

## Notice of Determination

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**To:**

Office of Planning and Research  
For U.S. Mail:

P.O. Box 3044

Sacramento, CA 95812-3044

*Street Address:*

1400 Tenth Street  
Sacramento, CA 95814

**From:**

Department of Fish and Wildlife  
Inland Deserts Region  
3602 Inland Empire Blvd, Ste C220  
Ontario, CA 91764  
Contact: Jacob Skaggs  
Phone: 951-218-0320



**Lead Agency:**

City of Beaumont  
99 E. Ramsey Street  
Beaumont, CA 92220  
Contact: Christina Taylor  
Phone: 951-769-8518

**SUBJECT: *Filing of Notice of Determination pursuant to Public Resources Code section 21108***

**State Clearinghouse Number:** 2007091149

**Project Title:** Phase III, IV, and City of Banning Water Tank Project at Atwell Development (Streambed Alteration Agreement, Notification No. EPIMS-RIV-22965-R6)

**Project Location (include county):** Phase III, IV, and City of Banning Water Tank Project at Atwell Development (Project) consists of portions of Phases III, IV, VI, and VII of the Atwell (formerly Butterfield) Specific Plan Improvements located in in the City of Banning, Riverside County, California. The portion of Phase III included in this notification covers 83.42 acres and is located in the southeastern corner of the Project north of Wilson Street, south of the Southern California Edison (SCE) easement, east of Smith Creek, and west of the Pershing Channel. Phase III is located at latitude 33.937550 and longitude -116.934289 and within Section 1, Township 3 South, and Range 1 West. The portion of Phase IV in this notification covers 93.78 acres and is located south of the SCE easement, north of Phase III, west of the Pershing Channel and Highland Home Road, and east of Smith Creek. Phase IV is located at latitude 33.943630 and longitude -116.933753 and within Section 1, Township 3 South, and Range 1 West. The City of Banning Reservoir and its Associated Infrastructure is located within portions of Phase VI and VII of the property and is located north of the SCE easement and east of Smith Creek. This area covers 36.66 acres and is located at latitude 33.947907 and longitude -116.924036 within Section 36, Township 2 South, and Range 1 West and Section 31, Township 2 South, and Range 1 East. The site is bounded by undeveloped land to the north, east, and west, as well as the SCE easement to the south.

**Project Description:** The California Department of Fish and Wildlife (CDFW) has executed Streambed Alteration Agreement number EPIMS-RIV-22965-R6, pursuant to section 1602 of the Fish and Game Code to the Project Applicant, Tri Pointe Homes, as represented by Michael Heishman.

The Project consists of impacts to streams associated with the construction of a master-planned community consisting of up to 1,200 low and medium density residential units, parks, open space components, a 3.76-million-gallon reservoir, temporary borrow areas, roadways, staging areas, and on- and off-site infrastructure improvements on approximately 214 acres of land. The Project activities included under this Agreement, which will all be located within the limits of disturbance within Phases III, IV, VI, and VII areas, are: 1) grading and fill of ephemeral streams across the limits of disturbance areas, including sections of Pershing Creek; 2) construction of a concrete channel along the eastern edge of Phase VII area that conveys storm flows into a detention basin located in the southeast corner of the Phase VII area; 3) construction of a concrete channel along the western edge of Phase IV to capture and convey storm flows south into a detention basin located in Phase III; 4) construction of a detention basin on the western edge of Phase III; and 5) the construction of an underground culvert along the eastern edge of Phase III over which a road will be constructed.

The Project will permanently impact a total of 2.70 acres of fish and wildlife resources subject to Fish and Game Code section 1600 et seq. To compensate for permanent impacts to 2.70 acres of fish and wildlife resources subject to Fish and Game Code section 1600 et seq., the Project Proponent shall purchase no less than 2.70 acres of streambed habitat re-establishment credits and 2.70 acres of streambed habitat rehabilitation credits through a CDFW-approved mitigation bank within the Santa Ana River or San Jacinto River Watersheds.

This is to advise that CDFW, acting as a Responsible Agency, approved the above-described project on January 20, 2022, and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project  will /  will not have a significant effect on the environment. This determination is limited to effects within CDFW's permitting jurisdiction as a Responsible Agency.
2. CDFW considered the environmental impact report prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures  were /  were not made a condition of CDFW's approval of the project.
4. A mitigation reporting or monitoring plan  was /  was not adopted by CDFW for this project.
5. A statement of overriding considerations  was /  was not adopted by CDFW for this project.
6. Findings  were /  were not made by CDFW pursuant to California Code of Regulations section 15091.

The environmental impact report prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record of project approval as Responsible Agency is available at CDFW's regional office.

DocuSigned by:  
  
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1/20/2022

Signature

Date:

Scott Wilson, Environmental Program Manager

Date Received for filing at OPR: \_\_\_\_\_