

**FINAL INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION
Cherry Channel Drainage Project
BEAUMONT, CALIFORNIA**

Prepared for:

CITY OF BEAUMONT
Public Works Department
550 East Sixth Street
Beaumont, CA 92223



Prepared by:



CHAMBERS GROUP, INC.
3151 Airway Avenue Suite F208
Costa Mesa, California 92626
(949) 261-5414

June 2025

TABLE OF CONTENTS

SECTION 1.0 - INTRODUCTION..... 2

SECTION 2.0 - PROJECT DESCRIPTION 3

 A. PROJECT PURPOSE 3

 B. PROJECT LOCATION AND SITE CHARACTERISTICS 3

 1. PROJECT LOCATION, SETTING, AND SURROUNDING USES 3

 C. PROJECT DESCRIPTION..... 3

 D. CONSTRUCTION AND OPERATION 4

 1. STAGING AREAS..... 4

 2. BEST MANAGEMENT PRACTICES (BMPS) 4

 E. REQUIRED PERMITS AND APPROVALS..... 6

 1. RESPONSIBLE AGENCIES 6

 2. REVIEWING AGENCIES..... 6

SECTION 3.0 - FINDINGS..... 11

SECTION 4.0 - PUBLIC COMMENTS..... 12

SECTION 6.0 - REVISIONS TO THE DRAFT MITIGATED NEGATIVE DECLARATION..... 39

SECTION 7.0 - MITIGATED NEGATIVE DECLARATION 42

FIGURES

FIGURE 1 - PROJECT LOCATION AND VICINITY MAP 7

FIGURE 2A – SITE PLAN 8

FIGURE 3 – GENERAL PLAN LAND USE AND ZONING..... 10

APPENDICES

Appendix A: Mitigation Monitoring and Reporting Program

SECTION 1.0 - INTRODUCTION

On April 11, 2025, the City of Beaumont (City) distributed the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Cherry Channel Project to public agencies and the general public. In accordance with the California Environmental Quality Act (CEQA) Section 21091 and State CEQA Guidelines Section 15073, a 30-day public review period for the Draft IS/MND was provided from April 11, 2025, to May 12, 2025. **The City Council will review the IS/MND for adoption on July 15, 2025, at its regularly scheduled meeting located at City's office located at 550 East Sixth Street, Beaumont California 92223.**

The NOI and the IS/MND were available for review at the following locations:

- City's office located at 550 East Sixth Street, Beaumont, California 92223
- <https://www.beaumontca.gov/1125/Planning-Projects>

SECTION 2.0 - PROJECT DESCRIPTION

A. PROJECT PURPOSE

This Initial Study (IS) analyzes the proposed drainage improvements to convert the existing trapezoidal channel along Cherry Ave from geo-mat lining to a concrete-lined structure (Proposed Project) in the City of Beaumont (City). The IS has been prepared in accordance with California Environmental Quality Act (CEQA) (Public Resources Code [PRC] §21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations [CCR], §15000 et seq.) and has determined that preparation of a Mitigated Negative Declaration (MND) would be appropriate under CEQA.

B. PROJECT LOCATION AND SITE CHARACTERISTICS

1. Project Location, Setting, and Surrounding Uses

The City is located within the western area of Riverside County, bounded by Calimesa to the north/northwest, Banning to the east, and San Jacinto to the south. The Project site is located along Cherry Avenue, between Cougar Way and Oak Valley Pkwy. Residential communities are located along Cherry Avenue to the northeast, southeast, and southwest. Beaumont Adult School and San Gorgonio Middle School are located to the west of Cherry Avenue.

An operational and City-owned paved parking lot is located to the east of Cherry Avenue, north of Rover Lane. The parking lot is owned by the City and primarily used as overflow parking for the Community Recreation Center to the south, as well as access to the drainage and conducting maintenance to the area. In addition to City use, the parking lot is available for recreational use by the public, such as walking/hiking on the maintenance access roads and unmarked trails within the open space area of an existing Southern California Edison (SCE) easement following the powerlines. Land uses surrounding the Cherry Avenue channel consist of Single Family Residential, High-Density Residential, Public Facilities, and Open Space.

There are two concrete culvert crossings within the Project site, one at Rover Lane leading into the Community Recreation Center, and one providing access to the parking lot. In addition, there are four smaller culverts on the eastern bank of the channel, which collect water from the residential communities to the east.

C. PROJECT DESCRIPTION

The Proposed Project would line the existing channel with concrete to improve the channel flow conditions and alleviate the increasing level of maintenance by City staff. The existing channel is lined with a turf reinforced geo-mat lining along the side slope and channel bottom. The channel is maintained under an agreement with Cal Fire for weed abatement/vegetation control twice a year after the rainy season (March/April) and July/August, prior to the school schedule.

The channel geo-mats have been affected by urban runoff flows, with sections torn or missing over the years. The Proposed Project would remove the existing geo-mat lining, wingwall, and riprap within the channel and be replaced with concrete along the slopes and channel bottom. The existing headwalls and culverts will remain and be protected in place. The Proposed Project would result in reduced maintenance costs and improved flow of runoff to the channel.

D. CONSTRUCTION AND OPERATION

The Proposed Project construction is expected to begin in Winter 2025 and be completed in 2026. Construction equipment to be used during the construction of the Proposed Project upgrades may include the following items:

- Excavator (Rip Rap)
- Dump Truck (Rip Rap)
- Backhoe(s)
- Laser-Grader Precise Finish Grading Machine
- Cement Truck
- Utility Pick-Up Trucks
- Concrete Finishing Equipment and Tools
- Traffic Control Equipment (Cherry Ave)

The Proposed Project estimates export of approximately 5,000 Cubic Yards (CY) of materials and 5,000 CY of fill on-site. This would result in an estimated 600 to 1,000 truck trips during construction. Once completed, the Proposed Project will function as an unmanned channel that will be maintained as currently done by the City staff in coordination with Cal Fire twice a year after the rainy season and prior to school schedule.

1. Staging Areas

Construction equipment and staging areas will be located within the existing parking lot east of Cherry Avenue. A portion of the parking lot will be available to the public. Temporary fence enclosures with lockable gates will be added to the staging areas.

2. Best Management Practices (BMPs)

The following construction best management practices (BMPs) of the Multi-Species Habitat Conservation Plan (MSHCP) shall be implemented to minimize impacts on biological resources and address water pollution, erosion control, sediment and hazardous materials, and fueling and equipment practices.

- Avoid work in riparian areas during most active bird breeding season; typically designated as March 1 to June 30 by the California Department of Fish and Wildlife (CDFW)/MSHCP Guidelines. Disturbance is restricted to a minimum of 300 feet away from any active nest.
- Sediment and erosion control measures will be implemented until such time soils are determined to be successfully stabilized.
- Short-term stream diversions, if needed, will be accomplished by use of sandbags or other methods, for example temporary installation of a polyvinyl chloride (pvc) pipe, that will result in minimal instream impacts such as minimal habitat loss or no change to flow. Short-term diversions will consider effects on wildlife.
- Silt fencing or other sediment trapping materials will be installed at the downstream end of construction activities to minimize the transport of sediments off-site.
- Settling ponds where sediment is collected will be cleaned in a manner that prevents sediment from re-entering the stream or damaging/disturbing adjacent areas. Sediment from settling ponds will be removed to a location where sediment cannot re-enter the stream or surrounding

drainage area. Care will be exercised during removal of silt fencing to minimize release of debris or sediment into streams.

- No erodible materials will be deposited into water courses. Brush, loose soils, or other debris material will not be stockpiled within stream channels or on adjacent banks.
- Exotic plant species removed during construction will be properly handled to prevent sprouting in new areas or regrowth.
- Training of construction personnel will be provided based on site need such as an Environmental Awareness Training (WEAP).
- Ongoing monitoring and reporting will occur for the duration of the construction activity to ensure implementation of best management practices.
- When work is conducted during the fire season (as identified by the Riverside County Fire Department) adjacent to vegetation, appropriate firefighting equipment (e.g., extinguishers, shovels, water tankers) shall be available on the site during all phases of Project construction to help minimize the chance of human-caused wildfires. Shields, protective mats, and/or other fire preventative methods shall be used during grinding, welding, and other spark-inducing activities.
- Personnel trained in fire hazards, preventative actions, and responses to fires shall advise contractors regarding fire risk from all construction-related activities.
- Active construction areas shall be watered daily and as needed during the dry season to control dust and minimize impacts to adjacent vegetation.
- No waste, dirt, rubble, or trash shall be deposited in the Conservation Area or on native habitat.
- A qualified biologist shall conduct a training session for Proposed Project personnel prior to construction activities. The training shall include a description of the species of concern and its habitats, the general provisions of the Endangered Species Act (Act) and the MSHCP, the need to adhere to the provisions of the Act and the MSHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the species of concern as they relate to the Proposed Project, and the access routes to and Project site boundaries within which the Proposed Project activities must be accomplished.
- Water pollution and erosion control plans shall be developed and implemented in accordance with the Regional Water Quality Control Board (RWQCB) requirements.
- Projects should be designed to avoid the placement of equipment and personnel within the stream channel or on sand and gravel bars, banks, and adjacent upland habitats used by target species of concern.
- Projects that cannot be conducted without placing equipment or personnel in sensitive habitats should be timed to avoid the breeding season of riparian bird species identified in MSHCP Global Species Objective No. 7.
- Equipment storage, fueling, and staging areas shall be located on upland sites 100 feet away from the channel for minimal risks of direct drainage into riparian areas or other sensitive habitats. These designated areas shall be located in such a manner as to prevent any runoff from entering sensitive habitat. Necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. Project related spills of hazardous materials shall be reported to appropriate entities including but not limited to applicable jurisdictional city, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, and Regional Water Quality Control Board shall be cleaned up immediately and contaminated soils removed to approved disposal areas.
- The qualified Proposed Project biologist shall monitor construction activities when working in identified burrowing owl (BUOW) habitat and any other sensitive areas to ensure that practicable

measures are being employed to avoid incidental disturbance of habitat and species of concern outside the project footprint.

