

April 8, 2013

John Terell, Planning Official
City of Moreno Valley
14177 Frederick Street
Moreno Valley, CA 92552

RE: World Logistic Center (WLC) Project Draft EIR (SCH No. 2012021045)

Mr. Terell:

The following comments are submitted in response to the public review period for the referenced document. These comments are based upon a very preliminary review of the 1,094 page draft EIR document and indicate that there are substantial deficiencies that warrant recirculation of a revised draft EIR.

1. Alternatives

The build alternatives presented in the draft EIR represent an arbitrary range of scenarios with no relationship to the identified significant impacts of this project. CEQA Guidelines Section 15126.6 requires that an EIR include a reasonable range of alternatives that would avoid or substantially lessen the significant environmental impacts of the project. Also, the conclusory dismissal of an off-site alternative is predicated on an assumption that the project could only be located at another single site. There is no indication that agglomeration of a minimum square-footage of high-cube warehousing is a basic objective of the project. Accommodation of the indicated building area at more than one off-site location should also be addressed as a viable off-site alternative.

2. Project Description/Cumulative Projects/Traffic Impacts

Recent articles in the Press-Enterprise (March 25, 2013 – “City Seeks Guidance from Moreno Valley Developer” and March 26, 2013 – “Council Approves Negotiating Agreement with Moreno Valley Developer”) have disclosed dealings of the project proponent with the City of Banning to develop a multi-modal center entailing air, rail and logistics uses centered around Banning’s municipal airport, this proposed facility is referred to as the Morongo Inland Port and Intermodal Center. The March 25th article discloses that Highland Fairview has been under contract with the City of Banning for this proposal since last November and cites activities dating back to 2011.

It seems implausible that there is not a connection between the proposed WLC project and the proposed Morongo Inland Port and Intermodal Center. While the Banning project is clearly in early stages, the involvement of the same developer and the apparent timeline demands disclosure of this connection in the WLC EIR. In particular, this connection has substantial ramifications as to assumed truck trip distribution and all impact categories related to truck traffic (traffic, air, greenhouse gases, and noise). At page 4.15-32 of the draft EIR, it is stated that 82% of the truck traffic is assumed to be travelling to the west. With an inland port and multimodal facility situated to the east, this heavily skewed distribution of traffic to the west is suspect. At a minimum, an alternative or future scenario analyzing traffic patterns between the rail and air facilities to the east should be addressed.

3. Biological Resources Impacts/Western Riverside Multiple Species Habitat Conservation Plan Consistency

Mitigation Measure 4.4.4.6D for potential impacts to burrowing owl is not consistent with the provisions of the Western Riverside Multiple Species Habitat Conservation Plan, which also require more extensive habitat replacement provisions if more than three pairs of Burrowing Owls are found in pre-construction surveys (see objective 5 in MSHCP excerpt provided with this letter).

This section of the EIR repeatedly refers to the DBESP as a Determination of Biologically Equivalent or Superior Project, rather than Determination of Biologically Equivalent or Superior Preservation. This, together with the mischaracterization/lack of recognition of the MSHCP burrowing owl provisions calls into question the accuracy of the analysis of consistency with the MSHCP, to which the City is a signatory and participating entity. This section of the EIR should be revisited to ensure that provisions of the MSHCP are accurately identified and incorporated in the mitigation program.

4. Impacts of Off-site Traffic Improvements

The traffic study identifies an extensive inventory of road improvements required to maintain appropriate Level of Services Standards throughout the City of Moreno Valley and an extended regional influence area beyond. These improvements are identified specifically by location and nature of improvement, providing an adequate level of information to evaluate associated impacts of construction. It is not evident that the impacts of these off-site improvements were considered in the draft EIR. For instance, the added lanes noted for the intersection of Cactus Avenue and Elsworth Street would likely encroach upon the jurisdictional stream along the south side of Cactus Avenue and could impact the existing commercial uses at this intersection. Potential impacts associated with implementation of all off-site traffic improvements also require disclosure in a revised draft EIR.

I trust that these comments will be given due consideration in the analysis of comments on the draft EIR and that the City will arrive at the conclusion that circulation of a revised draft EIR is warranted. While it is not directly germane to the draft EIR review process, please note that I am opposed to the proposed WLC project and would hope that the City leaders and Council will acknowledge the extensive array of significant and unavoidable impacts within the City and throughout the extended region as a clear indication that this expansive change to the adopted General Plan should be denied.

