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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



October 22, 2020  
*Sent via email*

**Governor's Office of Planning & Research**

**Oct 28 2020**

**STATE CLEARINGHOUSE**

Christina Taylor  
Community Development Director  
City of Beaumont  
550 East 6<sup>th</sup> Street  
Beaumont, CA 92223  
[Ctaylor@beaumontca.gov](mailto:Ctaylor@beaumontca.gov)

Subject: Draft Program Environmental Impact Report  
City of Beaumont  
Beaumont General Plan Update (Beaumont 2040 Plan)  
State Clearinghouse No. 2018031022

Dear Ms. Taylor:

The California Department of Fish and Wildlife (CDFW) received the proposed Draft Program Environmental Impact Report (DEIR) on September 8, 2020 from the City of Beaumont (City) for the Beaumont General Plan Update (Beaumont 2040 Plan) Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### **CDFW ROLE**

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION SUMMARY**

The City and City's Sphere of Influence (SOI), collectively referred to as the "Planning Area," is located in the northwestern portion of Riverside County (County), and is bounded by the City of Calimesa to the northwest, unincorporated areas of the County to the west, unincorporated County areas (e.g., Cherry Valley) to the north, unincorporated County areas and the City of San Jacinto to the south, and by the City of Banning to the east. The Planning Area encompasses approximately 41.51 square miles (26,566 acres). Major transportation routes through the Planning Area include Interstate 10 (I-10), State Route 60 (SR-60), and State Route 79 (SR-79).

The proposed Project includes:

1. Adoption and implementation of the General Plan Update (Beaumont 2040 Plan);
2. Adoption and implementation of the revised Zoning Ordinance and Zoning Map.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The comments and recommendations are also offered to enable CDFW to adequately review and comment on the proposed Project with respect to the Project's consistency with the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP).

CDFW recognizes that the general plan EIR need not be as detailed as CEQA documents prepared for specific projects that may follow (CEQA Guidelines § 15146). CDFW also recognizes that the level of detail should be reflective of the level contained in the plan or plan element being considered (*Rio Vista Farm Bureau Center v. County*

of Solano (1992) 5 Cal.App.4th 351). However, please note that the City cannot defer the analysis of significant effects of the general plan to later-tiered CEQA documents (Stanislaus Natural Heritage Project v. County of Stanislaus (1996) 48 Cal.App.4th 182).

### **Western Riverside County Multiple Species Habitat Conservation Plan**

CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the Western Riverside County MSHCP per section 2800, *et seq.*, of the California Fish and Game Code on June 22, 2004. The MSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit.

Compliance with approved habitat plans, such as the MSHCP, is discussed in CEQA. Specifically, section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the MSHCP as a result of this Project is necessary to address CEQA requirements. To obtain additional information regarding the MSHCP please go to: <http://rctlma.org/epd/WR-MSHCP>.

The City is a Permittee to the MSHCP and its associated Implementing Agreement. Section 13.2 of the Implementing Agreement identifies County and Cities Obligations under the MSHCP and states that the County and Cities will “Adopt and maintain ordinances or resolutions as necessary, and amend their general plans as appropriate, to implement the requirements and to fulfill the purposes of the Permits, the MSHCP and this [Implementing] Agreement for private and public development projects...” Following review of the DEIR, CDFW is concerned that the City has not adequately identified the City’s obligations under the MSHCP and its Implementing Agreement. CDFW’s review has identified specific concerns related to the following sections of the DEIR: Wildfires, Land Use Adjacency, MSHCP Criteria Areas (Joint Project Review), Covered Species, Transportation Projects, and Annexation.

CDFW recommends that the forthcoming DEIR address the following:

### **Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources**

The FEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project (including the plan’s land use designations, policies and programs). To ensure that Project impacts to biological resources are fully analyzed, CDFW requests the following additional information to be included or revised in the FEIR:

*Wildfires*

The Beaumont 2040 Plan includes implementation of policies to protect human life, land and property from the effects of wildland fire hazards, including:

Policy 9.6.6: Require property owners to clear brush and high fuel vegetation and maintain fire-safe zones (a minimum distance of 30 feet from the structure or to the property line, whichever is closer) to reduce the risk of fires. For structures located within a Very High Fire Hazard Severity Zone, the required brush distance is up to 200 feet from structures up to their property line.