- Exotic species that prey upon or displace target species of concern should be permanently removed from the site to the extent feasible. To avoid attracting predators of the species of concern, the project site shall be kept as clean of debris as possible. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site(s) to avoid overflow.
- Construction employees shall strictly limit their activities, vehicles, equipment, and construction materials to the proposed project footprint and designated staging areas and routes of travel. The construction area(s) shall be the minimal area necessary to complete the project and shall be specified in the construction plans. Construction limits will be fenced with orange snow screen. Monitoring personnel will review the limits of disturbance prior to initiation of construction activities.
- Exclusion fencing should be maintained until the completion of all construction activities.

E. REQUIRED PERMITS AND APPROVALS

Reviewing Agencies include those agencies that do not have discretionary powers but may review the MND for adequacy and accuracy. Responsible Agencies have discretionary approval authority for a project. Potential Reviewing Agencies and Responsible Agencies include the following:

1. Responsible Agencies

State of California Agencies

- Department of Toxic Substances Control (DTSC)
- Southern California Edison (SCE)
- State Water Resources Control Board (SWRCB)
- California Department of Fish and Wildlife (CDFW)
- Office of Historic Preservation

Regional Agencies

- South Coast Air Quality Management District (SCAQMD)
- Regional Water Quality Control Board (RWQCB)

2. Reviewing Agencies

- Native American Heritage Commission, and tribes requesting consultation
- U.S. Army Corps of Engineers (USACE)

Permits and Approvals

The following permits may be required prior to construction of the Project.

- SCAQMD - Rule 403 dust control
- RWQCB 401 Certification
- CDFW 1602 Permit
- USACE Section 404

Figure 1 - Project Location and Vicinity Map

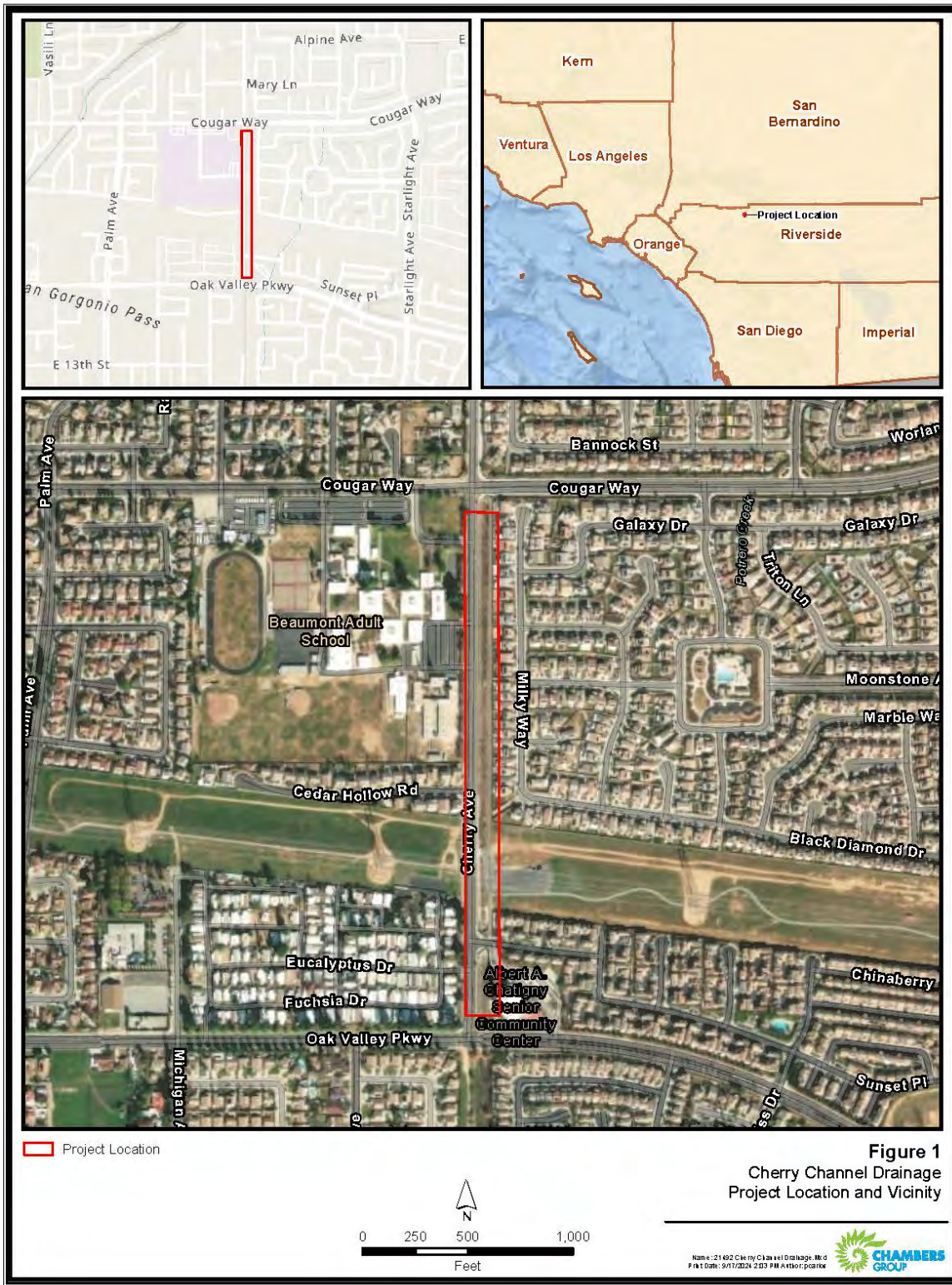
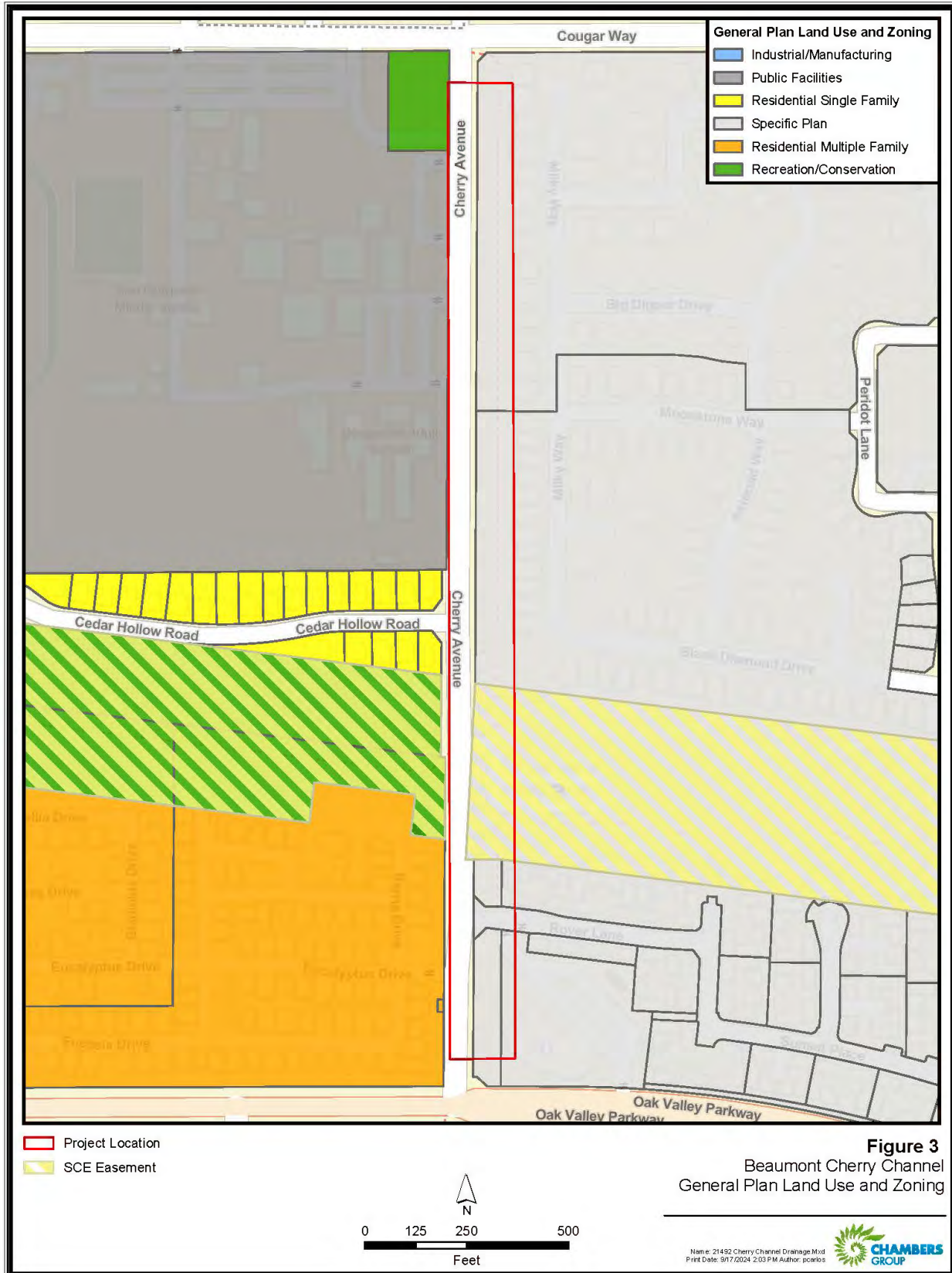


