP) Nos. 22-05239, 22-05238, and 22-05005 for proposed warehouse buildings.
7. Development Agreement Amendment(s) to update to the Harvest Landing Development Agreement per the revised Project.
8. Senate Bill 330 "Housing Crisis Act of 2019" compliance
9. Approve a Determination of Biologically Equivalent or Superior Preservation.

L1.1 Cont.

5.3 Air Quality, 5.6 Energy, and 5.8 Greenhouse Gas Emissions

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. This is in conflict with CEQA Guidelines Section 15131 (c), which requires that "Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant

effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project." This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0[1], CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project's census tract (6065042620) is highly burdened by pollution. The surrounding community, including Val Verde High School, Val Verde Regional Learning Center (continuation school for youth with challenging life circumstances including foster youth[2]), and Val Verde Academy (K-12 school) adjacent to the southwest, bears the impact of multiple sources of pollution and is more polluted than average in many pollution indicators measured by CalEnviroScreen. For example, the project census tract ranks in the 98th percentile for ozone burden, the 53rd percentile for particulate matter (PM) 2.5 burden, and 82nd percentile for traffic burden. All of these environmental factors are attributed to heavy truck activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure[3]. Exhaust fumes contain toxic chemicals that can damage DNA, cause cancer, make breathing difficult, and cause low weight and premature births[4]. L1.1 Cont.

The census tract also bears more impacts from cleanup sites than 69% of the state. Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water[5].

Further, the project's census tract is a diverse community including 69% Hispanic, 13% African-American, and 7% Asian-American residents, whom are especially vulnerable to the impacts of pollution. The community has a high rate of low educational attainment, meaning 75% of the census tract over age 25 has not attained a high school diploma, which is an indication that they may lack health insurance or access to medical care. The community also has a high rate of poverty, meaning 65% of the households in the census tract have a total income before taxes that is less than the poverty level. Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care[6]. Poor communities are often located in areas with high levels of pollution[7]. Poverty can cause stress that weakens the immune

[1] CalEnviroScreen 4.0 https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40
[2] https://www.rcoe.us/Home/Components/FacilityDirectory/FacilityDirectory/18/253
[3] OEHHA Ozone https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone
[4] OEHHA Traffic https://oehha.ca.gov/calenviroscreen/indicator/traffic-density
[5] OEHHA Cleanup Sites https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites
[6] OEHHA Poverty https://oehha.ca.gov/calenviroscreen/indicator/poverty
[7] Ibid.

system and causes people to become ill from pollution[8]. Living in poverty is also an indication that residents may lack health insurance or access to medical care. Medical care is vital for this census tract as it ranks in the 91st percentile for incidence of cardiovascular disease and 66th percentile for incidence of asthma. The community also has a high rate of linguistic isolation, meaning 53% of the census tract speaks little to no English and faces further inequities as a result.

Additionally, the project census tract (6065042620) and the census tracts adjacent to the project site (6065046700 (north), 6065048800 (north), and (6065042010) west) are identified as SB 535 Disadvantaged Communities[9]. This indicates that cumulative negative impacts of development and environmental impacts in the area are disproportionately impacting these communities. The EIR does not discuss that the surrounding area is a disadvantaged community and does not utilize this information in its analysis. The EIR has not considered the environmental impacts in relation to the SB 535 status of the project census tract and surrounding area. The negative environmental, health, and quality of life impacts of the warehousing and logistics industry in the area have become distinctly inequitable. The severity of environmental impacts particularly on these Disadvantaged Communities must be included for analysis as part of a revised EIR.

L1.1 Cont.

The State of California lists three approved compliance modeling softwares[10] for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod is not listed as an approved software. The CalEEMod modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, it cannot conclude the project will generate less than significant impacts and a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod as a source in its methodology and analysis, which is clearly not an approved software.

5.9 Hazards and Hazardous Materials

The proposed Project site is within March Air Reserve Base (MARB)/Inland Port Airport Compatibility Zone C2. The EIR states that, "Due to the nature of the required City approvals (i.e.

[8] Ibid.
[9] OEHHA SB 535 Census Tracts https://oehha.ca.gov/calenviroscreen/sb535
[10] California Energy Commission 2022 Energy Code Compliance Software https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1

the proposed Specific Plan Amendment and General Plan Amendment), the City of Perris is required, pursuant to Public Utilities Code Section 21676, to refer the proposed Project to the Riverside County ALUC for ALUC review. The proposed Project would comply with this ALUC notification and all other applicable rules and regulations as they pertain to the March ARB/IPA ALUCP and airport safety." Stating that referral to the RCALUC is required does not equate to a less than significant finding. The EIR provides its own calculations and analysis of the project in accordance with the compatibility criteria, but this cannot replace required review by the RCALUC.

Implementation Measures of the General Plan require MARB/RCALUC review and comment prior to making any land use decisions:

1. Land Use Element Implementation Measure V.C.I. Circulate all development plans within the Clear Zone and Accident Potential Zones of the March Air Reserve Base/Inland Port Plan to Department of the Air Force, MARCH Air Reserve Base to provide recommendations and guidance on land use compatibility in accordance with the policies of the most recent Air Force Instruction (AFI) 32-7063.
2. Safety Element Implementation Measure I.D.2 Continue to notify March Air Reserve Base of new development project applications and consider their input prior to making land use decisions.

L1.1 Cont.

The EIR is misleading to the public and decision makers by excluding the required review by RCALUC. The proposed project requires a Specific Plan Amendment to change the land use designations on the project site and a General Plan Amendment to annex parcels into the HLSP. The EIR does not provide any meaningful evidence to support a less than significant finding. Prior to the amendment of a General Plan or Specific Plan, the ALUC shall review the plan, ordinance, or regulation for consistency with the ALUCP (PUC Section 21676(b))[11]. The EIR must be revised to include a finding of significance as the project does not comply with PUC Section 21676(b).

Notably, the proposed project was reviewed by the RCALUC at their May 8, 2025[12] meeting, which was 22 days prior to the publication of the EIR on May 30, 2025. This information should

[11] California Airport Planning Land Use Handbook Section 1.3.4. ALUC Review https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlandusceplanninghandbook-a11y.pdf
[12] May 8, 2025 RC ALUC Meeting Agenda and Attachments https://rcaluc.org/sites/g/files/aldnop421/files/2025-04/Agenda%20Items%20Update%202.0.pdf

have been included in the EIR for analysis and review by the public and decision makers. This does not comply with CEQA's requirements for meaningful disclosure.

The RCALUC application is dated April 8, 2025, which is 53 days prior to the May 30, 2025 published date of the Notice of Availability of this EIR. The EIR specifically misleads the public and decision makers by excluding information regarding the statutorily required MARB/RCALUC review. A revised EIR must be prepared that includes a review and comment letter regarding the proposed development plans from the MARB/RCALUC. This is statutorily required as the project requires a legislative action (General Plan Amendment and Specific Plan Amendment) to proceed. The EIR cannot conclude that the project has less than significant impacts until and unless it includes the RCALUC review, commentary, and action.

RCALUC Condition of Approval No. 8 for the proposed project states the following:

"The project has been evaluated to construct 22 retail/restaurant buildings totaling 428,436 square feet and 7 manufacturing buildings totaling 1,727,579 square feet. Any increase in building area, change in use to any higher intensity use, change in building location, or modification of the tentative parcel map lot lines and areas will require an amended review to evaluate consistency with the ALUCP compatibility criteria, at the discretion of the ALUC Director." **L1.1 Cont.**

The EIR states that, "The maximum feasible buildout of the entire Specific Plan, based on the submitted development applications for commercial and industrial uses within the Phase I sites, would be 5,735,535 square feet of MBU uses and 428,507 square feet of commercial uses."

The project proposed in the EIR has changed and is much larger than the project that was reviewed by the RCALUC and must be resubmitted to the RCALUC for review and analysis. The EIR cannot conclude that the project will have less than significant impacts until and unless the RCALUC determines that the proposed project as fully described in the EIR is consistent with the ALUCP.

5.11 Land Use and Planning

A revised EIR must be prepared to provide a quantified analysis of the project's growth within the General Plan in accordance with Table LU-28: Building Area by Land Use Designation, Table LU-29: General Plan Population Projections, and Table LU-30: General Plan Employment Projections of the City's General Plan Land Use Element, including all cumulative development since General Plan adoption and projects "in the pipeline." The project site is located in Planning

Area 4 of the General Plan. Table LU-28 states Planning Area 4 is planned to accommodate 1,046,354 sf of total building area from 2002 to 2030 (inclusive of 128,836 sf of Light Industrial buildings; 706,679 sf of Business Park buildings; 160,839 sf of Community Commercial buildings; and 50,000 sf of Public Facilities buildings). Table LU-28 states Planning Area 4 is planned to accommodate 3,578,319 sf of total building area from 2002 to total General Plan buildout (inclusive of 298,836 sf of Light Industrial buildings; 1,268,302 sf of Business Park buildings; 1,961,181 sf of Community Commercial buildings; and 50,000 sf of Public Facilities buildings). Further, the General Plan EIR[13] states that the General Plan will generate, "Approximately 1,973,640 additional square feet of commercial uses, representing an estimated 134 percent increase in retail and office uses by 2030," and, "Approximately 7,077,360 additional square feet of industrial uses, representing an estimated 217 percent increase in industrial uses by year 2030."

The EIR states that the maximum buildout of the proposed project is 5,735,535 square feet of MBU uses and 428,507 square feet of commercial uses. This exceeds the Planning Area 4 General Plan buildout scenario for 2030 by more than 5 times and the total Planning Area 4 General Plan buildout scenario by more than 1.5 times. The project also represents 81% of the General Plan EIR 2030 scenario for industrial uses and 21% of the General Plan EIR 2030 scenario for commercial uses. These totals increase exponentially when all development activity approved since General Plan adoption is cumulatively considered with the proposed project. The EIR must be revised to disclose buildout calculations for all land uses within Planning Area 4 and Citywide in order to provide an adequate and accurate environmental analysis. The revised EIR must also provide a finding of significance. The project exceeds the General Plan buildout scenarios and results in significant and unavoidable impacts to Air Quality (cumulatively considerable), Greenhouse Gas Emissions (cumulatively considerable), and VMT, and conflicts with the General Plan and its adopted EIR, which is a land use plan that includes policies and regulations adopted for the purpose of avoiding or mitigating environmental effects.

L1.1 Cont.

Table 5.11-1: Consistency with SCAG Regional Transportation Plan/Sustainable Communities Strategy provides a misleading and erroneous consistency analysis with SCAG's 2024 Connect SoCal RTP/SCS[14]. Due to errors in modeling, modeling without supporting evidence (as noted throughout this comment letter and attachments), and the EIR's determination that the project will have significant and unavoidable impacts to Air Quality (cumulatively considerable), Greenhouse

[13] Perris General Plan EIR
https://www.cityofperris.org/home/showpublisheddocument/451/637203139698630000
[14] https://scag.ca.gov/sites/default/files/2024-05/23-2987-connect-socal-2024-final-complete-040424.pdf

Gas Emissions (cumulatively considerable), and VMT, the proposed project is directly inconsistent with the following:

1. Housing the Region Policy 35. Encourage housing development in areas with access to important resources and amenities (economic, educational, health, social and similar) to further fair housing access and equity across the region.

2. Housing the Region Policy 36. Encourage housing development in transit-supportive and walkable areas to create more interconnected and resilient communities.

3. Housing the Region Policy 37. Support local, regional, state and federal efforts to produce and preserve affordable housing while meeting additional housing needs across the region.

4. Housing the Region Policy 38. Prioritize communities that are vulnerable to displacement pressures by supporting community stabilization and increasing access to housing that meets the needs of the region.

5. Housing the Region Policy 39. Promote innovative strategies and partnerships to increase homeownership opportunities across the region with an emphasis on communities that have been historically impacted by redlining and other systemic barriers to homeownership for people of color and other marginalized groups.

6. Housing the Region Policy 40. Advocate for and support programs that emphasize reducing housing cost burden (for renters and homeowners), with a focus on the communities with the greatest needs and vulnerabilities.

7. Equitable Engagement and Decision-Making Policy 45. Advance community-centered interventions, resources and programming that serve the most disadvantaged communities and people in the region, like Priority Equity Communities, with strategies that can be implemented in the short-to-long-term.

8. Equitable Engagement and Decision-Making Policy 46. Promote racial equity that is grounded in the recognition of the past and current harms of systemic racism and one that advances restorative justice.

9. Equitable Engagement and Decision-Making Policy 47. Increase equitable, inclusive, and meaningful representation and participation of people of color and disadvantaged communities in planning processes.

L1.1 Cont.

10. Sustainable Development Policy 48. Promote sustainable development and best practices that enhance resource conservation, reduce resource consumption and promote resilience.

11. Sustainable Development Policy 49. Support communities across the region to advance innovative sustainable development practices.

12. Sustainable Development Policy 50. Recognize and support the diversity of communities across the region by promoting local place-making, planning and development efforts that advance equity, mobility, resilience and sustainability.

13. Air Quality Policy 51. Reduce hazardous air pollutants and greenhouse gas emissions and improve air quality throughout the region through planning and implementation efforts.

14. Air Quality Policy 52. Support investments that reduce hazardous air pollutants and greenhouse gas emissions.

15. Air Quality Policy 53. Reduce the exposure and impacts of emissions and pollutants and promote local and regional efforts that improve air quality for vulnerable populations, including but not limited to Priority Equity Communities and the AB 617 Communities. **L1.1 Cont.**

16. Climate Resilience Policy 64. Prioritize the most vulnerable populations and communities subject to climate hazards to help the people, places and infrastructure that are most at risk for climate change impacts. In doing so, recognize that disadvantaged communities are often overburdened.

17. Climate Resilience Policy 65. Support local and regional climate and hazard planning and implementation efforts for transportation, land use, and other factors.

18. Climate Resilience Policy 66. Support nature-based solutions to increase regional resilience of the natural and built environment.

A revised EIR must be prepared to disclose the project's inconsistency with these policies and include a finding of significance. This is especially notable as the project site (SCAG Census Tract 06065042625) is identified as a Priority Equity Community in the RTP/SCS[15].

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15 https://hub.scag.ca.gov/datasets/daa7cbaf5b064399800f3426cbb64270_0/explore?location=33.814985%2C-117.221261%2C14.86

Table 5.11-2: Good Neighbor Guidelines Consistency Analysis does not provide a complete or accurate analysis of the proposed project. For example, the EIR concludes the project is consistent with the requirement that, "Building massing shall be consistent with the City's Industrial Design Guidelines to reduce visual dominance on adjacent/nearby sensitive receptors," because, "…the Project would comply with all development standards set by the Harvest Landing Specific Plan Amendment. The Specific Plan Amendment would include updates to the existing MBU and Commercial Harvest Landing Specific Plan designation design guidelines to ensure consistency with Perris Municipal Code and Perris Valley Commerce Center Specific Plan Commercial and Light Industrial zoning and Specific Plan designations." The consistency analysis does not address the City's Industrial Design Guidelines. Additionally, the proposed amendments to the HLSP are not included as an attachment for public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and PRC 21003(b)). Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the proposed amendments to the HLSP contribute directly to analysis of the problem at hand. A revised EIR must be prepared to include the proposed amendments to the HLSP for review, analysis, and comment by the public and decision makers in order to comply with CEQA's requirements for adequate informational documents and meaningful disclosure (CEQA § 15121 and PRC 21003(b)). **L1.1 Cont.**

The EIR also concludes the project is consistent with the requirement that, "Warehouses greater than 100,000 square feet are required to directly reduce nitrogen and diesel particulate matter emissions (SCAQMD Rule 2305)," because " The Project would be required to comply with South Coast AQMD Rule 2305, related to regulating and reporting truck trips in compliance with the WAIRE program." Simply stating that the project is required to comply with this item does not equate to the project's ability to achieve the required outcome. The EIR has not provided any substantial evidence to demonstrate that the project will directly reduce nitrogen and diesel particulate matter emissions. The project will result in significant and unavoidable cumulatively considerable impacts to Air Quality and Greenhouse Gas Emissions, meaning that it is improbable that the proposed project will meet this requirement. A finding of significance must be provided in a revised EIR.

Further, the EIR does not provide a consistency analysis with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The project has significant potential to conflict with many of these items, including but not limited to the following from the General Plan:

1. Housing Element Goal 2: Assist in the development of housing for all economic segments of the City.

2. Housing Element Policy 2.1: Promote development within specific plans that provide a variety of housing types and densities based on the suitability of the land, including the availability of infrastructure, the provision of adequate services and recognition of environmental constraints.

3. Housing Element Policy 2.4: Promote construction of units consistent with the new construction needs identified in the Regional Housing Needs Assessment (RHNA).

4. Policy HC 1.5 On an ongoing basis, identify and address health inequities in Perris (i.e. unjust barriers that result in differences in environmental conditions and health outcomes) and strive to provide a high quality of life for all residents, regardless of income, age or ethnicity.

5. Policy HC 1.6 Encourage the attraction and retention of high quality grocery stores and other healthy food purveyors as an economic development strategy for the City. Healthy food outlets include full-service grocery stores, regularly-held farmer's markets, fruit and vegetable markets, and convenience stores or corner stores that sell a significant proportion of healthy food.

L1.1 Cont.

6. Policy HC 2.6 Encourage land use and urban design to promote physical activity, provide access to nutritious foods, and reduce air pollution.

7. Goal HC-5: Healthy Economy – Encourage businesses to provide meaningful employment opportunities to residents.

8. Policy HC 5.1 Develop programs to attract and retain industries that can provide a living wage, provide health insurance benefits, and meet existing levels of workforce education.

9. Land Use Element Implementation Measure V.C.I. Circulate all development plans within the Clear Zone and Accident Potential Zones of the March Air Reserve Base/Inland Port Plan to Department of the Air Force, MARCH Air Reserve Base to provide recommendations and guidance on land use compatibility in accordance with the policies of the most recent Air Force Instruction (AFI) 32-7063.
10. Safety Element Implementation Measure I.D.2 Continue to notify March Air Reserve Base of new development project applications and consider their input prior to making land use decisions.

11. Environmental Justice Goal 3.1 A community that reduces the negative impacts of land use changes, environmental hazards and climate change on disadvantaged communities.

12. Environmental Justice Goal 3.2: A community that actively works to reduce the impacts of poor air quality.

13. Environmental Justice Goal 4.1: Universal access to healthy food for food insecure populations.

14. Environmental Justice Goal 6.2 Policy 2: Discourage development in proximity to sensitive land uses (e.g., schools, hospitals, homes, and long-term care facilities) near source point pollution sources that impact health, including freeways and hazardous waste sites.

Further, the EIR includes erroneous and misleading analysis with several goals and policies of the General Plan. For example, the EIR concludes that the project does not conflict with "Policy HC 6.1. Support regional efforts to improve air quality through energy efficient technology, use of alternative fuels, and land use and transportation planning" because "The Project would be built to achieve LEED Silver certification and would be required to comply with Title 24 building efficiency requirements, as required by Mitigation Measure GHG-4. In addition, the Project would provide EV charging stations." There is no meaningful analysis throughout Table 5.11-3 of the project's significant and unavoidable cumulatively considerable impacts to Air Quality, Greenhouse Gas Emissions, and VMT. The EIR must be revised to include these facts for consistency analysis of the proposed project with all land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. **L1.1 Cont.**

The EIR also excludes from its analysis this requirement for Specific Plans listed on page 69 of the General Plan Land Use Element:

"Maximum non-residential building area and maximum number of dwelling units permitted within each Specific Plan area shall be determined based on the following:

1) The number of A.M. and P.M. vehicular peak hour trips projected to be generated from within the area subject to the Specific Plan;
2) The number of Average Daily Trips projected to be generated from within the area subject to the Specific Plan;
3) The assignment and distribution of projected trips to secondary and arterial roadways providing access to the area subject to the Specific Plan.

Each master development plan shall be accompanied by a traffic study, in a form acceptable to the City Engineer. Permissible intensities and densities of land uses that may be included in the Specific Plan will be determined upon confirmation by traffic study that the total Average Daily Trips projected to be generated from within the area subject to the Specific Plan do not exceed the total Average Daily Trips allocated to that area in the General Plan. The permissible mix and locations of land uses within the area subject to the Specific Plan will be that which minimizes coincident peak hour trips to and from the area subject to the Specific Plan. In no event, however, shall more than seventy-five percent (75%) of the land area included within a Specific Plan, exclusive of right-of-way and parkland, be for residential use."

The proposed amendments to the HLSP completely change the existing land use plan approved by the City Council in 2011 with the original adoption of the HLSP. The maximum non-residential building area permitted within the HLSP must be analyzed in the proposed project EIR. As discussed above, the project will exceed the General Plan buildout for Planning Area 4 under the horizon year 2030 and total buildout scenarios. This indicates that it also exceeds the number of Average Daily Trips allocated to Planning Area 4 in the General Plan. The project does not comply with the General Plan Land Use Element requirement for Specific Plans and a finding of significance must be provided in a revised EIR. **L1.1 Cont.**

5.13 Population and Housing

The project faces significant inconsistency with State Housing Element Law. Pursuant to Government Code Section 65863[16], a jurisdiction shall ensure that its housing element sites inventory "can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584" and "at no time…shall a city, county, or city and county by administrative, quasi-judicial, legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need." Further, this Section states the following:

> "No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

[16] Government Code Section 65863
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=65863

(A) The reduction is consistent with the adopted general plan, including the housing element.

