

May 14, 2020

Ms. Julia Descoteaux, Associate Planner  
Community Development  
City of Moreno Valley  
14177 Frederick Street  
Moreno Valley, CA 92553

**Subject: World Logistics Center – Additional Errata to the Revised Final EIR**

Dear Ms. Descoteaux:

Subsequent to the distribution of the Final Response to Comments and Revised Final EIR for the World Logistics Center (WLC) Project, Errata to the Revised Final EIR, specifically the Final Response to Comments and Revised Sections of the Final EIR (RSFEIR), were identified. In addition, the City received comment letters on the RSFEIR. The comment letter received by the California Department of Fish and Wildlife (CDFW) included recommended revisions to mitigation measures. These revisions are clarifications and not substantive modifications. The revisions and modifications to mitigation measures are also provided below. Deleted text is shown in ~~strike through~~ and additional text is shown as underline.

**Page 2 of the Final Response to Comments**

There are typographical errors in the listing of the content and format in Section 1.2 of the Final Response to Comments. These revisions are clarifications and not substantive modifications.

- ~~Section 3 – List of Commenters. Provides a list of agencies, organizations and individuals that commented on the Draft EIRs.~~
- **Section 43 – Response to Comments.** Includes a list of agencies, organizations and individuals that commented on the Draft EIRs. This section also includes a copy of the letters received. Each of the comment letters are separated into the type of commenter. Comments within each letter are bracketed and assigned a number designation. This section also provides Response to Comments on environmental issues describing the disposition of the issues, explaining the EIR analysis, supporting the EIR conclusions, and/or providing information or corrections, as appropriate. This section is organized into two subsections: first subsection that includes comments and responses received on the RSFEIR and a second subsection that includes comments and responses received on the Draft Recirculated RSFEIR. Responses to each comment letter follow the corresponding letter. Various comment letters from private individuals that were submitted do not raise any environmental issues or address the adequacy of the RSFEIR or the Draft Recirculated RSFEIR, and therefore, a response to all of these comment letters are provided in Attachment A and the comments within these letters are provided with one response.
- **Section 54 – Errata.** Includes a list of all of the revisions to the RSFEIR, except for the revisions that are included in the Draft Recirculated RSFEIR. The Errata also includes a list of all revisions to the Draft Recirculated RSFEIR as well as new information to be included as part of the administrative record. The

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revisions to the most up-to-date versions of the sections that have been circulated for review in the RSFEIR and Draft Recirculated RSFEIR are identified as deletions (strike-out) and additions (underline) within the Errata. Both draft EIRs (RSFEIR and Draft Recirculated RSFEIR) along with the Errata constitute the Final RSFEIR.

#### **Page 4.15-130 of the RSFEIR**

The last sentence in Mitigation Measure MM 4.15.7.4.E refers to tables that summarize the measures. The reference to these tables were a typographical error and is revised as shown below.

**4.15.7.4E:** In order to ensure that all of the Project’s traffic impacts are mitigated to the greatest extent feasible, the Applicant shall contribute its fair share of the cost of the needed traffic improvements that are not within the City as identified in the Revised Traffic Impact Analysis, i.e., under the jurisdiction of other cities, the County of Riverside or Caltrans, pursuant to MM 4.15.7.4F. As used in this mitigation measure, the Applicant’s “fair share” has been determined in compliance with the requirements of the Fee Mitigation Act, Government Code § 66000 et seq., and, pursuant to § 66001(g), does not require that the Applicant be responsible for making up for any existing deficiencies. The fair share mMitigation is measures are summarized in Tables 72 through 77 of the TIA located in Appendix F of this RSFEIR. ~~4.15-1 to 4.15-13.~~

#### **Final Response to Comments, Attachment Q: SCAQMD**

In Topical Response B, Scoping Plan/State’s Attainment Goals in Section 3.3.2 of the Final Response to Comments, the topical response references Attachment Q which is a letter that the South Coast Air Quality Management District sent to the project sponsor acknowledging the Settlement Agreement and that payment of funds has not occurred and will not occur until approval and development of Project buildings.

Attachment Q was inadvertently not included in the Final Response to Comments. Therefore, Attachment Q is hereby added to the Final Response to Comments and is attached to this letter.