Figure 1
Cherry Channel Drainage
Project Location and Vicinity

Name: 21492 Cherry Channel Drainage, M.d
Print Date: 5/17/2024 2:03 PM Author: pcarltx



Figure 3 – General Plan Land Use and Zoning



SECTION 3.0 - FINDINGS

An Initial Study has been prepared to assess the Proposed Project's potential impacts on the environment and the significance of those impacts, and was incorporated in the Draft MND. Based on this Initial Study, it has been determined that the Proposed Project would not have any significant impacts on the environment once all proposed mitigation measures have been implemented. This conclusion is supported by the following findings:

- No potential was found for adverse impacts on Agricultural Resources, Land Use, Mineral Resources, Population and Housing, and Public Services associated with the Proposed Project.
- Potential adverse impacts resulting from the Proposed Project were found to be less than significant in the following areas: Aesthetics, Air Quality, Energy, Geology and Soils (excluding paleontological resources), Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Recreation, Transportation, Utilities and Service Systems and Wildfire.
- Full implementation of the proposed mitigation measures included in this MND would reduce potential project-related adverse impact on Biological Resources, Cultural Resources, Geology and Soils (paleontological resources), and Tribal Cultural Resources to a less than significant level.

SECTION 4.0 - PUBLIC COMMENTS

A. Introduction

The primary objective and purpose of the Initial Study/Mitigated Negative Declaration public review process is to obtain comments on the adequacy of the analysis of environmental impacts, the mitigation measures presented, and other analyses contained in the Initial Study prepared on behalf of the City of Palmdale (City). The California Environmental Quality Act (CEQA) requires that the City decision makers consider the comments received during the public review of the Initial Study/Mitigated Negative Declaration prior to carrying out or approving the project (*CEQA Guidelines* Section 15074[b]). All comments are included in this section so that the decision makers may know the opinions of the commenter.

The Initial Study/ Mitigated Negative Declaration was circulated to the public and public agencies for a 30-day public review from April 11, 2025, through May 12, 2025. The comments received regarding the Initial Study/Mitigated Negative Declaration are included in this document. One letter was received:

- California Department of Fish and Wildlife

Minor revisions to the Initial Study/Mitigated Negative Declaration were required in the process of responding to the comments. None of the comments or responses constitute “significant new information” (*CEQA Guidelines* Section 15073.5) that would require recirculation of the Mitigated Negative Declaration or the necessity to prepare an Environmental Impact Report.

B. Response to Comments

CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204 (b) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of negative declarations should be, “on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should: (1) Identify the specific effect; (2) Explain why they believe the effect would occur, and; (3) Explain why they believe the effect would be significant.”

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

In accordance with Public Resources Code 21092.5 (b) of the CEQA Guidelines, the lead agency shall notify any public agency that comments on a negative declaration of the public hearing or hearings, if any, on the project for which the negative declaration was prepared. If notice to the commenting public agency is provided pursuant to Section 21092, the notice shall satisfy the requirement of this subdivision.

C. Comment Letters and Response to Comments

i) California Department of Fish and Wildlife (CDFW)



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 12, 2025
Sent via email

Vincent Lopez
Project Manager – Capital Projects
City of Beaumont
550 E. Sixth Street
Beaumont, CA 92223
vlopez@beaumontca.gov

Subject: Draft Mitigated Negative Declaration, Cherry Channel Drainage Project (Project), State Clearinghouse No. 2025040653, City of Beaumont

Dear Vincent Lopez:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the City of Beaumont (City) for Cherry Channel Drainage Project (Project) for Chambers Group Inc (Project Applicant/Proponent) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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, subdivision (a) & 1802; Pub. Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically 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 state 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

¹ 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.

need to exercise regulatory authority as provided by the Fish and Game Code, including 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.*), or CESA-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & G. Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish and Game Code.

CDFW issued Natural Community Conservation Plan approval and take authorization in 2004 for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), as per Section 2800, *et seq.*, of the California Fish and Game Code. The MSHCP established a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. CDFW is providing the following comments as they relate to the Project’s consistency with the MSHCP and CEQA.

PROJECT DESCRIPTION AND SUMMARY

Description: The Project proposes the concrete lining of a pre-existing earthen channel parallel to Cherry Avenue. This will include the removal of geo-mat lining, wingwall, and riprap, and replace it with concrete along the slopes and channel bottom. The channel is partially maintained twice a year, through an agreement between the City of Beaumont and Cal Fire for the purpose of weed abatement and vegetation control.

Location: The Project is located in the City of Beaumont, Riverside County, California. The site is east of State Route 60 (SR-60) and north of Interstate 10 (I-10). The channel is parallel to Cherry Avenue, with the upstream portion beginning at Cougar Way and the downstream portion ending at Oak Valley Parkway.

COMMENTS AND RECOMMENDATIONS

Based on the documents for review, CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project’s significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions are also included to improve the environmental document. CDFW recommends the measures or revisions below be included in a science-based monitoring program that contains adaptive management strategies as part of the Project’s CEQA mitigation, monitoring and reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097).

Western Riverside County Multiple Species Habitat Conservation Plan

Comment 1 ↓ 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. The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP.

To be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the MSHCP, the Permits, and the Implementing Agreement. The City is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. To demonstrate consistency with the MSHCP, as part of the CEQA review, the City shall ensure the Project pays Local Development Mitigation Fees and other relevant fees as set forth in Section 8.5 of the MSHCP; and demonstrates compliance with: 1) the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools (Section 6.1.2 of the MSHCP); 2) the Best Management Practices and the siting, construction, design, operation and maintenance guidelines as set forth in Section 7.0 and Appendix C of the MSHCP.

Specific Comments

Comment #1: MSHCP Consistency

The procedures described in the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools section of the MSHCP Plan (MSHCP Section 6.1.2) are to ensure that the biological functions and values of these areas are maintained throughout the MSHCP Plan Area (including all areas of the Plan located outside the Criteria Area). Additionally, this process helps identify areas to consider for priority acquisition, as well as those functions that may affect downstream values related to Conservation of Covered Species within the MSHCP Conservation Area. The assessment of riparian/riverine and vernal pool resources may be completed as part of the CEQA review process as set forth in Article V of the State CEQA Guidelines. However, the MSHCP identifies that the U.S. Fish and Wildlife Service and CDFW shall be notified in advance of approval of public or private projects of draft determinations for the biologically equivalent or superior determination findings associated with the Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools policies presented in Section 6.1.2 of the MSHCP (MSHCP Section 6.11). As required by the MSHCP Plan, its Implementation Agreement, and the County's associated take permits from USFWS and CDFW, completion of the DBESP process prior to adoption of the environmental document helps to ensure that the Project will be consistent with the MSHCP Plan, and provides public disclosure and transparency during the CEQA process by identifying the Project impacts and mitigation for wetland habitats and species, a requirement of CEQA Guidelines, §§ 15071, subds.(a)-(e).

The MSHCP identifies that assessment of these areas include identification and mapping of riparian/riverine areas and vernal pools. The assessment shall consider species composition, topography/ hydrology, and soil analysis, where appropriate. The documentation for the assessment shall include mapping and a description of the functions and values of the mapped areas with respect to the species identified in Section 6.1.2 of the MSHCP. Factors to be considered include hydrologic regime, flood storage and flood-flow modification, nutrient retention and transformation, sediment trapping and transport, toxicant trapping, public use, wildlife Habitat, and aquatic Habitat.

The MSHCP identifies that for mapped riparian/riverine and vernal pool resources that are not included in the MSHCP conservation area, applicable mitigation under CEQA, shall be imposed by the Permittee (in this case the Lead Agency). Furthermore, the MSHCP identifies that to ensure the standards in Section 6.1.2 are met, the Permittee shall ensure that, through the CEQA process, project applicants develop project alternatives demonstrating efforts that first avoid, and then minimize direct and indirect effects to the wetlands mapped pursuant to Section 6.1.2. If an avoidance alternative is not feasible, a practicable alternative that minimizes direct and indirect effects to riparian/riverine areas and vernal pools and associated functions and values to the greatest extent possible shall be selected. Those impacts that are unavoidable shall be mitigated such that the lost functions and values as they relate to Covered Species are replaced as through the Determination of Biologically Equivalent or Superior Preservation (DBESP) process.