(B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level."

Table 7-3: Credits Towards the 2021-2029 RHNA within the City's HCD Certified Housing Element[17] identifies the Harvest Landing Specific Plan Tract No. 35103 as part of its identified sites inventory to accommodate its RHNA allocation.

L1.1 Cont.

Housing Element
Harvest Landing Specific Plan Tract No. 35103[18]
Moderate Income Units: 257
Above Moderate Income Units: 1,030
Total Units: 1,287

The project proposes to change the Specific Plan Land Use designations for the HLSP that will reduce the total residential capacity of the HLSP to 0 dwelling units. These revisions require an amendment to the Housing Element, revised analysis within the Housing Element, and HCD review of the changes. The EIR is inadequate as an informational document as it has not disclosed these requirements.

The EIR has not provided any analysis to demonstrate that the remaining sites identified in the housing element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Government Code Section 65584 through the end of the 2021-2029 planning period. The EIR has not demonstrated that the City's Housing Element can accommodate at all times throughout the

[17] https://hcdpowerbi.blob.core.windows.net/housing-elements/perris-6th-draft080322.pdf
[18] Perris City Council Resolution No. 4408
https://www.cityofperris.org/home/showpublisheddocument/5355/637250721500300000

planning period its remaining unmet share of the regional housing need. The EIR must be revised to include a finding of significance because it has not demonstrated that the City can continue to accommodate its RHNA following the potential approval of the proposed project.

It is clear that upon approval of the proposed project, the City will not able to meet its RHNA throughout the planning period. Notably, Table 7-5: Accommodation of the 2021-2029 RHNA indicates that the City's Moderate Income zoning capacity has a surplus of 171 units. Removing the 257 Moderate Income units from HSLFP Tract No. 35103 results in a zoning capacity shortfall of 86 dwelling units. A significant impact exists and the EIR has not demonstrated that the remaining sites identified in the housing element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Government Code Section 65584 through the end of the 2021-2029 planning period. The EIR has not demonstrated that the City's Housing Element can accommodate at all times throughout the planning period its remaining unmet share of the regional housing need. The EIR must be revised to include a finding of significance because there is no meaningful evidence that the City can continue to accommodate its RHNA following the approval of the proposed project. **L1.1 Cont.**

The project faces significant inconsistencies with statutory requirements of the Housing Crisis Act (HCA) of 2019/Senate Bill (SB) 330[19]/SB 8[20]. The Project Description states that "Senate Bill 330 "Housing Crisis Act of 2019" compliance," is a required discretionary approval from the City Council, yet this discretionary approval is not discussed anywhere in the EIR. The HCA/SB 330/SB 8 require replacement housing sites when land designated for housing development is changed to a non-housing use to ensure no net loss of housing capacity. Government Code Section 66300(b)(1)(A) requires that agencies shall not "change the general plan land use designation, specific plan land use designation, or zoning to a less intensive use below what was allowed under the land use designation and zoning ordinances in effect at the time of the proposed change." Under Government Code Section 66300(b)(1)(A), a "less intensive use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce residential development capacity. Pursuant to SB 330, replacement capacity for any displaced residential units must be provided **concurrently** at the **time of project approval**.

[19] Housing Crisis Act of 2019/SB 330
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330
[20] SB 8 https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB8

Government Code Section 66300 (h)(i)(1) states that, "this section does not prohibit an affected county or an affected city, including the local electorate acting through the initiative process, from changing a land use designation or zoning ordinance to a less intensive use, or reducing the intensity of land use, if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity." The project requires Specific Plan Amendment No. 22-05250 to revise the existing HLSP to remove all residential land use designations within the project site, which is a loss of zoning capacity for 1,860 dwelling units.

Due to the required land use changes to implement the proposed project, the HLSP would not be used for the development of 1,860 dwelling units, and replacement sites to accommodate the site's residential capacity of 1,860 dwelling units must be proposed and analyzed as part of the project. All of the above factors are in conflict with SB 8 that expanded the provisions of the HCA to include Government Code Section 66300 (h)(i)(1) requiring concurrent approval of replacement sites to ensure no net loss in residential capacity, and Section 66300 (h)(2)(A) defining "concurrently" to mean the action is approved at the same meeting of the legislative body. The EIR does not act in conformance with these laws and has not identified replacement sites for housing. Approval of the EIR and the proposed project will result in a net loss of housing. Specifically, the existing General Plan, Specific Plan, and Zoning designations permit the development of up to 1,860 dwelling units and that lost residential capacity is a significant environmental impact in violation of the HCA/SB 330/SB 8. The EIR must be revised to include a finding of significance due to this inconsistency.

L1.1 Cont.

Additionally, deferring the environmental analysis of construction and operation of the replacement sites to a later date is project piecemealing in violation of CEQA. The EIR does not accurately or adequately describe the project, meaning "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (CEQA § 15378). The whole of the action must statutorily and legally include identification of replacement sites to accommodate at least 1,860 replacement dwelling units and environmental impacts associated with the construction of the replacement dwelling units.

The EIR utilizes uncertain language and does not provide any meaningful analysis or supporting evidence to substantiate the conclusion that there will be no significant impacts to population and housing. The EIR states that, "Construction of both Phases would require a maximum of 3,438 construction workers (EIR Appendix B). These construction workers are anticipated to come from

the City *and surrounding jurisdictions* and are anticipated to commute daily to the jobsite. Although it is possible that the demand for construction workers could induce some people to move to the area, this consideration would be de minimis, *relative* to the total number of construction workers in the *region*." There is no information substantial evidence provided to support the conclusion that the unemployed population for the City and/or region can accommodate 3,438 new jobs, such as the unemployed population's qualifications for work in the construction sector.Relying on the entire labor force within the greater SCAG region to fill the project's construction jobs will increase rates of VMT and emissions during all phases of construction and a revised EIR must be prepared to account for longer worker trip distances.

The EIR concludes that operational employee impacts to population and housing will not be significant because, "The employees that would fill these roles are anticipated to come from the region, as the unemployment rate of the City of Perris as of May 2024 was 5.7 percent, City of Hemet was 6.3 percent, City of Moreno Valley was 4.6 percent, and the City of Menifee was at 4.6 percent, and the County of Riverside was 4.4 percent (BLS, 2024). Due to the existing and projected ratio of housing to jobs and the levels of unemployment, it is anticipated that new employees at the Project site would reside locally and within *commuting distance* and would not generate a need for new housing."

L1.1 Cont.

Notably, the geographic boundaries of "commuting distance" are undefined and will increase rates of VMT and emissions during project operations and a revised EIR must be prepared to account for longer worker trip distances. The EIR does not provide evidence that the specific unemployed workforce listed is qualified for or interested in industrial work to substantiate this claim. Three of the five jurisdictions listed have unemployment rates below 5%, which is insignificant as an unemployment rate below 5% is considered full employment and does not substantiate the EIR's claims that impacts will be less than significant.

SCAG's Connect SoCal Demographics and Growth Forecast[21] notes that the City will add 11,300 jobs from 2019 - 2035 and 15,00 jobs from 2019 - 2050, with the 2019 baseline employment at 18,300 jobs, the 2035 forecast at 29,600 jobs, and the 2050 forecast at 33,300 jobs. Utilizing the EIR's calculation of 6,427 employees, the project represents 56.8% of the City's employment growth from 2019 - 2035 and 42.84% of the City's employment growth from 2019 - 2050. A single project accounting for this amount of this amount of growth represents a significant amount

[21] SCAG Connect SoCal Demographics and Growth Forecast adopted April 2024 https://scag.ca.gov/sites/default/files/2024-05/23-2987-tr-demographics-growth-forecast-final-040424.pdf

of growth and demonstrates that the City has exceeded applicable growth estimates. For example, other recent industrial projects such as First Industrial at Sinclair (418 employees), Patterson Commerce Center (256 employees), First Industrial at Wilson DPR 22-017 (194 employees), Duke Warehouse Patterson and Nance (1,333 employees) Harley Knox Commerce Center (152 employees), PVCCSP Amendment No. 13 (603 employees), Core 5 Rider Warehouse (432 employees), First Industrial Warehouse at Rider (562 employees), Perris and Morgan 3 Industrial Buildings (494 employees), First Industrial at Wilson 1 (526 employees), First Industrial at Wilson 2 (276 employees), IDI Rider Warehouses 2 and 4 (1,313 employees), Ramona-Indian Warehouse (440 employees), Redlands East Warehouse (442 employees), Redlands West Warehouse (592 employees), Ramona-Brennan Warehouse (287 employees), Ramona Gateway (997 employees), First March Logistics (538 employees), OLC3 (892 employees), Distribution Park Commercial and Industrial Project (386 employees), and Perris DC 11 (536 employees) combined with the proposed project's 6,427 employees will cumulatively generate 19,113 employees, which is 169% of the City's SCAG employment growth through 2035 and 127% of the City's SCAG employment growth through 2050.

These totals increase exponentially when all development activity is added to the brief list of recent industrial activity above. A revised EIR must be prepared to include this information for analysis, and also provide a cumulative analysis discussion of projects approved since General Plan adoption, 2019 (SCAG), and projects "in the pipeline" to disclose that the project will exceed the employment/population growth forecasts by SCAG and the City's General Plan/EIR.

L1.1 Cont.

5.16 Transportation

The EIR has not adequately addressed the project's conflicts with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The EIR excludes from its analysis this requirement for Specific Plans listed on page 69 of the General Plan Land Use Element:

"Maximum non-residential building area and maximum number of dwelling units permitted within each Specific Plan area shall be determined based on the following:

1) The number of A.M. and P.M. vehicular peak hour trips projected to be generated from within the area subject to the Specific Plan;
2) The number of Average Daily Trips projected to be generated from within the area subject to the Specific Plan;
3) The assignment and distribution of projected trips to secondary and arterial roadways providing access to the area subject to the Specific Plan.

Each master development plan shall be accompanied by a traffic study, in a form acceptable to the City Engineer. Permissible intensities and densities of land uses that may be included in the Specific Plan will be determined upon confirmation by traffic study that the total Average Daily Trips projected to be generated from within the area subject to the Specific Plan do not exceed the total Average Daily Trips allocated to that area in the General Plan. The permissible mix and locations of land uses within the area subject to the Specific Plan will be that which minimizes coincident peak hour trips to and from the area subject to the Specific Plan. In no event, however, shall more than seventy-five percent (75%) of the land area included within a Specific Plan, exclusive of right-of-way and parkland, be for residential use."

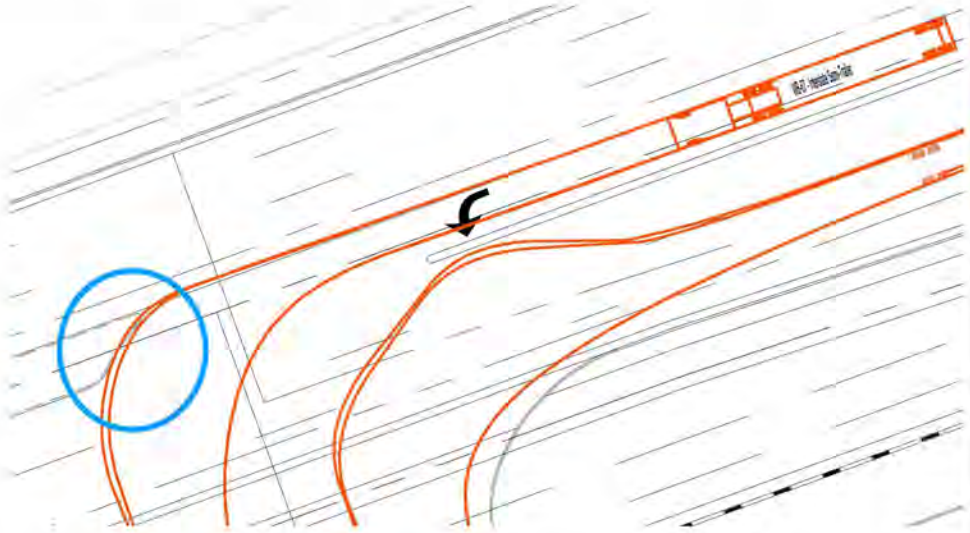
The proposed amendments to the HLSP completely change the existing land use plan approved by the City Council in 2011 with the original adoption of the HLSP. The maximum non-residential building area permitted within the HLSP must be analyzed in the proposed project EIR. As discussed above, the project will exceed the General Plan buildout for Planning Area 4 under the horizon year 2030 and total buildout scenarios. This indicates that it also exceeds the number of Average Daily Trips allocated to Planning Area 4 in the General Plan. The project does not comply with the General Plan Land Use Element requirement for Specific Plans and a finding of significance must be provided in a revised EIR.

L1.1 Cont.

Further, the EIR has underreported the quantity VMT generated by the proposed project operations. The operational nature of industrial/warehouse uses involves high rates of truck/trailer/delivery van VMT due to traveling from large import hubs to regional distribution centers to smaller industrial parks and then to their final delivery destinations. Once employees arrive at work at the proposed project, they will conduct their jobs by driving delivery vans across the region as part of the daily operations as parcel hubs/high-cube fulfillment warehouses, which will drastically increase project-generated VMT. The project's truck/trailer and delivery van activity is unable to utilize public transit or active transportation and it is misleading to the public and decision makers to exclude this activity from VMT analysis. The project's total operational VMT generated is further inconsistent with the significance threshold and legislative intent of SB 743 to reduce greenhouse gas emissions by reducing VMT. A revised EIR must be prepared to reflect a quantified VMT analysis that includes all truck/trailer and delivery van activity.

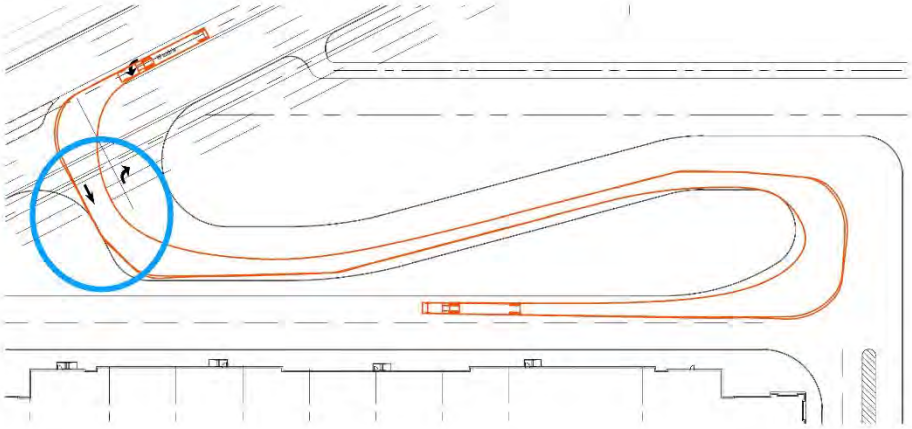
The EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. Appendix F – Truck Turning Templates and Driveway Spacing Measurements within Appendix R - TIA depicts several areas

of conflict internally within the site and at adjacent intersections. As shown below, the truck entering the site via Frontage Road at Building 2 will overlap the median in the intersection, indicating there is not suitable available space to accommodate truck maneuvering.



L1.1 Cont.

The same is true for the truck entering the site via Frontage Road at Building 6, which will overlap on the internal curb, indicating there is not suitable available space to accommodate truck maneuvering. This exhibit also does not depict two trucks simultaneously entering and exiting site and there does not appear to be enough maneuvering space for two trucks given that there is not enough area for a single truck without overlapping on the internal curb. The geometric design of the circulation system and project site will substantially increase hazards and a significant and unavoidable impact exists, which must be disclosed in a revised EIR.



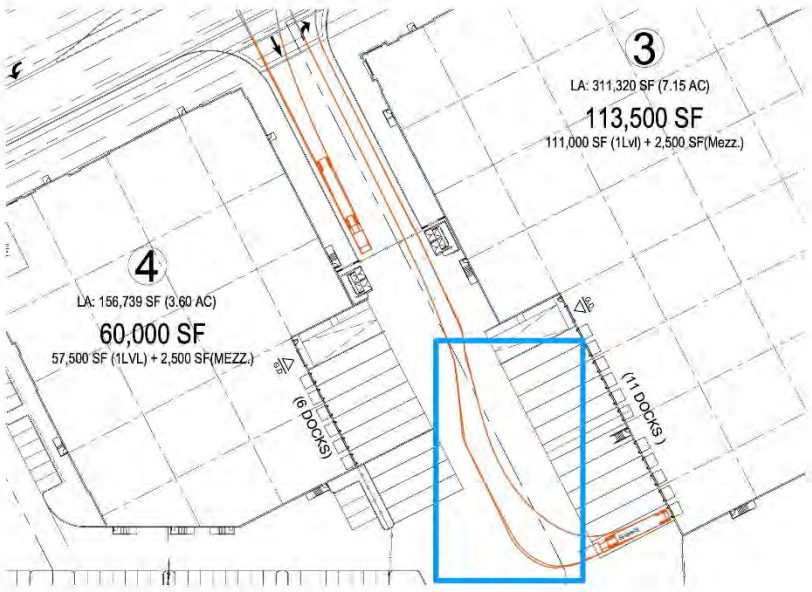
A similar issue exists for the truck entering the site via Frontage Road at Private Drive A between Buildings 2 and 3. This truck will also overlap on the curb, indicating there is not suitable available space to accommodate truck maneuvering. The geometric design of the circulation system and project site will substantially increase hazards and a significant and unavoidable impact exists, which must be disclosed in a revised EIR.

L1.1 Cont.

It is particularly notable that the trucks accessing the site via Frontage Road at Building 5 will collide on Frontage Road. The geometric design of the circulation system and project site will substantially increase hazards and a significant and unavoidable impact exists, which must be disclosed in a revised EIR.

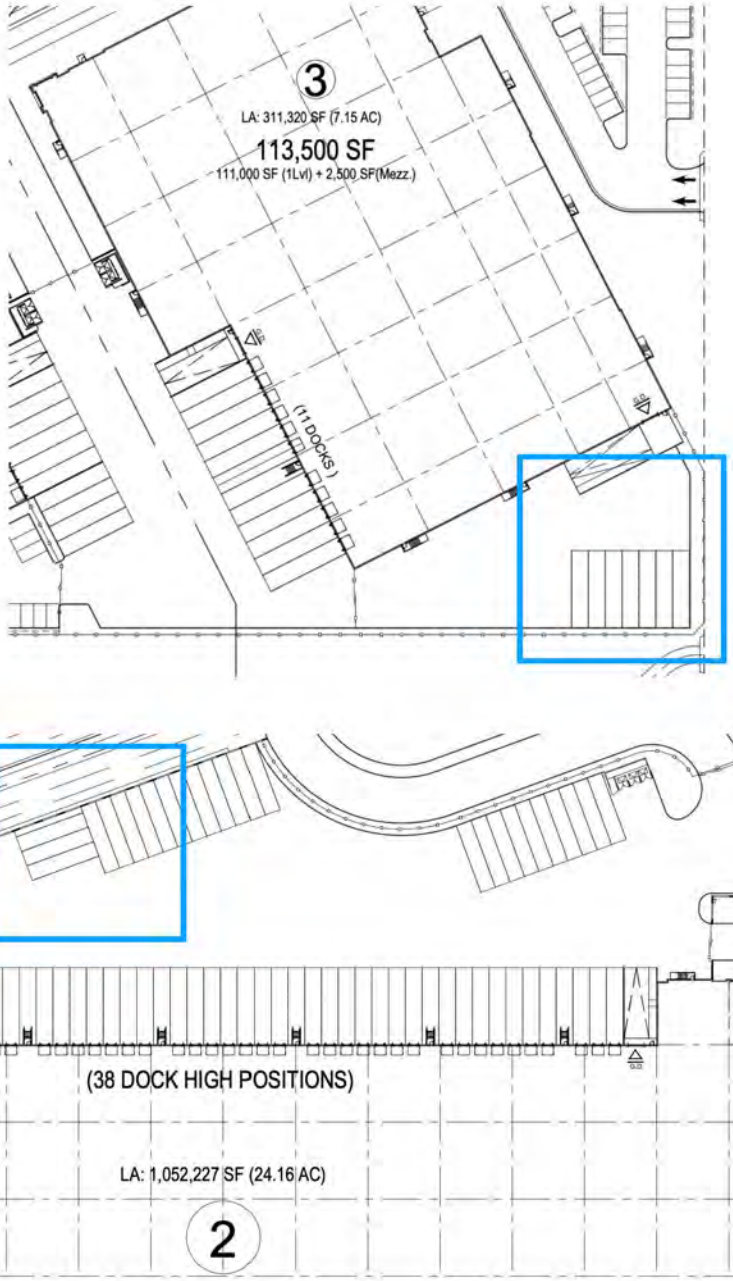
L1.1 Cont.

Additionally, trucks accessing the internal truck/trailer loading dock court between Buildings 3 and 4 do not have adequate internal maneuvering space. As shown below, a single truck backing into a loading dock space requires the entire loading dock area to maneuver into the space. There is no other maneuvering area available, meaning that other trucks must queue and wait for the area to clear in order to proceed. Increased queuing results in increased idling (and associated emissions) will require increased internal queuing area in order to avoid queuing on Frontage Road. The geometric design of the circulation system and project site will substantially increase hazards and a significant and unavoidable impact exists, which must be disclosed in a revised EIR.