#### **Mitigation Measures Revisions Based on California Department of Fish and Wildlife Comment Letter**

In addition to the above revisions, the California Department of Fish and Wildlife (CDFW) submitted a comment letter via email on May 13, 2020. The CDFW recommended revisions to mitigation measures provided in the Revised Sections of the Final EIR. After review of the CDFW comments on the mitigation measures, the following revisions are added to the Errata for the Revised Final EIR.

#### **Page 4.4-63 of the RSFEIR**

Mitigation Measure 4.4.5.2A is revised as follows:

**4.4.5.2A** Each Plot Plan application shall include a focused plant survey of the proposed development site prepared by a qualified biologist to identify if any of the following sensitive plants (i.e., Coulter’s goldfields, smooth tarplant, Plummer’s mariposa lily, or thread-leaved brodiaea) are present. If any of the listed plants are found, the City will consult with the California Department of Fish and Wildlife

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(CDFW) and the U.S. Fish and Wildlife Service (USFWS). If translocation of the species is deemed appropriate by CDFW and/or USFWS a translocation plan shall be developed and submitted to CDFW and USFWS for review. They may be relocated to the 250-foot setback area outlined in the Specific Plan and discussed in Mitigation Measure 4.4.6.1A. Alternatively, at the applicant's discretion, an impact fee may be paid to the Western Riverside County Regional Conservation Authority (RCA) or other appropriate conservation organizations to offset for the loss of these species. This measure shall be implemented to the satisfaction of the Planning Official.

#### **Page 4.4-80 of the RSFEIR**

Mitigation Measure 4.4.6.3D is revised as follows:

**4.4.6.3D** A pre-construction clearance survey for burrowing owl shall be conducted by a qualified biologist no more than thirty (30) days prior to any grading or ground disturbing activities within the WLC site.

In the event no burrowing owls are observed within the limits of ground disturbance, no further mitigation is required.

If construction is to be initiated during the breeding season (February 1 through August 31) and burrowing owl is determined to occupy any portion of the disturbance area during the 30-day pre-construction survey, construction activity shall maintain a 500-foot buffer area around any active nest/burrow until it has been determined that the nest/burrow is no longer active, and all juveniles have fledged the nest/burrow. If this avoidance buffer cannot be maintained, consultation with the California Department of Fish and Wildlife (CDFW) shall take place and an appropriate avoidance distance established. No disturbance to active burrows shall occur without appropriate permitting through the Migratory Bird Treaty Act and/or California Department of Fish and Wildlife.

If active burrowing owl burrows are detected outside the breeding season (September through January), or within the breeding season but owls are not nesting or in the process of nesting, active and/or passive relocation may be conducted following consultation with the California Department of Fish and Wildlife (CDFW), U.S. Fish and Wildlife Service (USFWS), and the Western Riverside County Regional Conservation Authority (RCA). A relocation plan ~~may~~ will be required by ~~California Department of Fish and Wildlife~~ CDFW, the USFWS, and the RCA if active and/or passive relocation is necessary. The relocation plan shall outline the basic process and provides options for avoidance and mitigation, identify short- and long-term habitat management needs of the receiver site, and identify the entity responsible for all financial costs associated with the relocation plan and long-term management of the receiver site. Construction activity may occur within 500 feet of the burrows at the discretion of the biological monitor in consultation with CDFW.

A relocation plan will ~~may~~ be required by California Department of Fish and Wildlife if active or passive relocation is necessary. Artificial burrows may be constructed within appropriate burrowing owl habitat within the proposed open space/conservation area (Planning Area 30), a 74.3-acre area in the southwest portion of the Specific Plan. This area abuts the Lake Perris State Recreation Area (LPSRA) which is already in conservation. If suitable habitat is not present in Planning Area 30, owls may be relocated following consultation with the CDFW, the USFWS, and RCA, to habitat deemed

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suitable by CDFW, the USFWS, and RCA (which may include to the SJWA, the 250-foot setback area or other suitable on-site or off-site areas). Construction activity may occur within 500 feet of the burrows at the discretion of the biological monitor, following consultation with CDFW, the USFWS, and RCA.