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Policy 9.6.8: Require that developments located in wildland interface areas incorporate and enforce standards for construction, including a fuel modification program (i.e., brush clearance, planting of fire-retardant vegetation) to reduce the threat of wildfires.

The City, through their planning processes, should be ensuring that defensible space is provided and accounted for *within proposed development areas*, and not transferred to adjacent open space or conservations lands (Fuels Management, Section 6. 4. of the MSHCP). The DEIR identifies areas of Public/Quasi Public Conserved Lands and Open Space within the Project area. CDFW requests that the FEIR clearly identify: (1) if these lands are being proposed as mitigation to offset impacts associated with future projects; and (2) if these lands are also proposed to serve as defensible space. Please note that lands proposed to be managed for defensible space purposes will have lower conservation resource value as they require in-perpetuity vegetation management. CDFW recommends the inclusion of the following new measure in the FEIR:

**MM BIO-[XX]: With respect to defensible space and impacts to Biological Resources, future projects shall fully describe and identify the location, acreage, and composition of defensible space *within* the proposed Project footprint prior to issuance of any grading permit. Future projects shall be designed so that impacts associated with defensible space (fuel modification, fire breaks, etc.) shall not be transferred to adjacent open space or conservations lands.**

#### *Adjacent Conserved and Public Lands*

The proposed Project has the potential to impact lands managed by the Bureau of Land Management (BLM) the Western Riverside County Regional Conservation Authority (RCA) and other nearby public lands (e.g. National Forests, State Parks, State Wildlife Areas, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands). CDFW encourages the City to contact the BLM and RCA and other public land managers to determine if any portion of the project will impact adjacent

conserved lands, and to work collaboratively to avoid and minimize impacts. CDFW recommends the inclusion of the following new measure in the FEIR:

**MM BIO-[XX]: Prior to issuance of any grading permit, future projects shall be assessed for potential impacts to adjacent conserved lands. The City shall contact adjacent public land managers to determine if any portions of the future projects will impact adjacent conserved lands, and design future projects to avoid and minimize impacts to other nearby public lands (e.g. National Forests, State Parks, State Wildlife Areas, BLM, RCA etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).**

#### *Joint Project Review*

To ensure the requirements of the MSHCP are properly met, future implementing projects within MSHCP Criteria Areas are subject to the Joint Project Review (JPR) process (Joint Project/Acquisition Review Process, Section 6.6.2.E of the MSHCP) through the Western Riverside County Regional Conservation Authority (RCA), as well as demonstrating consistency with other MSHCP requirements. Because the Project identifies activities within MSHCP Criteria Cells, CDFW recommends that the City include a new mitigation measure in the FEIR conditioning the Project to demonstrate compliance with the MSHCP and its associated Implementing Agreement. CDFW recommends the inclusion of the following new measure in the FEIR:

**MM BIO-[XX]: Prior to issuance of any grading permit, future projects within MSHCP Criteria Areas shall demonstrate compliance with the MSHCP and its associated Implementing Agreement, via the completion of the Joint Project Review (JPR) process through the Western Riverside County Regional Conservation Authority (RCA), or via the provision of written correspondence from the RCA, United States Fish and Wildlife Service, and California Department of Fish and Wildlife stating that the Project is not subject to the JPR process.**

#### *Species Not Adequately Conserved*

According to Section 2.1.4 of the MSHCP (Volume 1), 118 of the 146 Covered Species are considered to be adequately conserved. The remaining 28 Covered Species will be considered to be adequately conserved when certain conservation requirements are met as identified in the species-specific conservation objectives for those species. For 16 of the 28 species, particular species-specific conservation objectives, which are identified in MSHCP Table 9-3 (Volume 1 of the Plan), must be satisfied to shift those particular species to the list of Covered Species Adequately Conserved. For the

remaining 12 species, a Memorandum of Understanding must be executed with the Forest Service that addresses management for these species on Forest Service Land in order to shift these species to the list of Covered Species Adequately Conserved.