L1.1 Cont.

There are no exhibits adequately depicting the onsite turning radius available for trucks maneuvering throughout the parking areas of the site. For example, the truck/trailer parking spaces are located within the truck/trailer loading dock court and some are designed in unconventional configurations that restrict internal maneuvering area, as shown below. These parking stalls that may be in use at any time and further restrict truck/trailer movement, including increasing truck idling as tandem parked trucks require additional time to maneuver, which will also result in increased queuing duration and associated queuing area for trucks/trailer. A revised EIR must be prepared to include a finding of significance due to these significant and unavoidable impacts that have not been analyzed.


3
LA: 311,320 SF (7.15 AC)
113,500 SF
111,000 SF (1Lvl) + 2,500 SF(Mezz.)
(11 DOCKS)
(38 DOCK HIGH POSITIONS)
LA: 1,052,227 SF (24.16 AC)
2

L1.1
Cont.

There are also no exhibits depicting emergency vehicle access and maneuvering. The EIR states that, "The Riverside County Fire Department would review the development plans as part of the construction permitting process to ensure that emergency access is provided pursuant to the requirements of the Uniform Fire Code and Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9)." However, the EIR has not listed the Riverside County Fire Department requirements or substantial evidence demonstrating the project's compliance or noncompliance with the requirements. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. A revised EIR must be prepared for the proposed project with truck turning exhibits and emergency access exhibits and associated analysis/requirements in order to provide an adequate and accurate environmental analysis.

Additionally, the EIR has not provided any analysis of the available horizontal and vertical sight distance at the intersection of the project driveways and adjacent streets. The EIR states that, "Additionally, sight distance at the Project's access points would be reviewed with respect to City standards at the time of final grading, landscape, and street improvement plan reviews." Sight distance is the continuous length of street ahead visible to the driver. The EIR has not listed the requirements or provided an analysis of the project's compliance with these requirements. Deferring this environmental analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. At unsignalized intersections, corner sight distance must provide a substantially clear line of sight between the driver of the vehicle waiting on the minor road (driveway) and the driver of an approaching vehicle. The EIR must provide an analysis of all factors impacting sight distance, such as the location of project driveways to those driveways at adjacent/nearby properties, availability of street parking, and other existing potential obstructions to a driver's line of sight. A revised EIR must be prepared with a sight distance analysis based on the American Association of State Highway and Transportation Officials (AASHTO) Stopping Sight Distance requirements.

L1.1 Cont.

6.2 Growth Inducement

The EIR must include a cumulative analysis discussion here to demonstrate the impact of the proposed project in a cumulative setting. For example, other recent industrial projects such as First Industrial at Sinclair (418 employees), Patterson Commerce Center (256 employees), First Industrial at Wilson DPR 22-017 (194 employees), Duke Warehouse Patterson and Nance (1,333 employees) Harley Knox Commerce Center (152 employees), PVCCSP Amendment No. 13 (603

employees), Core 5 Rider Warehouse (432 employees), First Industrial Warehouse at Rider (562 employees), Perris and Morgan 3 Industrial Buildings (494 employees), First Industrial at Wilson 1 (526 employees), First Industrial at Wilson 2 (276 employees), IDI Rider Warehouses 2 and 4 (1,313 employees), Ramona-Indian Warehouse (440 employees), Redlands East Warehouse (442 employees), Redlands West Warehouse (592 employees), Ramona-Brennan Warehouse (287 employees), Ramona Gateway (997 employees), First March Logistics (538 employees), OLC3 (892 employees), Distribution Park Commercial and Industrial Project (386 employees), and Perris DC 11 (536 employees) combined with the proposed project's 6,427 employees will cumulatively generate 19,113 employees, which is 169% of the City's SCAG employment growth through 2035 and 127% of the City's SCAG employment growth through 2050.

A revised EIR must be prepared to provide a quantified analysis of the project's growth within the General Plan in accordance with Table LU-28: Building Area by Land Use Designation, Table LU-29: General Plan Population Projections, and Table LU-30: General Plan Employment Projections of the City's General Plan Land Use Element, including all cumulative development since General Plan adoption and projects "in the pipeline." The project site is located in Planning Area 4 of the General Plan. Table LU-28 states Planning Area 4 is planned to accommodate 1,046,354 sf of total building area from 2002 to 2030 (inclusive of 128,836 sf of Light Industrial buildings; 706,679 sf of Business Park buildings; 160,839 sf of Community Commercial buildings; and 50,000 sf of Public Facilities buildings). Table LU-28 states Planning Area 4 is planned to accommodate 3,578,319 sf of total building area from 2002 to total General Plan buildout (inclusive of 298,836 sf of Light Industrial buildings; 1,268,302 sf of Business Park buildings; 1,961,181 sf of Community Commercial buildings; and 50,000 sf of Public Facilities buildings). Further, the General Plan EIR[22] states that the General Plan will generate, "Approximately 1,973,640 additional square feet of commercial uses, representing an estimated 134 percent increase in retail and office uses by 2030," and, "Approximately 7,077,360 additional square feet of industrial uses, representing an estimated 217 percent increase in industrial uses by year 2030."

L1.1 Cont.

The EIR states that the maximum buildout of the proposed project is 5,735,535 square feet of MBU uses and 428,507 square feet of commercial uses. This exceeds the Planning Area 4 General Plan buildout scenario for 2030 by more than 5 times and the total Planning Area 4 General Plan buildout scenario by more than 1.5 times. The project also represents 81% of the General Plan EIR 2030 scenario for industrial uses and 21% of the General Plan EIR 2030 scenario for commercial uses. These totals increase exponentially when all development activity approved

[22] Perris General Plan EIR
https://www.cityofperris.org/home/showpublisheddocument/451/637203139698630000

since General Plan adoption is cumulatively considered with the proposed project. The EIR must be revised to disclose buildout calculations for all land uses within Planning Area 4 and Citywide in order to provide an adequate and accurate environmental analysis. The revised EIR must also provide a finding of significance. The project exceeds the General Plan buildout scenarios and results in significant and unavoidable impacts to Air Quality (cumulatively considerable), Greenhouse Gas Emissions (cumulatively considerable), and VMT, and conflicts with the General Plan and its adopted EIR, and simultaneously exceeds planned growth. Approval of the proposed project will set precedent for approval of other projects that exceed planned growth and also result in significant and unavoidable environmental impacts.

6.3 Significant Irreversible Effects

The EIR must be revised to discuss and analyze that implementation of the project will result in significant and unavoidable environmental impacts to Air Quality (cumulatively considerable), Greenhouse Gas Emissions (cumulatively considerable), and Transportation (VMT) within the project census tract (which is designated as a Priority Equity Community by SCAG) receiving the most significant impacts. As discussed throughout this comment letter, the project is directly inconsistent with the General Plan and goals of SCAG's Connect SoCal RTP/SCS due to its significant and unavoidable environmental impacts to Air Quality (cumulatively considerable), Greenhouse Gas Emissions (cumulatively considerable), and Transportation (VMT). The project is also inconsistent with State Housing Element Law. These significant and irreversible environmental changes caused by the project must be discussed in this sectionand necessitate a finding of significance.

L1.1 Cont.

Impact on Biological Resources

Please see the attached comments and analysis from Dr. Smallwood.

8.0 Alternatives

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include the CEQA required "No Project/No Development" alternative and only three others - No Project/ Buildout of Existing Harvest Landing Specific Plan Alternative, Reduced Project Alternative, and Phase 2 Residential Alternative. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This could include alternatives such as development of the site with a project that reduces all of the proposed project's significant and unavoidable impacts to a less than significant level, and a mixed-use project that provides affordable housing and exclusively local-serving commercial uses that may reduce VMT, GHG emissions and simultaneously improve Air Quality.

Conclusion

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

Sincerely,

Vashon Simien
Blum, Collins & Ho, LLP

L1.1 Cont.

Attachments:

1. Shawn Smallwood, PhD Analysis Report

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Gary Ho
Blum Collins Ho LLP
707 Wilshire Blvd
Los Angeles, CA 90017

29 July 2025

RE: Harvest Landing Retail Center & Business Park

Dear Mr. Ho,

I write to comment on the analysis of potential impacts to biological resources that is reported in the Draft Environmental Impact Report (DEIR) prepared for the proposed Harvest Landing Retail Center & Business Park. I understand Phase 1 of the project would add a 139.89-acre business park six warehouse/industrial buildings totaling 1,727,579 square feet; a 22.16-acre community shopping center totaling 250,457 square feet in buildings as tall as 57.5 feet (according to renderings in the DEIR); and a 24.33-acre commercial big box retail site totaling 167,050-square feet with a 12-pump gas station and two 5,500 square-foot fast food restaurants, and with Phase 2 of the Specific Plan the project would add 5,735,535 square feet of Multiple Business Use uses and 428,507 square feet of commercial uses on 358.28 acres between E Frontage Rd, N Perris Blvd, and W Placentia Ave in Perris, California. My comments that follow address my concerns that the DEIR mischaracterizes the existing environmental setting, and that its impacts analysis is flawed and its mitigation measures are inadequate.

L1.1 Cont.

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and Raptor Research Foundation, and I've lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-seven years. My CV is attached.

THE WILDLIFE COMMUNITY AS BIOLOGICAL RESOURCE

Most environmental reviews pursuant to the California Environmental Quality Act (CEQA) focus on special-status species because CEQA's Checklist Evaluation of Environmental Impacts specifies that such evaluation includes potential impacts to special-status species. However, an important policy of CEQA is "to prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife

populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history." Pub. Res. Code § 21001(c). This policy is not restricted to special-status species, but applies to wildlife populations and plant and animal communities. In fact, the CEQA Guidelines Section 21155.1 defines wildlife habitat as "the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection." This definition is consistent with the scientific definition of habitat, which is that portion of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997). The CEQA Checklist Evaluation assigns priority to special-status species to balance information and cost, but it does not exclude the need to evaluate environmental impacts to other species, which, after all, are members of the very communities within which special-status species inter-depend for survival and reproduction.

All wildlife species should be of concern in a CEQA review, but the CEQA prioritizes special-status species. The species I consider to be special-status species are those listed in California's Special Animals List inclusive of threatened and endangered species under the California and federal Endangered Species Acts, candidates for listing under CESA and FESA, California's Fully Protected Species, California species of special concern, and California's Taxa to Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406), continental and region-specific US Fish and Wildlife Service Birds of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf), and naturally rare species such as raptors protected by California's Birds of Prey laws, Fish and Game Code Sections 3503, 3503.5, 3505 and 3513 (see https://wildlife.ca.gov/Conservation/Birds/Raptors). L1.1 Cont.

SITE VISIT

On my behalf, Noriko Smallwood, a wildlife biologist with a Master of Science Degree from California State University Los Angeles, visited the site of the proposed project for 3 hours of diurnal survey from 17:09 to 20:09 hours and 2 hours of nocturnal survey from 19:44 to 21:44 hours on 18 July 2025, and for 3 hours of diurnal survey from 6:04 to 9:04 hours on 21 July 2025. During daylight, Noriko walked the site's perimeter where accessible, stopping to scan for wildlife with use of binoculars. During the night. Noriko mounted a Pettersson M500 bat detector on a 30-foot pole, and she identified bat species by sonograms of their foraging calls with use of Sonobat Live. Noriko recorded all species of vertebrate wildlife she detected, including those whose members flew over the site or were seen nearby, off the site. Animals of uncertain species identity were either omitted or, if possible, recorded to the Genus or higher taxonomic level.

Conditions were sunny with 8 MPH northwest wind and temperatures of 89-79° F during the diurnal survey on 18 July 2025, clear with 4 MPH northwest wind and temperatures of 79-72° F during the nocturnal survey on 18 July 2025, and cloudy with 2 MPH west wind and temperatures of 62-67° F on 21 July 2025. The site is annual

grassland that's regularly disced with patches of mule fat and tamarisk and sparse trees such as eucalyptus and pepper (Photos 1 and 2).

Noriko saw burrowing owl (Photo 3), red-tailed hawk and American kestrel (Photos 4 and 5), lesser goldfinch (Photo 6), mourning dove and Eurasian collared-dove (Photos 7 and 8), common raven (Photos 9 and 27), Anna's hummingbird (Photos 10 and 11), Say's phoebe and Cassin's kingbird (Photos 12 and 13), northern mockingbird and house finch (Photos 14 and 15), barn swallow and cliff swallow (Photos 16 and 17), California ground squirrel (Photos 18 and 19), monarch and canyon bat (Photos 20, 21, and 22), western yellow bat and silver-haired bat (Photos 23 and 24), Mexican free-tailed bat and western mastiff bat (Photos 25 and 26), among the other species listed in Table 1. Noriko detected 33 species of vertebrate wildlife at or adjacent to the project site, including eight species with special status (Table 1).

Noriko Smallwood certifies that the foregoing and following survey results are true and accurately reported.

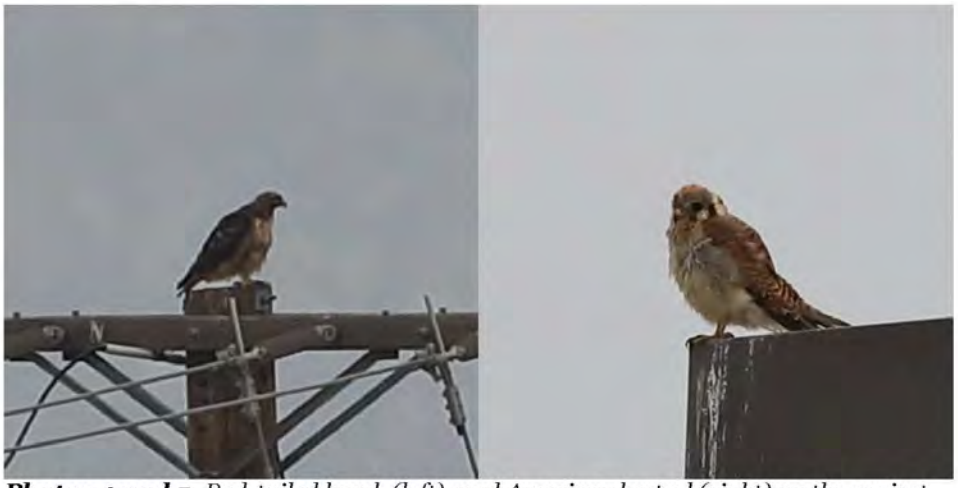
Noriko Smallwood

L1.1 Cont.

Photos 1 and 2. *Views of the project site, 21 July 2025. Photos by Noriko Smallwood.*

L1.1
Cont.

Photo 3. *Burrowing owl adult (left) and juvenile (right) on the project site, 18 July 2025. Photo by Noriko Smallwood.*



Photos 4 and 5. *Red-tailed hawk (left), and American kestrel (right) on the project site, 28 June 2025. Photos by Noriko Smallwood.*

Photo 6. *Lesser goldfinch on the project site, 18 July 2025. Photo by Noriko Smallwood.*

L1.1
Cont.

Photos 7 and 8. *Juvenile mourning dove (left) and Eurasian collared-dove (right) on the project site, 21 and 18 July 2025. Photos by Noriko Smallwood.*

Photo 9. *Common raven juvenile (left) begging for food from adult (right) on the project site, 18 July 2025. Photo by Noriko Smallwood.*

Photos 10 and 11. *Anna's hummingbirds on the project site, 21 and 18 July 2025. Photos by Noriko Smallwood.*

L1.1 Cont.

Photos 12 and 13. *Say's phoebe (left), and Cassin's kingbird (right) on the project site, 18 July 2025. Photos by Noriko Smallwood.*

Photo 14. *Northern mockingbird on the project site, 18 July 2025. Photo by Noriko Smallwood.*

L1.1 Cont.

Photo 15. *House finches on the project site, 21 July 2025. Photo by Noriko Smallwood.*

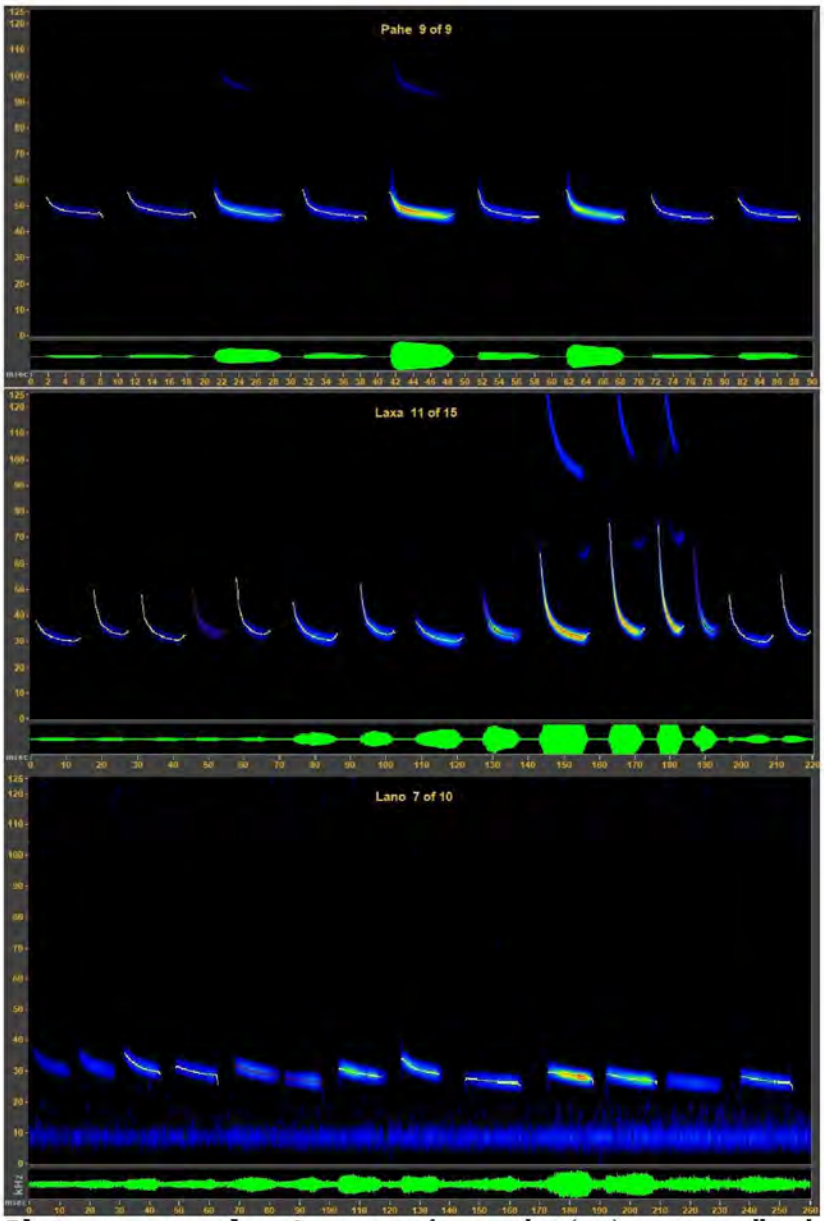
Photos 16 and 17. *Barn swallow (left), and cliff swallow (right) on the project site, 21 and 18 July 2025. Photos by Noriko Smallwood.*

L1.1
Cont.

Photos 18 and 19. *California ground squirrels on the project site, 21 and 18 July 2025. Photos by Noriko Smallwood.*

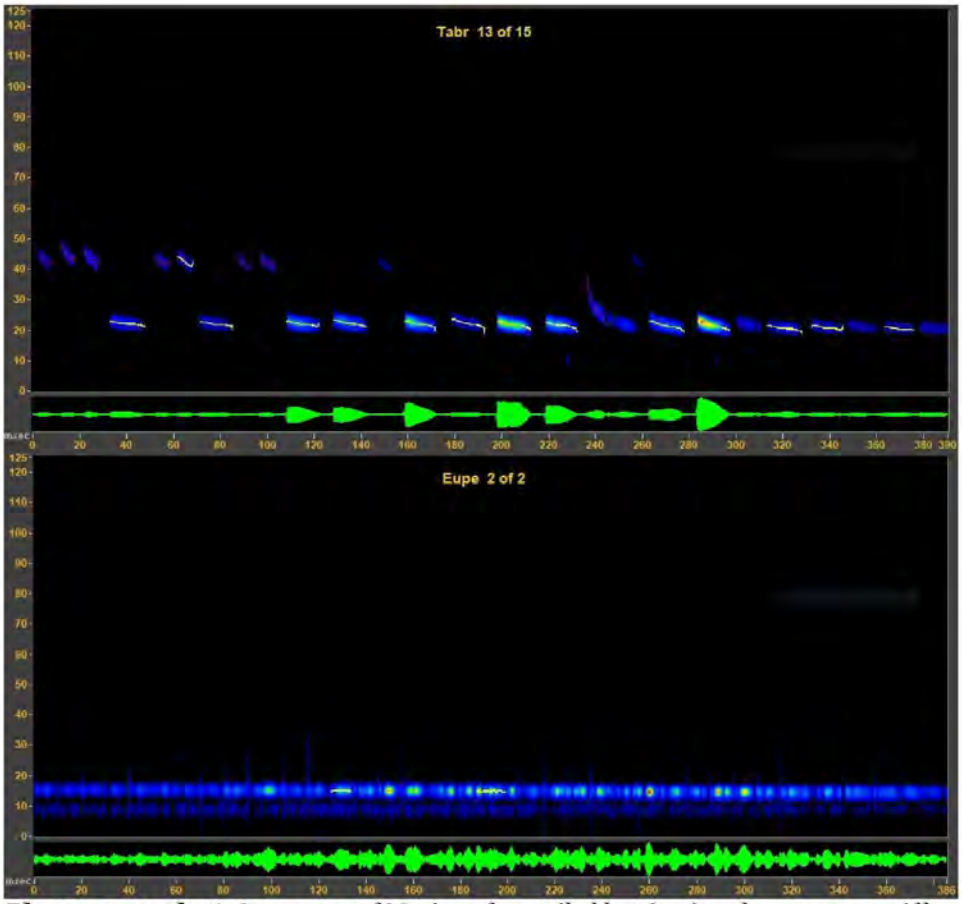
Photos 20 and 21. *Monarch (left), and canyon bat (right) on the project site, 21 and 18 July 2025. Photos by Noriko Smallwood.*

L1.1 Cont.