The City is required to ensure the Applicant completes the DBESP process prior to completion and adoption of the MND to demonstrate implementation of MSHCP requirements in the CEQA documentation. The Department of Fish and Wildlife appreciate the analysis of impacts provided within the MND. However, the MSHCP implementation process is not complete, because a DBESP has not been prepared and submitted to the Wildlife Agencies for review and response for us to determine if the mitigation proposed for the impacts to riparian/riverine resources is biologically equivalent or superior preservation to avoidance. It is not appropriate for the City to adopt the MND until the DBESP is complete because the City is required to notify the Wildlife Agencies in advance of approval of public and private projects for identified MSHCP activities, such as completion of the DBESP for the riparian/riverine policy (Section 6.11 of the MSHCP).

The Wildlife Agencies request that the City of Beaumont complete the DBESP process, and once the DBESP is complete, then update the MND with the riparian/riverine

mitigation measures identified in the DBESP. This process would demonstrate the Project's consistency with and the City's implementation of the MSHCP.

Comment #2: Nesting Birds

Issue: The Project may have a significant impact on nesting birds, including Species of Special Concern and fully protected species, that are subject to Fish and Game Code section 3513 and the Migratory Bird Treaty Act of 1918.

Specific impact: Project implementation could result in the loss of nesting and/or foraging habitat for passerine and raptor species from the removal of vegetation onsite and the noise and light disturbance that could result from Project activities.

Why impacts would occur: Project activities could result in temporary or long-term loss of suitable nesting, foraging, and roosting habitats. Construction during the breeding season of nesting birds could potentially result in the incidental loss of breeding success or otherwise lead to nest abandonment. Noise from road use, generators, and heavy equipment may disrupt nesting bird mating calls or songs, which could impact reproductive success (Patricelli and Blickley 2006, Halfwerk et al. 2011). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009), and songbird abundance and density was significantly reduced in areas with high levels of noise (Bayne et al. 2008). Additionally, noise exceeding 70 dB(A) may affect feather and body growth of young birds (Kleist et al. 2018). In addition to construction activities, residential development and increased human presence in the Project site could contribute to nesting bird impacts.

The timing of the nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have observed that changing climate conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests.

The duration of a pair to build a nest and incubate eggs varies considerably, therefore, CDFW recommends surveying for nesting behavior and/or nests and construction within three days prior to start of Project construction to ensure all nests on site are identified and to avoid take of nests. Without appropriate species-specific avoidance measures, biological construction monitoring may be ineffective for detecting nesting birds. This may result in Take of nesting birds. Project ground-disturbing activities such as grading and grubbing may result in habitat destruction, causing the death or injury of adults, juveniles, eggs, or hatchlings. In addition, the Project may remove habitat by eliminating native vegetation that may support essential foraging and breeding habitat.

Evidence impacts would be significant: It is the Project proponent's responsibility to avoid Take of all nesting birds. 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 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). 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. These regulations apply anytime nests or eggs exist on the Project site.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To address the above issues and help the Project applicant avoid unlawful take of nesting birds, CDFW requests the City revise the following mitigation measures in the MND per below (edits are in ~~strike through~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".

MM BIO-1: Pre-Construction Survey for Nesting Birds

Nesting birds are protected under the **federal MBTA and CFG Code Sections 3503, 3503.5, and 3513. Construction should be conducted outside of the avian and raptor breeding season.** During construction, the Proposed Project ~~would comply with the MBTA, which requires that nesting bird surveys be conducted prior to the start of vegetation clearance activities should they occur during nesting season: February 15 through September 15.~~ In compliance with the MBTA requirements, should vegetation clearance occur during the nesting bird season, a qualified biologist ~~would~~ **shall** conduct a **nesting bird** survey within **the Project site and a 500 ft buffer around the disturbance footprint**, one week ~~of before~~ **before** the start of these activities to ensure no active nests ~~were~~ **are lost as a result of construction. The results of the pre-construction survey shall be documented by the qualified biologist and shall be provided to the Applicant. The Project Applicant shall adhere to the following:**

- 1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success;**

determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.

- 2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.**

If an active nest is located prior to or during construction, then the nest should be flagged, construction shall be postponed/halted, and CDFW and the City of Beaumont shall be notified. Avoidance or minimization measures shall be undertaken in consultation with the City of Beaumont and the California Department of Fish and Wildlife. Measures shall include immediate establishment of avoidance buffers which shall be implemented as determined by the qualified biologist and approved by the City of Beaumont, based on their best professional judgement and experience. The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. The buffer around the nest shall be delineated and flagged, and all work within these buffers shall be halted until a qualified biologist determines the nesting effort is finished (i.e., the juveniles are surviving independent from the nest, or the nest has failed). The biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the biologist determines that such project activities may be causing an adverse effect, alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers, shall be implemented. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to City of Beaumont for mitigation monitoring compliance record keeping. If vegetation clearing is not initiated within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds. If vegetation removal occurs outside of nesting season or if no nesting birds are found, no further action will be required. construction within an appropriate distance of the nest should be postponed until the biologist has confirmed that the nest is no longer active. If this is not possible, prior to ground disturbing activities, a qualified biologist should conduct and submit a migratory nesting bird and raptor

~~survey report. The survey should occur no more than three days prior to initiation of Project activities, and any occupied passerine and/or raptor nests occurring within or adjacent to the Project site should be delineated. Additional follow up surveys may be required by the resource agencies. To the maximum extent practicable, a minimum buffer zone around occupied nests should be maintained during physical ground-disturbing activities. The buffer zone should be sufficient in size to prevent impacts on the nest. Once nesting has ceased, the buffer may be removed.~~

Comment #3: Burrowing Owl

Issue: On October 10, 2024, the California Fish and Game Commission accepted a petition to list Western Burrowing Owl as endangered under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.), determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. The Project may have a significant impact on burrowing owl (*Athene cunicularia hypugaea*) and burrowing owl habitat.

Specific impacts: Project construction and activities may result in injury or mortality of burrowing owl, disrupt natural burrowing owl breeding behavior, and reduce reproductive capacity. Also, the Project may impact breeding, wintering, and foraging habitat for the species. Habitat loss could result in local extirpation of the species and contribute to local, regional, and statewide declines of burrowing owl.

Comment 4 **Why impacts would occur:** The MND identifies that burrowing owl have the potential to occur within the Project site; however, the MND does not disclose the level of impacts that could occur. To effectively assess potential impacts, focused breeding seasons surveys should be conducted, and where appropriate, mitigation required for the unavoidable impacts. Further, MM BIO-2 provides limited avoidance and minimization measures if burrowing owls are found during the pre-activity surveys.

Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list Burrowing Owl as endangered under CESA, determining the listing "may be warranted" and advancing the species to the candidacy stage of the CESA listing process. Burrowing Owl is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9)

In California, burrowing owls are in decline primarily because of habitat loss, as well as disease, predation, and drought. Burrowing owls require specific soil and microhabitat conditions, occur in few locations within a broad habitat category of grassland and some forms of agricultural land, require a relatively large home range to support their life history requirements, occur in relatively low numbers, and are semi-colonial.

Comment 4 (cont.) ↑ The MND and MM BIO-2 do not adequately implement the terms of MSHCP Section 6.3.2 as well as the burrowing species objectives outlined in Volume II Species Accounts. Accordingly, the Project may have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To avoid take of active burrowing owl burrows (nests) and comply with MSHCP Additional Survey Needs and Procedures for burrowing owl under Section 6.3.2, CDFW requests the City include the following mitigation measures in the MND per below (edits are in ~~strike through~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program".

MM BIO-2: Pre-Construction and Focused Surveys for Burrowing Owl.

