5.4 BIOLOGICAL RESOURCES

The two components of the proposed Project analyzed herein are:

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

Impacts related to the adoption and implementation of the Beaumont 2040 Plan will be addressed herein. The revised Zoning Map will have similar types of land uses as the Beaumont 2040 Plan for consistency purposes; therefore, all discussions which apply to the Beaumont 2040 Plan shall also apply to the revised Zoning Map.

Since an Initial Study was not prepared with the issuance of the Notice of Preparation, the focus of the following discussion is related to potential impacts to any species identified as a candidate, sensitive, or special status species; riparian habitat or other sensitive natural community; Federally protected wetlands as defined by Section 404 of the Clean Water Act (CWA); interfere substantially with the movement of any native resident or migratory fish or wildlife species; conflict with a tree preservation policy; or conflict with an adopted Habitat Conservation Plan (HCP).

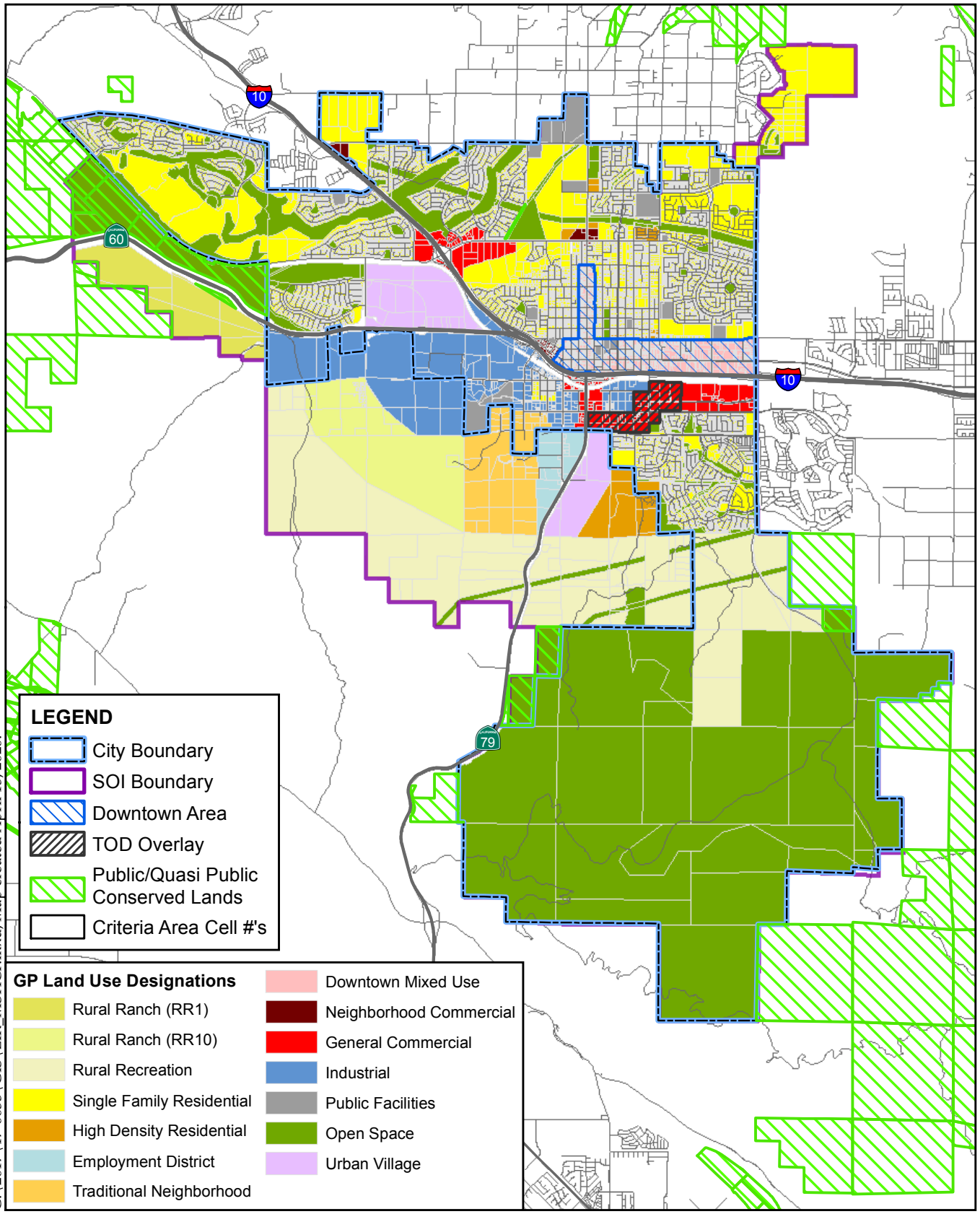
5.4.1 Setting

Since incorporation of the City in 1912, disturbance of native vegetation and wildlife has historically been associated with cultivation/agricultural activities. In more recent times, development activities have resulted in transformation of vacant and rural areas to urban land uses. Thus, within the City, there remain few undisturbed natural areas proximate to the central urban core. Substantial areas of natural habitat do exist in the City's southern sphere of influence (SOI) in the Badlands area.

The City of Beaumont and the City's SOI (herein collectively referred to as "Planning Area") lie within the Pass Area Plan as described by the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) (see **Figure 5.4-1 – MSHCP Criteria Cells**). One of the primary objectives in development and adoption of the MSHCP is to provide a cohesive and comprehensive view of inter-related habitat and species within urbanizing areas in order to accurately and appropriately identify potential impacts to biological resources, and provide a plan and means for mitigation of those impacts. To these ends, the City has approved the MSHCP, and will employ MSHCP methodologies, plans and programs in the identification of biological resources, as well as potential impacts and mitigation required based on implementation of the Beaumont 2040 Plan.

The MSHCP provides an overview of significant habitat and species within the Planning Area and identifies a range of total target conservation acreages as well as key or unique biological resources and habitat features. Key and descriptive elements of the MSHCP are summarized within the following discussions, and the MSHCP in its entirety is incorporated by reference. Please refer also to the detailed descriptions of vegetation and wildlife resources presented in the MSHCP. The MSHCP is available through Riverside County, or can be reviewed at http://rctlma.org/Portals/0/mshcp/volume1/index.html.

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Sources: Riverside Co. GIS 2020/RCA; Raimi+ Assoc., 2019; Rincon Consultants, Aug. 2018.

0 1 2 3 Miles

Figure 5.4-1 MSHCP Criteria Cells

City of Beaumont General Plan Update

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Environmental Setting

The Planning Area is at the peak of the San Gorgonio Pass between San Bernardino and Palm Springs, with an elevation range of approximately 2,500-3,000 feet above sea level. The Planning Area has a warm-summer Mediterranean climate, with temperatures reaching an average of up to 95 degrees Fahrenheit during the summer and 52 degrees Fahrenheit during the winter. Due to its higher elevation, it is usually 5-10 degrees cooler than its neighboring lower-elevation areas, such as Riverside, Hemet/Perris/San Jacinto, and the Coachella Valley. Snow is rare, and annual precipitation is approximately 17 inches, with most rain occurring between the months of November and April. (ECR, p. 2.)

Habitat/Vegetation Communities

The majority of land cover within the Planning Area is developed. Historically, disturbance of the Planning Area's native vegetation and wildlife has been primarily due to activities associated with cultivation/agriculture. The few undisturbed natural areas that remain in the Planning Area are dominated by chamise chaparral, Riversidean sage scrub, and annual non-native grassland. Small areas of other native plant communities within the Planning Area include southern cottonwood-willow riparian forest, alluvial fan scrub, riparian scrub, and oak woodland. (ECR, p. 122.)

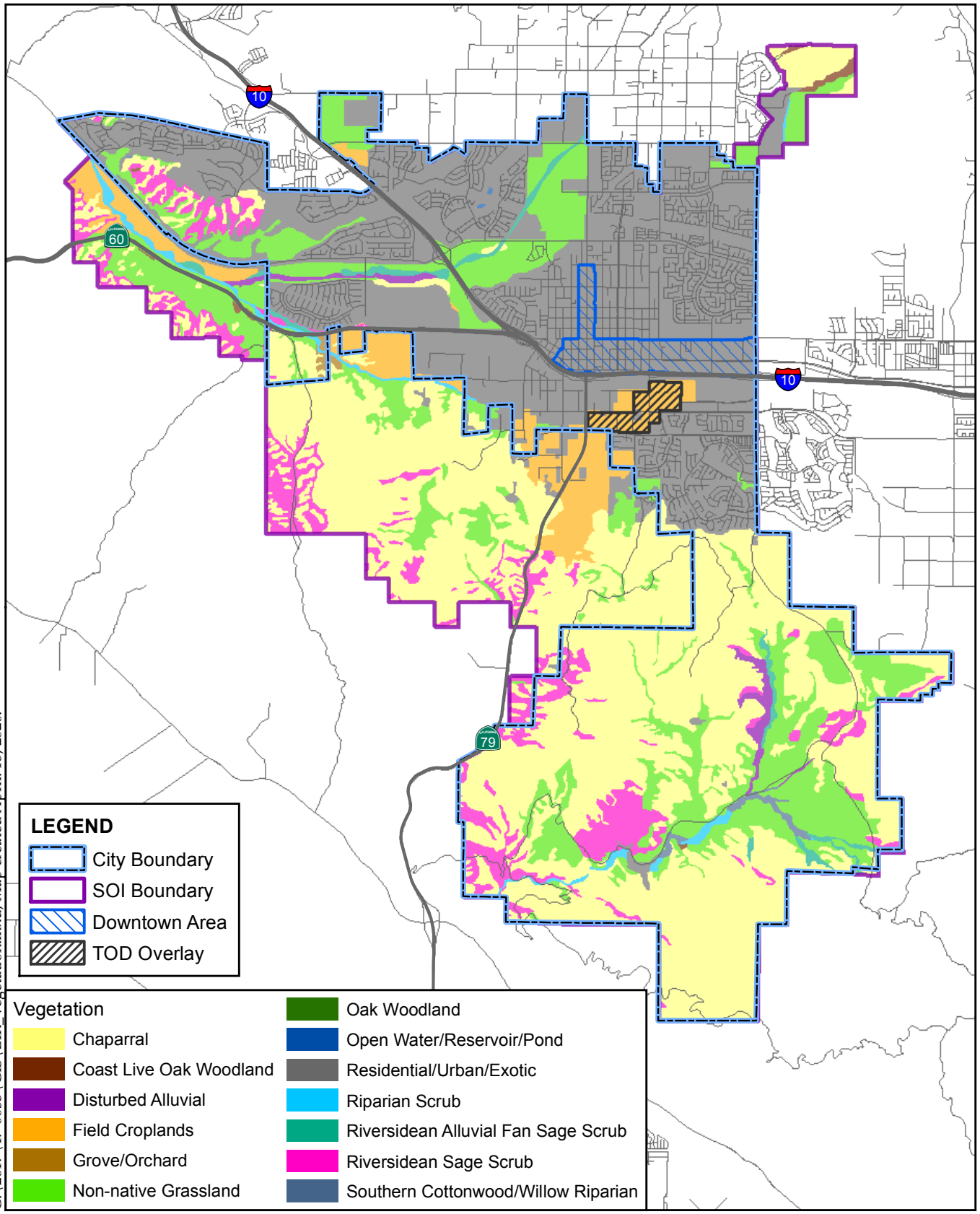
The following paragraphs taken from the *Existing Conditions Report* provide descriptions of the major habitats in the Planning Area. **Figure 5.4-2 – Vegetation and Land Cover** shows the primary vegetation cover types occurring within the Planning Area. **Figure 5.4-3 – Biological Resources within Five Miles of the Planning Area** shows the locations of important habitats and potential sensitive species within five miles of the Planning Area. The major sensitive ecological areas within the Planning Area are located in the southern portion of the Planning Area.