The DEIR lists the MSHCP status of Mojave tarplant (*Deinandra mohavensis*) as “Covered” (Table 5.4A of the DEIR). CDFW requests the FEIR clarify that although Mojave tarplant is a covered species in the MSHCP, incidental take is not available until Mojave tarplant conservation Species Conservation Objective 3 has been met (p. P-194, Volume II of the MSHCP). Objective 3 states “Include within the MSHCP Conservation Area at least four localities (locally in this sense is not smaller than one quarter section) occupying at least 100 acres.” At the time of this letter, Mojave tarplant Object 3 has not been met, the species is not adequately conserved and incidental take is not available for this species. CDFW recommends the inclusion of the following new measure in the FEIR:

**MM BIO-[XX]: Prior to final plan check (or equivalent), future projects shall demonstrate compliance with the MSHCP and its associated Implementing Agreement via avoidance of Species Not Adequately Conserved that have not met required species-specific conservation objectives per the Western Riverside (Section 2.1.4), such as the Mojave tarplant (*Deinandra mohavensis*). Take of Species Not Adequately Conserved is not allowed until specific-species conservation objectives are met. Future implementing Project activities should be designed to completely avoid any Species Not Adequately Conserved present within or adjacent to the Project area.**

### *Transportation*

The Transportation section (Section 4.2) evaluates transportation impacts associated with implementation of the Project. Included in this section are the City’s future intersections and roadway segments. CDFW was unable to find discussion of, or reference to, how the City’s proposed transportation network will demonstrate compatibility with the goals and objectives of the MSHCP; specifically, with Planned Roads within the Criteria Area (MSHCP section 7.3.5). CDFW also recommends that the City demonstrate how future Project will be consistent with Section 7.0 of the MSHCP. For future projects proposed within Public/Quasi-Public Lands, the FEIR should include a discussion of the Project and its consistency with MSHCP Section 7.2, and for projects proposed inside the MSHCP Criteria Area, the FEIR should include a discussion of the Project and its consistency with Section 7.3 of the MSHCP. Where maintenance of existing roads within the Criteria Area is proposed, CDFW recommends that the City reference MSHCP Section 7.3.4 and Table 7-3, which provides a summary of the existing roads permitted to remain in the MSHCP Criteria Area. Planned roads within the MSHCP Criteria Area are discussed in MSHCP Section 7.3.5 and identified on Figure 7-1. Please note that roadways other than those identified in Section 7.3.5 of

the MSHCP are not covered without an amendment to the MSHCP in accordance with the procedures described in MSHCP Section 6.10. CDFW recommends that the City review MSHCP Section 7.3.5 and include in the FEIR information that demonstrates that Project-related roads are MSHCP covered activities. The FEIR should also discuss design and siting information for all proposed roads to ensure that the roads are sited, designed, and constructed in a manner consistent with MSHCP conservation objectives.

CDFW recommends that the City include a new mitigation measure in the FEIR conditioning all forthcoming road projects to demonstrate consistency with the MSHCP and its associated Implementing Agreement. CDFW recommends the inclusion of the following new measure in the FEIR:

**MM BIO-[XX]: Prior to final plan check (or equivalent), all proposed road Projects within MSHCP Criteria Cells shall demonstrate compliance with the MSHCP and its associated Implementing Agreement, via the completion of appropriate review and consistency determinations by the Western Riverside County Regional Conservation Authority (RCA), including at a minimum: Joint Project Review (JPR), and potentially a Major Amendment to the MSHCP (if deemed necessary by the United States Fish and Wildlife Service, and California Department of Fish and Wildlife).**

CDFW recommends that the FEIR also include a discussion of the Project and MSHCP Section 7.4, which identifies and discusses allowable uses in the MSHCP Conservation Area. For example, if trails are proposed as part of the Project, the FEIR should discuss whether the trail is identified on Figure 7-4, and provide details regarding trail construction (siting and design), and operations and maintenance that demonstrate that the proposed trail is consistent with MSHCP Section 7.4.