During burrowing owl breeding season (March 1-August 31), Aa total of four ~~pre-construction~~ focused surveys for BUOW shall be conducted by a qualified biologist within the Project area and a 500 ft buffer around the disturbance footprint 30 days prior to ground disturbance to reevaluate the locations of active BUOW burrows located adjacent to or within the Project limits. In addition to breeding season surveys, pre-construction presence/absence surveys for BUOW shall be conducted and submitted to USFWS and CDFW by a qualified biologist within 30 days prior to the commencement of ground disturbing activities to avoid direct take of BUOW (MSHCP Species Specific Objective 6). If survey results are negative (i.e., no occupied burrows or live burrowing owls are detected) and ground-disturbing Project activities are scheduled to begin within 30 days of the final survey, then no additional preconstruction survey or biological monitoring requirements will be necessary. If BUOWs are identified on-site, during either the breeding season or pre-construction surveys, avoidance measures a Burrowing Owl Protection and Relocation Plan shall be developed in compliance with the MSHCP and in coordination with the California Department of Fish and Wildlife, United States Fish and Wildlife Service and/or the Western Riverside County Regional Conservation Authority. These measures would include the following as well as any others developed in coordination with CDFW, USFWSS and/or RCA:

- ~~A biologist with knowledge of BUOW and its habitat will be retained to function as a biological monitor.~~
- ~~The biological monitor will develop and implement a contractor education program regarding the BUOW to be provided to all personnel~~

- ~~The~~**A** biological monitor will be present during vegetation clearing, grading, and construction, to monitor occupied BUOW burrows and any construction-related impacts.
- Prior to any ground disturbance, all limits of Project construction will be delineated and marked to be clearly visible to personnel on foot and in heavy equipment. All construction-related activities (e.g., vegetation removal, grading, equipment lay-down and storage, and contractor parking) will occur inside the limits of construction and designated staging areas. Construction staging and equipment storage will be located outside any occupied BUOW burrow locations.
 - All movement of contractors, subcontractors, or their agents and equipment will be restricted to the limits of construction and staging areas.
 - A qualified biologist will conduct any necessary BUOW passive relocation that may be required to avoid Project effects to BUOW.
- If BUOWs must be moved away from the proposed work area, passive relocation techniques (**e.g., use of one-way doors and collapse of burrows**) would be used rather than actual avian trapping. At least one or more weeks would be necessary to accomplish this to allow the birds to acclimate to alternate burrows.
- The Project would provide funding for long-term management and monitoring of the protected lands acquired for BUOW impacts. This monitoring would include an annual report submittal to the CDFW.
- **The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.**

The Burrowing Owl Protection and Relocation Plan will be submitted to CDFW and USFWS for approval prior to initiating ground disturbance within the project site. If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure burrowing owl has not colonized the site since it was last disturbed. If burrowing owl is found, the same coordination described above will be necessary.

Comment #3: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA)

Issue: Based on review of material submitted with the MND and review of aerial photography, the Project has the potential to impact fish and wildlife resources subject to Fish and Game Code section 1600 et seq.

Specific Impact: The MND identified that the Project site would replace an earthen bottom channel parallel to Cherry Avenue with a concrete-lined channel. The Project activities have the potential to impact fish and wildlife resources within the existing earthen channel during construction activities and downstream of the project, as a result of increased energy of flow and deposition of debris, waste or other materials .

Why Impact Would Occur: Project-related activities would likely alter drainage patterns and water quality within downstream and immediate upstream portions of the Project site, including: volume, velocity, and frequency of existing and post-Project flows; polluted runoff; habitat loss; increased flooding; soil erosion and/or sedimentation in downstream water bodies and resources.

Evidence Impact Would Be Significant: Based on the proposed activities, the Project may substantially adversely affect the pattern and the geomorphological processes of the streams that the channel feeds into through increased velocity and scour.

Generally, CDFW does not support replacing more natural, vegetated features and habitat with an impermeable surface, and would instead recommend the City to work with CDFW to plan and implement adaptive management strategies for the turf geomats that were unable to establish successfully..

CDFW requests that the City fully identify the potential impacts to the riparian and riverine resources. Consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or

deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that “any river, stream or lake” includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Comment #4: Crotch’s Bumblebee

Issue: The Project may impact Crotch’s bumble bee (*Bombus crotchii*).

Specific Impacts: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva; burrow collapse; nest abandonment; and reduced nest success.

Why impact would occur: Crotch’s bumble bee could be directly affected by damage to suitable habitat, including grassland and scrub habitats. Direct effects would also include the permanent conversion of occupied habitat to project infrastructure or changes to micro/local hydrology. Indirect effects on Crotch bumble bee during construction would include the accumulation of fugitive dust resulting in degradation of habitat for these invertebrates. In addition, changes to local runoff would have negative effects on the health and vigor of plants that make up suitable habitat.

Evidence impact would be significant: The California Fish and Game Commission accepted a petition to list Crotch’s bumble bee as endangered under CESA, determining the listing “may be warranted” and advancing the species to the candidacy stage of the CESA listing process. Crotch’s bumble bee is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). In addition, Crotch bumble bee has a State ranking of S1/S2. This means that the Crotch bumble bee is considered critically imperiled or imperiled and is extremely rare (often five or fewer populations). Crotch’s bumble bee is also listed as an invertebrate of conservation priority under the [Terrestrial and Vernal Pool Invertebrates of Conservation Policy](#) (CDFW 2017).

Recommended Potentially Feasible Mitigation Measure(s):

Mitigation Measure #1: To avoid take of Crotch's bumble bee, CDFW requests the City include the following mitigation measures in the MND per below (edits are in ~~strike through~~ and **bold**), and also included in Attachment 1 "Mitigation Monitoring and Reporting Program.

MM-BIO XX: Crotch's bumble bee is a CDFW candidate endangered species, and shall be surveyed for prior to construction. Prior to ground disturbance, a habitat assessment for Crotch's bumble bee will be conducted within the Project Site and an appropriate survey buffer by a qualified biologist with experience surveying for and observing Crotch's bumble bee. If the qualified biologist determines that suitable habitat is present, site specific surveys for Crotch's bumble bee shall be conducted in accordance with any Crotch's bumble bee survey protocol provided by CDFW. If Crotch's bumble bee are determined to be present within the impact site and it is determined the species will be impacted by Project implementation, appropriate mitigation will be determined in consultation with CDFW. In addition, the Project Applicant shall adhere to the following:

- **Inactive small mammal burrows and thatched/bunch grasses should be avoided whenever feasible. If an inactive burrow may be disturbed by Project activities, it should be resurveyed for Crotch's bumble bee presence within seven (7) days prior to the scheduled disturbance.**
- **If Crotch's bumble bee is present, the qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 15-meter no disturbance buffer zones should be established around nests to reduce the risk of disturbance or accidental take. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take.**
- **The Project does not have the authority to take a candidate species and shall obtain an Incidental Take Permit (ITP) prior to grading with CDFW. If "take" or adverse impacts to Crotch's bumble bee cannot be avoided either during Project activities or over the life of the Project, the Project proponent should obtain appropriate take authorization from CDFW pursuant to Fish and Game Code section 2081 subdivision**

(b).

- **Any floral resource associated with Crotch's bumble bee that will be removed or damaged by the Project should be replaced at no less than 1:1. Floral resources should be replaced as close to their original location as is feasible. If active Crotch's bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be planted in the most centrally available location relative to identified nests. This location should be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources should be maintained in perpetuity and should be replanted and managed as needed to ensure the habitat is preserved.**

Additional Recommendations

Mitigation and Monitoring Reporting Plan

CDFW recommends updating the MND's proposed Biological Resources Mitigation Measures to include mitigation measures recommended in this letter. Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments [Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15126.4(a)(2)]. As such, CDFW has provided comments and recommendations to assist the City in developing mitigation measures that are (1) consistent with CEQA Guidelines section 15126.4; (2) specific; (3) detailed (i.e., responsible party, timing, specific actions, location), and (4) clear for a measure to be fully enforceable and implemented successfully via mitigation, monitoring, and/or reporting program (Pub. Resources Code, § 21081.6; CEQA Guidelines, § 15097). The City is welcome to coordinate with CDFW to further review and refine the Project's mitigation measures. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment 1).

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 filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The

Vincent Lopez
City of Beaumont
May 12, 2025
Page 15 of 24

types of information reported to CNDDDB can be found at the following link:
<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

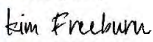
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be 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 MND for Cherry Valley Drainage Project (Project), State Clearinghouse No. 2025040653 to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. CDFW requests that the City of Beaumont address CDFW's comments and concerns prior to adoption of the MND for the Project.

Questions regarding this letter or further coordination should be directed to Enola Fulgencio, Environmental Scientist, at Enola.Fulgencio@wildlife.ca.gov.

Sincerely,

DocuSigned by:

84F92FFEEFD24CB...

Kim Freeburn
Environmental Program Manager

ec: **California Department of Fish and Wildlife**
Carly Beck, Senior Environmental Scientist Supervisor
Carly.Beck@wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov.