Shrubland and Grassland Communities

Chaparral

Chaparral is a vegetation community that is composed of hardy, woody evergreen shrubs that can form a dense, nearly impenetrable scrub. This community is generally found at higher elevations than coastal scrub, and usually on deeper, heavier soils with a moderate moisture content. (ECR, p. 127.) However, chaparral vegetation at lower elevations can be found on dry ridges with gravelly, shallow soils. Chaparral is a fire-adapted community, which means the plant species that form the community have evolved mechanisms for coping with fire and heat. Chaparral takes a variety of forms, depending on the dominant species present. With the exception of mixed chaparral, each plant association is characterized by a dominant species with a fairly consistent composition of the scrub component. The predominant type of chaparral within the Planning Area is chamise (*Adenostoma fasciculata*) chaparral. Associated species contribute little to cover and mature stands are densely interwoven with very little herbaceous understory or litter. Chamise chaparral is often found on xeric slopes and ridges at low elevations.

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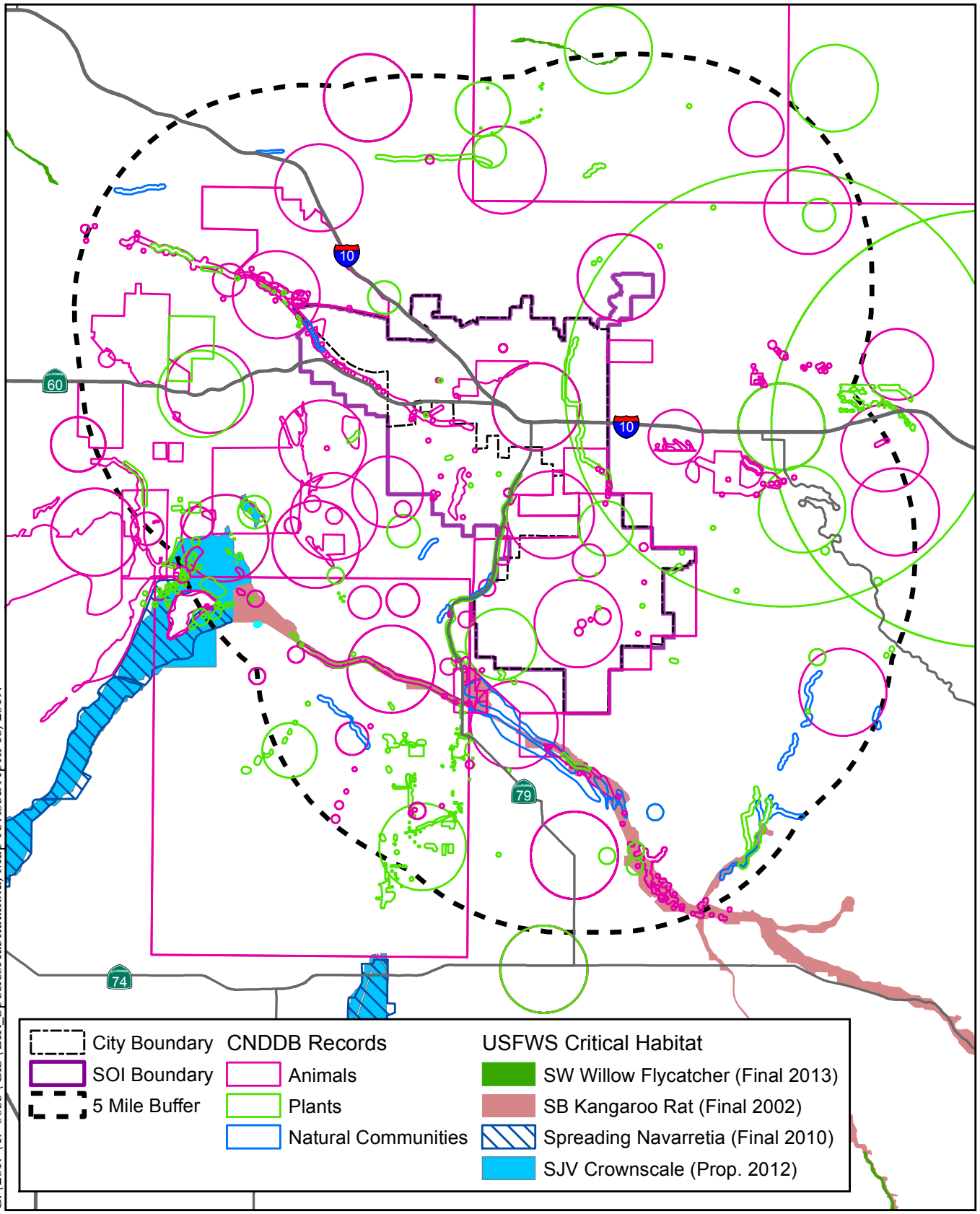
Sources: Riverside Co. GIS 2020; Raimi+ Assoc., 2019; Rincon Consultants, Aug. 2018.

Figure 5.4-2 Vegetation/Land Cover

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Sources: California Natural Diversity Database, April 2020; US Fish and Wildlife Service, 2018.

Figure 5.4-3 Biological Resources within Five Miles of the Planning Area

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Alluvial Fan Sage Scrub
Alluvial fan sage scrub is a vegetation community that occupies coarse alluvial soils of washes and gently sloping alluvial fans, where it is usually indicated by the presence of scalebroom (*Lepidospartum squamatum*) or by a mixture of species typical of Riversidean sage scrub, such as California buckwheat or white sage (*Salvia apiana*), together with evergreen species that are more typical of chaparral, such as lemonade berry (*Rhus integrifolia*), sugar bush (*Rhus ovata*), hollyleaf cherry (*Prunus ilicifolia*), redberry buckthorn (*Rhamnus crocea*), birchleaf mountain mahogany (*Cercocarpus betuloides*), chaparral yucca (*Hesperoyucca whipplei*), and California juniper (*Juniperus californica*). (ECR, p. 127.)

Non-Native Grasslands
Non-native grassland is a vegetation community that is composed primarily of non-native annual herbs and forbs, and typically lacking a shrub or tree cover. Common grass species include wild oats (*Avena spp.*), soft chess brome (*Bromus hordeaceous*), cheat grass (*B. tectorum*), ripgut brome (*B. diandrus*), and red brome (*B. madritensis*). Common forb species include non-native species such as filarees (*Erodium spp.*), bur clover (*Medicago polymorpha*), and short-podded mustard (*Hirschfeldia incana*). (ECR, p. 127.)

Wetlands and Riparian Vegetation

Riparian Scrub
Riparian scrub is a vegetation community that takes a variety of forms, depending on the dominant species, and can include any combination of willow (*Salix lasiandra*, *S. lasiolepis*, *S. laevigata*, *S. gooddingii, S. exigua*), blue elderberry (*Sambucus nigra* ssp. *caerulea*), wild grape (*Vitis girdiana*), poison-oak (*Toxicodendron diversilobum*), mulefat (*Baccharis salicifolia*), salt cedar (*Tamarix* sp.), salt bushes (*Atriplex* spp.), catclaw acacia (*Acacia greggii*), salt grass (*Distichlis spicata*), sedges (*Carex* spp.) and stinging nettle (*Urtica dioica*). This habitat type has the same potential species composition as a riparian forest, but at a younger successional stage, usually a result of either a more recent disturbance or frequent flooding. Riparian scrub is typically found along major drainages, but also occurs in smaller water courses. (ECR, p. 130.)

Southern Cottonwood-Willow Riparian Forest
Southern cottonwood-willow riparian forest is a tall, open broad-leafed, winter-deciduous forest dominated by Fremont cottonwood (*Populus fremontii* ssp. *fremontii*), willows (*Salix spp.*), and western sycamore (*Platanus racemosa*), with an understory usually composed of shrubby willows. The tall riparian trees and dense understory result in an almost full canopy cover. This community occurs at low elevations along the valley floor, typically where the water table is high and/or there is year-round water flow. Frequent winter flows provide areas of scour and sedimentation within the channel. (ECR, p. 130.)

Woodlands and Forest

Coast Live Oak Woodlands
Coast live oak woodland is a plant community dominated by a single oak species, coast live oak (*Quercus agrifolia*); however, it may be interspersed with other broadleaf and coniferous trees, including California bay (*Umbellularia californica*), California walnut (*Juglans californica*), and to a lesser extent, other oaks. Typical understory consists of grasses, herbs, and geophytes. Coast live oak woodland is found throughout the California chaparral and woodlands ecoregion of California in the United States and northwestern Baja California in Mexico and is widespread at lower elevations in coastal California, occurring in interior valleys of the Coast Ranges, Transverse Ranges and Peninsular Ranges. (ECR, p. 130.)