**MM BIO-[XX]: Prior to final plan check (or equivalent), all proposed trail Projects within MSHCP Criteria Cells shall demonstrate compliance with the MSHCP and its associated Implementing Agreement, via the completion of appropriate review and consistency determinations by the Western Riverside County Regional Conservation Authority (RCA), including at a minimum: Joint Project Review (JPR), and potentially a Major Amendment to the MSHCP (if deemed necessary by the United States Fish and Wildlife Service, and California Department of Fish and Wildlife).**

### *Annexation*

The DEIR identifies that the Project may include future annexation of property to the City of Beaumont. Annexation and deannexation of lands within the MSHCP is discussed in Section 11.5 of the Implementing Agreement. Section 11.5 states that each MSHCP Permittee shall enforce the terms of the MSHCP, the Permits, and the Implementing Agreement, to all individuals or entities subject to the Permittee's jurisdiction, including lands in the MSHCP annexed into the Permittees' jurisdiction,

provided that the Minor Amendment requirements of Section 20.4.1(E) of the Implementing Agreement and Section 6.10.2 of the MSHCP have been met. Section 20.4.1(E) of the Implementing Agreement provides that for an annexation/deannexation to be considered as a Minor Amendment, it cannot *preclude MSHCP Reserve Assembly, significantly increase the cost of the MSHCP Conservation Area management or assembly or preclude achieve Covered Species conservation goals*. If these Minor Amendment requirements cannot be met, a Major Amendment will be required. CDFW recommends that the FEIR specifically address whether lands annexed/deannexed as part of the Project will the requirements of a Minor Amendment, as provided in MSHCP Section 6.10.2 and Section 20.4 of the Implementing Agreement.

### **Mitigation Measures for Project Impacts to Biological Resources**

CDFW recommends that the FEIR identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. The County should assess all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the Project and its long-term operation and maintenance. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW requests that the FEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species. CDFW recommends the inclusion of the following new measure in the FEIR:

**MM BIO-[XX]: Fully protected species may not be taken or possessed at any time. Future implementing Project activities should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area.**

2. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take,

possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.

CDFW recommends that the FEIR include additional specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. If pre-construction surveys are proposed in the DEIR, CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

MM BIO-2 defines the peak avian breeding season as February 15 to August 31. Because instances of nesting have been documented outside of this date range CDFW does not recommend relying on seasonal restrictions alone to avoid impacts to nesting birds, as nesting dates vary from year to year and some species may nest year-round. Instead, we recommend that a qualified ornithologist conduct nesting surveys prior to initiating vegetation removal and/or ground disturbing activities even outside of the peak nesting season. Because some species of bird nest directly on the ground CDFW also recommends that surveys be conducted across the entirety of the Project site, and not be limited to only those areas supporting vegetation.

CDFW recommends that at a minimum, the City revise MM BIO-2 and condition the measure to include the following (edits are in **bold** and ~~strikethrough~~):

**MM BIO-2: To ensure compliance with Fish and Game Code sections 3503, 3503.5, and 3513 no direct impacts shall occur to any nesting birds, their eggs, chicks, or nests.** If future implementing project activities are planned during the bird nesting (~~February 15 to August 31~~) season ~~and there are trees or vegetation on or adjacent site~~, nesting bird survey(s) consisting of up to three (3) site visits within ~~7~~ **3** days prior to ground disturbance, clearing and/or demolition activities shall be conducted to ensure birds protected under the Migratory Bird Treaty Act (MBTA) **and Fish and Game Code sections 3503, 3503.5, and 3513** are not disturbed by on-site activities. Any such survey(s) shall be conducted by a qualified biologist. If no active nests are found, no additional measures are required.

If active nests are found, the nest locations shall be mapped by the biologist. The nesting bird species shall be documented and, to the degree feasible, the nesting stage (e.g., incubation of eggs, feeding of young, near fledging) determined. Based on the species present and surrounding habitat, a no-disturbance buffer

shall be established around each active nest. The buffer shall be identified by a qualified biologist and confirmed by the City. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the City and construction supervisor that activities may resume.

3. *Moving out of Harm's Way*: To avoid direct mortality, CDFW recommends that the lead agency revise the FEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss. CDFW recommends the inclusion of the following new measure in the FEIR:

**MM BIO-[XX]: In the scenario special status species or other wildlife of low or limited mobility would otherwise be injured or killed from future implementing project-related activities, a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed.**

### **California Endangered Species Act**

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the Project; unless this Project is proposed to be a covered activity under the MSHCP. CESA ITPs are issued to conserve, protect, enhance, and restore State-listed CESA species and their habitats.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. The California Fish and Game Code requires that CDFW comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the DEIR

addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of CESA.