Photos 22, 23, and 24. *Sonogram of canyon bat (top), western yellow bat (middle), and silver-haired bat (bottom) detected on site using Sonobat Live and a Pettersson M500, 18 July 2025.*

L1.1 Cont.



Photos 25 and 26. *Sonogram of Mexican free-tailed bat (top) and western mastiff bat (bottom) detected on site using Sonobat Live and a Pettersson M500, 18 July 2025.*

L1.1 Cont.

Table 1. *Species of wildlife Noriko observed during 3 hours of diurnal survey and 2 hours of nocturnal survey on 18 July 2025, and 3 hours of diurnal survey on 21 July 2025.*

Common name	***Species name***	**Status[1]**	**Notes**
Harvester ant	*Pogonomyrmex sp.*		Ecological keystone species
Monarch	*Danaus plexippus*	FC	
Western side-blotched lizard	*Uta stansburiana elegans*		
Rock pigeon	*Columba livia*	Non-native	
Eurasian collared-dove	*Streptopelia decaocto*	Non-native	Foraged
Mourning dove	*Zenaida macroura*		Juvenile, likely nested on or near site
Anna's hummingbird	*Calypte anna*		Foraged
Costa's hummingbird	*Calypte costae*		
Red-tailed hawk	*Buteo jamaicensis*	BOP	
Burrowing owl	*Athene cunicularia*	BCC, CC, SSC2, BOP	2 adults, 2 chicks nesting
American kestrel	*Falco sparverius*	BOP	Foraged
Cassin's kingbird	*Tyrannus vociferans*		Nested on or near site
Black phoebe	*Sayornis nigricans*		
Say's phoebe	*Sayornis saya*		Foraged
American crow	*Corvus brachyrhynchos*		
Common raven	*Corvus corax*		Nested in onsite eucalyptus
Barn swallow	*Hirundo rustica*		Foraged
Cliff swallow	*Petrochelidon pyrrhonota*		Many, foraged
Northern mockingbird	*Mimus polyglottos*		Likely nested on/near site
European starling	*Sturnus vulgaris*	Non-native	
House sparrow	*Passer domesticus*	Non-native	Gathered nest material from site
House finch	*Haemorphous mexicanus*		Many foraged; likely nested on or near site
Lesser goldfinch	*Spinus psaltria*		Many, foraged
Canyon bat	*Parastrellus hesperus*	WBWG:M	
Silver-haired bat	*Lasionycteris noctivagans*	WBWG:M	
Western yellow bat	*Lasiurus xanthinus*	SSC, WBWG:H	
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG:L	
Western mastiff bat	*Eumops perotis*	SSC, WBWG:H	
Desert cottontail	*Sylvilagus audubonii*		Observed one
California ground squirrel	*Otospermophilus beecheyi*		Observed 5
Coyote	*Canis latrans*		Called near site
Kangaroo rat	*Dipodomys sp.*		Burrows
California vole	*Microtus californicus*		Burrows
Botta's pocket gopher	*Thomomys bottae*		Burrows

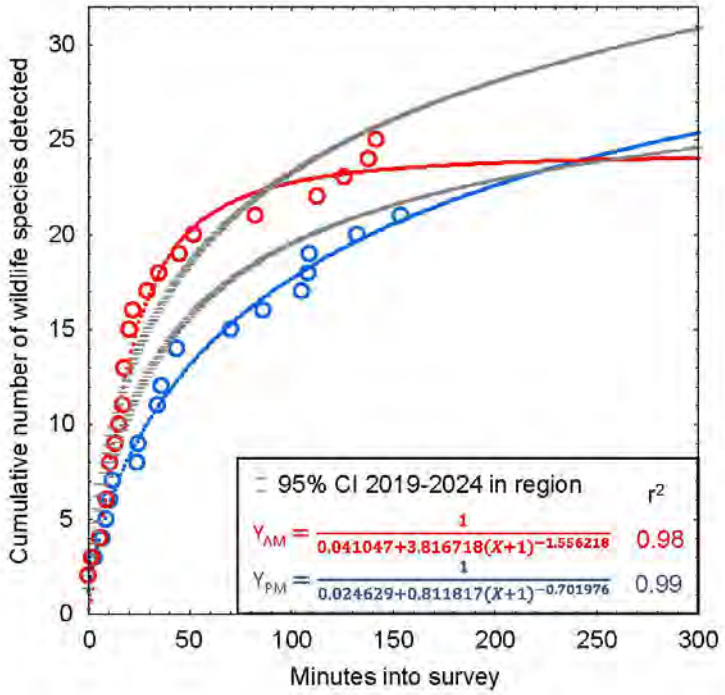
[1] Listed on CDFW's Special Animals List as FC = federal candidate for listing, , CC = California Candidate for listing, SSC = California Species of Special Concern numbered by priorityn), WL =

L1.1 Cont.

Taxa to Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406); BCC = U.S. Fish and Wildlife Service Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); BOP = protected by Birds of Prey (California Fish and Game Code 3503.5), and WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H).

Noriko detected 33 species of vertebrate willdife, which was a relatively large number for the brevity of her survey effort. However, the species of wildlife Noriko detected at the project site were not the only species that were present during her surveys, as some species typically go undetected. To demonstrate this, I fit nonlinear regression models to Noriko's cumulative numbers of vertebrate species detected with time into her surveys to predict the numbers of species that she would have detected with longer surveys or perhaps with additional biologists available to assist her. The model is a logistic growth model which reaches an asymptote that corresponds with the theoretical maximum number of vertebrate wildlife species that could have been detected during the survey. The model fit to Noriko's evening survey data, for example, predicts 41 species of vertebrate wildlife were available to be detected that evening, or twice the number of species she detected that evening (Figure 1). Her rate of species detections during the morning survey followed and even exceeded the upper bound of the 95% confidence interval I estimated from other morning surveys in the region (Figure 1).

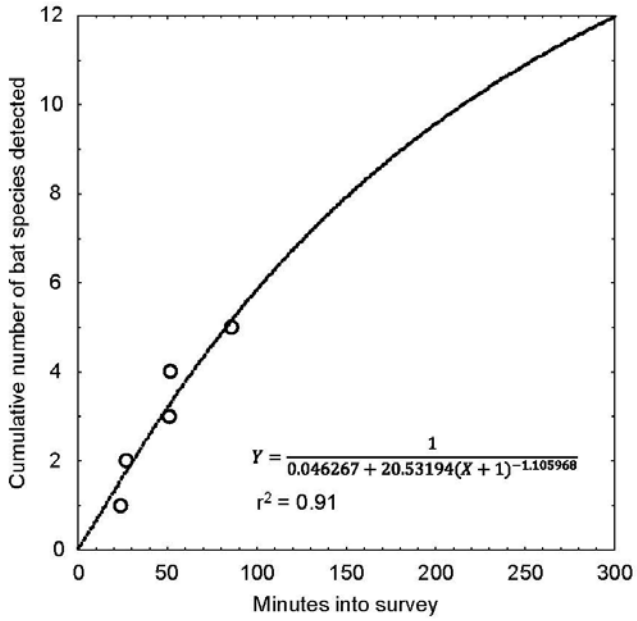
Figure 1. *Actual and predicted relationships between the numbers of vertebrate wildlife species detected and the elapsed survey time based on Noriko's visual-scan surveys on 18 and 21 July 2025.*



L1.1 Cont.

The same type of model fit very well to Noriko's cumulative number bat species detections with increasing time into her nocturnal survey (Figure 2). The model predicts that had she continued her survey for five hours, she would have detected 12 species of bats.

Figure 2. *Actual and predicted relationships between the numbers of bat species detected and the elapsed survey time based on Noriko's nocturnal survey on 18 July 2025.*



L1.1 Cont.

Unknown are the identities of the species Noriko missed, but the species that Noriko did and did not detect on 18 and 21 July 2025 composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence, some require more survey effort due to their are high crypticity, and the members of other species would visit the site only periodically while patrolling large home ranges. A survey on only one or two days cannot possibly detect all of the species of the local wildlife community.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have Noriko's two surveys. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. This analytical bridge draws inference from the pattern of species detections more than it does from the research site, and I note that the pattern, i.e., rate, of species detections is consistent from site to site.

As part of my research, I completed a much larger survey effort across 167 km² of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used

binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b\times(Hours)^c}$, where $\hat{R}$ represented cumulative species richness detected. The coefficients of determination, r^2, of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 3). On average I would have detected 19.2 species over my first 6 hours of diurnal surveys at my research site in the Altamont Pass (6 hours to match the 6 hours Noriko surveyed during daylight hours at the project site), which composed 33.7% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 3, the 29 diurnally active species Noriko detected after her 6 hours of daylight survey at the project site likely represented 33.7% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, Noriko would likely detect $29/0.337 = 86$ species of diurnally active vertebrate wildlife at the site. Assuming Noriko's ratio of special-status to non-special-status species was to hold through the detections of all 86 predicted species, then continued surveys would eventually detect 21 special-status species of diurnally active vertebrate wildlife.

L1.1 Cont.

Because my prediction of 86 species of vertebrate wildlife, including 21 special-status species, is derived from daytime visual-scan surveys, and would detect few nocturnal mammals such as bats, the true number of species composing the wildlife community of the site must be larger. Noriko's reconnaissance surveys should serve only as a starting point toward characterization of the site's wildlife community, but it certainly cannot alone inform of the inventory of species that use the site. More surveys are needed than her two surveys to inventory the project site's wildlife community. Nevertheless, the large number of species I predict at the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort. The patterns in the data and what I know of nocturnal species, I predict at least 120 species of vertebrate wildlife rely on the project site as habitat.

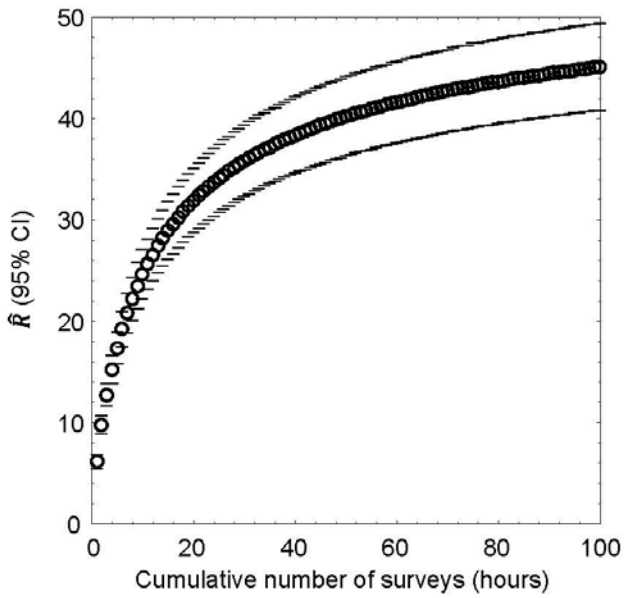


Figure 3. *Mean (95% CI) predicted wildlife species richness, $\hat{R}$, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely irrelevant to the utility of the graph to the interpretation of survey outcomes at the project site. It is the pattern in the data that is relevant, because the pattern is typical of the pattern seen elsewhere.*

L1.1 Cont.

EXISTING ENVIRONMENTAL SETTING

The first step in analysis of potential project impacts to biological resources is to accurately characterize the existing environmental setting, including the wildlife community and any key ecological relationships and known and ongoing threats to special-status species. A reasonably accurate characterization of the environmental setting can provide the baseline against which to analyze potential project impacts. For these reasons, characterization of the environmental setting, including the project site's regional setting, is one of the CEQA's essential analytical steps. Methods to achieve this first step typically include (1) surveys of the site for biological resources, and (2) reviews of literature, databases and local experts for documented occurrences of special-status species. In the case of the proposed project, these required steps remain incomplete and misleading.

Environmental Setting informed by Field Surveys

To the CEQA's primary objective to disclose potential environmental impacts of a proposed project, the analysis should be informed of which biological species are known to occur at the proposed project site, which special-status species are likely to occur, as well as the limitations of the survey effort directed to the site. Analysts need this information to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources. In the case of this project, however, information collected from field surveys was incomplete and misinterpreted; the wildlife community of the existing environmental setting was mischaracterized.

ELMT (2025a) deployed two biologists to survey the project site on 18 August 2023. The survey objectives were to "inventory and evaluate the condition of habitat on the project site," and to verify plant communities mapped by aerial photos. According to ELMT (2025a:7), the biologists recorded "All plant and wildlife species observed...," and "No limitations significantly affected the results and conclusions given herein. The survey was conducted during the appropriate season to observe the target species, in good weather conditions, by qualified biologists who followed all pertinent protocols." In other words, ELMT asserts that its biologists detected all the wildlife species that were available to be detected. This assertion is indefensible largely due to multiple substantial survey limitations.

One survey limitation could have been reported as the survey (or five surveys if the focused burrowing owls surveys are counted) having occurred on one day, and another could have been reported as having occurred in the middle of one of the hottest months of the year. Although ELMT accurately reports that the survey was completed within the avian nesting season, wildlife biologists know that mid-August is the tail-end of the nesting season, and that most breeding birds would have finished nesting long before the end of August. ELMT (2025a:14) reports that "No active nests were directly observed on-site during the field survey, which was conducted in the final weeks of the breeding season." But this outcome should come as no surprise given the lateness of the breeding season. Additional limitations could have been hidden by the lack of reporting of the survey start time and survey duration, since starting late in the day or surveying for only a brief period would severely limit the survey outcome.

L1.1 Cont.

Both ELMT (2023) and ELMT (2025a) report having detected 17 species of vertebrate wildlife. Common to both reports is the reconnaissance survey of 18 August 2023, but the 2025 report was inclusive of four focused burrowing owl surveys performed between 21 and 30 August 2023. The reporting implies that all 17 species were detected during the reconnaissance survey, but this would mean that the species detected during the burrowing owl survey were some or all the same species, or alternatively that species detected during the burrowing owl survey are not reported. ELMT fails to clarify which species were detected during which surveys, and it adds uncertainty about the meaning of the results by failing to report the duration of any of the surveys.

Compared to ELMT"'s findings, Noriko Smallwood, working alone on two survey dates, detected twice the number of species as did ELMT's two biologists working across five survey dates. ELMT's biologists detected five species that Noriko did not, but Noriko detected 20 species that ELMT's biologists did not. The disparity in survey findings is large enough to question whether Noriko and ELMT's biologists surveyed the same wildlife community, even though they obviously did. Applying the Sørensen *Index of Similarity* $= \frac{2c}{a+b}$ (Sørensen 1948), where a is the number of species found by ELMT (2024), b is the number of species found by Noriko, and c is the number of species found by both ELMT and Noriko, the Index of Similarity of the two wildlife communities is only 0.49 on a scale of 0 to 1. For perspective, the mean Index of Similarity among 40 comparisons of surveys I completed over the same time periods and at the same place in Rancho Cordova, California, but on different days over three

years 2020-2023, was 0.755 with a high value of 0.90. An Index value of 0.49 is low, likely resulting from an inadequate survey effort or insufficient reporting by ELMT.

Combined, Noriko's and ELMT's surveys have confirmed the presence of 37 species of vertebrate wildlife. As my model in Figure 1 and my analytical bridge to the data in Figure 3 reveal, the project site supports many more species than the 37 thus far detected. The reporting of the surveys completed by ELMT (2023, 2025a) misrepresent the wildlife community, and it therefore provides an unsound foundation for analyzing potential project impacts and formulating an appropriate mitigation strategy.

The focused burrowing owl surveys met the minimum standards of the MSHCP survey guidelines, but just barely, or perhaps not at all. To the latter possibility, the survey transect separation was reportedly no greater than 30 m, but according to ELMT's (2023) Exhibit 4, the average transect separation was 38.6 m. Furthermore, performing all four surveys within the last 10 days of August most assuredly minimized the likelihood of detecting burrowing owls while still meeting the defined breeding season in the survey guidelines. The surveys came nowhere close to meeting the minimum standards of the CDFW (2012) survey guidelines. In my opinion, and even though ELMT's biologists detected burrowing owls, the survey effort completed by ELMT was timed inappropriately and overall grossly deficient.

According to ELMT (2023:9), "A total of seven (7) burrowing owls, including four (4) adults and three (3) juveniles, were observed roosting on-site." Roosting is an odd term to use, as the burrowing owls observed were at nest sites. They were nesting. I also point out that more burrowing owls likely nested on the project site than were detected by ELMT, because ELMT started its survey too late in the year.

L1.1 Cont.

Whereas ELMT detected burrowing owls during its first two surveys of 21 and 23 August 2023, the owls were gone by ELMT's surveys of 26 and 30 August 2023. The fledglings likely dispersed between the 23rd and the 26th. I note that Noriko surveyed one month earlier in the breeding season, and she found a family of burrowing owls at a different location on the project site. Though ELMT detected burrowing owls nesting on the project site, ELMT likely failed to detect all the nest attempts that occurred during 2023. The distribution and abundance of burrowing owls on the project site have yet to be characterized by an appropriate survey effort.

Regarding Stephen's kangaroo rat, ELMT (2025a:32) explains that "Since the project site is not located within or adjacent to any of the Core Reserve Areas, no focused SKR surveys or on-site mitigation would be required. On-site mitigation is only recommended in County Ordinance 663.10 when a site is located within or adjacent to a Core Reserve Area. As a result, the project applicant will only be required to pay the SKR HCP Mitigation Fee prior to development of the project site." All the same, there was nothing preventing the applicant from supporting focused SKR surveys to learn how many SKR occur on site, where they occur, and whether onsite mitigation would make more sense than simply paying the SKR mitigation fee.

Whereas the DEIR (p. 5.4-30) reports "None of the special-status plant species were observed during the general biological surveys conducted on August 18, 2023," ELMT did not follow the rare plant species survey guidelines of CDFW (2018). Late August was unlikely to have been the blooming season of most rare plants, ELMT relied on only the one survey, and there was no use of reference sites. That no special-status species of plants were detected might reflect the lack of survey effort more than it does the presence or absence of special-status species on the project site.

Environmental Setting informed by Desktop Review

The purpose of literature and database reviews and of consulting with local experts is to inform the field survey, and to augment interpretation of its outcome. Analysts need this information to identify which species are known to have occurred at or near the project site, and to identify which other special-status species could conceivably occur at the site due to geographic range overlap and migration flight paths. In the case of this project, the desktop review was incomplete, and the review that *was* completed was distorted to downplay the likelihoods of occurrence of special-status species.

To begin with, ELMT (2025b) states that the mapped land cover, Non-native grassland, composes the majority of the site, and then states that the mapped land cover, Disturbed, composes the majority of the site. These statements cannot both be true.

In its desktop review, ELMT (2025a) reportedly queried the California Natural Diversity Data Base (CNDDB) for species occurrence records within two USGS Quadrangles inclusive of the project site. ELMT's (2025a) query was much more spatially limited than typical of desktop reviews which query out to five miles or across all adjoining Quadrangles. ELMT's (2025a) query would have generated an unusually narrow list of special-status species with occurrence records near the project site. ELMT (2025a) does not mention use of additional species occurrence databases such as eBird (https://eBird.org) and iNaturalist (https://www.inaturalist.org). L1.1 Cont.

By querying the CNDDB to establish the pool of special-status species for analysis of occurrence likelihoods, ELMT (2025a) screens out many special-status species from further consideration in the characterization of the wildlife community as part of the existing environmental setting. The CNDDB is not designed to support absence determinations or to screen out species from characterization of a site's wildlife community. As noted by the CNDDB, "*The CNDDB is a positive sighting database. It does not predict where something may be found. We map occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present.*" ELMT (2025a) and hence the DEIR misuse the CNDDB.

The CNDDB relies entirely on volunteer reporting from biologists who were allowed access to whatever properties they report from. Many properties have never been surveyed by biologists. Many properties have been surveyed, but the survey outcomes never reported to the CNDDB. Many properties have been surveyed multiple times, but

not all survey outcomes reported to the CNDDB. Furthermore, the CNDDB is interested only in the findings of special-status species, which means that species more recently assigned special status will have been reported many fewer times to the CNDDB than were species assigned special status since the inception of the CNDDB. Therefore, occurrence records in the CNDDB are most abundant for species assigned special status decades ago, but fewest for species only recently assigned special status. And because negative findings are not reported to the CNDDB, the CNDDB is also inappropriate as a basis for weighting occurrence likelihoods such as absent, not expected, unlikely, low, moderate or high. Whereas the CNDDB can be confirmatory of species presence, it cannot support absence determinations or assignments of low likelihood of occurrence. And again, the screening out of a species due to lack of occurrence records in the CNDDB is the same as an absence determination, and this step is being taken without adequate support of field surveys.