Developed Lands

Developed lands are characterized by areas that have been constructed upon or otherwise physically altered to an extent that native vegetation is no longer supported. Typically, Developed Lands consist of permanent or semi-permanent structures, pavement or hardscape, and landscaped areas that often require irrigation. For the purpose of this discussion and analysis, agricultural areas and disturbed lands are also considered developed lands. Agriculture refers to lands subject to routine and ongoing commercial operations associated with orchards and vineyards, intensively developed agriculture, such as dairies, nurseries, and ranches, and extensive agriculture such as fields, pastures, and row crops. Disturbed land includes areas in which there is sparse vegetative cover and where there is evidence of soil surface disturbance and compaction from previous human activity and/or the presence of building foundations and debris. Vegetation on disturbed land (if present) has a high predominance of non-native and/or weedy species that are indicators of surface disturbance and soil compaction, such as Russian thistle (*Salsola tragus*), telegraph weed (*Heterotheca grandiflora*), horehound (*Marrubium vulgare*), and sow-thistle (*Sonchus oleraceus*). (ECR, p. 130.)

Wildlife

Shrubland and Grassland Communities

Shrubland habitats, including Riversidean sage scrub, alluvial fan sage scrub, and chamise chaparral, host a variety of animals, most of which are permanent residents. Amphibians such as the California slender salamander (*Batrachoseps attenuatus*), western toad (*Anaxyrus boreas*), and pacific treefrog (*Pseudacris regilla*) are found in moist canyon areas. Reptiles such as the western fence lizard (*Sceloporus occidentalis)*, side-blotched lizard (*Uta stansburiana)*, western whiptail (*Aspidoscelis tigris)*, gopher snake (*Pituophis catenifer*), common kingsnake (*Lampropeltis getula*) and southern Pacific rattlesnake (*Crotalus oreganus helleri)* among others also occupy this habitat. Resident bird species include the Costa's hummingbird (*Calypte costae)*, California towhee (*Melozone crissalis*), wrentit (*Chamaea fasciata*), Bewick's wren (*Thryomanes bewickii*), mourning dove (*Zenaida macroura*), California thrasher (*Toxostoma redivivum)*, greater roadrunner (*Geococcyx californianus*), and California quail (*Callipepla californica*). Shrublands also provide the shelter and refuge required by many wildlife species. Typical mammals found in this habitat include California ground squirrel (*Otospermophilus beecheyi*), Botta's pocket gopher (*Thomomys bottae*), coyote (*Canis latrans*), and pocket mice (*Chaetodipus* sp.).

Annual grasslands, including non-native grasslands, provide foraging and nesting habitat for a wide variety of wildlife species including raptors, seed eating birds, small mammals, amphibians, and reptiles. Wildlife species typically associated with grasslands include black-tailed jackrabbit (*Lepus californicus*), California ground squirrel, Botta's pocket gopher, American badger (*Taxidea taxus*), coyote, common garter snake (*Thamnophis sirtalis*), deer mouse (*Peromyscus maniculatus*), western harvest mouse (*Reithrodontomys megalotis*), California vole (*Microtus californicus*), mule deer (*Odocoileus hemionus*), western meadowlark (*Sturnella neglecta*), and savannah sparrow (*Passerculus sandwichensis*). Grasslands also provide important foraging habitat for raptors such as the American kestrel (*Falco sparverius*), turkey vulture (*Cathartes aura*), red-tailed hawk (*Buteo jamaicensis*), white-tailed kite (*Elanus leucurus*), northern harrier (*Circus hudsonius*), and western burrowing owl (*Athene cunicularia hypugea*).

Wetlands and Riparian Vegetation

Wetlands and riparian vegetation are rich in wildlife species, providing foraging, migration, roosting, and nesting/breeding habitat. Many migratory birds and raptors nest in riparian woodlands, including Swainson's hawk (*Buteo swainsoni*), least Bell's vireo (*Vireo bellii pusillus*), and western yellow-billed cuckoo (*Coccyzus americanus occidentalis*). Small carnivores that inhabit riparian vegetation include

spotted skunk (*Spilogale gracilis*) and striped skunk (*Mephitis mephitis*), raccoon (*Bassariscus astutus*), and bobcat (*Lynx rufus*). Furthermore, riparian vegetation and associated stream courses are critical for a variety of amphibians, including the Pacific tree frog, western toad, and legless lizard (*Anniella* spp.).

Woodlands and Forest

Of the 632 terrestrial vertebrates (amphibians, reptiles, birds, and mammals) native to California, over 300 species use oak woodlands for food, cover, and reproduction, including at least 120 species of mammals, 147 species of birds, and approximately 60 species of amphibians and reptiles. Oak woodlands are also extremely important for a wide range of insect life. Each species of wildlife has different habitat requirements. For instance, within the Planning Area, cavity trees provide shelter and breeding sites for western gray squirrels (*Sciurus griseus*), raccoons, and certain owls, bats, amphibians and reptiles. The largest group of animals that depends on tree cavities for reproduction are cavity-nesting birds, including western bluebird (*Sialia mexicana*), acorn woodpecker (*Melanerpes formicivorus*), Nuttall's woodpecker (*Picoides nuttallii*), Bewick's wren, oak titmouse (*Baeolophus inornatus*), violet-green swallow (*Tachycineta thalassina*), blue-gray gnatcatcher (*Polioptila caerulea*), wrentit, and ash-throated flycatcher (*Myiarchus cinerascens*). Small mammals such as woodrats (*Neotoma* spp.) and California mouse (*Peromyscus californicus*) nest in and against downed wood, as do many snakes and lizards. Very large pieces of downed wood also can serve as rest and den sites for fox and coyote. Some species of ground-nesting birds, like dark-eyed juncos (*Junco hyemalis*), spotted towhee (*Pipilo maculatus*), and California quail, will place their nest against a piece of downed wood to offer more camouflage and greater protection from nest predators. House wrens (*Troglodytes aedon*), Bewick's wrens, acorn woodpeckers, ash-throated flycatchers, and mourning doves (*Zenaida macroura*) also nest in areas with high cover of downed wood.

Developed Lands

Most urban types of development provide little habitat for native species, but do support several urban-adapted species, such as mourning dove (*Zenaida macroura*), European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), mice, and rats. Native species that have adapted to urban development include the northern mockingbird (*Mimus polyglottos*), mourning dove, house finch (*Haemorhous mexicanus*), black phoebe (*Sayornis nigricans)*, opossum (*Didelphis sp.*), and striped skunk. The American crow (*Corvus brachyrhynchos*) has also expanded into urban areas where tall structures such as telecommunication towers and power poles provide suitable nesting habitat. Furthermore, migrating songbirds use large stands of ornamental plants during spring or fall, and some species such as white-crowned sparrow (*Zonotrichia leucophrys*) spend the winter in residential neighborhoods. Well-managed, modern agricultural areas used for commercial row crops, orchards, and vineyards can be devoid of wildlife. However, fields and pastures can provide habitat for native small mammals and foraging habitat for raptors, especially northern harriers, red-tailed hawk, and western burrowing owl (*Athene cunicularia hypugea*). White-faced ibis (*Plegadis chihi*), egrets, crows and killdeer (*Charadrius vociferus*) often use fallow or active fields.

Special-Status Biological Resources

The following is a summary of special-status biological resources with potential to occur within the Planning Area. The term special-status biological resources includes those plants, animals, vegetation communities, jurisdictional drainages and other sensitive biological resources that are governed under Federal, State, and/or local laws and regulations. For the purpose of this analysis, special-status species are those plants and animals listed, proposed for listing, or candidates for listing as Threatened or Endangered by the U.S. Fish and Wildlife Service and National Marine Fisheries Service (NMFS) under the Federal Endangered Species Act (FESA); those listed or proposed for listing as Rare, Threatened, or

Endangered by the California Department of Fish and Wildlife (CDFW) under the California Endangered Species Act (CESA) or Native Plant Protection Act; those recognized as Species of Special Concern (SSC) by the CDFW; and plants occurring on lists 1 and 2 of the California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) system. (ECR, pp. 130–131.) Some special status species that occur in Western Riverside County are Covered Species pursuant to the MSHCP. Currently, there are 146 species covered, and 118 species are considered to be adequately conserved. 40 of the 146 require additional surveys, and 28 of the 146 are not considered to be adequately covered under the MSHCP until additional reserve lands are conserved. For 16 of the 28 species, particular species-specific conservation objectives identified in Table 9-3 of the MSHCP must be satisfied to shift them to the list of Covered Species Adequately Conserved. For the remaining 12 species, an agreement must be executed with the U.S. Forest Service before they can also be Covered Species Adequately Conserved.

Plant communities are also considered special-status biological resources if they have limited distributions, have high value for sensitive wildlife, contain special-status species, or are particularly susceptible to disturbance. The CDFW ranks special-status communities as “threatened” or “very threatened” and keeps records of their occurrences in the California Natural Diversity Database (CNDDB). (ECR, p. 131.) **Table 5.4-A – Special-Status Plant Species Known to Occur within Regional Vicinity of the Planning Area** and **Table 5.4-B – Special-Status Wildlife Species Known to Occur within Regional Vicinity of the Planning Area** below lists special-status species known to occur within a 5-mile radius of the Planning Area. **Figure 5.4-3** shows the locations of important habitats and potential sensitive species in the Planning Area and within a 5-mile radius of the Planning Area. It should be noted that only species meeting special-status as defined above are included in **Table 5.4-A**; whereas **Figure 5.4-3** may include additional species with CNPS ranking of 3 and 4, as well as Watch List and Candidate Species.

Special-Status Plant Species

A total of 22 special-status plant species that are known to occur within the 5-mile radius[1] of the Planning Area, five of which have a State and/or Federal listing status, are presented in **Table 5.4-A – Special-Status Plant Species Known to Occur within Regional Vicinity of the Planning Area** (on the following page).

The general locations of special-status species documented within the Planning Area by the CNDDB (May 2019) are shown on **Figure 5.4-3**. Five special-status plants have been mapped in the CNDDB within Planning Area limits, including Jaeger's milk-vetch (*Astragalus pachypus* var. *jaegeri*), smooth tarplant (*Centromadia pungens* ssp. *laevis*), spiny-hair blazing star (*Mentzelia tricuspis*), and Parry's spineflower (*Chorizanthe parryi* var. *parryi*).