Respectfully submitted,

Kathleen Dale
25157 Aleppo Way
Moreno Valley, CA 92553

9.0 Conservation and Incidental Take Estimates

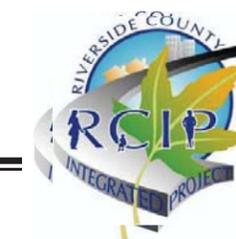


TABLE 9-2. SPECIES CONSERVATION SUMMARY

COMMON NAME/ SCIENTIFIC NAME	GROUP DESIGNATION	RATIONALE FOR GROUP DESIGNATION	SPECIES OBJECTIVES	CONSERVATION ANALYSIS SUMMARY	INCIDENTAL TAKE	SURVEY REQUIREMENTS	MONITORING		MANAGEMENT ACTIVITIES SUMMARY
							Survey Distribution At Least Every "X" Years	Survey Reproduction Every "X" Years	
					<p>secondary foraging Habitat for the black-crowned night-heron will be outside the Criteria Area and Public/Quasi-Public Lands.</p> <p>This comprises approximately 19 percent of the total potential Habitat. No Take of nesting colonies will occur. The estimate of Incidental Take is consistent with the anticipated land uses and the application of the riparian/riverine area and vernal pool avoidance and land use adjacency policies/guidelines.</p>				
black swift (<i>Cypseloides niger</i>) - breeding	1	<p>The black swift has been recorded in very low numbers spread widely over the Plan Area. Almost all of the observations are of migrating individuals except for the vicinity of the known nesting location in the San Jacinto Mountains. It will forage on the wing in every Habitat available within the Plan Area. It has very specialized nest site requirements that only occur in one or possibly two locations within the Plan Area both of which are located within the San Bernardino National Forest. For foraging purposes, it can be managed on a landscape level.</p> <p>The black swift is designated as a Forest Service Sensitive Species. Forest Service Sensitive Species are protected through the implementation of Forest plans and the biological evaluation (BE) process, which considers the potential effects of Forest Service activities on these species.</p>	Objective 1: Include within the MSHCP Conservation area at least 34,020 acres of deciduous woodland and forest and montane coniferous forest within the San Bernardino Mountains and San Jacinto Mountains Bioregions to provide breeding and foraging Habitat, including the known nesting location of the black swift at Tahquitz Creek within the San Jacinto Wilderness Area and the potential nesting location at the north fork of the San Jacinto River in the San Jacinto Mountains.	Conservation for this species will be achieved by inclusion of at least 34,020 acres of suitable Conserved Habitat, including montane coniferous woodland and deciduous woodland and forest Habitats of the San Jacinto Mountains and San Bernardino Bioregions. In addition, the one known and one potential nest site will be conserved in the MSHCP Conservation Area. The current population size of the black swift within the Plan Area is unknown.	The Incidental Take of the black swift is difficult to quantify due to our limited knowledge of its distribution and abundance within the Plan Area. The maximum level of Incidental Take of black swift can be anticipated by the loss of the number of acres of Habitat. Approximately 12,270 acres (27 percent) of potential Habitat for the black swift will be outside the Criteria Area and Public/Quasi-Public Land designations and individuals within this area will be subject to Incidental Take consistent with the Plan. No known nesting locations will be subject to Take.	None	8		General Management Measure 4. Reserve managers will manage the known and future nesting locations of this species where proximate to existing or proposed recreational activities, particularly trail systems.
burrowing owl (<i>Athene cunicularia hypugaea</i>)	3	The burrowing owl is narrowly distributed at relatively few locations within the Plan Area in suitable Habitat. Although the preferred Habitat, grassland and some forms of agriculture land, is well distributed, the recent locations of the burrowing owl are clumped in only a few locations. Because this species requires specific soil and micro-Habitat conditions, occurs in few locations within a broad Habitat category, requires a relatively large home range to support its life history requirements, occurs in relatively low numbers, and is semi-colonial, the burrowing owl will	Objective 1: Include within the MSHCP Conservation Area at least 27,470 acres of suitable primary Habitat for the burrowing owl including grasslands. Objective 2: Include within the MSHCP Conservation Area at least 5 Core Areas and interconnecting Linkages. Core areas may include the following: (1) Lake Skinner/Diamond Valley Lake area (Existing Core C plus Proposed Extension of Existing Cores 5, 6, 7; 29,060 acres); (2) playa west of Hemet (Proposed	Conservation for this species will be achieved by inclusion of at least 27,470 acres of suitable primary Conserved Habitat and 22,120 acres of suitable secondary Conserved Habitat and 5 of 6 Core Areas within large blocks of Habitat in the MSHCP Conservation Area. In addition, 16 recent and high precision locations will be inside the Criteria Area or Public/Quasi-Public Lands. Conservation	The Incidental Take of the burrowing owl is difficult to quantify due to our limited knowledge of its distribution within the Plan Area and the fact that losses may be masked by fluctuations in abundance and distribution during the life of the permit. However, the maximum level of Take of burrowing owl can be anticipated by the loss of the number of acres of Habitat that will	Yes, see Section 6.3.2 (Additional Survey Needs and Procedures)	8		Reserve Managers will manage known and future occurrences of this species with regard to Habitat loss and use of rodenticides and pesticides. Reserve Managers will conduct presence/absence surveys for burrowing owl where potential Habitat occurs within the MSHCP Conservation Area prior to conducting activities that may negatively affect the burrowing owl. Surveys will be conducted within 30 days prior to disturbance. Take of active nests will be avoided as described in the BMP (Appendix C). Passive relocation (use of one way doors and collapse of burrows) will occur when owls are present