In my assessment based on a database review and a site visit, 141 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 2). Of these 141 species, 10 (7%) were recorded on or just off the project site, and another 35 (25%) species have been documented within 1.5 miles of the site (Very close), another 22 (16%) within 1.5 and 4 miles (Nearby), and another 65 (46%) within 4 to 30 miles (In region). Almost half (48%) of the species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports multiple special-status species of wildlife and carries the potential for supporting many more special-status species of wildlife based on the proximities of recorded occurrences. The site is far richer in special-status species than the DEIR would have the reader believe.

L1.1 Cont.

Of the 141 special-status species listed in Table 2, the DEIR analyses the occurrence likelihoods of only 61 (43%) of them. Of these 61 special-status species, 54 are given occurrence likelihoods of "Presumed absent" (Hereafter "absent"). Of the species determined to be "absent," three of them were observed on the project site, and 32 of them have been observed within 4 miles of the site. The occurrence likelihoods assigned to 61 special-status species largely fail to comport with the available occurrence records in public databases and with what Noriko saw on the project site.

Of the 141 special-status species listed in Table 2, the DEIR fails to analyze the occurrence likelihoods of 57% of them. Of these species not analyzed for occurrence potential, Noriko detected six of them on the project site.

Of the 141 special-status species listed in Table 2, only 47 (33.33%) are covered by the MSHCP's Incidental Take Permit. This means that two-thirds of the special-status species in Table 2 are not covered. Of these 94 special-status species lacking coverage, eight were detected on site by Noriko, 16 others have been recorded within 1.5 miles of the project site, and another 12 have been recorded between 1.5 and 4 miles from the project site. In all, 36 special-status species lacking MSHCP coverage have been recorded on or close enough to the project site to warrant additional surveys and serious analysis for occurrence likelihoods and potential project impacts. The DEIR's desktop review is grossly incomplete, inaccurate, and therefore inadequate.

The desktop review is inaccurate in other ways, as well. For example, ELMT (2023) inaccurately reports that the CDFW declined to adopt the listing petition of 2003, as it was the California Fish and Game Commission that made this decision – a decision premised on the mistaken belief that the Imperial Valley population of burrowing owls would provide recruitment to more northern populations thereby sustaining the statewide population. More recently, the California Fish and Game Commission adopted a new listing petition (Miller 2024), and hence the burrowing owl is a candidate for listing under the California Endangered Species Act. The DEIR recognizes the owl's candidate status, but ELMT (2025a,b) continues to report the burrowing owl as a species of special concern.

ELMT (2023) additionally mischaracterizes the natural history of the burrowing owl. For example. ELMT (2023) reports that burrowing owls are crepuscular in their activities, but burrowing owls are more active with foraging at night than they are crepuscular. ELMT (2023) also reports that burrowing owls require short-stature vegetation in which to forage, but burrowing owls forage in tall vegetation as well as in short vegetation. Contrary to ELMT's reporting, some burrowing owls in California migrate to the north, not to the south. For an impacts analysis of burrowing owls to be credible, an understanding of the species' natural history basics is requisite.

ELMT (2023:6) writes, "Under Section 6.3.2 of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), the burrowing owl is considered an adequately conserved covered species that may still require focused surveys in certain areas as designated in Figure 6-4 of the MSHCP." But the burrowing owl is not an adequately conserved covered species under the MSHCP. The 2023 Annual Report of the MSHCP (p. 8-8) states, "The species objectives for Burrowing Owl (*Athene cunicularia hypugaea*) require the conservation of five Core Areas, plus interconnecting linkages, containing a breeding population of 120 Burrowing Owls with no fewer than five pairs in any one Core Area." (https://www.wrc-rca.org/document-library/annual-reports/) In 2022, there were 7 pairs in one Core Area, 4 of which produced a total 4 fledglings (1 fledgling per successful nest attempt). In 2023, this Core Area was down to 5 pairs, of which one succeeded in producing a single fledgling. Another Core area contained 3 pairs in 2022, and 3 fledglings were recorded by one of these pairs. In 2023, this Core Area was down to 2 pairs, one of which produced 5 fledglings. The evidence shows a dismal failure of the MSHCP to conserve burrowing owls, as the documented breeding population was 20 (16.67% of the target) in 2022 and 14 (11.67% of the target) in 2023, and only one (20%) Core Area contained at least five pairs in either year. The MSHCP has so far failed, and its performance is declining. Assuming that the MSHCP is going to mitigate project impacts on burrowing owls would be a mistake.

L1.1 Cont.

An inaccurate baseline characterization of the wildlife community is ill-suited for accurate analysis of project impacts on wildlife, and therefore ill-suited for formulating appropriate mitigation

Table 2. *Occurrence likelihoods of special-status bird species at or near the proposed project site, according to eBird/iNaturalist records (https://eBird.org, https://www.inaturalist.org) and on-site survey findings, where 'Very close' indicates within 1.5 miles of the site, "nearby" indicates within 1.5 and 4 miles, and "in region" indicates within 4 and 30 miles, and 'in range' means the species' geographic range overlaps the site. Entries in bold font identify species detected by Noriko Smallwood.*

Common name	*Species name*	Status[1]	MSHCP cover	Occurrence potentials	
				DEIR	Databases, Site visits
Vernal pool fairy shrimp	*Branchinecta lynchi*	FT	Yes	Absent	In region
San Diego fairy shrimp	*Branchinecta sandiegonensis*	FE		Absent	In region
Riverside fairy shrimp	*Streptocephalus woottoni*	FE	Yes	Absent	In region
Delhi sands flower-loving fly	*Rhaphiomidas terminatus abdominalis*	FE	Yes		In region
Monarch	*Danaus plexippus*	FC			Very close/**On site**
Quino checkerspot butterfly	*Euphydryas editha quino*	FE	Yes	Absent	In region
Crotch's bumble bee	*Bombus crotchii*	CCE		Absent	Very close
Western spadefoot	*Spea hammondii*	FC, SSC	Yes	Absent	Nearby
California red-legged frog	*Rana draytonii*	FT, SSC	Yes		In region
Western pond turtle	*Emys marmorata*	FC, SSC	Yes	Absent	In region
Blainville's horned lizard	*Phrynosoma blainvillii*	SSC	Yes	Absent	Nearby
Orange-throated whiptail	*Aspidoscelis hyperythra*	WL	Yes	Absent	Nearby
Coastal whiptail	*Aspidoscelis tigris stejnegeri*	SSC	Yes		Very close
San Diegan legless lizard	*Anniella stebbinsi*	SSC		Absent	Very close
California glossy snake	*Arizona elegans occidentalis*	SSC		Absent	In region
Coast patch-nosed snake	*Salvadora hexalepis virgultea*	SSC		Absent	In region
Two-striped gartersnake	*Thamnophis hammondii*	SSC			In region
South coast gartersnake	*Thamnophis sirtalis pop. 1*	SSC			In region
Red-diamond rattlesnake	*Crotalus ruber*	SSC	Yes	Absent	Very close
Fulvous whistling-duck	*Dendrocygna bicolor*	SSC1			In region
Brant	*Branta bernicla*	SSC2			Nearby
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL			In region
Redhead	*Aythya americana*	SSC2		Absent	Nearby

L1.1 Cont.

Common name	*Species name*	Status[1]	MSHCP cover	Occurrence potentials	
				DEIR	Databases, Site visits
Western grebe	*Aechmophorus occidentalis*	BCC			Nearby
Clark's grebe	*Aechmophorus clarkii*	BCC			Nearby
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE	Yes		In region
Black swift	*Cypseloides niger*	SSC3, BCC	Yes		In region
Vaux's swift	*Chaetura vauxi*	SSC2		Absent	Very close
Calliope hummingbird	*Selasphorus calliope*	BCC			In region
Rufous hummingbird	*Selasphorus rufus*	BCC			Very close
Allen's hummingbird	*Selasphorus sasin*	BCC			Very close
Mountain plover	*Charadrius montanus*	SSC2, BCC	Yes	Absent	Nearby
Snowy plover	*Charadrius nivosus*	BCC			In region
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC			In region
Long-billed curlew	*Numenius americanus*	WL		Absent	Nearby
Marbled godwit	*Limosa fedoa*	BCC			In region
Red knot (Pacific)	*Calidris canutus*	BCC			In region
Pectoral sandpiper	*Calidris melanotos*	BCC			In region
Short-billed dowitcher	*Limnodromus griseus*	BCC			In region
Lesser yellowlegs	*Tringa flavipes*	BCC			Nearby
Willet	*Tringa semipalmata*	BCC			Nearby
Laughing gull	*Leucophaeus atricilla*	WL			In region
Franklin's gull	*Leucophaeus pipixcan*	BCC			In region
Heermann's gull	*Larus heermanni*	BCC			Nearby
Western gull	*Larus occidentalis*	BCC			In region
California gull	*Larus californicus*	BCC, WL		Absent	Very close
California least tern	*Sternula antillarum browni*	FE, CE, CFP			In region
Black tern	*Chlidonias niger*	SSC2, BCC			In region
Elegant tern	*Thalasseus elegans*	BCC, WL			In region
Black skimmer	*Rynchops niger*	BCC, SSC3			In region
Common loon	*Gavia immer*	SSC			Nearby
Double-crested cormorant	*Phalacrocorax auritus*	WL	Yes	Absent	Very close

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L1.1
Cont.

Common name	*Species name*	Status[1]	MSHCP cover	Occurrence potentials	
				DEIR	Databases, Site visits
American white pelican	*Pelacanus erythrorhynchos*	SSC1		Absent	Nearby
Least bittern	*Ixobrychus exilis*	SSC2			In region
Reddish egret	*Egretta rufescens*	BCC			In region
White-faced ibis	*Plegadis chihi*	WL	Yes	Absent	Nearby
Turkey vulture	*Cathartes aura*	BOP	Yes		Very close
Osprey	*Pandion haliaetus*	WL, BOP	Yes	Absent	Nearby
White-tailed kite	*Elanus luecurus*	CFP, BOP	Yes	Moderate	Nearby
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL	Yes	Absent	Very close
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP	Yes	High	Very close
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP	Yes	High	Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Yes	High	Very close
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP	Yes	Absent	Nearby
Red-shouldered hawk	*Buteo lineatus*	BOP			Very close
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Yes	Absent	Very close
Red-tailed hawk	*Buteo jamaicensis*	BOP			On site/**On site**
Ferruginous hawk	*Buteo regalis*	WL, BOP	Yes	Absent	On site
Zone-tailed hawk	*Buteo albonotatus*	BOP			In region
Harris' hawk	*Parabuteo unicinctus*	WL, BOP			In region
Rough-legged hawk	*Buteo lagopus*	BOP			In region
American barn owl	*Tyto furcata*	BOP			Very close
Western screech-owl	*Megascops kennicotti*	BOP			In region
Great horned owl	*Bubo virginianus*	BOP			Very close
Burrowing owl	*Athene cunicularia*	BCC, SSC2, BOP, CCE	Yes	Present	Very close/**On site**
Long-eared owl	*Asio otus*	BCC, SSC3, BOP		Absent	In region
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP			In region
Lewis's woodpecker	*Melanerpes lewis*	BCC			In region
Nuttall's woodpecker	*Picoides nuttallii*	BCC			Very close
American kestrel	*Falco sparverius*	BOP			Very close/**On site**

L1.1
Cont.

Common name	*Species name*	Status[1]	MSHCP cover	Occurrence potentials	
				DEIR	Databases, Site visits
Merlin	*Falco columbarius*	WL, BOP	Yes	Absent	Very close
Peregrine falcon	*Falco peregrinus*	BOP	Yes	Absent	Very close
Prairie falcon	*Falco mexicanus*	WL, BOP	Yes	Absent	Very close
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2			In region
Willow flycatcher	*Empidonax traili*	CE		Absent	In region
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE	Yes	Absent	In region
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2		Absent	Very close
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE	Yes	Absent	Very close
Loggerhead shrike	*Lanius ludovicianus*	SSC2	Yes	Low	Very close
Oak titmouse	*Baeolophus inornatus*	BCC			Very close
California horned lark	*Eremophila alpestris actia*	WL	Yes	High	Very close
Bank swallow	*Riparia riparia*	CT			In region
Purple martin	*Progne subis*	SSC2	Yes		In region
Wrentit	*Chamaea fasciata*	BCC			Very close
California gnatcatcher	*Polioptila c. californica*	FT, SSC2	Yes	Absent	Very close
California thrasher	*Toxostoma redivivum*	BCC			Very close
Cassin's finch	*Haemorhous cassinii*	BCC			In region
Lawrence's goldfinch	*Spinus lawrencei*	BCC		Absent	Very close
Grasshopper sparrow	*Ammodramus savannarum*	SSC2		Absent	Nearby
Black-chinned sparrow	*Spizella atrogularis*	BCC	Yes		In region
Gray-headed junco	*Junco hyemalis caniceps*	WL			In region
Bell's sparrow	*Amphispiza b. belli*	WL	Yes	Absent	Very close
Oregon vesper sparrow	*Pooecetes gramineus affinis*	SSC2			In range
Southern California rufous-crowned sparrow	*Aimophila ruficeps canescens*	WL	Yes	Absent	Very close
Yellow-breasted chat	*Icteria virens*	SSC3	Yes	Absent	Nearby
Yellow-headed blackbird	*X. xanthocephalus*	SSC3		Absent	Nearby
Bullock's oriole	*Icterus bullockii*	BCC			Very close
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1	Yes	Absent	Nearby
Lucy's warbler	*Leiothlypis luciae*	SSC3			In region

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L1.1 Cont.

Common name	*Species name*	Status[1]	MSHCP cover	Occurrence potentials	
				DEIR	Databases, Site visits
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC			In region
Prothonotary warbler	*Protonotaria citrea*	BCC			In region
Prairie warbler	*Setophaga discolor*	BCC			In region
Yellow warbler	*Setophaga petechia*	SSC2	Yes	Absent	Very close
Summer tanager	*Piranga rubra*	SSC1			In region
Little brown bat	*Myotis lucifugus*	WBWG: M			In region
Yuma myotis	*Myotis yumanensis*	WBWG: LM		Absent	In region
Long-eared myotis	*Myotis evotis*	WBWG: M			In region
Fringed myotis	*Myotis thysanodes*	WBWG: H			In region
Long-legged myotis	*Myotis volans*	WBWG: H			In range
California myotis	*Myotis californicus*	WBWG:L			In region
Small-footed myotis	*Myotis ciliolabrum*	WBWG: M			In range
Canyon bat	*Parastrellus hesperus*	WBWG: M			In region/**On site**
Big brown bat	*Episticus fuscus*	WBWG: L			In region
Silver-haired bat	*Lasionycteris noctivagans*	WBWG: M			In range/**On site**
Hoary bat	*Lasiurus cinereus*	WBWG: M			In region
Western red bat	*Lasiurus blossevillii*	SSC, WBWG: H			In region
Western yellow bat	*Lasiurus xanthinus*	SSC, WBWG: H		Absent	In region/**On site**
Spotted bat	*Euderma maculatum*	SSC, WBWG: H			In range
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG: H			In region
Pallid bat	*Antrozous pallidus*	SSC, WBWG: H			In range
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG: L			In region/**On site**
Pocketed free-tailed bat	*Nyctinomops femorosaccus*	SSC, WBWG: M		Absent	In range
Western mastiff bat	*Eumops perotis*	SSC, WBWG: H		Absent	In range/**On site**
San Diego black-tailed jackrabbit	*Lepus californicus bennettii*	SSC	Yes	Absent	In range
Northwestern San Diego pocket mouse	*Chaetodipus fallax fallax*	SSC	Yes	Absent	In region
Pallid San Diego pocket mouse	*Chaetodipus fallax pallidus*	SSC			In range
Stephens' kangaroo rat	*Dipodomys stephensi*	FE, CT	Yes	Absent	In region

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L1.1
Cont.

Common name	*Species name*	Status[1]	MSHCP cover	Occurrence potentials	
				DEIR	Databases, Site visits
Los Angeles pocket mouse	*Perognathus longimembris brevinasus*	SSC	Yes	Absent	In region
San Diego Bryant's woodrat	*Neotoma bryanti*	SSC	Yes	Absent	In region
Southern grasshopper mouse	*Onychomys torridus ramona*	SSC		Absent	In range
American badger	*Taxidea taxus*	SSC		Absent	In region

[1] Listed on Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT, FE or FC = federal threatened, endangered, or candidate for listing, BCC = US Fish and Wildlife Service Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf), CT or CE = California threatened or endangered, CCT or CCE = Candidate California threatened or endangered, CFP = California Fully Protected (California Fish and Game Code 3511), SSC = California Species of Special Concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species' range, associated with habitat that is declining in extent, and SSC_1, SSC_2 and SSC_3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively, WL = Taxa to Watch List, WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); BOP = protected by Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors); and BGEPA = Bald and Golden Eagle Protection Act.

L1.1 Cont.

BIOLOGICAL IMPACTS ASSESSMENT

Whether the impacts analysis is made by the lead agency or by an expert, the analysis involves prediction. Predictions are necessary because measuring the impacts directly could not happen until after the impacts occur, and this type of measurement would prevent the formulations of avoidance and minimization mitigation strategies that are prioritized by the CEQA. Impact predictions are necessary as part of the environmental review. The accuracy of the predictions of impacts and their significance ultimately relies on the degree of accuracy in the characterization of the existing environmental setting (Figure 4).

L1.1 Cont.

Figure 4. *General flow of information from the gathering stage through the characterization of the existing environment to predictions of impacts and their significance.*

Impact predictions can derive from speculation or from some level of experience (Figure 5). Speculation is repeatedly discouraged in the CEQA Guidelines, and for good reason because prediction accuracy improves with experience. But the experience that can be brought to bear on impact predictions ranges from anecdotes to careful use of scientific inference. Any type of experience is usually better than relying on speculation, but careful scientific inference, especially inference drawn from experiments, have proven most effective. An analogy would be predicting the boiling temperature of water at a certain place with a known atmospheric pressure after having measured it hundreds of times at other places under various atmospheric pressures. The experience of measuring the boiling temperature at all these other places would certainly result in a more accurate prediction of the boiling point as compared to a speculative prediction. We know that use of inference in this example is certainly more predictive, and not potentially more predictive, because we have a long successful history with the application of this type of experimentation to draw predictive inference.

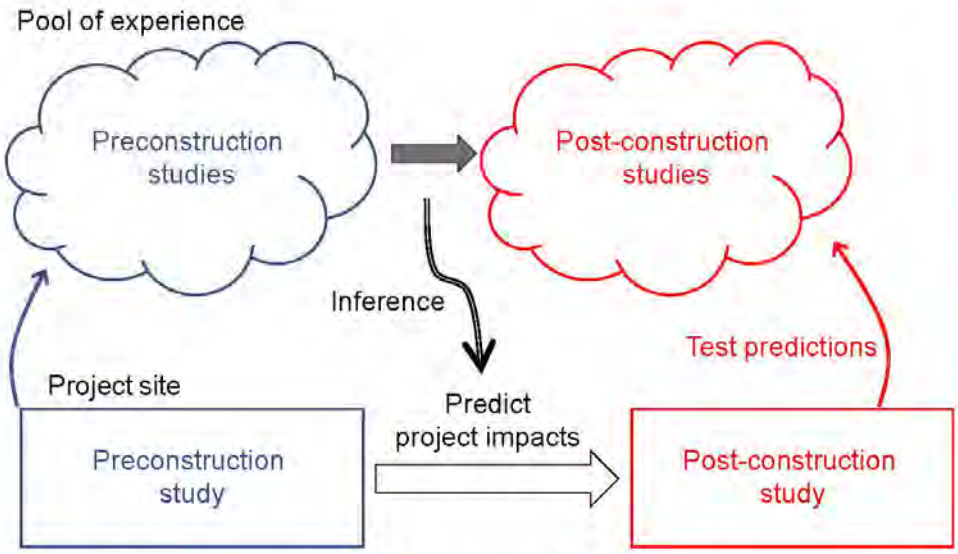

Figure 5. *A framework for arriving at predicted project impacts based on experience with other project sites. Ideally, there is a pool of similar projects in similar circumstances where predicted impacts were compared to realized impacts, and into which the proposed project can also contribute to experience.*

L1.1 Cont.

In the following, I analyze several types of impacts likely to result from the project, none of which is adequately analyzed in the DEIR.

REDUCED PRODUCTIVE CAPACITY FROM HABITAT LOSS

Habitat loss results in a reduced productive capacity of affected wildlife species, but the DEIR does not attempt to estimate the numerical or productive capacities of the site for nesting birds. The site is proven to serve as habitat to at least 37 species of wildlife which ELMT and Noriko observed on the site, but the number of avian nest sites remains unknown. Because Noriko's surveys were only reconnaissance surveys and therefore unsuitable for detecting all bird nests on the site, estimating total nest density of birds was not possible. The alternative method would be to infer productive capacity from estimates of total nest density elsewhere. Noriko has completed several studies to estimate total avian nest density in similar environments in the local area.