Some plants in Table 5.4-A are identified as within the Narrow Endemic Species Survey Area or the Criteria Area Species Survey Area. Narrow endemic species are plants which are highly restricted by their habitat affinities, edaphic requirements or other ecological factors, and which specific conservation

[1] The CNDDB maps species occurrences using a spatial feature Accuracy Level index of 1 through 10 in which 1 = a specific bounded area with a radius of 80 meters, and 10 = a non-specific, circular feature with an 8,000 meter (5 miles) radius. A search of special-status species within 5 miles of the Plan Area ensures that all CNDDB mapped spatial features adjacent to the Plan Area are included.

measures and survey areas have been identified in Section 6.1.3 of the MSHCP. Criteria Area species are those special status plants for which a habitat assessment is required by Section 6.3.2 of the MSHCP except where developed lands exist as determined by Figure 6-2 of the MSHCP.

Table 5.4-A – Special-Status Plant Species Known to Occur within Regional Vicinity of the Planning Area

Scientific Name **Common Name**	**Special Status**	**MSHCP Status**	**Habitat Requirements**
Abronia villosa var. *aurita* chaparral sand-verbena	1B.1	Not covered	Chaparral, coastal scrub, desert dunes. Sandy areas. 60-1570 m.
Allium marvinii Yucaipa onion	1B.2	Covered Narrow Endemic Plant List	Chaparral. In openings on clay soils. 850-1070 m.
Astragalus lentiginosus var. *coachellae* Coachella Valley milk-vetch	FE 1B.2	Not covered	Sonoran desert scrub, desert dunes. Sandy flats, washes, outwash fans, sometimes on dunes. 35-695 m.
Astragalus pachypus var. *jaegeri* Jaeger's milk-vetch	1B.1	Covered	Coastal scrub, chaparral, valley and foothill grassland, cismontane woodland. Dry ridges and valleys and open sandy slopes; often in grassland and oak-chaparral. 365-915 m.
Atriplex coronata var. *notatior* San Jacinto Valley crownscale	FE/SE 1B.1	Covered Criteria Area Species Survey Area	Playas, valley and foothill grassland, vernal pools. Alkaline areas in the San Jacinto River Valley. 380-460 m.
Atriplex serenana var. *davidsonii* Davidson's saltscale	1B.2	Covered Criteria Area Species Survey Area	Annual herb. Blooms Apr-Oct. Coastal bluff scrub, coastal scrub. Alkaline soil. 3-250m (10-820ft).
Berberis nevinii Nevin's barberry	FE/SE 1B.1	Covered Criteria Area Species Survey Area	Perennial evergreen shrub. Sandy or gravelly, chaparral, cismontane woodland, coastal scrub, riparian scrub. 70 – 825 m.
California macrophylla round-leaved filaree	1B.1	Covered Criteria Area Species Survey Area	Annual herb. Grasslands and scrub. 6 – 1360 m.
Calochortus palmeri var. *palmeri*	1B.2	Not Covered	Chaparral, lower montane coniferous forest, meadows and

Table 5.4-A – Special-Status Plant Species Known to Occur within Regional Vicinity of the Planning Area

Scientific Name **Common Name**	**Special Status**	**MSHCP Status**	**Habitat Requirements**
Palmer's mariposa-lily			seeps. Mesic areas. 710-2390 m.
Calochortus plummerae Plummer's mariposa-lily	4.2	Covered	Chaparral, coastal scrub, cismontane woodland, lower montane coniferous forest, valley and foothill grassland. Granitic, rocky areas. 100-1700 m.
Caulanthus simulans Payson's jewelflower	4.2	Covered	Chaparral, coastal scrub. Sandy, granitic areas. 90-2200 m.
Centromadia pungens ssp. *laevis* smooth tarplant	1B.1	Covered Criteria Area Species Survey Area	Valley and foothill grassland, chenopod scrub, meadows and seeps, playas, riparian woodland. Alkali meadow, alkali scrub; also in disturbed places. 5-1170 m.
Chorizanthe parryi var. *parryi* Parry's spineflower	1B.1	Covered	Coastal scrub, chaparral, cismontane woodland, valley and foothill grassland. Dry slopes and flats; sometimes at interface of 2 vegetation types, such as chaparral and oak woodland; dry, sandy soils. 225-1220 m.
Chorizanthe xanti var. *leucotheca* white-bracted spineflower	1B.2	Not covered	Alluvial fan coastal scrub, Mojavean desert scrub, pinyon and juniper woodland. Sandy or gravelly areas. 300-1200 m.
Deinandra mohavensis Mojave tarplant	SE 1B.3	Covered	Riparian scrub, coastal scrub, chaparral. Low sand bars in river bed; mostly in riparian areas or in ephemeral grassy areas. 640-1600 m.
Dodecahema leptoceras slender-horned spineflower	FE/SE 1B.1	Covered Narrow Endemic Plant List	Chaparral, cismontane woodland, coastal scrub (alluvial fan sage scrub). Flood deposited terraces and washes; associates include Encelia, Dalea, Lepidospartum, etc. Sandy soils. 200-765 m.

Table 5.4-A – Special-Status Plant Species Known to Occur within Regional Vicinity of the Planning Area

Scientific Name **Common Name**	**Special Status**	**MSHCP Status**	**Habitat Requirements**
Gilia leptantha ssp. *leptantha* San Bernardino gilia	1B.3	Not covered	Lower montane coniferous forest. Sandy or gravelly sites. 1500-2560 m.
Horkelia cuneata var. *puberula* mesa horkelia	1B.1	Not covered	Chaparral, cismontane woodland, coastal scrub. Sandy or gravelly sites. 15-1645 m.
Imperata brevifolia California satintail	2B.1	Not covered	Coastal scrub, chaparral, riparian scrub, Mojavean desert scrub, meadows and seeps (alkali), riparian scrub. Mesic sites, alkali seeps, riparian areas. 3-1495 m.
Lasthenia glabrata ssp. *coulteri* Coulter's goldfields	1B.1	Covered Criteria Area Species Survey Area	Coastal salt marshes, playas, vernal pools. Usually found on alkaline soils in playas, sinks, and grasslands. 1-1375 m.
Lepidium virginicum var. *robinsonii* Robinson's pepper-grass	4.3	Not covered	Chaparral, coastal scrub. 1-885 m.
Mentzelia tricuspis spiny-hair blazing star	2B.1	Not covered	Mojavean desert scrub. Sandy or gravelly slopes and washes.150-1280 m.
Nama stenocarpa mud nama	2B.2	Covered Criteria Area Species Survey Area	Marshes and swamps. Lake shores, river banks, intermittently wet areas. 5-500 m.
Petalonyx linearis narrow-leaf sandpaper-plant	2B.3	Not covered	Mojavean desert scrub, Sonoran desert scrub. Sandy, rocky canyons. -25-1115 m.
Pseudognaphalium leucocephalum white rabbit-tobacco	2B.2	Not covered	Riparian woodland, cismontane woodland, coastal scrub, chaparral. Sandy, gravelly sites. 35-515 m.
Sidalcea neomexicana salt spring checkerbloom	2B.2	Not covered	Playas, chaparral, coastal scrub, lower montane coniferous forest, Mojavean desert scrub. Alkali springs and marshes. 0-1530 m.

Table 5.4-A – Special-Status Plant Species Known to Occur within Regional Vicinity of the Planning Area

Scientific Name **Common Name**	**Special Status**	**MSHCP Status**	**Habitat Requirements**
Symphyotrichum defoliatum San Bernardino aster	1B.2	Not covered	Meadows and seeps, cismontane woodland, coastal scrub, lower montane coniferous forest, marshes and swamps, valley and foothill grassland. Vernally mesic grassland or near ditches, streams and springs; disturbed areas. 2-2040 m.
Tortula californica California screw moss	1B.2	Not covered	Chenopod scrub, valley and foothill grassland. Moss growing on sandy soil. 10-1460 m.
Trichocoronis wrightii var. *wrightii* Wright's trichocoronis	2B.1	Covered Narrow Endemic Plant List	Marshes and swamps, riparian forest, meadows and seeps, vernal pools. Mud flats of vernal lakes, drying river beds, alkali meadows. 5-435 m.

Source: CNDDB and CNPS Online Inventory of Rare and Endangered Plants and MSHCP (May 2019).
Notes:
Regional vicinity refers to within a 5-mile radius of the Planning Area.
MSHCP = Western Riverside County Multiple Species Habitat Conservation Plan
M = meters
FE = Federally Endangered; SE = State Endangered
California Native Plant Society (CNPS) California Rare Plant Rank (CRPR):
1A = Presumed Extirpated in California and either rare or extinct elsewhere
1B = Rare, Threatened, or Endangered in California and elsewhere
2A = Presumed Extirpated in California but common elsewhere
2B = Rare, Threatened, or Endangered in California, but more common elsewhere
3 = Review List: more information is needed
4 = Watch List: limited distribution
CRPR Threat Code Extension:
.1 = Seriously threatened in California (>80% of occurrences threatened/high degree and immediacy of threat)
.2 = Moderately threatened in California (20 to 80% of occurrences threatened/moderate degree and immediacy of threat)
.3 = Not very threatened in California (<20% of occurrences threatened/low degree and immediacy of threat or no current threats known)

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Special-Status Wildlife Species

Several special-status invertebrate, amphibian, fish, reptile, bird, and mammal species that are known or possibly found in the Planning Area, based on the CNDDB, are listed in **Table 5.4-B** below. The general locations of documented species of concern are illustrated on **Figure 5.4-3**. Numerous habitats occur within the Planning Area that can support special-status wildlife species including, but not limited to, Stephen's kangaroo rat (*Dipodomys stephensi*), San Bernardino Merriam's kangaroo rat (*D. merriami parvus*), least Bell's vireo (*Vireo bellii pusillus*), and western burrowing owl (*Athene cunicularia hypogea*).

Some of the wildlife listed in Table 5.4-B are identified as within the Amphibian, Burrowing Owl, or Mammal Survey Areas pursuant to MSHCP Section 6.3.2, which has identified areas, that require additional surveys in order to achieve coverage for these species.

Table 5.4-B –Special-Status Wildlife Species Known to Occur within Regional Vicinity of the Planning Area

Scientific Name **Common Name**	**Special Status**	**MSHCP Status**	**Habitat Requirements**
Invertebrates			
Bombus crotchii Crotch bumble bee	SSA	Not covered	Coastal California east to the Sierra-Cascade Crest and south into Mexico. Food plant genera include Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum.
Amphibians			
Rana mucosa Southern mountain yellow-legged frog[1]	FE/SE	Covered Amphibian Species Survey Area	Federal listing refers to populations in the San Gabriel, San Jacinto and San Bernardino Mountains. Found at elevations of 1,370-3,650 m (4,500–12,000 ft). Always encountered within a few feet of water. Tadpoles may require 2–4 yrs to complete their aquatic development.
Spea hammondii western spadefoot	SSC	Covered	Occurs primarily in grassland habitats, but can be found in valley-foothill hardwood woodlands. Vernal pools are essential for breeding and egg-laying.
Reptiles			
Anniella stebbinsi southern California legless lizard	SSC	Not covered	Generally south of the Transverse Range, extending to northwestern Baja California. Occurs in moist sandy or loose loamy soils under sparse vegetation. Disjunct populations in the Tehachapi and Piute Mountains in Kern County.