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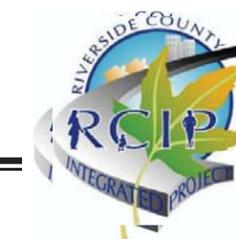


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							Survey Distribution At Least Every "X" Years	Survey Reproduction Every "X" Years	
		<p>require site-specific considerations and management conditions.</p> <p>This is a species on the <i>Additional Survey Needs and Procedures (Section 6.3.2)</i> list and surveys for burrowing owl will be conducted as part of the project review process for public and private projects within the burrowing owl survey area where suitable Habitat is present (see <i>Burrowing Owl Survey Area Map, Figure 6-4 of the MSHCP, Volume I</i>). Burrowing owls located as a result of survey efforts shall be conserved in accordance with procedures described within <i>Section 6.3.2, MSHCP, Volume 1</i>.</p>	<p>Noncontiguous Habitat Block 7; 1,250 acres); (3) San Jacinto Wildlife Area/Mystic Lake area including Lake Perris area (Existing Core H; 17,470 acres); (4) Lake Mathews (Existing Core C plus Proposed Extension of Existing Cores 2; 23,710 acres); and (5) along the Santa Ana River (9,670 acres). The Core Areas should support a combined total breeding population of approximately 120 burrowing owls with no fewer than five pairs in any one Core area.</p> <p>Objective 3: Include within the MSHCP Conservation Area at least 22,120 acres of suitable secondary Habitat for the burrowing owl including playas and vernal pools, and agriculture outside of the Core Areas identified above. Areas where additional suitable Habitat could be conserved include west of the Jurupa Mountains, near Temescal Wash (i.e., vicinity of Alberhill), near Temecula Creek, within the Lakeview Mountains, Banning, the Badlands, Gavilan Hills, and Quail Valley.</p> <p>Objective 4: Include within the MSHCP Conservation Area the known nesting locations of the burrowing owl at Lake Perris, Mystic Lake/San Jacinto Wildlife area, Lake Skinner area, the area around Diamond Valley Lake, playa west of Hemet, Lakeview Mountains, Lake Mathews/Estelle Mountain Reserve and Sycamore Canyon Regional Park.</p> <p>Objective 5: Surveys for burrowing owl will be conducted as part of the project review process for public and private projects within the burrowing owl survey area where suitable Habitat is present (see <i>Burrowing Owl Survey Area Map, Figure 6-4 of the MSHCP, Volume I</i>). The locations of this species determined as a result of survey efforts shall be conserved in accordance with procedures described within <i>Section 6.3.2, MSHCP, Volume I</i> and the guidance provided below:</p>	<p>also will be provided for the Habitat Linkages between Core Areas and areas important for dispersal as described above. The current population size of the burrowing owl is unknown; however, the foraging and nesting Habitat requirements are well defined. Surveys will be conducted and locations of owls will be conserved in accordance with procedures described in <i>Section 6.3.2, MSHCP, Volume 1</i>. The Conservation Strategy of this species includes pre-construction surveys of potential Habitat areas and Conservation as appropriate until sufficient Conservation is attained because it occurs in grassland Habitats that are not relatively abundant within the MSHCP Conservation Area and the distribution of the species within the Plan Area is not well known. These surveys will provide the information to determine whether the area is currently being used by the species and will supplement the known locations. Translocation of burrowing owls may be used if necessary to establish colonies in currently unoccupied areas.</p>	<p>become unsuitable for this species. About 82,490 acres (75 percent) of the primary potential Habitat for the burrowing owl will be outside of the Criteria Area or Public/Quasi-Public lands and individuals within these areas are subject to Incidental Take consistent with the Plan. About 101,400 acres (82 percent) of the secondary potential Habitat for the burrowing owl will be outside of the Criteria Area or Public/Quasi-Public Lands and individuals within these areas are subject to Incidental Take consistent with the Plan. A total of 22 point localities recorded within the UCR database will be outside of the MSHCP Conservation Area. Core Areas not conserved include Valle Vista. Smaller numbers of clustered locations of burrowing owls that will be outside the Criteria Area and Public/Quasi-Public Lands, include those locations at the area west of the Jurupa Mountains, San Jacinto, Rancho California area (Long Canyon and De Portola Road), and March ARB. Historically, there were a number of locations concentrated within the Moreno Valley area, however due to the age of the location and the development within the area, the number currently within this area is unknown and receives no Conservation within the MSHCP Conservation Area. Individual locations that are outside the MSHCP Conservation Area include locations at Beaumont, Banning, and Murrieta.</p>			<p>outside the nesting season. Translocation sites for the burrowing owl will be created in the reserve for the establishment of new colonies. Translocation sites will be identified, taking into consideration unoccupied Habitat areas, presence of burrowing mammals, existing colonies and effects to other Covered Species. The Wildlife Agencies will concur with the site selection prior to translocation site development.</p>	