REFERENCES

- California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline=true>
- Francis, C.D., C.P. Ortega, and A. Cruz. 2009. Noise Pollution Changes Avian Communities and Species Interactions. *Current Biology* 19:1415–1419.
- Halfwerk, W., L.J.M. Holleman, C. M Lessells, H. Slabbekoorn. 2011. Negative Impact of Traffic Noise on Avian Reproductive Success. *Journal of Applied Ecology* 48:210–219.
- Kleist, N. J., R. P. Guralnick, A. Cruz, C. A. Lowry, and C. D. Francis. 2018. Chronic Anthropogenic Noise Disrupts Glucocorticoid Signaling and has Multiple Effects on Fitness in an Avian Community. *Proceedings of the National Academy of Sciences* 115: E648–E657.
- Western Riverside County Multiple Species Habitat Conservation Plan (RCA). 2006. Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area. Available for download at: https://www.wrcca.org/species/survey_protocols/burrowing_owl_survey_instructions.pdf



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Inland Deserts Region
 3602 Inland Empire Boulevard, Suite C-220
 Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)		
Mitigation Measure (MM)	Timing	Responsible Party
<p>Nesting Birds</p> <p>MM BIO-1: Nesting birds are protected under the federal MBTA and CFG Code Sections 3503, 3503.5, and 3513. Construction should be conducted outside of the avian and raptor breeding season. In compliance with the MBTA requirements, should vegetation clearance occur during the nesting bird season, a qualified biologist would shall conduct a nesting bird survey within the Project site and a 500 ft buffer around the disturbance footprint, one week of before the start of these activities to ensure no active nests were are lost as a result of construction. The results of the pre-construction survey shall be documented by the qualified biologist and shall be provided to the Applicant. The Project Applicant shall adhere to the following:</p> <ol style="list-style-type: none"> 1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying 	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

	<p>nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.</p> <p>2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.</p> <p>If an active nest is located prior to or during construction, then the nest should be flagged, construction shall be postponed/halted, and CDFW and the City of Beaumont shall be notified. Avoidance or minimization measures shall be undertaken in consultation with the City of Beaumont and the California Department of Fish and Wildlife. Measures shall include immediate establishment of avoidance buffers which shall be implemented as determined by the qualified biologist and approved by the City of Menifee, based on their best professional judgement and experience. The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species,</p>		
--	---	--	--

	<p>nest location, and activity type. The buffer around the nest shall be delineated and flagged, and all work within these buffers shall be halted until a qualified biologist determines the nesting effort is finished (i.e., the juveniles are surviving independent from the nest, or the nest has failed). The biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the biologist determines that such project activities may be causing an adverse effect, alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers, shall be implemented. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to City of Beaumont for mitigation monitoring compliance record keeping. If vegetation clearing is not initiated within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds. If vegetation removal occurs outside of nesting season or if no nesting birds are found, no further action will be required.</p>		
<p>Burrowing Owl</p>	<p>MM BIO-2: Pre-Construction and Focused Surveys for Burrowing Owl.</p> <p>During burrowing owl breeding season (March 1-August 31), a total of four focused surveys for BUOW shall be conducted by a qualified biologist within the Project area and a 500 ft buffer around the disturbance footprint prior to ground disturbance to reevaluate the locations of active BUOW burrows. In addition to breeding season surveys, pre-</p>		

	<p>construction presence/absence surveys for BUOW shall be conducted and submitted to USFWS and CDFW by a qualified biologist within 30 days prior to the commencement of ground disturbing activities to avoid direct take of BUOW (MSHCP Species Specific Objective 6). If survey results are negative (i.e., no occupied burrows or live burrowing owls are detected) and ground-disturbing Project activities are scheduled to begin within 30 days of the final survey, then no additional preconstruction survey or biological monitoring requirements will be necessary. If BUOWs are identified on-site, during either the breeding season or pre-construction surveys, a Burrowing Owl Protection and Relocation Plan shall be developed in compliance with the MSHCP and in coordination with the California Department of Fish and Wildlife, United States Fish and Wildlife Service and the Western Riverside County Regional Conservation Authority. These measures would include the following as well as any others developed in coordination with CDFW, USFWSS and RCA:</p> <ul style="list-style-type: none">• A biological monitor will be present during vegetation clearing, grading, and construction, to monitor occupied BUOW burrows and any construction-related impacts.• Prior to any ground disturbance, all limits of Project construction will be delineated and marked to be clearly visible to personnel on foot and in heavy equipment. All construction-related activities (e.g., vegetation removal, grading, equipment lay-down and storage, and contractor parking) will occur inside the limits of construction and designated staging areas. Construction staging and equipment storage will be located outside any occupied		
--	--	--	--

	<p>BUOW burrow locations.</p> <ul style="list-style-type: none">○ All movement of contractors, subcontractors, or their agents and equipment will be restricted to the limits of construction and staging areas.○ A qualified biologist will conduct any necessary BUOW passive relocation that may be required to avoid Project effects to BUOW.● If BUOWs must be moved away from the proposed work area, passive relocation techniques (e.g., use of one-way doors and collapse of burrows) would be used rather than actual avian trapping. At least one or more weeks would be necessary to accomplish this to allow the birds to acclimate to alternate burrows.● The Project would provide funding for long-term management and monitoring of the protected lands acquired for BUOW impacts. This monitoring would include an annual report submittal to the CDFW.● The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a		
--	---	--	--

	<p>last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>The Burrowing Owl Protection and Relocation Plan will be submitted to CDFW and USFWS for approval prior to initiating ground disturbance within the project site. If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure burrowing owl has not colonized the site since it was last disturbed. If burrowing owl is found, the same coordination described above will be necessary.</p>		
<p>Crotch's Bumble Bee</p>	<p>MM-BIO XX: Crotch's bumble bee is a CDFW candidate endangered species, and shall be surveyed for prior to construction. Prior to ground disturbance, a habitat assessment for Crotch's bumble bee will be conducted within the Project Site and an appropriate survey buffer by a qualified biologist with experience surveying for and observing Crotch's bumble bee. If the qualified biologist determines that suitable habitat is present, site specific surveys for Crotch's bumble bee shall be conducted in accordance with any Crotch's bumble bee survey protocol provided by CDFW. If Crotch's bumble bee are determined to be present within the impact site and it is determined the species will be impacted by Project implementation,</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

	<p>appropriate mitigation will be determined in consultation with CDFW. In addition, the Project Applicant shall adhere to the following:</p> <ul style="list-style-type: none">• Inactive small mammal burrows and thatched/bunch grasses should be avoided whenever feasible. If an inactive burrow may be disturbed by Project activities, it should be resurveyed for Crotch's bumble bee presence within seven (7) days prior to the scheduled disturbance.• If Crotch's bumble bee is present, the qualified biologist should identify the location of all nests in or adjacent to the Project site. If nests are identified, 15-meter no disturbance buffer zones should be established around nests to reduce the risk of disturbance or accidental take. If Project activities may result in disturbance or potential take, the qualified biologist, in coordination with CDFW, should expand the buffer zone as necessary to prevent disturbance or take.• The Project does not have the authority to take a candidate species and shall obtain an Incidental Take Permit (ITP) prior to grading with CDFW. If "take" or adverse impacts to Crotch's bumble bee cannot be avoided either during Project activities or over the life of the Project, the Project proponent should obtain appropriate take authorization from CDFW pursuant to Fish and Game Code section 2081 subdivision (b).• Any floral resource associated with Crotch's bumble bee that will be removed or damaged by the Project should be replaced at no less than 1:1. Floral resources should		
--	--	--	--

	<p>be replaced as close to their original location as is feasible. If active Crotch's bumble bee nests have been identified and floral resources cannot be replaced within 200 meters of their original location, floral resources should be planted in the most centrally available location relative to identified nests. This location should be no more than 1.5 kilometers from any identified nest. Replaced floral resources may be split into multiple patches to meet distance requirements for multiple nests. These floral resources should be maintained in perpetuity and should be replanted and managed as needed to ensure the habitat is preserved.</p>		
--	--	--	--

Response to Comment #1: MSHCP Consistency

CDFW comments that the Determination of Biologically Equivalent or Superior Preservation (DBESP) process is required before the environmental document's adoption to ensure consistency with the MSHCP Plan and public disclosure

A BTR was prepared for the Proposed Project and identified the Project site as not being within a criteria cell area. The vegetated streambed mapped within the Project does not meet the MSHCP definition of a Riverine, and the drainage area has no direct connectivity to downstream MSHCP Conservation areas and therefore does not contribute to the biological functions and values of downstream habitat for covered species within the MSHCP Conservation Area. The species listed in Section 6.1.2 of the MSHCP are not present and not expected to occur within the Project area, and no vernal pools were located within or adjacent to the Project site. Based on these results, a DBESP is not warranted for the Proposed Project. No further action is required.

Response to Comment #2: Nesting Birds

CDFW comments that the Project may have a significant effect on nesting birds, including Species of Special Concern and fully protected species, that are subject to Fish and Game Code section 3513 and the Migratory Bird Treaty Act of 1918.

The Project will include clarifying language to the IS/MND's mitigation measure as suggested (MM-BIO-1 Pre-Construction Survey for Nesting Birds) to comply with the Migratory Bird Treaty Act. This revision does not reduce a previously unidentified impact, rather, this clarifies that the Project will be in compliance with existing/required regulatory requirements.

Response to Comment #3: Burrowing Owls

CDFW comments that the Project may have a significant impact on burrowing owls and burrowing owl habitats.

A Focused Burrowing Owl (BUOW) Survey was conducted for the Proposed Project, along with a report that summarized the results of the survey. The focused BUOW survey was conducted in accordance with the Western Riverside County MSHCP. The survey was conducted in all areas containing suitable BUOW habitat to avoid direct take of BUOW and any occupied BUOW burrows/nests and to determine if passive relocation would be necessary.

The results of the survey and report state that no BUOWs or BUOW signs were found. Areas with low potential for BUOW habitat were located outside of the Project site in the open space area of an existing Southern California Edison (SCE) easement following the powerlines. A copy of the full report was provided in Appendix C of the IS/MND, which states that the Proposed Project aligns with the MSHCP. No further action is required.