Based on review of CNDDDB, and/or knowledge of the project site/vicinity/general area, CDFW is aware that the following CESA-listed species have the potential to occur onsite/have previously been reported onsite: Crotch bumble bee (*Bombus crotchii*) and Mountain Lion (*Puma concolor*). Both Crotch bumble bee and Southern California Mountain Lion are Candidate Species under review by CDFW for listing. Candidates are given full CESA protection. Fish & G. Code, §2068.

CDFW requests that Table 5.4-B within the FEIR include both Crotch bumble bee and Southern California Mountain Lion and their special status as CESA Candidate Species.

### **ADDITIONAL COMMENTS AND RECOMMENDATIONS**

To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts, and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens (for example the Riverside-Corona Resource Conservation District in Riverside). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <http://saveourwater.com/what-you-can-do/tips/landscaping/>

### **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

### **FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be

Christina Taylor, Community Development Director  
City of Beaumont  
October 22, 2020  
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operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

## CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR for the City of Beaumont's Beaumont General Plan Update (Beaumont 2040 Plan) (SCH No. 2018031022). CDFW recommends that the County address the comments and concerns identified in this letter in the forthcoming revised DEIR or FEIR. If you should have any questions pertaining to the comments provided in this letter, please contact Eric Chan, Environmental Scientist, at (909) 483-6317 or at [eric.chan@wildlife.ca.gov](mailto:eric.chan@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
DF423498814B441...

For  
Scott Wilson  
Environmental Program Manager

ec: California Department of Fish and Wildlife  
HCPB CEQA Coordinator

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**ATTACHMENT 1**

Mitigation Measure	Timing and Methods	Responsible Parties
Biological Resources		
<p><b>MM BIO-[X]:</b> Prior to issuance of any grading permit, future projects within MSHCP Criteria Areas shall demonstrate compliance with the MSHCP and its associated Implementing Agreement, via the completion of the Joint Project Review (JPR) process through the Western Riverside County Regional Conservation Authority (RCA), or via the provision of written correspondence from the RCA, United States Fish and Wildlife Service, and California Department of Fish and Wildlife stating that the Project is not subject to the JPR process.</p> <p><b>MM BIO-[X]:</b> Fully protected species may not be taken or possessed at any time. Future implementing Project activities should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area.</p>	<p><b>Timing:</b> Prior to issuance of any grading permit</p> <p><b>Methods:</b> Prior to issuance of a Grading Permit, Project Applicant shall submit to the City of Beaumont a Western Riverside County Multiple Species Habitat Conservation Plan Consistency Analysis for review and consistency determination. Upon completion of the City's review, the Consistency Analysis is transmitted to the RCA and then the United States Fish and Wildlife Service and California Department of Fish and Wildlife for review and consistency determination.</p> <p><b>Timing:</b> Prior to final plan check</p> <p><b>Methods:</b> If the potential for fully protected species exist or suitable habitat exists on site, focused surveys shall be completed within one year of the submittal to the City for review. Focused surveys conducted in the appropriate season for each species, as identified in the habitat assessment report, shall be</p>	<p><b>Implementation:</b> City of Beaumont</p> <p><b>Monitoring and Reporting:</b> City of Beaumont and Western Riverside County Regional Conservation Authority.</p> <p><b>Implementation:</b> City of Beaumont</p> <p><b>Monitoring and Reporting:</b> City of Beaumont</p>

<p><b>MM BIO-[X]:</b> In the scenario special status species or other wildlife of low or limited mobility would otherwise be injured or killed from future implementing project-related activities, a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm’s way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed.</p>	<p>conducted to determine presence/absence status.</p> <p><b>Timing:</b> Prior to issuance of any grading permit and during Project activities</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Beaumont</p> <p><b>Monitoring and Reporting:</b> City of Beaumont</p>
<p><b>MM BIO-[XX]:</b> With respect to defensible space and impacts to Biological Resources, future projects shall fully describe and identify the location, acreage, and composition of defensible space <i>within</i> the proposed Project footprint prior to issuance of any grading permit. Future projects shall be designed so that impacts associated with defensible space (fuel modification, fire breaks, etc.) shall not be transferred to adjacent open space or conservations lands.</p>	<p><b>Timing:</b> Prior to final plan check, or equivalent.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Beaumont</p> <p><b>Monitoring and Reporting:</b> City of Beaumont</p>