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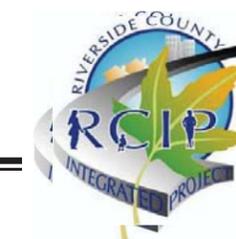


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							Survey Distribution At Least Every "X" Years	Survey Reproduction Every "X" Years	
			<p>Burrowing owl surveys shall be conducted utilizing accepted protocols as follows. If burrowing owls are detected on the project site then the action(s) taken will be as follows:</p> <p>If the site is within the Criteria Area, then at least 90 percent of the area with long-term Conservation value will be included in the MSHCP Conservation Area. Otherwise:</p> <ol style="list-style-type: none"> 1) If the site contains, or is part of an area supporting less than 35 acres of suitable Habitat or the survey reveals that the site and the surrounding area supports fewer than 3 pairs of burrowing owls, then the on-site burrowing owls will be passively or actively relocated following accepted protocols. 2) If the site (including adjacent areas) supports three or more pairs of burrowing owls, supports greater than 35 acres of suitable Habitat and is non-contiguous with MSHCP Conservation Area lands, at least 90 percent of the area with long-term Conservation value and burrowing owl pairs will be conserved onsite. <p>The survey and Conservation requirements stated in this objective will be eliminated when it is demonstrated that Objectives 1 – 4 have been met.</p> <p>Objective 6: Pre-construction presence/absence surveys for burrowing owl within the survey area where suitable Habitat is present will be conducted for all Covered Activities through the life of the permit. Surveys will be conducted within 30 days prior to disturbance. Take of active nests will be avoided. Passive relocation (use of one way doors and collapse of burrows) will occur when owls are present outside the nesting season.</p>						