Response to Comment #4: Impacts to Aquatic and Riparian Resources; Lake and Streambed Alteration Agreement (LSAA)

CDFW comments that the Project has the potential to impact fish and wildlife resources subject to Fish and Game Code section 1600 et seq as a result of increased energy of flow and deposition of debris, waste or other materials.

The City will coordinate with CDFW on the LSAA as needed.

Response to Comment #5: Crotch's Bumblebee

CDFW comments that the Project may have a significant on Crotch's bumble bee due to temporal or permanent loss of suitable nesting and foraging habitat.

A BTR was prepared for the Proposed Project that identified species that may be present within the Project site. The results of the survey indicated there are no vernal pools located within or adjacent to the Project site and the Crotch's Bumblebee was not identified to be a species that would occur within the Project site. Therefore, the Proposed Project would not cause a significant impact on this species. No further action is required.

Response to Comment #6: Mitigation Monitoring and Reporting Plan

CDFW comments that the Mitigated Negative Declaration should be updated to include their proposed mitigation measures in the Mitigation Monitoring and Reporting Plan.

Refer to responses to Comments #1 through #5.

SECTION 6.0 - REVISIONS TO THE DRAFT MITIGATED NEGATIVE DECLARATION

This errata section identifies changes made to the Draft MND to correct or clarify the information contained in the document, and therefore, these changes do not require recirculation. Changes made to the Draft MND are identified here in strikeout text to indicate deletions and bold italics to signify additions.

Section 4.4.2 (a) of the IS/MND – Biological Resources

MM BIO-1: Pre-Construction Survey for Nesting Birds

Nesting birds are protected under the **federal MBTA and CFG Code Sections 3503, 3503.5, and 3513. Construction should be conducted outside of the avian and raptor breeding season.** ~~During construction, the Proposed Project would comply with the MBTA, which requires that nesting bird surveys be conducted prior to the start of vegetation clearance activities should they occur during nesting season: February 15 through September 15.~~ In compliance with the MBTA requirements, should vegetation clearance occur during the nesting bird season, a qualified biologist ~~would~~ **shall** conduct a nesting bird survey within **the Project site and a 500 ft buffer around the disturbance footprint**, one week ~~of~~ **before** the start of these activities to ensure no active nests ~~were~~ **are** lost as a result of construction. **The results of the pre-construction survey shall be documented by the qualified biologist and shall be provided to the Applicant. The Project Applicant shall adhere to the following:**

- 1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.**
- 2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.**

If an active nest is located **prior to or during construction**, then the nest should be flagged, **construction shall be postponed/halted**, and CDFW and the City of Beaumont shall be notified. **Avoidance or minimization measures shall be undertaken in consultation with the City of Beaumont and the California Department of Fish and Wildlife. Measures shall include immediate establishment of avoidance buffers, which shall be implemented as determined by the qualified biologist and approved by the City of Beaumont, based on their best professional judgement and experience. The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. The buffer around the nest shall be delineated and flagged, and all work within these buffers shall be halted until a qualified biologist determines the nesting effort is finished (i.e., the juveniles are surviving independent from the nest, or the nest has failed). The biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g.,**

increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the biologist determines that such project activities may be causing an adverse effect, alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers, shall be implemented. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City of Beaumont for mitigation monitoring compliance record keeping. If vegetation clearing is not initiated within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds. If vegetation removal occurs outside of nesting season or if no nesting birds are found, no further action will be required. ~~and construction within an appropriate distance of the nest should be postponed until the biologist has confirmed that the nest is no longer active. If this is not possible, prior to ground-disturbing activities, a qualified biologist should conduct and submit a migratory nesting bird and raptor survey report. The survey should occur no more than three days prior to initiation of Project activities, and any occupied passerine and/or raptor nests occurring within or adjacent to the Project site should be delineated. Additional follow-up surveys may be required by the resource agencies. To the maximum extent practicable, a minimum buffer zone around occupied nests should be maintained during physical ground-disturbing activities. The buffer zone should be sufficient in size to prevent impacts to the nest. Once nesting has ceased, the buffer may be removed.~~

Section 4.21.1 (a) of the IS/MND – Mandatory Findings of Significance

MM BIO-1: Pre-Construction Survey for Nesting Birds

Nesting birds are protected under the **federal MBTA and CFG Code Sections 3503, 3503.5, and 3513. Construction should be conducted outside of the avian and raptor breeding season.** ~~During construction, the Proposed Project would comply with the MBTA, which requires that nesting bird surveys be conducted prior to the start of vegetation clearance activities should they occur during nesting season: February 15 through September 15.~~ In compliance with the MBTA requirements, ~~should vegetation clearance occur during the nesting bird season, a qualified biologist would~~ **shall** conduct a **nesting bird** survey within **the Project site and a 500 ft buffer around the disturbance footprint**, one week ~~of~~ **before** the start of these activities to ensure no active nests ~~were~~ **are** lost as a **result of construction. The results of the pre-construction survey shall be documented by the qualified biologist and shall be provided to the Applicant. The Project Applicant shall adhere to the following:**

1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.

2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.

If an active nest is located prior to or during construction, then the nest should be flagged, construction shall be postponed/halted, and CDFW and the City of Beaumont shall be notified. Avoidance or minimization measures shall be undertaken in consultation with the City of Beaumont and the California Department of Fish and Wildlife. Measures shall include immediate establishment of avoidance buffers which shall be implemented as determined by the qualified biologist and approved by the City of Beaumont, based on their best professional judgement and experience. The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. The buffer around the nest shall be delineated and flagged, and all work within these buffers shall be halted until a qualified biologist determines the nesting effort is finished (i.e., the juveniles are surviving independent from the nest, or the nest has failed). The biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the biologist determines that such project activities may be causing an adverse effect, alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers, shall be implemented. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to City of Beaumont for mitigation monitoring compliance record keeping. If vegetation clearing is not initiated within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds. If vegetation removal occurs outside of nesting season or if no nesting birds are found, no further action will be required. ~~and construction within an appropriate distance of the nest should be postponed until the biologist has confirmed that the nest is no longer active. If this is not possible, prior to ground disturbing activities, a qualified biologist should conduct and submit a migratory nesting bird and raptor survey report. The survey should occur no more than three days prior to initiation of Project activities, and any occupied passerine and/or raptor nests occurring within or adjacent to the Project site should be delineated. Additional follow-up surveys may be required by the resource agencies. To the maximum extent practicable, a minimum buffer zone around occupied nests should be maintained during physical ground disturbing activities. The buffer zone should be sufficient in size to prevent impacts to the nest. Once nesting has ceased, the buffer may be removed.~~

SECTION 7.0 - MITIGATED NEGATIVE DECLARATION

This document, along with the Draft Initial Study/Mitigated Negative Declaration; Mitigation Monitoring and Reporting Program; and the Notice of Determination, constitute the Final Mitigated Negative Declaration for the Beaumont Cherry Channel in the City of Beaumont.

Pursuant to Section 21082.1 of the California Environmental Quality Act, the City of Beaumont has independently reviewed and analyzed the Initial Study and Mitigated Negative Declaration for the Proposed Project and finds that these documents reflect the independent judgment of the City. The City, as lead agency, also confirms that the project mitigation measures detailed in these documents are feasible and will be implemented as stated in the MND and MMRP.

Signature

Date

APPENDIX A – Mitigation Monitoring and Reporting Program



**MITIGATION MONITORING AND REPORTING PROGRAM
Cherry Channel Drainage Project
BEAUMONT, CALIFORNIA**

Prepared for:

CITY OF BEAUMONT
Public Works Department
550 East Sixth Street
Beaumont, CA 92223

Prepared by:



CHAMBERS GROUP, INC.
3151 Airway Avenue, Suite F208
Costa Mesa, California 92626
(949) 261-5414

June 2025

MITIGATION MONITORING AND REPORTING PROGRAM

Public Resources Code, Section 21081.6 (Assembly Bill 3180) requires that mitigation measures identified in environmental review documents prepared in accordance with California Environmental Quality Act (CEQA) are implemented after a project is approved. Therefore, this Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance with the adopted mitigation measures during the demolition and construction phases of Sunset Reservoir Project.

The City of Beaumont is the agency responsible for implementation of the mitigation measures identified in the MND. This MMRP provides the City of Redlands with a convenient mechanism for quickly reviewing all the mitigation measures including the ability to focus on select information such as timing. The MMRP includes the following information for each mitigation measure:

- The phase of the project during which the required mitigation measure must be implemented;
- The phase of the project during which the required mitigation measure must be monitored; and
- The enforcement agency.

The MMRP includes a checklist to be used during the mitigation monitoring period. The checklist will verify the name of the monitor, the date of the monitoring activity, and any related remarks for each mitigation measure.