Table 5.4-B –Special-Status Wildlife Species Known to Occur within Regional Vicinity of the Planning Area

Scientific Name **Common Name**	**Special Status**	**MSHCP Status**	**Habitat Requirements**
			Variety of habitats. Prefers soils with a high moisture content.
Arizona elegans occidentalis California glossy snake	SSC	Not covered	Patchily distributed from the eastern portion of San Francisco Bay, southern San Joaquin Valley, and the Coast, Transverse, and Peninsular Ranges, south to Baja California. Generalist reported from a range of scrub and grassland habitats, often with loose soils.
Aspidoscelis hyperythra orange-throated whiptail	WL	Covered	Inhabits low-elevation coastal scrub, chaparral, and valley-foothill hardwood habitats. Prefers washes and other sandy areas with patches of brush and rocks. Perennial plants necessary for its major food: termites.
Aspidoscelis tigris stejnegeri coastal whiptail	SSC	Covered	Found in deserts & semiarid areas with sparse vegetation and open areas. Also found in woodland & riparian areas. Ground may be firm soil, sandy, or rocky.
Crotalus ruber red-diamond rattlesnake	SSC	Covered	Chaparral, woodland, grassland, & desert areas from coastal San Diego County to the eastern slopes of the mountains. Occurs in rocky areas & dense vegetation. Needs rodent burrows, cracks in rocks or surface cover objects.
Emys marmorata western pond turtle	SSC	Covered	A thoroughly aquatic turtle of ponds, marshes, rivers, streams & irrigation ditches, usually with aquatic vegetation, below 6,000 feet elevation. Need basking sites and suitable upland habitat (sandy banks or grassy open fields) up to 0.5 km from water for estivating.
Phrynosoma blainvillii coast horned lizard	SSC	Covered	Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, & abundant supply of ants & other insects.

Table 5.4-B –Special-Status Wildlife Species Known to Occur within Regional Vicinity of the Planning Area

Scientific Name **Common Name**	**Special Status**	**MSHCP Status**	**Habitat Requirements**
Salvadora hexalepis virgultea coast patch-nosed snake	SSC	Not covered	Brushy or shrubby vegetation in coastal Southern California. Require small mammal burrows for refuge and overwintering sites.
Birds			
Accipiter cooperii Cooper's hawk	WL	Covered	Chiefly of open, interrupted or marginal type woodland. Nest sites mainly in riparian growths of deciduous trees, as in canyon bottoms on river flood-plains, also live oaks.
Agelaius tricolor tricolored blackbird	FC SSC	Covered	Highly colonial species, most numerous in Central Valley & vicinity. Largely endemic to California. Requires open water, protected nesting substrate, & foraging area with insect prey within a few km of the colony.
Aimophila ruficeps canescens southern California rufous-crowned sparrow	WL	Covered	Resident in southern California coastal sage scrub and sparse mixed chaparral. Frequents relatively steep, often rocky hillsides with grass and forb patches.
Aquila chrysaetos golden eagle	FP, WL	Covered	Rolling foothills, mountain areas, sage-juniper flats, and desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas.
Artemisiospiza bellii Bell's sage sparrow	WL	Covered	Nests in chaparral dominated by dense stands of chamise. Found in coastal sage scrub in south of range.
Athene cunicularia burrowing owl	SSC	Covered Burrowing Owl Survey Areas	Open, dry annual or perennial grasslands, deserts & scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.

Table 5.4-B –Special-Status Wildlife Species Known to Occur within Regional Vicinity of the Planning Area

Scientific Name **Common Name**	**Special Status**	**MSHCP Status**	**Habitat Requirements**
Buteo regalis ferruginous hawk	WL	Covered	Open grasslands, sagebrush flats, desert scrub, low foothills and fringes of pinyon and juniper habitats. Eats mostly Lagomorphs, ground squirrels, and mice. Population trends may follow Lagomorph population cycles.
Buteo swainsoni Swainson's hawk	ST	Covered	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannahs, & agricultural or ranch lands with groves or lines of trees. Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodents.
Campylorhynchus brunneicapillus sandiegensis coastal cactus wren	SSC	Covered	Southern California coastal sage scrub. Wrens require tall opuntia cactus for nesting and roosting.
Coccyzus americanus occidentalis western yellow-billed cuckoo	FT/SE	Covered	Riparian forest nester, along the broad, lower flood-bottoms of larger river systems. Nests in riparian jungles of willow, often mixed with cottonwoods, with lower understory of blackberry, nettles, or wild grape.
Elanus leucurus white-tailed kite	FP	Covered	Rolling foothills and valley margins with scattered oaks & river bottomlands or marshes next to deciduous woodland. Open grasslands, meadows, or marshes for foraging close to isolated, dense-topped trees for nesting and perching.
Empidonax traillii extimus southwestern willow flycatcher	FE/SE	Covered	Breeds in relatively dense riparian tree and shrub communities associated with rivers, swamps, and other wetlands including lakes and reservoirs. Habitat patches must be at least 0.25 acre in size and at least 30 feet wide.
Eremophila alpestris actia California horned lark	WL	Covered	Short-grass prairie, “bald” hills, mountain meadows, open coastal plains, fallow grain fields, alkali flats.

Table 5.4-B –Special-Status Wildlife Species Known to Occur within Regional Vicinity of the Planning Area

Scientific Name Common Name	Special Status	MSHCP Status	Habitat Requirements
Icteria virens yellow-breasted chat	SCC	Covered	Summer resident; inhabits riparian thickets of willow and other brushy tangles near watercourses. Nests in low, dense riparian, consisting of willow, blackberry, wild grape; forages and nests within 10 feet of ground.
Lanius ludovicianus loggerhead shrike	SSC	Covered	Broken woodlands, savannah, pinyon-juniper, Joshua tree, & riparian woodlands, desert oases, scrub & washes. Prefers open country for hunting, with perches for scanning, and fairly dense shrubs and brush for nesting.
Plegadus chihi white-faced ibis	WL	Covered	Shallow freshwater marsh. Dense tule thickets for nesting, interspersed with areas of shallow water for foraging.
Polioptila californica coastal California gnatcatcher	FT SSC	Covered	Obligate, permanent resident of coastal sage scrub below 2,500 feet in Southern California. Low, coastal sage scrub in arid washes, on mesas & slopes. Not all areas classified as coastal sage scrub are occupied.
Progne subis purple martin	SSC	Covered	Inhabits woodlands, low elevation coniferous forest of Douglas-fir, ponderosa pine, & Monterey pine. Nests in old woodpecker cavities mostly, also in human-made structures. Nest often located in tall, isolated tree/snag.
Setophaga petechia yellow warbler	SSC	Covered	Riparian plant associations in close proximity to water. Also nests in montane shrubbery in open conifer forests in Cascades and Sierra Nevada. Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants.

Table 5.4-B –Special-Status Wildlife Species Known to Occur within Regional Vicinity of the Planning Area

Scientific Name **Common Name**	**Special Status**	**MSHCP Status**	**Habitat Requirements**
Vireo bellii pusillus least Bell's vireo	FE/SE	Covered	Summer resident of Southern California in low riparian in vicinity of water or in dry river bottoms; below 2000 ft. Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, mesquite.
Xanthocephalus yellow-headed blackbird	SSC	Not covered	Nests in freshwater emergent wetlands with dense vegetation & deep water. Often along borders of lakes or ponds. Nests only where large insects such as Odonata are abundant, nesting timed with maximum emergence of aquatic insects.
Mammals			
Antrozous pallidus pallid bat	SSC	Not covered	Deserts, grasslands, shrublands, woodlands and forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites.
Chaetodipus californicus femoralis Dulzura pocket mouse	SSC	Not covered	Variety of habitats including coastal scrub, chaparral & grassland. Attracted to grass-chaparral edges.
Chaetodipus fallax northwestern San Diego pocket mouse	SSC	Covered	Coastal scrub, chaparral, grasslands, sagebrush, etc. Sandy, herbaceous areas, usually in association with rocks or coarse gravel.
Chaetodipus fallax pallidus pallid San Diego pocket mouse	SSC	Not covered	Desert border areas in desert wash, desert scrub, desert succulent scrub, pinyon-juniper, etc. Sandy herbaceous areas, usually in association with rocks or coarse gravel.
Corynorhinus townsendii Townsend's big-eared bat	SSC	Not covered	Throughout California in a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls & ceilings. Roosting sites limiting. Extremely sensitive to human disturbance.

Table 5.4-B –Special-Status Wildlife Species Known to Occur within Regional Vicinity of the Planning Area

Scientific Name **Common Name**	**Special Status**	**MSHCP Status**	**Habitat Requirements**
Dipodomys merriami parvus San Bernardino kangaroo rat	FE SSC	Covered Mammal Species Survey Area	Alluvial scrub vegetation on sandy loam substrates characteristic of alluvial fans and flood plains. Needs early to intermediate seral stages.
Dipodomys stephensi Stephens' kangaroo rat	FE/ST	Covered	Primarily annual & perennial grasslands, but also occurs in coastal scrub & sagebrush with sparse canopy cover. Prefers buckwheat, chamise, brome grass & filaree. Will burrow into firm soil.
Lasiurus xanthinus western yellow bat	SSC	Not covered	Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts in trees, particularly palms. Forages over water and among trees.
Leptonycteris yerbabuenae lesser long-nosed bat	FE	Not covered	Arid regions such as desert grasslands and shrub land. Suitable day roosts (caves & mines) and suitable concentrations of food plants (columnar cacti & agaves) are critical resources. No maternity roosts known from California; may only be vagrant.
Lepus californicus bennettii San Diego black-tailed jackrabbit	SSC	Covered	Intermediate canopy stages of shrub habitats & open shrub / herbaceous & tree / herbaceous edges. Coastal sage scrub habitats in Southern California.
Neotoma lepida intermedia San Diego desert woodrat	SSC	Covered	Coastal scrub of Southern California from San Diego County to San Luis Obispo County. Moderate to dense canopies preferred. They are particularly abundant in rock outcrops & rocky cliffs & slopes.
Onychomys torridus ramona southern grasshopper mouse	SSC	Not covered	Desert areas, especially scrub habitats with friable soils for digging. Prefers low to moderate shrub cover. Feeds almost exclusively on arthropods, especially scorpions & orthopteran insects.