Noriko estimated 5.56 nests/acre on a 3.6-acre site of ruderal grassland bordering a woodland strip in Murrieta, and 1.86 nests/acre on another 4.83-acre grassland site bordering a strip of woodland in Murietta. The average of the above two estimates is 3.71 nests/acre. This density applied to the 358.28 acres of the project site would predict 1,329 nest sites. To be conservative by assuming the vegetation management of the project site would allow for only half Noriko's average, let's assume the annual number

of nest sites is 665. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I estimate 924 nest attempts per year on the project site. Assuming Young's (1948) study site typifies bird productivity of 2.9 fledged birds per nest attempt, then I predict 2,680 fledglings/year at the project site.

The loss of 665 nest sites and 924 nest attempts per year would qualify as significant impacts that have not been analyzed in the DEIR. But the impacts would not end with the immediate loss of nest sites. The reproductive capacity of the site would be lost. The project would prevent the production of 2,680 fledglings per year. Assuming an average bird generation time of 4 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 3,013 birds per year denied to California.

The loss of 3,013 birds per year would be a loss of significant habitat value that is currently provided by the project site. Most if not all the birds at issue are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which are intended to most strongly protect breeding migratory birds. In my opinion, the project's impacts to breeding bird would be very substantial and highly significant, and the mitigation measures would be grossly inadequate (see below).

L1.1 Cont.

INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. Unfortunately, both the DEIR and its contributing consultant, ELMT, focus on whether the project site includes, or is situated within, a wildlife movement corridor. Moreover, the DEIR and ELMT cannot even agree on the definition of a corridor. According to the DEIR (p. 5.4-23), "Wildlife corridors connect otherwise isolated pieces of habitat and allow movement or dispersal of plants and animals. Corridors can be local or regional in scale. Their functions may vary temporally and spatially based on conditions and species present. Local wildlife corridors allow access to resources such as food, water, and shelter within the framework of their daily routine. Animals use these corridors, which are often hillsides or tributary drainages, to move between different habitats." According to ELMT (2025a:14), "A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet inadequate for others. Wildlife corridors are significant features for dispersal, seasonal migration, breeding, and foraging." Both definitions accurately define the effects of corridors as enabling wildlife movement related to dispersal, foraging and home range patrol, but they otherwise differ in terms of the condition of habitat at either end of the corridor, landscape context, shape, and ground cover. Scientific definitions of corridors do not ascribe ground cover conditions or landscape context other than the generation of corridors as byproducts of habitat fragmentation caused by anthropogenic developments (Smallwood 2015).

The definition of a corridor aside, the DEIR's focus on whether the site represents a regional wildlife movement corridor is misdirected. The principal phrase of the CEQA question at issue goes to wildlife movement in the region regardless of whether the movement is channeled by a corridor. The CEQA question uses the existence of a corridor as an example of a feature that pertains to wildlife movement in the region, but only a fraction of wildlife movement occurs along corridors,[1] most of which are human artefacts of habitat fragmentation (Smallwood 2015). Again, the CEQA question goes to wildlife movement in the region, and not specifically to whether the site is part of, or inclusive of, a corridor. The species detected on site by both Noriko and ELMT would not have been detected there had their members not moved to the site for its habitat. Noriko observed and photographed Monarch moving across the site, as well as multiple species of birds and bats. The project site is obviously important to wildlife movement in the region.

What was needed in support of the DEIR, but not provided, was a program of observation to characterize how wildlife use the site for movement in the region. Biologists should have observed how wildlife utilize the project site to achieve their needs to move in the region. For example, patterns of bird flights could have been quantified from visual-scan surveys, and patterns of mammalian travel could have been revealed by use of a thermal-imaging camera at night, or a search for tracks during daytime. Biologists know how to detect patterns of wildlife movement; they were just not assigned the task in the case of this environmental review. A consequence is that ELMT and the City of Perris can only speculate on whether and how the site is important to wildlife movement in the region. And in this case, the speculation on whether the site is important to wildlife movement lacks credibility due to obvious fallacies.

L1.1 Cont.

TRAFFIC IMPACTS TO WILDLIFE

The DEIR neglects to address one of the project's most obvious, substantial impacts to wildlife, and that is wildlife mortality and injuries caused by project-generated traffic. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic (Photo 27), including along roads far from the project footprint but which would nevertheless be traversed by automobiles as they head to or from the project's buildings. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to 8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

[1] Wildlife are often channeled in their movements by natural features such as streams and valleys, but if all wildlife moved along such features, then predators would always know where to capture prey, and prey would always know where to expect predators. For these reasons, wildlife often move outside of natural corridors. Constructed corridors are different by serving as the only pathways remaining to wildlife in the face of habitat fragmentation (see Smallwood 2015).

Photo 27. *Common raven killed by a car on E Frontage Rd bordering the project site, 21 July 2025. Photo by Noriko Smallwood.*

L1.1 Cont.

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass

persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 9,462 animals killed by traffic on the road. This fatality number projected over 1.25 years and 2.5 miles of road translates to 3,028 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 188,191 animals killed per 100 km of road per year, or 22 times that of Loss et al.'s (2014) upper bound estimate and 53 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis, although it would be helpful to have the availability of more studies like that of Mendelsohn et al. (2009) at additional locations. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,028 animals killed per mile along a county road in Contra Costa County. The estimated numbers of fatalities were 1.75% birds, 26.4% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 67.4% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 4.4% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species). VMT is useful for predicting wildlife mortality because I was able to quantify miles traveled along the studied reach of Vasco Road during the time period of the Mendelsohn et al. (2009), hence enabling a rate of fatalities per VMT that can be projected to other sites, assuming similar collision fatality rates.

L1.1 Cont.

Predicting project-generated traffic impacts to wildlife

The DEIR's Air Quality analysis predicts 76,507,862 annual VMT in Phase 1, 48,306,051 annual VMT in Phase 2, and 124,813,913 annual VMT following the completions of both Phases 1 and 2 development. During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 9,462 wildlife fatalities, or 2,351 vehicle miles per fatality. This rate divided into the predicted annual VMT would predict 53,090 vertebrate wildlife fatalities per year due to project-generated traffic.

Based on my analysis, the project-generated traffic would cause substantial, significant impacts to wildlife. The DEIR does not address this potential impact, let alone propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts, and that, as the DEIR is currently written, these impacts would be unmitigated.

CUMULATIVE IMPACTS

The CEQA Guidelines state that "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065 (a)(3)." Incremental effects are those in combination with related effects of other projects. Additionally, the Guidelines state, "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence..." The Guidelines describe two general approaches to analyzing cumulative impacts, one approach consisting of a listing of past, ongoing, planned and foreseeable future projects. The DEIR proceeds with this project-list approach, but it does not clarify the status of projects listed in its Table 5-1, such as whether they already exist, are under construction, approved, proposed, or foreseeable. Nor is there any attempt in the DEIR to relate the effects of these other projects to those predicted of the project under review.

According to the DEIR (p. 5.4-35), "The Project would not have significant impacts related to wildlife movement, local ordinances or regulations protecting biological resources, habitat conservation plans, plant communities, and habitat fragmentation." On the whole, this statement is inaccurate, but the latter assertion that the project would have no significant impact on habitat fragmentation is conclusory to boot, as no argument in support of this assertion is made by ELMT (2023, 2025a) or by the DEIR. The term, habitat fragmentation, appears only once in the DEIR, and it is on p. 5.4-35 in the section on cumulative impacts. The notion that the project would not contribute significantly to habitat fragmentation is fantastical in light of the 358.28 acres at issue, the landscape setting, and the rapid transformation of open space to human-intensive uses. Over the last 30 years, nearly 100% of open space has been lost to industrial buildings within 4.5 miles to the north, nearly 100% of open space has been lost to residential development within two miles to the east, and much of the open space to the west has been taken by warehouses. The proposed project would largely complete the process of habitat fragmentation in the area, as it would leave no significant expanse of open space that could serve as habitat to wildlife species. The burrowing owl would lose the last patch of habitat sufficiently large to support successful nesting, and many other species of wildlife would likewise lose the last remaining patch of habitat in the area that is large enough to support breeding territories. The DEIR's assertion of no significant impact to habitat fragmentation is inaccurate and indefensible.

L1.1 Cont.

The DEIR (p. 5.4-35) continues, "In addition, although the Project could have potentially significant impacts to nesting birds, burrowing owls, and jurisdictional waters, compliance with Mitigation Measures BIO-1 through BIO-3 would reduce potential impacts to less-than-significant levels. Multiple projects identified in Table 5-1 are proposed adjacent to the Specific Plan Area. Similar to the Project, the cumulative projects within the general vicinity are surrounded by urban development and are not within any MSHCP Criteria Cells. ... Since all projects would be required to implement their respective mitigation measures, their contribution would not be cumulatively considerable. There are no projects that would, in combination with the Project, produce a significant impact to biological resources. Therefore, potential Project impacts would be less than cumulatively considerable and would be less than significant." This reasoning implies that cumulative impacts are really nothing more

than the residual impacts of insufficient mitigation, and it further assumes that the proposed mitigation would avoid impacts just as the mitigation for other projects listed in the DEIR's Table 5-1 have avoided impacts. This reasoning, however, is inconsistent with the CEQA's definition of cumulative impacts, and it is inconsistent with the CEQA Guidelines' admonition that mitigated direct impacts can still contribute to cumulative impacts.

Serving as an expert in other cases involving development projects, I have often seen the DEIR's claim of no cumulative impacts to wildlife due to the project's mitigation and due to the assumed compliance of other projects with their required mitigation. I decided to test the veracity of this argument. In collaboration with Noriko Smallwood, I measured the impacts – inclusive of cumulative impacts – of wildlife habitat loss that was caused by mitigated development projects. We revisited 80 sites of proposed projects that we had originally surveyed in support of comments on the CEQA review documents (Smallwood and Smallwood 2023). We revisited the sites to repeat the survey methods at the same time of year, the same start time in the day, and the same methods and survey duration to measure the effects of mitigated development on wildlife. We structured the experiment in a before-after, control-impact experimental design, as some of the sites had been developed since our initial survey and some had remained undeveloped. We found that mitigated development resulted in a 66% loss of species on site, and 48% loss of species in the project area. Counts of vertebrate animals declined 90%. "Development impacts measured by the mean number of species detected per survey were greatest for amphibians (-100%), followed by mammals (-86%), grassland birds (-75%), raptors (-53%), special-status species (-49%), all birds as a group (-48%), non-native birds (-44%), and synanthropic birds (-28%). Our results indicated that urban development substantially reduced vertebrate species richness and numerical abundance, even after richness and abundance had likely already been depleted by the cumulative effects of loss, fragmentation, and degradation of habitat in the urbanizing environment," and despite all the mitigation measures per existing laws, policies and regulations. We also specifically tested for the cumulative effects of projects on wildlife in neighboring habitats, and found significant decreases in species richness and overall abundance in those areas as well. The proposed project would cause the same declines in wildlife abundance and species richness, and based on what I see in the DEIR, these would qualify as significant unmitigated cumulative impacts.

L1.1
Cont.

MITIGATION MEASURES

Before I comment specifically on the mitigation strategy, I will repeat that the formulation of an appropriate mitigation strategy can follow only from an adequate survey effort for wildlife on and around the project site. The characterizations of the plant and wildlife communities need to be sufficiently accurate to accurately characterize the existing environmental setting. This accuracy is needed to formulate the appropriate mitigation strategy.

Other than the requirement to pay the MSHCP's SKR mitigation fee, the DEIR requires three mitigation measures. Each is summarized below in italics, followed by my comment(s) in regular font.

Mitigation Measure BIO-1: Nesting Bird Survey. *Initiation of construction all avoid the nesting season "to the greatest extent possible," but otherwise shall retain a qualified biologist to conduct a preconstruction take-avoidance survey within three days prior to construction. If active nests are found, the Project biologist shall establish a conservative avoidance buffer surrounding the nest based on their best professional judgement and experience, ... and shall monitor the nest during construction to determine the efficacy of the buffer.*

Regarding the start of construction outside the breeding season, this measure is not a requirement, but rather a condition for implementing a preconstruction survey. Moreover, its implementation would not prevent the permanent loss of avian productive capacity that exists on the project site, and which I predicted earlier in this letter.

Preconstruction, take-avoidance surveys consist of two steps, both of which are very difficult. First, the biologist(s) performing the survey must identify birds that are breeding. Second, the biologist(s) must locate the breeding birds' nests. The first step is typically completed by observing bird behaviors such as food deliveries and nest territory defense. To be successful these types of observations typically require many surveys on many dates spread throughout the breeding season even for a single species. To identify and locate the birds of all species nesting on a site requires a much greater survey effort. Even assuming all the nests could be found, which would be highly unlikely across 358 acres and only within 3 days of construction, the mitigation measure would apply only to the breeding season. In all years following that of the preconstruction survey, California would be denied the production of birds from the project site. The project's impact on birds would be permanent and of large magnitude.

L1.1 Cont.

Furthermore, this mitigation language allows a single individual to make subjective decisions, outside the public's view, to determine the no-disturbance buffers for any given species. This measure lacks objective criteria, and it is therefore unenforceable.

Mitigation Measure BIO-2: Preconstruction Burrowing Owl Survey & Burrowing Owl Plan. *The Project proponent shall retain a qualified biologist to conduct a pre-construction survey for burrowing owls within 30 days prior to commencement of construction activities ...The preconstruction survey and any relocation activity shall be conducted in accordance with the Burrowing Owl Survey Instructions for the Western Riverside MSHCP. ... If burrowing owl are detected, the CDFW shall be sent written notification by the City within three days of detection ... the Project biologist and Project proponent shall coordinate with the City of Perris Planning Division, the FWS, and the CDFW to develop a Burrowing Owl Plan ... When the Project biologist determines that burrowing owls are no longer occupying the Project site per the criteria in the Burrowing Owl Plan, Project activities may begin.*

Burrowing owls are already known to be nesting on the project site. There is no compelling reason to wait for the result of a preconstruction survey to consult with CDFW regarding the presence of burrowing owls in the face of a major development project. Now that the burrowing owl is a candidate species for listing, the City and

applicant need to consult with CDFW to obtain an incidental take permit. The relocation strategies summarized in CDFW (2012) are probably not going to be permitted, and the mitigation for loss of foraging habitat is probably going to be required.

Mitigation Measure BIO-3: Establishment of Onsite Drainage Feature. *... the Applicant shall obtain required permits from the CDFW (1601-1603 Streambed Alternation Permits) and Santa Ana Regional Water Quality Control Board (401 Permit). In response to the requirements associated with these permits, a Mitigation Plan shall be developed ...,, and it shall require mitigation at a ratio of 2:1 (0.5 acre) through onsite establishment of herbaceous riparian habitat within the Phase 2 development area, or, if such credits become available, purchase of mitigation credits at a ratio of 2:1.*

The 2:1 mitigation ratio for the onsite establishment of herbaceous riparian habitat qualifies as an aspirational performance objective, but it lacks the details needed for it to be enforceable. The measure needs to identify which herbaceous plant species are to be established, and it needs to specify what establishment means. There needs to be a monitoring plan linked to specific performance thresholds and alternative prescriptions. If performance is to be interpreted in terms of riparian habitat, then species that depend on riparian habitat should be the subjects of performance monitoring, which also means there needs to be a baseline characterization of the plant and wildlife communities that currently exist in the habitat. Furthermore, there needs to be the commitment of a meaningful performance bond.

L1.1 Cont.

RECOMMENDED MEASURES

Habitat loss: Should the project go forward, compensatory mitigation is needed for the loss of habitat. Habitat of equal or greater area should be protected as close to the project site as feasible. Payment of the required mitigation fee into the MSHCP would not suffice, because two-thirds of the special-status species at issue are not covered by the MSHCP. Moreover, additional mitigation to the payment of the MSHCP mitigation fee would be needed for the species that are covered by its ITP because the MSHCP is not performing to expectations.

Road Mortality: Compensatory mitigation is needed for the increased wildlife mortality that would be caused by the project-generated road traffic in the region. I suggest that this mitigation can be directed toward funding research to identify fatality patterns and effective impact reduction measures such as reduced speed limits and wildlife under-crossings or overcrossings of particularly dangerous road segments. Compensatory mitigation can also be provided in the form of donations to wildlife rehabilitation facilities (see below).

Fund Wildlife Rehabilitation Facilities: Compensatory mitigation ought also to include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. Many animals would likely be injured by collisions with automobiles traveling to and from the buildings.

Landscaping: If the project goes forward, California native plant landscaping (i.e., grassland and locally appropriate scrub plants) should be considered to be used as opposed to landscaping with lawn and exotic shrubs and trees. Native plants offer more structure, cover, food resources, and nesting substrate for wildlife than landscaping with lawn and ornamental trees. Native plant landscaping has been shown to increase the abundance of arthropods which act as importance sources of food for wildlife and are crucial for pollination and plant reproduction (Narango et al. 2017, Adams et al. 2020, Smallwood and Wood 2022.). Further, many endangered and threated insects require native host plants for reproduction and migration, e.g., monarch butterfly. Around the world, landscaping with native plants over exotic plants increases the abundance and diversity of birds, and is particularly valuable to native birds (Lerman and Warren 2011, Burghardt et al. 2008, Berthon et al. 2021, Smallwood and Wood 2022). Landscaping with native plants is a way to maintain or to bring back some of the natural habitat and lessen the footprint of urbanization by acting as interconnected patches of habitat for wildlife (Goddard et al. 2009, Tallamy 2020). Lastly, not only does native plant landscaping benefit wildlife, it requires less water and maintenance than traditional landscaping with lawn and hedges.

Thank you for your consideration,

Shawn Smallwood, Ph.D.

L1.1 Cont.

LITERATURE CITED

Adams, B. J., E. Li, C. A. Bahlai, E. K. Meineke, T. P. McGlynn, and B. V. Brown. 2020. Local and landscape-scale variables shape insect diversity in an urban biodiversity hot spot. Ecological Applications 30(4):e02089. 10.1002/eap.2089

Berthon, K., F. Thomas, and S. Bekessy. 2021. The role of 'nativeness' in urban greening to support animal biodiversity. Landscape and Urban Planning 205:103959. https://doi.org/10.1016/j.landurbplan.2020.103959

Bishop, C. A. and J. M. Brogan. 2013. Estimates of avian mortality attributed to vehicle collisions in Canada. Avian Conservation and Ecology 8:2. http://dx.doi.org/10.5751/ACE-00664-080202.

Brown, K., K. S. Smallwood, J. Szewczak, and B. Karas. 2016. Final 2012-2015 Report Avian and Bat Monitoring Project Vasco Winds, LLC. Prepared for NextEra Energy Resources, Livermore, California.

Burghardt, K. T., D. W. Tallamy, and W. G. Shriver. 2008. Impact of native plants on bird and butterfly biodiversity in suburban landscapes. Conservation Biology 23:219-224.

CDFW (California Department of Fish and Wildlife). 2012. Staff Report on Burrowing Owl Mitigation. Sacramento, California.

CDFW (California Department of Fish and Wildlife). 2018. Protocols for surveying and evaluating impacts to special status native plant populations and sensitive natural communities. https://nrm.dfg.ca.go

Calvert, A. M., C. A. Bishop, R. D. Elliot, E. A. Krebs, T. M. Kydd, C. S. Machtans, and G. J. Robertson. 2013. A synthesis of human-related avian mortality in Canada. Avian Conservation and Ecology 8(2): 11. http://dx.doi.org/10.5751/ACE-00581-080211

ELMT Consulting. 2023. Harvest Landing Retail Center & Business Park Project, City of Perris, Riverside County, California, Perris USGS 7.5-Minute Topographic Quadrangles Section 14 of Township 3 South, Range 3 West: Burrowing Owl Focused Survey Report. Report to EPD Solutions, Irvine, California.

ELMT Consulting. 2025a. Harvest Landing Retail Center &Business Park Project, City of Perris, Riverside County, California, Perris USGS 7.5-Minute Topographic Quadrangles Section 14 of Township 3 South, Range 3 West: Habitat Assessment and Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis. Report to EPD Solutions, Irvine, California.

ELMT. 2025b. Determination of Biologically Equivalent or Superior Preservation Report: Harvest Landing Retail Center & Business Park Project. Report to City of Perris.

Forman, T. T., D. Sperling, J. A. Bisonette, A. P. Clevenger, C. D. Cutshall, V. H. Dale, L. Fahrig, R. France, C. R. Goldman, K. Heanue, J. A. Jones, F. J. Swanson, T. Turrentine, and T. C. Winter. 2003. Road Ecology. Island Press, Covello, California.

Franzeb, K. E. 1978. Breeding bird densities, species composition, and bird species diversity of the Algodones Dunes. Western Birds 9:9-20.

Goddard, M. A., A. J. Dougill, and T. G. Benton. 2009. Scaling up from gardens: biodiversity conservation in urban environments. Trends in Ecology and Evolution 25:90-98. doi:10.1016/j.tree.2009.07.016

Hall, L. S., P. R. Krausman, and M. L. Morrison. 1997. The habitat concept and a plea for standard terminology. Wildlife Society Bulletin 25:173-82.

Lerman, S. B. and P. S. Warren. 2011. The conservation value of residential yards: linking birds and people. Ecological Applications 21:1327-1339.

Loss, S. R., T. Will, and P. P. Marra. 2014. Estimation of bird-vehicle collision mortality on U.S. roads. Journal of Wildlife Management 78:763-771.

Mendelsohn, M., W. Dexter, E. Olson, and S. Weber. 2009. Vasco Road wildlife movement study report. Report to Contra Costa County Public Works Department, Martinez, California.