#### **Page 4.4-81 of the RSFEIR**

Mitigation Measure 4.4.6.3E is revised as follows:

**4.4.6.3E** Prior to the approval of any Plot Plans proposing the development of land including or adjacent to Drainage 9, a protocol survey for the Los Angeles Pocket Mouse (LAPM), including 100 feet upstream and downstream of the affected reach shall be prepared by a qualified biologist and submitted to CDFW and the USFWS for review prior to submission to the City. If the affected drainage is not occupied, the area is considered not to be occupied and development can continue without further action. If the species is found within the specific survey area, no development shall occur until an appropriate mitigation fee is paid or appropriate amount of land set aside on the WLC site or off site to compensate for any loss of occupied Los Angeles Pocket Mouse habitat. Alternatively, individuals may be relocated to locations pre-approved by CDFW and the USFWS (which may include to the 250-foot setback zone along the southern boundary of the property identified in Mitigation Measure 4.4.6.1A, or other appropriate areas). ~~as determined by the United States Fish and Wildlife Service.~~ All costs associated with the relocation, as well as short- and long-term management and monitoring of the receiver site shall be the responsibility of the Project Applicant. If necessary, this measure shall also be coordinated with Mitigation Measure 4.4.6.2B regarding preparation and processing of a Determination of a Biological Equivalent or Superior Preservation report. This measure shall be implemented to the satisfaction of the City Planning Division following coordination with CDFW and the USFWS.

#### **Page 4.4-77 of the RSFEIR**

Mitigation Measure 4.4.6.2C is revised as follows:

**4.4.6.2C** Prior to issuance of any grading permit for any offsite improvements that support development within the WLC site, the developer shall retain a qualified biologist to prepare a jurisdictional delineation (JD) for any drainage channels affected by construction of the offsite improvements. This jurisdictional delineation shall be submitted to the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board, and California Department of Fish and Wildlife (CDFW) for review and concurrence. If the offsite improvements are deemed by the regulatory agencies to not require regulatory permits/agreements, a written copy of this determination shall be submitted to the City. ~~will not affect any identified jurisdictional areas, no United States Army Corps of Engineers permitting is required.~~ The Applicant shall consult with ~~However, permitting through~~ the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (i.e., Streambed Alteration Agreement) ~~may still be required for these improvements. The applicant shall consult with and~~ United States Army Corps of Engineers, California Department of Fish and Wildlife and Regional Water Quality Control Board to establish the need for permits based on the results of the current stream mapping 2013 jurisdictional delineation and final design plans for each of the proposed the facilities. Consultation with the three agencies shall take place and appropriate permits obtained. Compensation

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for losses associated with any altered offsite drainages shall be in agreement with the permit conditions with a minimum 1:1 mitigation ratio. Any landscaping associated with these offsite improvements shall use only native species to help protect biological resources residing within or traveling through these drainages per Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Table 6.1.2. This measure shall be implemented to the satisfaction of the City Planning Division in consultation with the Regional Water Quality Control Board ~~U.S. Fish and Wildlife Service~~, U.S. Army Corps of Engineers, and the California Department of Fish and Wildlife.

#### **Page 4.4-81 of the RSFEIR**

Mitigation Measure 4.4.6.3F is revised as follows:

**4.4.6.3F** Prior to approval of any discretionary permits for development within Planning Areas 10 and 12, a Biological Resource Management Plan (BRMP) shall be prepared to prescribe how the 250-foot setback area outlined in Mitigation Measure 4.4.6.1A will be developed and maintained. This plan shall identify frequent and infrequent vegetation management requirements (i.e., removal of invasive plants) and the planting and maintaining trees to provide roosting and nesting opportunities for raptors and other birds. The Biological Resource Management Plan shall also describe how relocation of listed or sensitive species will occur from other locations as outlined in Mitigation Measures 4.4.5.2A, 4.4.6.3D, and 4.4.6.3E.

The Biological Resource Management Plan shall be reviewed and approved by the Planning Official in consultation with California Department of Fish and Wildlife ~~the San Jacinto Wildlife Area Manager~~. The Biological Resource Management Plan shall cover all the land within the 250-foot setback zone within Planning Areas 10 and 12. Implementation of the plan shall be supervised by a qualified biologist, to the satisfaction of the City Planning Division.