Table 5.4-B –Special-Status Wildlife Species Known to Occur within Regional Vicinity of the Planning Area

Scientific Name Common Name	Special Status	MSHCP Status	Habitat Requirements
Perognathus longimembris brevinasus Los Angeles pocket mouse	SSC	Covered Mammal Species Survey Area	Lower elevation grasslands & coastal sage communities in and around the Los Angeles Basin. Open ground with fine sandy soils. May not dig extensive burrows, hiding under weeds & dead leaves instead.
Taxidea taxus American badger	SSC	Not covered	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Needs sufficient food, friable soils & open, uncultivated ground. Preys on burrowing rodents. Digs burrows.

Source: CNDDB Rarefind 5 and BIOS (May 2019), MSHCP (2003)
Notes:
[1]- There are no CNDDB records for Southern mountain yellow-legged frog in the Plan Area. However, the MSHCP requires surveys for this species within the Planning Area and it is therefore included as a species which has a potential to occur within the regional vicinity of the Planning Area.
Regional vicinity refers to within a 5-mile radius of the Planning Area.
MSHCP = Western Riverside County Multiple Species Habitat Conservation Plan
FT = Federally Threatened; FC = Federal Candidate Species; FE = Federally Endangered; SE = State Endangered; ST = State Threatened; SSC = Species of Special Concern; FP = California Department of Fish and Wildlife Fully Protected; WL = California Department of Fish and Wildlife Watch List; SSA = State Special Animal

Nesting Birds

Under the provisions of the Migratory Bird Treaty Act (MBTA), it is unlawful “by any means or manner to pursue, hunt, take, capture (or) kill” any migratory birds except as permitted by regulations issued by the U.S. Fish and Wildlife Service (USFWS). The term “take” is defined by the USFWS regulation to mean to “pursue, hunt, shoot, wound, kill, trap, capture or collect” any migratory bird or any part, nest, or egg of any migratory bird covered by the conventions, or to attempt those activities. In addition, the California Fish and Game Code (CFGC; State of California 2017) extends protection to non-migratory birds identified as resident game birds (CFGC Section 3500) and any birds in the orders Falconiformes or Strigiformes (birds-of-prey) (CFGC Section 3503). Typical nesting bird sites depend on the species, but may include natural areas such as trees, shrubs, bushes, grasses, and rocky outcrops; and also, the built environment such as utility towers, eaves, tunnels, and vacant structures. Therefore, habitat is present within the Planning Area that has the potential to support protected nesting birds.

Jurisdictional Resources

The major water courses associated with the Planning Area are Noble Creek, Little San Gorgonio Creek, and Potrero Creek. Noble Creek and Little San Gorgonio Creek are tributaries of San Timoteo Creek, which drains to the Santa Ana River and eventually to the Pacific Ocean. Potrero Creek is a tributary to the San Jacinto River, which drains into Lake Elsinore. Lake Elsinore has very little outflow, but in years

of heavy rainfall it has overflowed into Temescal Creek, a tributary of the Santa Ana River. Any drainages occurring within the Planning Area that have a nexus to Noble Creek, Little San Gorgonio Creek, or Potrero Creek may be considered jurisdictional waters by Federal and State regulations. (ECR, p. 131.)

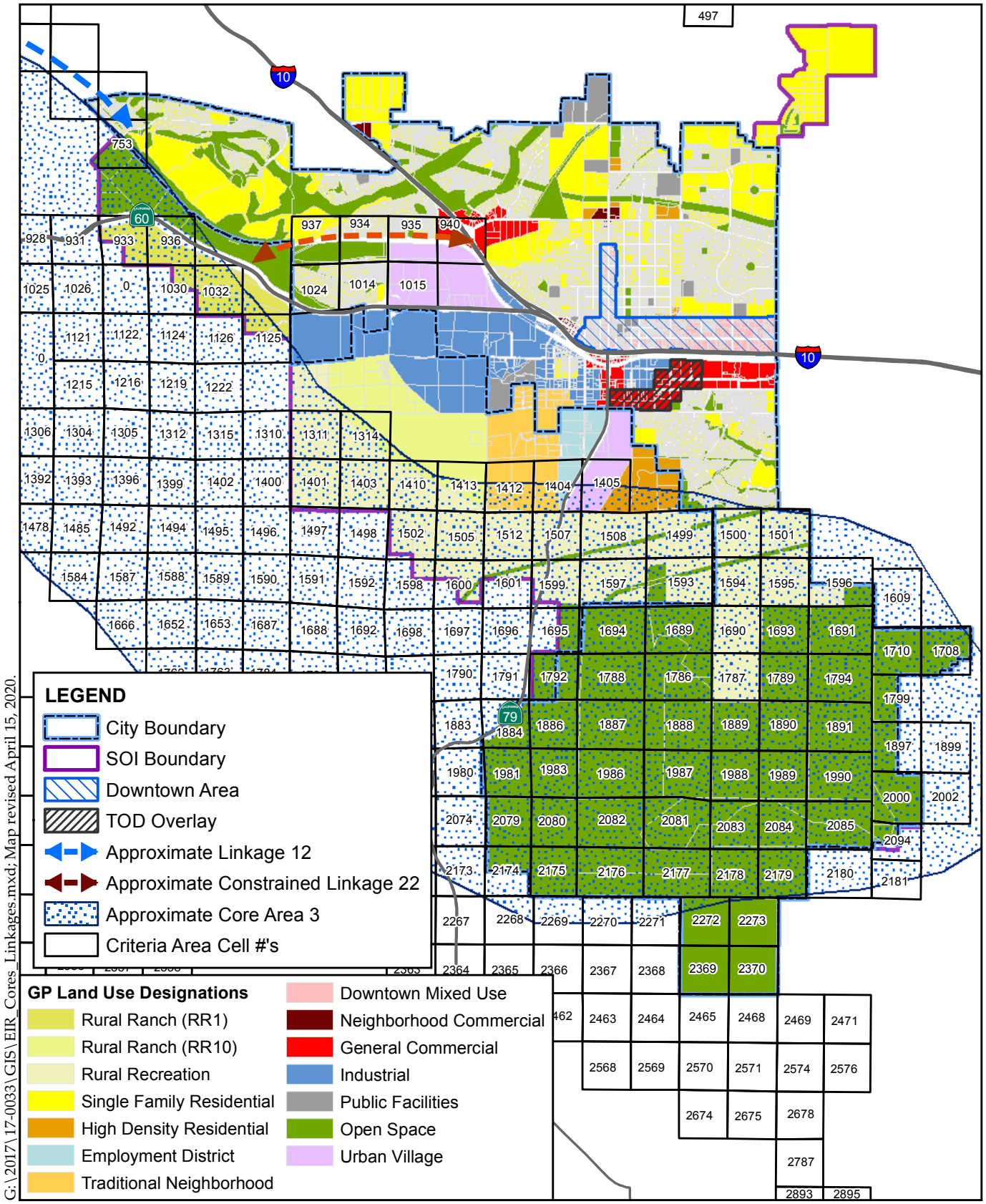
Wildlife Corridors and Preserves

As previously noted, the Planning Area occurs within the regional setting of the Western Riverside County MSHCP. The MSHCP is comprised of a variety of existing and proposed Cores, Linkages, and Habitat Blocks. Within the Planning Area, the MSHCP has identified several Cores and Linkages and a Habitat Block, including a portion of Proposed Core 3, Proposed Linkage 12, and Proposed Constrained Linkage 22 (**Figure 5.4-4 – MSHCP Cores and Linkages**).

Proposed Core 3

Proposed Core 3 (Badlands/Potrero) consists mainly of publicly owned lands (CDFW) and is considered Public/Quasi-Public areas in the MSHCP; it is located in the northwest to southern portions of the City's sphere of influence. Proposed Core 3 is connected to Proposed Linkage 12 (north San Timoteo Creek), Proposed Linkage 4 (Reche Canyon), Proposed Constrained Linkage 22 (east San Timoteo Creek), Existing Core H (Lake Perris), Existing Core K (San Jacinto Mountains), Proposed Linkage 11 (Soboba/Gilman Springs), and Proposed Constrained Linkage 21. Proposed Core 3 also functions as a Linkage, connecting the San Bernardino National Forest to the southwest with San Bernardino County and other conserved areas to the north of the Core. With a total acreage of approximately 24,920 acres, Proposed Core 3 is one of the largest MSHCP Core Areas. In addition, the Core is contiguous with Existing Core H (Lake Perris/Mystic Lake) and Existing Core K (San Jacinto Mountains), thus greatly enlarging the functional area of the Core. Proposed Core 3 has both a large proportion of its area unaffected by edge (approximately 23,420 acres of the total 24,940 acres) and is only partially constrained by existing agricultural use. Within Proposed Core 3, important live-in and movement habitat is provided for Bell's sage sparrow (*Artemisiospiza belli*), loggerhead shrike (*Lanius ludovicianus*), cactus wren (*Campylorhynchus brunneicapillus*), Stephen's kangaroo rat (*Dipodomys stephensi*), southern California rufous-crowned sparrow (*Aimophila ruficeps*), and mountain lion (*Puma concolor*), which have key populations in the Badlands. Management of edge conditions will be necessary in the Badlands to maintain high quality habitat for these species in areas which may be affected by covered facilities including Lambs Canyon Road, San Timoteo Canyon Road, and Gilman Springs Road. (ECR, pp. 131–132.)

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Sources: Riverside Co. GIS 2020/RCA; Raimi+ Assoc., 2019; Rincon Consultants, Aug. 2018.

Figure 5.4-4 MSHCP Cores and Linkages

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Proposed Linkage 12
Proposed Linkage 12 is comprised of riparian habitats associated with San Timoteo Creek; it is located at the northwestern-most tip of the City boundary. Planning Species which use Proposed Linkage 12 include yellow warbler (*Setophaga petechia*), white-tailed kite (*Elanus leucurus*), yellow-breasted chat (*Icteria virens*), least Bell's vireo (*Vireo bellii pusillus*), and Los Angeles pocket mouse (*Perognathus longimembris brevinasus*). Proposed Linkage 12 likely provides for movement of common mammals such as bobcat (*Lynx rufus*) connecting to San Bernardino County and Core Areas in the Badlands. Maintenance of habitat quality and wetland functions and values of San Timoteo Creek are important for these species.