<p><b>MM BIO-[XX]:</b> Prior to issuance of any grading permit, future projects shall be assessed for potential impacts to adjacent conserved lands. The City shall contact adjacent public land managers to determine if any portions of the future projects will impact adjacent conserved lands, and design future projects to avoid and minimize impacts to other nearby public lands (e.g. National Forests, State Parks, State Wildlife Areas, BLM, RCA etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).</p>	<p><b>Timing:</b> Prior to ground disturbance.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Beaumont</p> <p><b>Monitoring and Reporting:</b> City of Beaumont</p>
<p><b>MM BIO-[XX]:</b> Prior to final plan check (or equivalent), future projects shall demonstrate compliance with the MSHCP and its associated Implementing Agreement via avoidance of Species Not Adequately Conserved that have not met required species-specific conservation objectives per the Western Riverside (Section 2.1.4), such as the Mojave tarplant (<i>Deinandra mohavensis</i>). Take of Species Not Adequately</p>	<p><b>Timing:</b> Prior final plan check.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Beaumont</p> <p><b>Monitoring and Reporting:</b> City of Beaumont</p>

<p><b>Conserved is not allowed until specific-species conservation objectives are met. Future implementing Project activities should be designed to completely avoid any Species Not Adequately Conserved present within or adjacent to the Project area.</b></p>	<p><b>Timing:</b> Prior to final plan check</p>	<p><b>Implementation:</b> City of Beaumont</p>
<p><b>MM BIO-[XX]: Prior to final plan check (or equivalent), all proposed road Projects within MSHCP Criteria Cells shall demonstrate compliance with the MSHCP and its associated Implementing Agreement, via the completion of appropriate review and consistency determinations by the Western Riverside County Regional Conservation Authority (RCA), including at a minimum: Joint Project Review (JPR), and potentially a Major Amendment to the MSHCP (if deemed necessary by the United States Fish and Wildlife Service, and California Department of Fish and Wildlife).</b></p>	<p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Monitoring and Reporting:</b> City of Beaumont</p>
<p><b>MM BIO-[XX]: Prior to final plan check (or equivalent), all proposed trail Projects within MSHCP Criteria Cells shall demonstrate</b></p>	<p><b>Timing:</b> Prior to ground disturbance.</p>	<p><b>Implementation:</b> City of Beaumont <b>Monitoring and Reporting:</b> City of Beaumont</p>

<p><b>compliance with the MSHCP and its associated Implementing Agreement, via the completion of appropriate review and consistency determinations by the Western Riverside County Regional Conservation Authority (RCA), including at a minimum: Joint Project Review (JPR), and potentially a Major Amendment to the MSHCP (if deemed necessary by the United States Fish and Wildlife Service, and California Department of Fish and Wildlife).</b></p> <p><b>MM BIO-2 (Revised):</b></p> <p><b>To ensure compliance with Fish and Game Code sections 3503, 3503.5, and 3513 no direct impacts shall occur to any nesting birds, their eggs, chicks, or nests.</b> If future implementing project activities are planned during the bird nesting <del>(February 15 to August 31)</del> season <del>and there are trees or vegetation on or adjacent site</del>, nesting bird survey(s) consisting of up to three (3) site visits within <del>7</del> <b>3</b> days prior to ground disturbance, clearing and/or demolition activities shall be conducted to ensure birds protected under the Migratory Bird Treaty Act (MBTA) <b>and Fish and Game Code sections 3503, 3503.5, and</b></p>	<p><b>Timing:</b> Prior to ground disturbance.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Beaumont</p> <p><b>Monitoring and Reporting:</b> City of Beaumont</p>
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<p><b>3513</b> are not disturbed by on-site activities. Any such survey(s) shall be conducted by a qualified biologist. If no active nests are found, no additional measures are required.</p> <p>If active nests are found, the nest locations shall be mapped by the biologist. The nesting bird species shall be documented and, to the degree feasible, the nesting stage (e.g., incubation of eggs, feeding of young, near fledging) determined. Based on the species present and surrounding habitat, a no-disturbance buffer shall be established around each active nest. The buffer shall be identified by a qualified biologist and confirmed by the City. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the City and construction supervisor that activities may resume.</p>		
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