The above revision to mitigation measure 4.15.7.4E is provided in the Mitigation Monitoring and Reporting Program.

#### **Page 4.4-82 of the RSFEIR**

Mitigation Measure 4.4.6.3J is revised as follows:

**4.4.6.3J** A Fuel Management Plan shall be prepared on a project-by-project basis for those Planning Areas adjacent to the south and east boundary of the WLC site adjacent to Western Riverside County Multiple Species Habitat Conservation Plan Conservation Areas and/or San Jacinto Wildlife Area (SJWA) lands. The Fuel Management Plan shall be prepared by the project applicant and submitted for approval ~~to the~~ prior to plot plan approval for those projects on the southern and eastern Western Riverside County Multiple Species Habitat Conservation Plan and/or SJWA boundary. Per the Western Riverside County Multiple Species Habitat Conservation Plan guidelines, the Fuel Management Plan shall include the following:

- A plant palette of adequate plant species that may be planted within the Fuel Management Area, which will be approved by a biologist familiar with the plant requirements of the area.

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- A list of non-native invasive plants that are prohibited from installation.
- Maintenance activities and a maintenance schedule.

Fuel modification zones shall be mapped and include an impact assessment as required under California Environmental Quality Act guidelines for a project-level analysis. The plan shall demonstrate that the adjacent Western Riverside County Multiple Species Habitat Conservation Plan Areas and SJWA lands are adequately protected from expected fire risks.

The above revisions to portions of the Revised Final EIR, specifically the Final Response to Comments and the RSFEIR, are modifications and clarifications, but none of the revisions provide significant new information that requires recirculation of the Revised Final EIR in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088.5.

Sincerely,



Michael E. Houlihan, AICP  
Principal Associate

Attachment: Final Response to Comments, Attachment Q: SCAQMD

Attachment Q  
**SCAQMD Letter**





**South Coast  
Air Quality Management District**

21865 Copley Drive, Diamond Bar, CA 91765-4182  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

*Office of the Executive Officer  
Wayne Nastri  
909.396.2100, fax 909.396.3340*

February 12, 2020

**Iddo Benzeevi, President and CEO**  
Highland Fairview  
14225 Corporate Way  
Moreno Valley, CA 92553

Re: World Logistics Center

Dear Mr. Benzeevi,

Thank you for reaching out regarding the World Logistics Center project in Moreno Valley.

As you are aware, the South Coast AQMD Governing Board has always been committed to using future funds from the 2016 settlement towards projects that will result in air quality improvements for those most affected by emissions related to the World Logistics Center, in particular by prioritizing projects that reduce exposure in the local community.

To date, South Coast AQMD has not received any funding from the settlement and we do not anticipate receiving any funds until your ongoing litigation with other parties has been resolved, construction has occurred, and certificates of occupancy are issued. Once construction begins, we estimate that funding will be received in small increments - perhaps \$1 to \$2 million annually over about a 15-year period. Because air quality improvement projects can be costly (for example one zero emission truck could cost \$150,000 more than an equivalent diesel truck), solicitations for air quality improvement projects are not anticipated until sufficient funding is received. Once the first increment of funding is received, South Coast AQMD will ensure that there is an open public process and will work with local residents, community groups, and other stakeholders to identify priorities and provide direct feedback on proposed air quality improvement projects before solicitations are issued and projects are selected.

As no funds are in place and no specific projects have been proposed, South Coast AQMD and the Governing Board cannot commit that settlement funds will go towards air quality improvement projects implemented within the World Logistics Center site. However, as stated previously, we intend to prioritize projects that benefit the surrounding communities most impacted by the project. Note that the use of the settlement funds for any proposed projects will be reviewed and approved by the Governing Board on a case-by-case basis.



Iddo Benzeevi  
Highland Fairview

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February 12, 2020

Again, South Coast AQMD and the Governing Board look forward to investing settlement funds in projects that will improve air quality and reduce emissions in areas affected by the World Logistics Center.

Sincerely,

*Jill Whynot, COO*

*for* Wayne Nastri  
Executive Officer

WN/drw