Narango, D. L., D. W. Tallamy, and P. P. Marra. 2017. Native plants improve breeding and foraging habitat for an insectivorous bird. Biological Conservation 213:42-50.

Santos, S. M., F. Carvalho, and A. Mira. 2011. How long do the dead survive on the road? Carcass persistence probability and implications for road-kill monitoring surveys. PLoS ONE 6(9): e25383. doi:10.1371/journal.pone.0025383

Smallwood, K. S. 2015. Habitat fragmentation and corridors. Pages 84-101 in M. L. Morrison and H. A. Mathewson, Eds., Wildlife habitat conservation: concepts, challenges, and solutions. John Hopkins University Press, Baltimore, Maryland, USA.

Smallwood, K. S. 2022. Utility-scale solar impacts to volant wildlife. Journal of Wildlife Management: e22216. https://doi.org/10.1002/jwmg.22216

Smallwood, K. S., and N. L. Smallwood. 2023. Measured effects of anthropogenic development on vertebrate wildlife diversity. Diversity 15, 1037. https://doi.org/10.3390/d15101037.

Smallwood, N.L. and E.M. Wood. 2022. The ecological role of native plant landscaping in residential yards to urban wildlife. Ecosphere 2022;e4360.

Sørensen, T. 1948. A method of establishing groups of equal amplitude in plant sociology based on similarity of species content. K. Dan. Vidensk. Selsk. Skr. 5:1–34.

Tallamy, D.W. 2020. Nature's Best Hope: A New Approach to Conservation that Starts in Your Yard. Timber Press.

Wood, E. M., and S. Esaian. 2020. The importance of street trees to urban avifauna. Ecological Applications. 0:e02149.

Young, H. 1948. A comparative study of nesting birds in a five-acre park. The Wilson Bulletin 61:36-47.

Green Jobs & Clean Communities

15 December 2025

Planning Commission
City of Perris
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Perris, CA 92570

Delivered via email to: aarmijo@cityofperris.org
cityclerk@cityofperris.org

Re: Supplemental Comments on Harvest Landing Retail Center & Business Park Project Final Environmental Impact Report (FEIR), SCH 2022060432

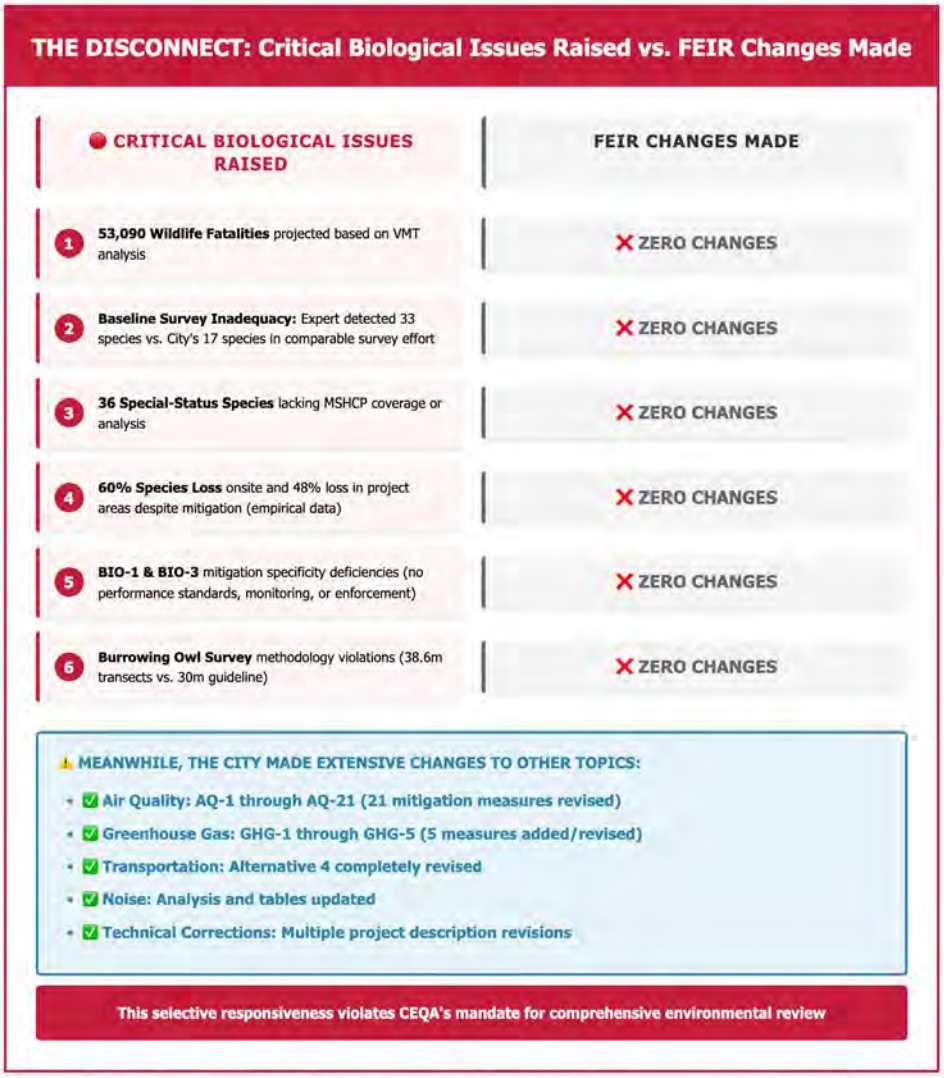
Commissioners,

Golden State Environmental Justice Alliance (GSEJA) has presented arguments regarding the aforementioned project in the form of comment letters objecting to the Draft EIR and documenting systematic California Environmental Quality Act (CEQA) violations including inadequate biological baseline characterization, dismissal of quantified wildlife mortality impacts without counter-analysis, coverage gaps for special-status species, insufficient mitigation specificity, and failure to address cumulative biological impacts on already-vulnerable wildlife communities.

GSEJA's comprehensive technical review reveals a critical pattern: the City's Response to Comments systematically dismisses substantive biological resource concerns without providing the reasoned analysis required by CEQA Guidelines Section 15088. Most troubling, while expert biological comments identified specific quantified impacts, including projections of 53,090 vertebrate wildlife fatalities, detection of twice as many species during comparable survey effort, and coverage gaps for 36 special-status species—the FEIR contains virtually no substantive changes to address these documented deficiencies. L1.2

This comment letter demonstrates that the City's response constitutes a fundamental violation of CEQA's mandate for good faith, reasoned analysis of substantive technical comments.

I. The Critical Disconnect: Outstanding Issues vs. Actual FEIR Changes



Our analysis of the FEIR reveals a systematic failure to address the most significant biological resource concerns raised during public comment. The City made extensive revisions to air quality, greenhouse gas, transportation, and noise sections, but made no substantive changes whatsoever to address critical biological resource deficiencies.

L1.3

What Expert Comments Identified

These critical biological issues have been identified by Dr. Shawn Smallwood, Ph.D, an ecologist with an extensive background with surveying wildlife in California for more than three decades. Dr. Smallwood's findings are listed accordingly:

- Traffic-Related Wildlife Mortality:
  - Dr. Smallwood calculated 53,090 vertebrate wildlife fatalities based on the project's VMT (vehicle miles traveled) projections.

- Inadequate Baseline Characterization:
  - Dr. Smallwood detected 33 species vs. the City's 17 species during comparable survey efforts, estimating 120+ species actually use/inhabit the site.

- Special-Status Species Coverage Gap:
  - 141 special-status species potentially occur—only 61 analyzed; only 47 covered by MSHCP, which equals 36 special-status species lack coverage.

- Cumulative Impacts:
  - Dr. Smallwood's empirical research showed 60% loss of species onsite and 48% loss in project areas despite mitigation.

- Insufficient Mitigation Specificity:
  - BIO-1 lacks adequate survey timeframes for a 358 acre site; BIO-3 lacks performance standards, a monitoring plan, and performance bond.

- Burrowing Owl Survey Methodology:
  - Survey transect separation (38.6m) exceeded guidelines (30m).

L1.3 Cont.

What the FEIR Actually Addressed

The FEIR *Revisions to the Draft EIR* contains:

- Extensive air quality revisions (mitigation measures AQ-1 through AQ-21)
- Greenhouse gas analysis updates (GHG-1 through GHG-5)
- Transportation analysis modifications (Alternative 4 revisions)
- Noise impact updates
- Technical corrections to project description and infrastructure details

The FEIR contains ZERO substantive revisions addressing:

- Traffic-related wildlife mortality projections
- Baseline survey inadequacy
- The 36-species coverage gap

- Cumulative biological impacts
- Mitigation measure specificity for BIO-1 and BIO-3
- Burrowing owl methodology concerns

L1.3 Cont.

This is not a minor oversight, it is a systematic failure to respond to substantive technical evidence as required by CEQA.

II. City's Inadequate Responses Violate CEQA Section 15088

CEQA Guidelines Section 15088(c) requires that *the lead agency shall provide a written response to each comment received during the noticed comment period...The written response shall describe the disposition of significant environmental issues raised.* Section 15088(c) further mandates that evaluations be made *in good faith and set forth in detail why specific comments and suggestions were not accepted.*

The City's responses fail this standard in four critical ways:

1. Dismissal without counter-analysis: traffic-related wildfire mortality

Expert Comment: Dr. Smallwood calculated 53,090 vertebrate wildlife fatalities based on the project's VMT projections using peer-reviewed methodology from published studies.

City's Response: Dismissed as *significantly overstates potential mortality* and *inappropriately applies rural road study to urban setting.*

L1.4

Issues with this response:

- The City's Response provided no counter-analysis, no alternative calculation, or quantification of expected wildlife mortality.
- The City did not provide any technical evidence—simply stating the analysis is *inappropriate* without providing contradictory evidence or alternative methodology is insufficient under CEQA.
- The City did not provide any proposal of mitigation. Despite acknowledging the comment, no mitigation is added to address traffic-related wildlife mortality.
- The City characterizes the site as *urbanized* based on potentially inadequate surveys, then uses that characterization to dismiss wildlife impact analysis.

CEQA Violation: When a lead agency dismisses substantive technical evidence, CEQA requires more than bare assertions—it requires reasoned analysis supported by substantial evidence (*Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal.3d 376, 409). The City's response provides neither.

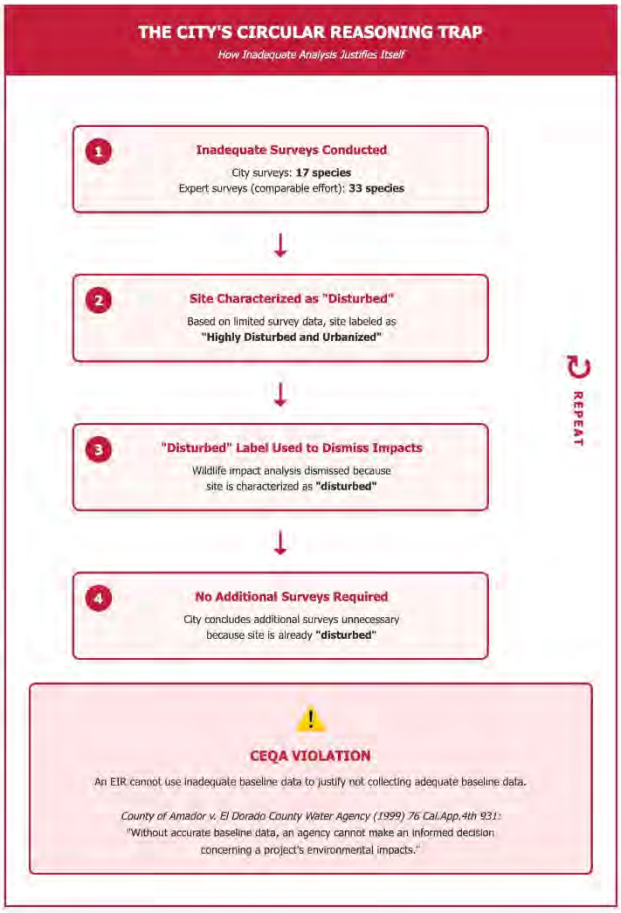
2. Baseline Deficiency Without Remedy: Wildlife Community Characterization

Expert Comment: Dr. Smallwood detected twice as many species (33 vs. 17) during comparable survey effort and estimates 120+ species use the site. The analysis identifies estimated loss of 665 nest sites and 3,013 birds/year.

City's Response: Survey effort was *appropriate given the highly disturbed and urbanized context.*

Issues with this response:

- If surveys were inadequate, the *disturbed* characterization may be incorrect.
- Modeling methodology not addressed—Dr. Smallwood's modeling data from Altamont Pass dismissed as *not comparable*, but the modeling methodology itself is never refuted.
- The City never addresses the projected loss of 665 nest sites and 3,013 birds/year.
- Despite evidence of inadequate baseline, no additional survey effort is mandated.



CEQA Violation: *An EIR's adequacy is determined by the sufficiency of the document as an informational document* (*Laurel Heights*, 47 Cal.3d at 404). An EIR based on inadequate baseline data fails as an informational document. *Without accurate baseline data, an agency cannot make an informed decision concerning a project's environmental impacts* (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952-953).

L1.5

3. Coverage Gap Without Analysis: 36 Uncovered Special-Status Species

Expert Comment: 141 special-status species potentially occur; only 61 analyzed; only 47 covered by MSHCP = 36 special-status species lack coverage or analysis.

City's Response: Site *does not contain suitable habitat for the majority of species.*

Issues with this response:

- If baseline surveys were inadequate (see Issue 2), habitat suitability determinations may be flawed.
- The City provides no individual analysis for any of the 36 uncovered species.
- No compensatory mitigation is proposed for impacts to uncovered species.
- The MSHCP only provides take coverage for species included in the plan; uncovered species require separate analysis and mitigation.

L1.6

CEQA Violation: CEQA requires analysis of impacts to all potentially affected species, not just those covered by habitat conservation plans. The City's blanket assertion that habitat is unsuitable, without species-specific analysis, fails CEQA's requirement for informed decision-making.

4. Cumulative Impacts Dismissed Without Analysis

Expert Comment: Dr. Smallwood's empirical research showed 60% loss of species onsite and 48% loss in project areas despite mitigation.

City's Response: Project "would not contribute cumulatively impacts related to habitat fragmentation."

Issues with this response:

- The City's Response ignores the quantified 60% and 48% species loss data.
- The City relies on characterizing the site as "highly urbanized" without acknowledging it may be the last remaining habitat patch in the area—making it MORE valuable for cumulative impact analysis, not less.
- The City fails to analyze the project in context of ongoing warehouse development throughout the Inland Empire eliminating wildlife habitat

L1.7

CEQA Violation: CEQA requires analysis of whether *the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects* (CEQA Guidelines Section 15065(a)(3)). The City's response provides no such analysis.

III. Mitigation Measures Remain Inadequate and Unenforceable

Even after public comment identifying specific deficiencies, the FEIR's biological mitigation measures remain insufficient to reduce impacts to less-than-significant levels in the following ways.

A. Mitigation Measure BIO-1: Nesting Birds - Insufficient Survey Coverage

Current Language: Pre-construction surveys shall be conducted within 3 days prior to ground disturbance.

L1.8

Problems Identified in Comments:

- Inadequate timeframe - 3 days is insufficient to survey a 358-acre site
- Doesn't address permanent reproductive capacity loss - No mitigation for loss of 3,013 birds/year breeding capacity

City's Response: **None.** The FEIR makes no changes to BIO-1.

Result: The mitigation measure remains inadequate for the scale of the project.

B. Mitigation Measure BIO-3: Riparian Habitat - Lacks Enforceability

Current Language: Mitigation includes replacement planting but defers specifics to *future permitting.*

Problems Identified in Comments:

- No specific success criteria defined
- No requirement for regular monitoring and reporting
- No financial assurance for mitigation success
- Defers details to *future permitting*

City's Response: **None.** The FEIR makes no changes to BIO-3.

Result: The mitigation measure violates CEQA's requirement that mitigation measures be *fully enforceable through permit conditions, agreements, or other legally binding instruments.* (CEQA Guidelines Section 15126.4(a)(2)).

IV. Pattern of Systematic Dismissal Across Environmental Topics

While this letter focuses on biological resources, the pattern of inadequate responses extends across multiple environmental topics:

- Air Quality: The City made extensive revisions (AQ-1 through AQ-21) responding to air quality comments, demonstrating the City **CAN** make substantive changes when it chooses to do so.
- Biological Resources: Despite equally detailed technical comments from Dr. Smallwood, the City made **ZERO** substantive revisions to biological analysis or mitigation.

L1.9

This disparity reveals selective responsiveness that violates CEQA's mandate for comprehensive environmental review.

V. Legal Standards The City Has Violated

The City's inadequate responses and failure to revise the biological analysis violate multiple CEQA requirements:

- Informational Document Requirement

  An EIR is an informational document which will inform public agency decisionmakers and the public generally of the significant environmental effect of a project (CEQA Guidelines Section 15121(a)).

  An EIR based on inadequate baseline data (33 species detected vs. City's 17) cannot inform decision-makers of actual impacts.

L1.10

- Substantial Evidence Requirement

  Responses to comments must be supported by substantial evidence (*Cleary v. County of Stanislaus* (1981) 118 Cal.App.3d 348, 357).

  The City dismisses Dr. Smallwood's quantified analysis (53,090 wildlife fatalities, 60% species loss) without providing contradictory substantial evidence.

- Good Faith, Reasoned Analysis Requirement

  The lead agency preparing the final EIR shall evaluate comments on environmental issues received from persons who reviewed the draft and shall prepare a written response (CEQA Guidelines Section 15088(c)). Responses must demonstrate *good faith, reasoned analysis.*

Responding *inappropriate methodology* without explaining **WHY** or providing alternative analysis is not good faith, reasoned analysis.

- Enforceable Mitigation Requirement

  Mitigation measures shall be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4(a)(2)).

  BIO-3 defers specifics to *future permitting* without performance standards, monitoring, or enforcement mechanisms.

L1.10 Cont.

VI. Environmental Justice Implications

This project affects disadvantaged communities in the City of Perris and surrounding Inland Empire areas already experiencing:

- Air quality burden from existing warehouse development
- Traffic congestion from goods movement corridors
- Loss of open space and wildlife habitat to ongoing development pressure

The systematic dismissal of biological resource concerns without substantive analysis compounds environmental injustice by:

L1.11

- Eliminating wildlife habitat that provides ecosystem services to nearby communities
- Increasing traffic-related wildlife mortality without mitigation
- Contributing to cumulative habitat **loss** in a region experiencing unprecedented warehouse development

Government Code Section 65302(h), enacted through Senate Bill (SB) 1000, requires environmental justice elements to *identify objectives and policies to reduce unique or compounded health risks in disadvantaged communities.* Dismissing quantified biological impacts without analysis violates this mandate.

VII. Recommendation

The Planning Commission must reject the inadequate FEIR and require preparation of a revised draft EIR that includes:

1. Adequate Biological Baseline Characterization

L1.12

- Required Actions:
  - Commission supplemental biological surveys conducted by qualified independent biologists

- Conduct surveys during appropriate seasonal periods to detect all potentially occurring species
- Survey effort must be sufficient to characterize the full 358.28-acre project site
- Surveys must address the discrepancy between Dr. Smallwood's detection of 33 species vs. the City's 17 species
- Analysis must address Dr. Smallwood's estimate that 120+ species actually use the site

2. Quantified Analysis of Traffic-Related Wildlife Mortality

- Required Actions:
  - Provide counter-analysis to Dr. Smallwood's 53,090 wildlife fatality projection, with substantial evidence supporting alternative methodology
  - If the City cannot refute the analysis, accept it and propose adequate mitigation
  - Calculate wildlife mortality based on actual project VMT (including all vehicle types, not manipulated calculations)
  - Propose specific, enforceable mitigation to reduce wildlife-vehicle collisions (wildlife corridors, crossing structures, fencing, speed restrictions)

3. Species-Specific Analysis for 36 Uncovered Species

L1.12 Cont.

- Required Actions:
  - Provide individual habitat assessment for each of the 36 special-status species lacking MSHCP coverage
  - For each species where suitable habitat exists, conduct protocol-level surveys
  - For species with potential to occur, provide impact analysis and species-specific mitigation
  - Compensatory mitigation must be provided for impacts to uncovered species not addressed by MSHCP

4. Cumulative Biological Impact Analysis

- Required Actions:
  - Address Dr. Smallwood's empirical finding of 60% species loss onsite and 48% loss in project areas
  - Analyze the project in context of regional warehouse development patterns eliminating wildlife habitat
  - Evaluate whether the site constitutes the "last remaining habitat patch" in an urbanizing area (making it MORE valuable for conservation, not less)
  - Provide regional context showing cumulative habitat loss across the Inland Empire
  - Propose regional mitigation strategies commensurate with cumulative impacts

5. Enforceable Biological Mitigation Measures

- For BIO-1 (Nesting Birds):
  - Specify survey timeframe adequate for 358-acre site (minimum 7-10 days for complete coverage)
  - Address permanent reproductive capacity loss (3,013 birds/year)
  - Require compensatory mitigation for breeding habitat loss (nest boxes, habitat restoration at ratio adequate to replace lost capacity)
  - Establish monitoring program to verify avoidance measures are effective

- For BIO-3 (Riparian Habitat):
  - Define specific performance standards (e.g., "80% survival of plantings after 5 years," "establishment of self-sustaining riparian community with native species composition matching reference sites")
  - Establish detailed monitoring plan with reporting requirements (Year 1, 3, 5, 7, 10)
  - Require performance bond sufficient to ensure mitigation success or fund remedial measures
  - Provide remedial action requirements if performance standards are not met
  - Remove impermissible deferral—all details must be specified in CEQA document before approval

L1.12 Cont.