MITIGATION MONITORING AND REPORTING PROGRAM
Cherry Channel Drainage Project

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation Less than Significant (LTS)	Verification of Compliance		
					Initial	Date	Remarks

Biological Resources

<p>MM BIO-1: Pre-Construction Survey for Nesting Birds</p> <p>Nesting birds are protected under the federal MBTA and CFG Code Sections 3503, 3503.5, and 3513. Construction should be conducted outside of the avian and raptor breeding season. In compliance with the MBTA requirements, should vegetation clearance occur during the nesting bird season, a qualified biologist shall conduct a nesting bird survey within the Project site and a 500 ft buffer around the disturbance footprint, one week before the start of these activities to ensure no active nests are lost as a result of construction. The results of the pre-construction survey shall be documented by the qualified biologist and shall be provided to the Applicant. The Project Applicant shall adhere to the following:</p> <p>1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.</p> <p>2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate.</p> <p>If an active nest is located prior to or during construction, then the nest should be flagged, construction shall be postponed/halted, and CDFW and the City of Beaumont shall be notified. Avoidance or minimization measures shall be undertaken in consultation with the City of Beaumont and the California Department of Fish and Wildlife. Measures shall include immediate establishment of avoidance buffers, which shall be implemented as determined by the qualified biologist and approved by the City of Beaumont, based on their best professional judgement and experience. The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. The buffer around the nest shall be delineated and flagged, and all work within these buffers shall be halted until a qualified biologist determines the nesting effort is finished (i.e., the juveniles are surviving independent from the nest, or the nest has failed). The biologist shall monitor the nest at the onset of project activities, and at the onset of any changes in such project</p>	Pre-Construction	Construction	City of Beaumont	LTS			
--	------------------	--------------	------------------	-----	--	--	--

MITIGATION MONITORING AND REPORTING PROGRAM
Cherry Channel Drainage Project

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation Less than Significant (LTS)	Verification of Compliance		
					Initial	Date	Remarks
<p>activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the biologist determines that such project activities may be causing an adverse effect, alternative avoidance and minimization measures, such as redirecting or rescheduling construction or erecting sound barriers, shall be implemented. Upon completion of the survey and nesting bird monitoring, a report shall be prepared and submitted to the City of Beaumont for mitigation monitoring compliance record keeping. If vegetation clearing is not initiated within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds. If vegetation removal occurs outside of nesting season or if no nesting birds are found, no further action will be required.</p>							

<p>MM BIO-2: Pre-Construction Survey for Burrowing Owl</p> <p>A pre-construction focused survey for BUOW shall be conducted within 30 days prior to ground disturbance to reevaluate the locations of active BUOW burrows located adjacent to or within the Project limits and to avoid direct take of BUOW (MSHCP Species Specific Objective 6). If BUOWs are identified on-site, avoidance measures will be developed in compliance with the MSHCP and in coordination with the CDFW and/or Western Riverside County RCA. These measures would include the following as well as any others developed in coordination with CDFW and/or RCA:</p> <ul style="list-style-type: none"> • A biologist with knowledge of BUOW and its habitat will be retained to function as a biological monitor. • The biological monitor will develop and implement a contractor education program regarding the BUOW to be provided to all personnel (including temporary contractors and subcontractors) before beginning work on the Project. • The biological monitor will be present during vegetation clearing, grading, and construction, to monitor occupied BUOW burrows and any construction-related impacts. • Prior to any ground disturbance, all limits of Project construction will be delineated and marked to be clearly visible to personnel on foot and in heavy equipment. All construction-related activities (e.g., vegetation removal, grading, equipment lay-down and storage, and contractor parking) will occur inside the limits of construction and designated staging areas. Construction staging and equipment storage will be located outside any occupied BUOW burrow locations. <ul style="list-style-type: none"> ○ All movement of contractors, subcontractors, or their agents and equipment will be restricted to the limits of construction and staging areas. ○ A qualified biologist will conduct any necessary BUOW passive relocation that may be required to avoid Project effects to BUOW. • If BUOWs must be moved away from the proposed work area, passive relocation techniques would be used rather than actual avian trapping. At least one or more weeks would be necessary to accomplish this to allow the birds to acclimate to alternate burrows. • The Project would provide funding for long-term management and monitoring of the protected lands acquired for BUOW impacts. This monitoring would include an annual report submittal to the CDFW. 	Pre-Construction	Construction	City of Beaumont	LTS			
Cultural Resources							
<p>CUL-1: The Applicant shall retain the services of a Qualified Archaeologist, meeting the Secretary of the Interior Standards, for the duration of</p>	Pre-Construction	Construction	City of Beaumont	LTS			

MITIGATION MONITORING AND REPORTING PROGRAM
Cherry Channel Drainage Project

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation Less than Significant (LTS)	Verification of Compliance		
					Initial	Date	Remarks
<p>ground-disturbing construction activity. All construction-related ground disturbing activity that includes cutting into native intact soils shall be monitored by a cultural resources specialist proficient in construction monitoring setting. The Qualified Archaeologist or cultural resources specialist working under the direction of the Qualified Archaeologist shall provide training to inform all construction personnel prior to construction activities about the proper procedures in the event of an archaeological discovery. The training shall be held in conjunction with the Project's initial on-site safety meeting and shall explain the importance and legal basis for the protection of significant archaeological resources. In the event of an inadvertent discovery of potential archaeological resources (artifacts or features) during ground-disturbing activities, construction activities within a 50-foot radius of the discovery shall be halted while the Qualified Archaeologist assesses the find. If the resource is determined to be significant or unique through significance evaluation, and site avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. These might include an archaeological mitigation and monitoring plan, treatment, or data recovery programs. All monitoring or associated plans would be prepared and implemented under the direction of a qualified archaeologist. All required close-out reporting would be completed in accordance with the Office of Historic Preservation's Archaeological Resource Management Reports (ARMR).</p>							

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initial	Date	Remarks
Geology and Soils							
<p>PAL-1: Prior to issuance of a grading permit, the City shall be required to obtain the services of a Qualified Project Paleontologist to remain on call for the duration of the proposed ground disturbing construction activity. The paleontologist selected must be approved by the City. Upon approval or request by the City, a paleontological mitigation plan (PMP) outlining procedures for paleontological data recovery shall be prepared for the Project and submitted to the City for review and approval. The development and implementation of the PMP shall include consultations with the District's Engineering Geologist as well as a requirement that the curation of all specimens recovered under any scenario shall be through an appropriate repository agreed upon by the City. If the District accepts ownership, the curation location may be revised. The PMP shall include developing a multilevel ranking system, or Potential Fossil Yield Classification (PFYC), as a tool to demonstrate the potential yield of fossils within a given stratigraphic unit. The PMP shall outline the monitoring and salvage protocols to address paleontological resources encountered during Project-related ground-disturbing activities, as well as the appropriate recording, collection, and processing protocols to appropriately address any resources discovered.</p>	Pre-Construction/Construction	Construction	City of Beaumont	LTS			
Tribal Cultural Resources							
<p>TCR-1: Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Services Agreement with the Morongo Band of Mission Indians (MBMI) for the Project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.</p>	Pre-Construction/Construction	Construction	City of Beaumont	LTS			

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation Less than Significant (LTS)	Verification of Compliance		
					Initial	Date	Remarks
TCR-2: Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a Qualified Archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The Archaeologist shall be present during all ground disturbing activities to identify any known or suspected archaeological and/or cultural resources. The Archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session will focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.	Pre-Construction/Construction	Construction	City of Beaumont	LTS			
TCR-3: Prior to any ground-disturbing activities the project Archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.	Pre-Construction	Construction	City of Beaumont	LTS			
TCR-4: The retained Qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.	Pre-Construction	Pre-Construction	City of Beaumont	LTS			
TCR-5: During all ground-disturbing activities the Qualified Archaeologist and the Tribal Monitor shall be onsite full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Tribal Monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The Qualified Archaeologist, in consultation with the Tribal Monitor, shall be responsible for determining the duration and frequency of monitoring.	Construction	Construction	City of Beaumont	LTS			

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation Less than Significant (LTS)	Verification of Compliance		
					Initial	Date	Remarks
<p>TCR-6: In the event that previously unidentified cultural resources are unearthed during construction, the Qualified Archaeologist and the Tribal Monitor shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.</p> <p>If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the Qualified Archaeologist and Tribal Monitor[s]. The Archaeologist shall notify the City and consulting Tribe[s] of said discovery. The Qualified Archaeologist, in consultation with the Lead Agency, the consulting Tribe[s], and the Tribal Monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the Qualified Archaeologist in consultation with the Tribe[s] and the Tribal Monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:</p> <ul style="list-style-type: none"> A. Full avoidance. B. If avoidance is not feasible, Preservation in place. C. If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction. D. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (CFR 79.1) 	Construction	Construction	City of Beaumont	LTS			

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation Less than Significant (LTS)	Verification of Compliance		
					Initial	Date	Remarks
<p>TCR-7: The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].</p> <p>A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected; project personnel/observers will be restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.</p> <p>B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.</p> <p>C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98</p> <p>D. If the Morongo Band of Mission Indians has been named the MLD, the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe’s MLD, the landowner, and the City Planning Department.</p>	Construction	Construction	City of Beaumont	LTS			
<p>TCR-8: The final report[s] created as a part of the project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of all parties, the final reports are to be submitted to the Eastern Information Center, and the Consulting Tribe[s].</p>	Post-Construction	Construction	City of Beaumont	LTS			