Proposed Linkage 12 is relatively unconstrained by adjacent land uses, which include planned rural mountainous land uses and rural portions of the City of Calimesa. Widening of San Timoteo Creek may affect resources within Proposed Linkage 12 by contributing to edge effects such as runoff and trash. Improvements to this Covered Activity should be conducted away from the creek to conserve wetland functions and values.

Proposed Constrained Linkage 22
Proposed Constrained Linkage 22 is comprised of the portion of San Timoteo Creek extending west from Interstate 10 (I-10) freeway to De Anza Cycle Park within the City's sphere of influence. Proposed Constrained Linkage 22 provides habitat for certain species and a connection to Core 3 in the Badlands. Proposed Constrained Linkage 22 is constrained by I-10 to the east, San Timoteo Canyon Road and railroad tracks to the north, State Route 60 (SR-60) freeway to the south, and by existing agricultural land uses within the City. Planning Species for which habitat is provided for within this Proposed Constrained Linkage 22 include least Bell's vireo (*Vireo bellii pusillus*) and Los Angeles pocket mouse (*Perognathus longimembris brevinasus*). In addition to maintenance of habitat quality, maintenance of floodplain processes along the San Timoteo Creek is important for this species. Proposed Constrained Linkage 22 likely provides for movement of common mammals such as bobcat (*Lynx rufus*). Upon Reserve Assembly of Proposed Constrained Linkage 22, management of edge conditions will be necessary to ensure maintenance of floodplain processes and movement of mammals through this Linkage. Flood control or alteration of hydrology associated with land use activities in the City and with widening of major existing roadways may affect habitat supporting least Bell's vireo (*Vireo bellii pusillus*) and Los Angeles pocket mouse (*Perognathus longimembris brevinasus*).

5.4.2 Related Regulations

Federal Regulations

Federal Endangered Species Act (FESA)

The USFWS, under the auspices of the Federal Endangered Species Act (FESA) of 1973 (as amended), manage and protect species listed as endangered or threatened with extinction. The USFWS can issue a permit for incidental "take" of listed species as a result of otherwise lawful activities if that take is found not likely to jeopardize the continued existence of the species or modify the species' critical habitat. Take as defined under FESA means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. The permitting process is used to determine if a project would jeopardize the continued existence of listed species and what mitigation measures would be required to avoid or minimize impacts to listed species. Procedures for obtaining a permit for incidental take are identified under Section 7 of the Act for Federal properties or where Federal actions are involved and are identified under Section 10 of the Act for non-Federal actions. Candidate species do not have the full

protection of the FESA; however, the USFWS advises applicants that candidate species could be elevated to listed species at any time.

The MSHCP was prepared to provide for the take and mitigation of the 146 species covered under the MSHCP pursuant to the FESA. The MSHCP allows for the issuance of take at the local level, by MSHCP Permittees including the City, thereby streamlining the take authorization process on a project-by-project basis.

Clean Water Act (CWA), Section 401

Section 401 of the CWA requires an applicant to obtain certification for any activity that may result in a discharge of a pollutant into Waters of the United States (Waters of the U.S.). As a result, proposed fill in waters and wetlands requires coordination with the appropriate State Regional Water Quality Control Board (RWQCB) that administers Section 401 and provides certification. The RWQCB also plays a role in review of water quality and wetland issues, including avoidance and minimization of impacts. Section 401 certification is required prior to the issuance of a Section 404 permit.

Clean Water Act (CWA), Section 404

Pursuant to Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers (ACOE) regulates the discharge of dredged and/or fill material into the waters of the United States, which includes federally-defined wetlands. Wetlands are defined as those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The term, “waters of the United States”, is defined in the Navigable Waters Protection Rule. When a 404 Permit is required, then the applicant shall obtain a 401 Permit.

Navigable Waters Protection Rule

The U.S Environmental Protection Agency (EPA) and ACOE published the Navigable Waters Protection Rule (Final Rule) on April 21, 2020, in order to define the scope of waters subject to federal regulation under the CWA. The Final Rule went into effect nationwide on June 22, 2020. Paragraph (a) of the Final Rule identifies four categories of waters that are “waters of the United States”, these waters are referred to as “jurisdictional”; paragraph (b) of the Final Rule identifies those waters and features that are excluded from the definition of “waters of the United States”; and paragraph (c) of the Final Rule defines applicable terms.

The term “Waters of the U.S.” means:

(1) The territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide;

(2) Tributaries;

(3) Lakes and ponds, and impoundments of jurisdictional waters; and

(4) Adjacent wetlands.

The ACOE typically regulates as Waters of the U.S. any body of water displaying an ordinary high-water mark (OHWM). ACOE jurisdiction over non-tidal waters of the U.S. extends laterally to the OHWM or beyond the OHWM to the limit of any adjacent wetlands, if present. The OHWM is defined as “that line on

the shore established by the fluctuations of water and indicated by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area." Jurisdiction typically extends upstream to the point where the OHWM is no longer perceptible.

Permits authorized by ACOE under the Act typically contain mitigation to offset unavoidable impacts on wetlands and other Waters of the U.S. in a manner that achieves no net loss of wetland acres or values.

Executive Order 11990, Protection of Wetlands

This Executive Order from May 1977 establishes a national policy to avoid adverse impacts on wetlands whenever there is a practicable alternative. On projects with federal actions or approvals, impacts on wetlands must be identified in the environmental document. Alternatives that avoid wetlands must be considered. If wetland impacts cannot be avoided, then all practicable measures to minimize harm to those wetlands must be included. This must be documented in a specific 'Wetlands Only Practicable Alternative Finding' in the final environmental document for the proposed project.

Migratory Bird Treaty Act

Disturbing or destroying active nests of any native bird is a violation of the Migratory Bird Treaty Act (MBTA) of 1918. Nests and eggs are also protected under Section 3503 of the California Fish and Game Code. As a result, special precautions must be taken to avoid disturbances to birds during their breeding seasons (most commonly between February and August). The MBTA, implemented by the USFWS, is an international treaty that makes it unlawful to take, possess, buy, sell, purchase, or barter, any migratory bird listed in 50 CFR Part 10, including feathers or other parts, nests, eggs or products, except as allowed by implementing regulations (under 50 CFR 21). The Western Riverside County MSHCP take permits constitute 'special purpose permits' pursuant to the MBTA. Specifically, the Biological Opinion for the Western Riverside County MSHCP stipulates that covered activities must comply with the MBTA and that clearing of habitat would be avoided during the active breeding season within the MSHCP's Criteria Areas and on public/ quasi-public lands. For other birds protected by the MBTA and not listed under FESA, no take is authorized (including killing and wounding of any such birds, or take of eggs and active nests). Thus, standard MBTA compliance measures would still be required.

Federal Bald and Golden Eagle Protection

This act was originally passed in 1940 and provides for the protection of the bald eagle and the golden eagle (as amended in 1962) by prohibiting the take, possession, sale, purchase, barter, offer to sell, purchase or barter, transport, export or import, of any bald or golden eagle, alive or dead, including any part, nest or egg, unless allowed by permit. 'Take' includes pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. The 1972 amendments increased civil penalties for violating provisions of the Act to a maximum fine of $5,000 or one year imprisonment with $10,000 or not more than two years in prison for a second conviction. Felony convictions carry a maximum fine of $250,000 or two years of imprisonment. The fine doubles for an organization.

State Regulations

California Endangered Species Act (CESA)

The California Endangered Species Act (CESA) is similar to FESA in that its intent is to protect species of fish, wildlife and plants that are in danger of, or threatened with, extinction because their habitats are threatened with destruction, adverse modification or severe curtailment, or because of overexploitation, disease, predation or other factors. CESA establishes California State policy to conserve, protect, restore

and enhance threatened or endangered species and their habitats. CESA mandates that state agencies should not approve projects that would jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy.

'Take' as defined under CESA means hunt, pursue, capture or kill, or attempt to do so. Under certain conditions, CESA has provisions to authorize take pursuant to a California Fish and Game Code (CFGC) Section 2081 permit or Memorandum of Understanding (MOU). Impacts of authorized take must be minimized and fully mitigated. No permit may be issued if it would jeopardize the continued existence of the species. The CDFW is the primary regulatory agency for enforcement of California State species protection laws in the state, including CESA. CDFW may designate a species as a 'species of special concern' (SSC) prior to considering the species for protected status under CESA if the CDFW has information indicating that the species is declining. This status applies to animals that, while not listed under FESA or CESA, are declining at a rate that could result in listing or historically occur in low numbers and known threats to their persistence currently exist. While SSC species do not receive the same protections as listed species, their identification is intended to focus attention on the species to help avert the need for costly listing under FESA or CESA. SSC species are often considered during the environmental review process and are a component of the Western Riverside County MSHCP.

The MSHCP was prepared to provide for the take and mitigation of species covered under the MSHCP pursuant to the California Natural Community Conservation Planning Act (NCCP). The MSHCP allows for the issuance of take at the local level, by MSHCP Permittees including the City, thereby streamlining the take authorization process on a project-by-project basis.

Natural Community Conservation Planning Act (NCCP)

The purpose of the NCCP is to sustain and restore those species and their habitat identified by CDFW that are necessary to maintain the continued viability of those biological communities impacted by human changes to the landscape while accommodating compatible land use. It is also the policy of the State to conserve, protect, restore, and enhance natural communities. The State may acquire a fee or less than fee interest in lands consistent with approved NCCPs and may provide assistance with the implementation of those plans. The MSHCP satisfies the requirements of the NCCP Act by allowing for the issuance of take at the local level by Permittees such as the City, thereby streamlining the take authorization process on a project-by-project basis.

Native Plant Protection Act (NPPA) of 1977

The NPPA (e.g., CFGC Sections 1900-1913) directs CDFW to carry out the legislature's intent to "preserve, protect and enhance rare and endangered plants in this State." The NPPA gives the California Fish and Game Commission the power to designate native plants as endangered or rare, since CESA does not explicitly cover rare plants**.** Accordingly, the CDFW's Wildlife and Habitat Data Analysis Branch maintains a 'special plants' list of approximately 2,000 native plant species, subspecies or varieties that are tracked by the CNDDB. The NPPA prohibits the taking of listed plants from the wild and requires notification of the CDFW at least 10 days in advance of any change in land use which would adversely impact listed plants. This requirement allows CDFW to salvage plants that would otherwise be destroyed.