6. Burrowing Owl Survey Compliance

- Required Actions:

  - Acknowledge that survey transect separation (38.6m) exceeded CDFW guidelines (30m)
  - Conduct supplemental surveys complying with CDFW methodology
  - Address discrepancy between Dr. Smallwood's owl detections at different locations than ELMT surveys
  - If additional owls are detected, provide updated impact analysis and mitigation

7. Meaningful Response to Comments

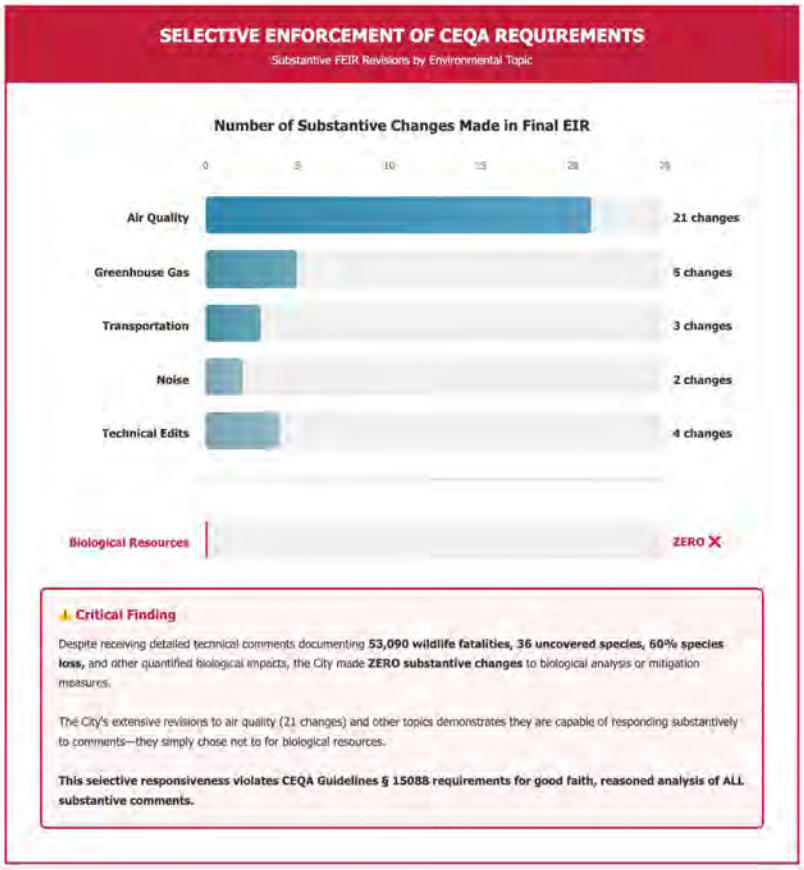
- Required Actions:

  - Provide substantive technical responses to Dr. Smallwood's quantified analyses
  - When dismissing expert analysis, provide contradictory substantial evidence, not bare assertions
  - When expert comments identify deficiencies, either correct the deficiency or explain with substantial evidence why correction is not necessary
  - Demonstrate good faith, reasoned analysis as required by CEQA Guidelines Section 15088(c)

VIII. Conclusion

The City made extensive changes to address air quality, greenhouse gas, and transportation comments, but made virtually no changes to address equally substantive biological resource concerns. This selective responsiveness suggests the City is prioritizing certain environmental topics while systematically dismissing others—a violation of CEQA's mandate for comprehensive environmental review.

Most concerning, the dismissal of biological concerns relies on circular reasoning: inadequate surveys characterize the site as *disturbed*, then that characterization is used to justify dismissing impacts. Meanwhile, quantified evidence of significant impacts—53,090 wildlife fatalities, 60% species loss, 36 uncovered species, loss of 3,013 birds/year breeding capacity—remains unaddressed.



L1.13

This is not environmental review. This is environmental denial.

CEQA exists precisely to prevent this type of systematic dismissal of substantial evidence. When expert analysis identifies specific, quantified impacts, the lead agency must either:

1. Provide contradictory substantial evidence refuting the analysis, or
2. Accept the analysis and provide adequate mitigation

The City has done neither.

The FEIR before you is legally inadequate and cannot support certification. The biological resources analysis fails to meet minimum CEQA standards for baseline characterization, impact analysis, cumulative impact assessment, and mitigation enforceability.

L1.13 Cont.

We urge the Planning Commission to:

- Not recommend certification of this inadequate FEIR.
- Require preparation of a revised draft EIR addressing the deficiencies identified in this letter.
- Direct staff to provide substantive responses to expert biological comments, not dismissive assertions.
- Ensure biological resources receive the same rigorous analysis provided to air quality and transportation topics.

The wildlife of Perris, the integrity of CEQA, and the credibility of this Planning Commission demand nothing less.

Onwards.

Steven Piepkorn
Golden State Environmental Justice Alliance
765 N Main Street, Suite 151
Corona, CA 92880
+1 951 279 4697

Conclusion

Consider the above referenced information when making this important decision. Realize that you and the citizens of this area face some of the WORST POLLUTION in the entire state of California.

It is the responsibility of the City's elected and appointed officials to make environmentally responsible development decisions. Based on the CalEnviroScreen data, this is more than sufficient evidence of the further air quality impacts that the citizenry of Hemet will continue to encounter with further development of another warehouse. We are not against development, as we believe it is necessary for further economic growth in our current society. Development needs to be conducted with the highest of expectations to ensure the local population does not suffer further air quality burdens. L1.2

We stand by our comments and believe the EIR is flawed and should be redrafted and recirculated for public review.

Respectfully Submitted,

Steven Piepkorn

Steven Piepkorn
GSEJA

Source -
https://experience.arcgis.com/experience/4af93cf9888a424481d2868391af2d82/page/home/?data_id=dataSource_2-1754d6afdb4-layer-9%3A7306

Glossary of Terms

Ozone - Amount of daily maximum 8-hour Ozone concentration

Particulate Matter 2.5 - Annual mean PM 2.5 concentrations

Diesel Particulate Matter - Diesel PM emissions from on-road and non-road sources

Toxic Releases - Toxicity-weighted concentrations of modeled chemical releases to air from
facility emissions and off-site incineration.

Traffic -Traffic density, in vehicle-kilometers per hour per road length, within 150 meters of the census tract boundary.

Response to Letter L1: Golden State Environmental Justice Alliance (GSEJA), dated November 30, 2024

This comment letter was received after the Draft EIR public review and comment period ended on July 14, 2025. As stated in Section 15088 of the CEQA Guidelines, Lead Agencies are not required to respond to letters received outside of the noticed comment period. However, the following responses have been prepared to provide clarity regarding the environmental concerns that have been raised and to enhance the administrative record for consideration of the Project by the City of Perris.

Comment L1.1: This comment letter is a copy of the letter sent by GSEJA on August 1, 2025 after the close of the public circulation of the Draft EIR.

Response L1.1: Please refer to Responses O4.1 through O4.31 within Chapter 2, *Response to Comments*, of the Final EIR for a response to this comment letter.

Comment L1.2: This comment states that the Draft EIR contains various CEQA violations regarding inadequate biological baseline characterization and insufficient mitigation that were not addressed in the Final EIR. The comment further states that the City dismissed substantial biological resource concerns and no changes were made in the Final EIR to address GSEJA comments regarding impacts to biological resources.

Response L1.2: This comment is introductory in nature. As substantiated by the responses below and within Responses O10.2 through O10.32 in the Final EIR, none of the conditions arise related to biological resources and the issues previously raised, which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Therefore, no further response is warranted.

Comment L1.3: This comment provides a summary of the changes made in the Final EIR related to other environmental topics and states that none were made to address the biological resource deficiencies brought forward in GSEJA's previous comment letter. The comment also provides a summary of the previous comments included in the letter provided by Dr. Smallwood in GSEJA's August 1, 2025 letter.

Response L1.3: This comment is introductory in nature and reiterates previous comments. As substantiated by the responses below and within Responses O10.2 through O10.32 in the Final EIR, no changes to the EIR analysis are required and none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Therefore, no further response is warranted.

Comment L1.4: This comment states that the Final EIR failed to adequately respond to GSEJA's comments on the Draft EIR regarding traffic-related wildlife mortality as no counter analysis or technical evidence was provided in order to dismiss the claim.

Response L1.4: As discussed in Final EIR Response O10.20, GSEJA's comment regarding traffic-related wildlife mortality does not provide substantial evidence of a project-level impact and thus, no additional response is warranted. The comment is speculative and does not constitute substantial evidence under CEQA, which requires facts, reasonable assumptions based on facts, or expert opinion supported by facts (Pub. Resources Code, Section 21080, subd. (e); CEQA Guidelines, Section 15384). The commenter extrapolates generalized collision rates from unrelated studies to hypothetical window areas without site-specific data, monitoring, or scientific evidence that the Project would result in actual bird mortality at the predicted levels. The methodology inappropriately applies results from Mendelsohn et al. (2009), which examined vehicle-wildlife interactions along Vasco Road, a rural roadway with adjacent open space and natural habitat that support higher rates of wildlife movement across roads. In contrast, the Project site is located within a highly urbanized setting and is surrounded by existing development and roadway infrastructure. Therefore, it is highly unlikely that the Project would result in an increase in wildlife mortality due to increased roadway traffic. Therefore, no additional response is needed, no changes to the EIR are required, and no mitigation measures are necessary.

Comment L1.5: This comment states that the expert comment provided regarding the existing baseline wildlife community characterization is inaccurate and was not properly addressed in the Final EIR. The comment further states that the document lacks critical information regarding the Project site and the completed surveys were inadequate. The comment asserts that the Project would result in the loss of 665 nest sites and 3,013 birds per year.

Response L1.5: As discussed in Final EIR Response O10.6, The Project site is surrounded by urban development on all sides including I-215 to the west, retail and residential uses to the south, commercial and residential uses to the east, and public and industrial uses to the north. The Altamont Pass Wind Resource Area is located in a rural area of Northern California. Therefore, the two locations are not comparable for purposes of onsite biological habitat. The commenter's use of a rural site to compare impacts to wildlife species at the Project site surrounded by urban development does not constitute as substantial evidence as it would be an inaccurate representation of the actual site conditions. Further, the Harvest Landing Specific Plan includes requirements for landscaping within Section 4.0, *Development Standards*, and Section 5.0, *Design Guidelines*, of the Specific Plan consistent with Perris Municipal Code Section 19.02.130.B that includes 24 and 36-inch box trees, shrubs and landscaping that would provide areas for nesting of urban avian species. No potential new or increased impacts would occur. Thus, no further response is warranted.

Comment L1.6: This comment states that the Draft EIR fails to mitigate impacts to 36 special status species that have potential to occur onsite and are not covered by the MSCHCP.

Response L1.6: As discussed above in Response L1.5, the commenter's use of a rural site to compare impacts to wildlife species at the Project site surrounded by urban development does not constitute as substantial evidence as it would be an inaccurate representation of the Project site conditions. As further discussed in Final EIR Response O10.14, qualified biologists conducted multiple field surveys to identify special-status species and habitat conditions onsite to further define the potential for certain species to occur onsite. The surveys provided by the commenter include species that were spotted onsite and within the general vicinity. Even if the species were spotted during the commenter's survey, there may be no habitat onsite for the species to remain at the Project site. As detailed in Response L1.6, the proposed landscaping would result in nesting areas for urban bird species that could inhabit the region.

Comment L1.7: This comment states that the City's responses regarding cumulative impacts were insufficient as the analysis fails to take into account the context of ongoing warehouse development throughout the Inland Empire.

Response I1.7: As described in Final EIR Response O10.23, the Project site is located within a highly urbanized portion of the City of Perris, surrounded by residential, commercial, and industrial development, and does not provide habitat linkages, wildlife corridors, or other landscape features that would facilitate regional wildlife movement. As such, the Project site does not function as an important movement area for mammals, birds, or other wildlife and would not contribute to cumulative impacts related to habitat fragmentation. As discussed within the Draft EIR, the loss of potential wildlife and plant resources would be reduced to a less than significant level upon implementation of regulatory requirements such as the MSHCP and Mitigation Measures BIO-1 through BIO-3. Due to the buildout nature of the area and lack of habitat within the Project site, the proposed Project would not result in any significant incremental cumulative effects related to biological resources.

Comment L1.8: This comment states that the Final EIR's biological mitigation measures remain insufficient related to nesting bird surveys and riparian habitats. The commenter states that three days is not sufficient time to survey the entire Project site prior to construction activities, and that mitigation for the riparian habitat onsite lacks enforceability.

Response L1.8: Pre-construction surveys are an industry standard mitigation measure that is utilized to ensure that the Project would not violate the Migratory Bird Treaty Act or Fish and Game Code. The City,

as the CEQA Lead Agency for the proposed Project, will enforce this mitigation measure through implementation of the Mitigation Monitoring and Report Program, included as Section 4.0 to this Final EIR. As discussed previously, the Project site is heavily disturbed and does not provide significant habitat for nesting bird species. While shrubs and trees within the Project site may be utilized by nesting birds and raptors during the nesting bird season, Mitigation Measure BIO-1 would ensure that no nesting birds are directly impacted as part of Project construction. In addition, the Project is proposed to be constructed in Phases, beginning with Phase 1. There is no specific Project proposed within the Phase 2 area and thus pre-construction surveys would not be required in Phase 2 until a new project is approved and ready to begin construction.

Regarding Draft EIR MM BIO-3, The CDFW has reviewed the proposed mitigation as part of their review of the DBESP, included as Appendix D to the Final EIR, for the Project and have concurred with the suggested mitigation. Further, the final mitigation plan and monitoring required will be negotiated with the regulatory agencies (CDFW and the Regional Water Quality Control Board) during the permit processing, which would reduce potential impacts to a less than significant level.

Comment L1.9: This comment states that the FEIR includes several revisions to other impact areas such as Air Quality, but none were made related to Biological Resources; and therefore, the EIR has an inadequate review.

Response L1.9: Responses related to comments regarding biological resources are provided in Responses L1-5 through L1.8 and in the Final EIR. This comment letter does not raise any new information and does not provide any substantial evidence that the Project would result in a significant environmental impact. Changes were made within the Final EIR for disclosure purposes and do not result in any significant changes to the conclusions or mitigation measures provided within the Draft EIR. As discussed previously in Final EIR Responses O10.2 through O10.32 and in this response memo, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Therefore, no further response is warranted.

Comment L1.10: This comment states that the City has violated CEQA requirements regarding an accurate baseline, substantial evidence, good faith responses, and enforceable mitigation measures.

Response L1.10: Responses related to biological resource impacts are discussed previously in Final EIR Responses O10.2 through O10.32 and in this response memo. Mitigation Measure BIO-3 is enforceable through future required permitting with the City and wildlife agencies. None of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. As defined in CEQA Guidelines Section 15384, argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, and evidence of social or economic impacts which does not contribute to or are not caused by physical impacts on the environment do not constitute substantial evidence. As substantial by the responses above and below and within the Final EIR, none of the comments constitute as substantial evidence, and no further response is warranted.

Comment L1.11: This comment states that the dismissal of biological resource concerns would compound environmental justice impacts.

Response L1.11: This comment does not relate to an issue under CEQA and does not provide any substantial evidence that the Project would result in a significant environmental impact. CEQA is an environmental protection statute that is concerned with physical changes to the environment (CEQA Guidelines Section 15358(b)). The environment includes land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15360). The proposed Project's potential environmental justice effects are social issues that are not considered effects on the environment (CEQA Guidelines Sections 15064(e) and 15131(a)). Thus, consistent with CEQA, the Draft EIR includes an analysis of the proposed Project's potentially significant physical impacts on the environment and does not include substantial discussion of environmental justice impacts. As substantiated by the

responses below and within Responses O10.2 through O10.32 in the Final EIR, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Therefore, no further response is warranted.

Comment L1.12: This comment provides recommended actions to include in a revised Draft EIR including adequate baseline characterization, analysis of traffic related wildlife mortality, revised special-status species analysis, revised cumulative biological impact analysis, revised mitigation measures, burrowing owl survey compliance, and substantive response to comments.

Response L1.12: As discussed previously in Final EIR Responses O10.2 through O10.32 and in this response memo, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. As discussed above in Response L1.5, the commenter's use of a rural site to compare impacts to wildlife species at the Project site surrounded by urban development does not constitute as substantial evidence as it would be an inaccurate representation of the actual site conditions. As further discussed in Final EIR Response O10.14, qualified biologists conducted multiple field surveys to identify special-status species and habitat conditions onsite to further define the potential for certain species to occur onsite. Further, the surveys provided by the commenter include species that were spotted onsite and within the general vicinity. Even if the species were spotted during the commenter's survey, there may be no habitat onsite for the species to remain at the Project site. As detailed in Response L1.6, the proposed landscaping would result in nesting areas for urban bird species that could inhabit the region.

As discussed in Final EIR Response O10.20, GSEJA's comment regarding traffic-related wildlife mortality does not provide substantial evidence of a project-level impact and thus, no additional response is warranted. The comment is speculative and does not constitute substantial evidence under CEQA, which requires facts, reasonable assumptions based on facts, or expert opinion supported by facts (Pub. Resources Code, Section 21080, subd. (e); CEQA Guidelines, Section 15384). The commenter extrapolates generalized collision rates from unrelated studies to hypothetical window areas without site-specific data, monitoring, or scientific evidence that the Project would result in actual bird mortality at the predicted levels.

As described in Final EIR Response O10.23, the Project site is located within a highly urbanized portion of the City of Perris, surrounded by residential, commercial, and industrial development, and does not provide habitat linkages, wildlife corridors, or other landscape features that would facilitate regional wildlife movement. As such, the Project site does not function as an important movement area for mammals, birds, or other wildlife and would not contribute to cumulative impacts related to habitat fragmentation. As discussed within the Draft EIR, the loss of potential wildlife and plant resources would be reduced to a less than significant level upon implementation of regulatory requirements such as the MSHCP and Mitigation Measures BIO-1 through BIO-3.

Pre-construction surveys are an industry standard mitigation measure that is utilized to ensure that the Project would not violate the Migratory Bird Treaty Act or Fish and Game Code. The City, as the CEQA Lead Agency for the proposed Project, will enforce this mitigation measure through implementation of the Mitigation Monitoring and Report Program, included as Section 4.0 to this Final EIR. As discussed previously, the Project site is heavily disturbed and does not provide significant habitat for nesting bird species. While shrubs and trees within the Project site may be utilized by nesting birds and raptors during the nesting bird season, Mitigation Measure BIO-1 would ensure that no nesting birds are directly impacted as part of Project construction, and new landscaping that includes trees and shrubs would be installed throughout the Project site. In addition, the Project is proposed to be constructed in Phases, beginning with Phase 1. There is no specific Project proposed within the Phase 2 area and thus pre-construction surveys would not be required in Phase 2 until a new project is approved and ready to begin construction.

Regarding Draft EIR MM BIO-3, The CDFW has reviewed the proposed mitigation as part of their review of the DBESP, included as Appendix D to the Final EIR, for the Project and have concurred with the suggested mitigation. Further, the final mitigation plan and monitoring required will be negotiated with the regulatory agencies (CDFW and the Regional Water Quality Control Board) during the permit processing, which would reduce potential impacts to a less than significant level.

The burrowing owl surveys were conducted following the Western Riverside County MSHCP Burrowing Owl Survey Instructions. As the Project site is located within the area subject to the Western Riverside MSHCP, the CDFW (2012) Staff Report guidelines are not required to be followed. Furthermore, given that burrowing owl were detected onsite, Mitigation Measure BIO-2 is included to require a preconstruction burrowing owl survey. Should burrowing owl be detected during the preconstruction burrowing owl survey, Mitigation Measure BIO-2 would require development of a Burrowing Owl Plan, which would provide measures for avoidance, relocation, and monitoring of onsite burrowing owls in accordance with guidelines in the CDFW Staff Report on Burrowing Owl (March 2012) and the Western Riverside County MSHCP. Therefore, potential impacts to burrowing owl would be less than significant.

As discussed throughout this memo, the comment letter is speculative and does not constitute substantial evidence under CEQA, which requires facts, reasonable assumptions based on facts, or expert opinion supported by facts (Pub. Resources Code, Section 21080, subd. (e); CEQA Guidelines, Section 15384). CEQA requires evaluation based on substantial evidence at the Project site. The Draft EIR's analysis, using site surveys and professional observation, provides that evidence. The commenter's analysis significantly overstates potential biological and does not provide substantial evidence of a project-level impact. Thus, no further response is warranted.

Comment L1.13: This comment concludes the letter by stating that the Final EIR dismisses substantial evidence of potential impacts to biological impacts and a revised EIR should be circulated to address all of the potential impacts brough forward by the commenter.

Response L1.13: The comment is conclusory in nature and does not raise a specific issue with the adequacy of the Draft EIR. As substantiated by the previous responses, none of the conditions arise which would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5. Therefore, no further response is warranted.