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							Survey Distribution At Least Every "X" Years	Survey Reproduction Every "X" Years	
			Objective 7: Translocation sites for the burrowing owl will be created in the MSHCP Conservation Area for the establishment of new colonies. Translocation sites will be identified, taking into consideration unoccupied Habitat areas, presence of burrowing mammals to provide suitable burrow sites, existing colonies and effects to other Covered Species. Reserve Managers will consult with the Wildlife Agencies regarding site selection prior to translocation site development.						
cactus wren (<i>Campylorhynchus brunneicapillus</i>)	3	The cactus wren is narrowly distributed at relatively few locations in suitable Habitat within the Plan Area. Although the preferred Habitat, coastal sage scrub, desert scrubs, and Riversidean alluvial fan sage scrub is well distributed, the locations of the cactus wren are clumped in few locations due to its specific Habitat requirements. It requires patches of cactus-dominated sage scrub Habitat in the Riverside Lowland and San Jacinto Foothill Bioregions of the Plan Area. Because this species has specific Habitat requirements (cactus patches), occurs in few locations within a broader Habitat category, and occurs in relatively low numbers within the Plan Area, the cactus wren will require site-specific considerations, a landscape level of management, and species-specific Conservation measures as a Group 3 species.	Objective 1: Include within the MSHCP Conservation Area at least 77,070 acres of suitable Habitat for the cactus wren including desert scrub, Riversidean alluvial fan sage scrub, and coastal sage scrub within Riverside Lowland and San Jacinto Foothill Bioregions. Objective 2: Include within the MSHCP Conservation Area at least 11 Core Areas and interconnecting Linkages including Chino Hills (Proposed Extension of Existing Core 1; 270 acres), Badlands (Proposed Core 3; 24,920 acres), Box Springs Mountains (Existing Noncontiguous Habitat Block A plus Proposed Constrained Linkages 7 and 8; 4,000 acres), Lake Mathews-Estelle Mountain area (Existing Core C plus Proposed Extension of Existing Core 2; 23,710 acres), Alberhill (Subunit 2 of Elsinore Area Plan; 3,460 acres), Motte-Rimrock area MSHCP Conservation Area (Proposed Noncontiguous Habitat Block 4; 1,150 acres), Lake Perris/ Bernasconi Hills (Existing Core H; 17,470 acres), Lake Skinner (Existing Core C plus Proposed Extension of Existing Cores 5, 6, 7; 29,060 acres), Vail Lake (Subunit 3 of Southwest Area Plan; 12,320 acres), Wilson Valley (Subunit 2 of REMAP Area Plan; 33,540 acres), and Aguanga (Subunit 4 of REMAP Area Plan; 2,660 acres). Objective 3: Include within the MSHCP Conservation Area micro-Habitat (<i>i.e.</i> , cactus patches) in potential nesting Habitat.	Conservation for this species will be achieved by inclusion of at least 77,070 acres of suitable Conserved Habitat and 11 of 12 Core Areas within large blocks of Habitat in the MSHCP Conservation Area. In addition, 14 recent and high precision locations will be inside the Criteria Area or Public/Quasi-Public Lands, all of which are recorded for the suitable Habitat of the cactus wren. Conservation also will be provided for the Habitat Linkages between Core Areas as identified above. Additionally, the species-specific Conservation measure for the cactus wren consists of conserving the microHabitat for this species which is composed of cactus patches within the Core Areas within the MSHCP Conservation Area. The current population size of the cactus wren is unknown but has been estimated at 100 to 110 pairs (McKernan 1998 pers. comm.).	The Incidental Take of the cactus wren is difficult to quantify due to our limited knowledge of its distribution and abundance within the Plan Area. The maximum level of Incidental Take of cactus wrens can be anticipated by the loss of the number of acres of potential Habitat that will become unsuitable for this species. About 63,700 acres (45 percent) of potential Habitat for the cactus wren will be outside the Criteria Area and Public/Quasi-Public designations, and individuals within this Habitat will be subject to Incidental Take consistent with the plan. Of this, approximately 19,940 acres of potential Habitat (14 percent) are located within Rural/Mountainous designation areas. While the Rural/Mountainous areas are not included within the MSHCP Conservation Area, will not be managed for the benefit of wildlife, and the existing zoning/ordinances for these areas do not preclude development and could allow substantial fragmentation and/or degradation of Habitat for proposed covered species, the anticipated levels of development of these areas may be consistent with maintaining some Habitat for the cactus wren. A total of 20 locations within the UCR database	None	8	Each Reserve Manager responsible for a Core Area identified in the Species Account will evaluate the condition of cactus patches within the Core Area and maintain a program to enhance and/or create cactus patches, the preferred microHabitat, within the Core Area to keep the areal extent of cactus patches within 10% of that present at the base line surveys. Within each Core area, Reserve Managers will maintain occupancy of at least 80 percent of the cactus wren Habitat determined to be occupied using existing information and baseline surveys. Baseline surveys of the Core Areas will be conducted as necessary (<i>i.e.</i> , where no existing information exists) to determine the number of acres occupied by cactus wren within each core area. Particular management emphasis will be given to fire and fire suppression activities, grazing, farming, competition from non-native species, and Habitat fragmentation and transition.	