The CNPS publishes and maintains an Inventory of Rare and Endangered Vascular Plants of California. The inventory assigns a ranking status. Plants on the 1A, 1B and 2 lists of the CNPS Inventory consist of plants that may qualify for listing and CDFW requires that they be addressed under CEQA.

Oak Woodlands Conservation Act 1360

The Oak Woodlands Conservation Act is intended to work in concert with local planning and zoning strategies to conserve oak woodlands. Jurisdictions may prepare an Oak Woodlands Management Plan and thereby qualify for State of California financial incentives to protect the oak resources described therein. Through this Act, it is the State of California's intent to support and encourage voluntary, long-term private stewardship and conservation of California's oak woodlands by offering landowners financial incentives to protect and promote biologically functional oak woodlands over time and encourage local land use planning that is consistent with the preservation of oak woodlands, particularly special oak woodlands habitat elements. The Oak Woodlands Conservation Act also establishes a fund for oak woodlands conservation to which future appropriations for oak woodlands protection may be made.

Fish and Game Code Section 1600 et seq.

The CDFW, through provisions of the Fish and Game Code Sections 1600–1603, is empowered to issue agreements (Streambed Alteration Agreements) for projects that would "divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake" (Fish and Game Code Section 1602[a]). Streams and rivers are defined by the presence of a channel bed and banks, and intermittent flow. The limits of CDFW jurisdiction are also based on riparian habitat and may include wetland areas that do not meet ACOE criteria for soils and/or hydrology (e.g., where riparian woodland canopy extends beyond the banks of a stream away from frequently saturated soils).

California Wetlands Conservation Policy

California wetlands policy is more restrictive than Federal wetlands policy. The goal of California Wetlands Conservation Policy (1993) is to ensure no net loss of wetlands within the State. This policy, incorporated in an executive order by then Governor Pete Wilson, also encourages a long-term net gain in the State's quantity, quality, and permanence of wetlands acreage and values. Interpretation of this order indicates that any developer wishing to fill in wetlands for construction for new development must perform mitigation in the form of constructed wetlands elsewhere at ratios ranging from 2:1 to 10:1. In addition to the ACOE, State regulatory agencies claiming jurisdiction over wetlands include the CDFW and the State Water Resources Control Board (SWRCB).

Porter-Cologne Water Quality Act

The Porter-Cologne Water Quality Control Act charges the SWRCB and nine RWQCB statewide with protecting water quality throughout California. Typically, the SWRCB and RWQCB act in concert with the ACOE under Section 401 of the CWA in relation to permitting fill of Federal jurisdiction of the ACOE under Section 404 pf the CWA. This action did not limit the State's regulatory jurisdiction over Waters of the State. Waters of the State are defined in Section 13050(c) of the Porter-Cologne Water Quality Control Act "… any surface water or groundwater, including saline waters, within the boundaries of the State." Currently, an applicant would delineate the wetlands on their property utilizing methodology presented in the 1987 Corps of Engineers Wetland Delineation Manual and the delineation would be verified by the ACOE. In cases where an area meets the criteria to be considered a wetland, but the ACOE does not have jurisdiction, the applicant is referred to the appropriate RWQCB. In these cases, the project must receive a permit for Waste Discharge Requirements or Waiver of Waste Discharge Requirements from the RWQCB. Projects that affect Waters of the State are required by the RWQCB to incorporate mitigation. Mitigation ratios are determined on a project specific basis during the permitting process and are based on the quality of the wetlands impacts by the project.

Unlawful Take or Destruction of Nests or Eggs (Fish and Game Code Sections 3505.5-3513)

Section 3503.5 of the California Fish and Game Code specifically protects birds of prey, stating:

> *It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.*

Section 3513 of the CFGC duplicates the federal protection of migratory birds, stating:

> *It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act.*

Regional Regulations

Western Riverside County Multiple Species Habitat Conservation Plan

The Planning Area is located within an area subject to the Western Riverside County MSHCP. The MSHCP is a long-term regional conservation plan established to protect sensitive species and habitats in western Riverside County. The MSHCP Plan Area encompasses approximately 1.26 million acres (1,966 square miles); it includes all unincorporated Riverside County land west of the crest of the San Jacinto Mountains to the Orange County line, as well as the jurisdictional areas of the cities of Temecula, Murrieta, Lake Elsinore, Canyon Lake, Norco, Corona, Riverside, Moreno Valley, Banning, Beaumont, Calimesa, Perris, Hemet, and San Jacinto. The MSHCP covers multiple species and multiple habitats within a diverse landscape, from urban centers to undeveloped foothills and montane forests, all under multiple jurisdictions. It extends across many bioregions as well, including the Santa Ana Mountains, Riverside Lowlands, San Jacinto Foothills, San Jacinto Mountains, Agua Tibia Mountains, Desert Transition, and San Bernardino Mountains.

The MSHCP will serve as an HCP pursuant to Section 10(a)(1)(B) of the FESA of 1973 (FESA), as well as a NCCP under the NCCP Act of 2001. The Endangered Species Act prohibits the “taking” of Endangered species. The MSHCP will be used to allow the participating jurisdictions to authorize “take” of Covered plant and wildlife species identified within the Plan Area. The MSHCP currently does not grant “take” of species not adequately conserved in the Plan Area. Taking is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect” listed species. The USFWS issued a Biological Opinion and FESA Section 10 permit for the MSHCP on June 22, 2004, and CDFW issued an NCCP Approval and take Authorization on the same date. The USFWS and CDFW (hereafter “Wildlife Agencies”) have authority to regulate the take of Threatened, Endangered, and rare Species. Under the MSHCP, the Wildlife Agencies will grant “Take Authorization” for otherwise lawful actions such as public and private development that may incidentally take or harm individual species or their habitat outside of the MSHCP Conservation Area in exchange for the assembly and management of a coordinated MSHCP Conservation Area.

The MSHCP identifies 20 Core Areas, 10 Non-contiguous Habitat Blocks, 28 Linkages, between areas of habitat as the system of conserved lands that would meet the MSHCP goals for habitat preservation and species protection. A definition of each of these areas is provided in Volume 1 of the MSHCP. The MSHCP also establishes conservation targets within each of the member cities and each of the 16 Area Plans in Western Riverside County covered by the Riverside County General Plan.

As a local Permittee, the City has adopted and is signatory to the Implementing Agreement of the MSHCP. Properties within the Criteria Area which is represented by "Criteria Cells" (consisting of 160-acre areas) are subject to the MSHCP "criteria" which lays out the conservation objectives for that particular Cell. Criteria Areas are areas in which land can be acquired as Additional Reserve Lands to meet MSHCP conservation goals. The Criteria Cells affecting the Planning Area are shown on **Figure 5.4-1 – MSHCP Criteria Cells**.

The MSHCP allows the City, as a Permittee, to "take" (i.e. impact) adequately conserved plant and animal species within identified areas through the local land use planning process. In addition to the conservation and management duties assigned to the City, a property-owner-initiated habitat evaluation and acquisition negotiation process has also been developed which is required for any project occurring within the Criteria Area (as depicted on Figure 5.4-1). The Criteria Area is used to identify where the Reserve will be built from in order to protect lands in perpetuity for conservation of habitats and species. . This process is intended to apply to property that may be needed for inclusion in the MSHCP Reserve or subjected to other MSHCP requirements. Future specific development projects will be required to pay an impact fee that will be used in part to acquire appropriate lands for conservation. The MSHCP is available through Riverside County, or can be reviewed at http://rctlma.org/Portals/0/mshcp/volume1/index.html.

MSHCP Target Conservation Acreages

The Planning Area is within The Pass Area Plan of the MSHCP. The MSHCP broadly identifies total target conservation acreages for The Pass Area Plan, as discussed below:

> The target conservation acreage range for The Pass Area Plan is 22,510 to 27,895 acres; it is composed of approximately 13,970 acres of existing Public/Quasi-Public Lands and 8,540 to 13,925 acres of Additional Reserve Lands. The City of Banning, City of Beaumont, and City of Calimesa sit entirely within The Pass Area Plan. The target acreage range within the City of Banning is 50 to 90 acres. The target acreage range within the City of Beaumont is 5,440 to 9,060 acres. The target acreage range within the City of Calimesa is 1,240 to 2,240 acres. The target acreages of the three cities are included within the 8,540 to 13,925 acres target conservation range on Additional Reserve Lands for the entire The Pass Area Plan.

Core Areas and Linkages

Within The Pass Area Plan, the MSHCP also identifies certain Core Areas and Linkages. A "Core Area" is considered to be a block of Habitat of appropriate size, configuration, and vegetation characteristics to generally support the life history requirements of one or more MSHCP Covered Species. "Habitat" is generally defined as the combination of environmental conditions of a specific place providing for the needs of a species or a population of such species. "Linkages" provide connection between Core Areas with adequate size, configuration and vegetation characteristics to generally provide for "live-in" habitat and/or provide for genetic flow for identified Planning Species. Cores and Linkages within The Pass Area Plan which are located within the Planning Area include (See Figure 5.4-4):

- Proposed Constrained Linkage 22,
- A portion of Proposed Core 3, and
- Proposed Linkage 12.

The Criteria identified by each Criteria Cell identifies the areas needed for conservation in order to build out the above listed Reserve Features which will then contribute to the overall MSHCP Conservation Area.

The Pass Area Plan Subunits

The Pass Area Plan is divided into three Subunits – Subunit 1: Potrero/Badlands, Subunit 2: Badlands/San Bernardino National Forest, and Subunit 3: San Timoteo Creek. The Planning Area lies predominantly within Subunit 1: Potrero/Badlands. The Planning Area also encompasses portions of Subunit 2: Badlands/San Bernardino National Forest and Subunit 3: San Timoteo Creek. Each Subunit in turn is divided into Cells, and Cell Groups. **Figure 5.4-1** depicts all the Cells and Cell Groups affecting the Planning Area. Section 3 of the MSHCP provides more details on the Criteria Cells for the Pass Area Plan.

Outside the Criteria Area

Projects (private development projects as well as public projects) outside of the Criteria Cells are subject to a consistency analysis based on an examination of "Other Plan Requirements" in accordance with the following sections from the MSHCP:

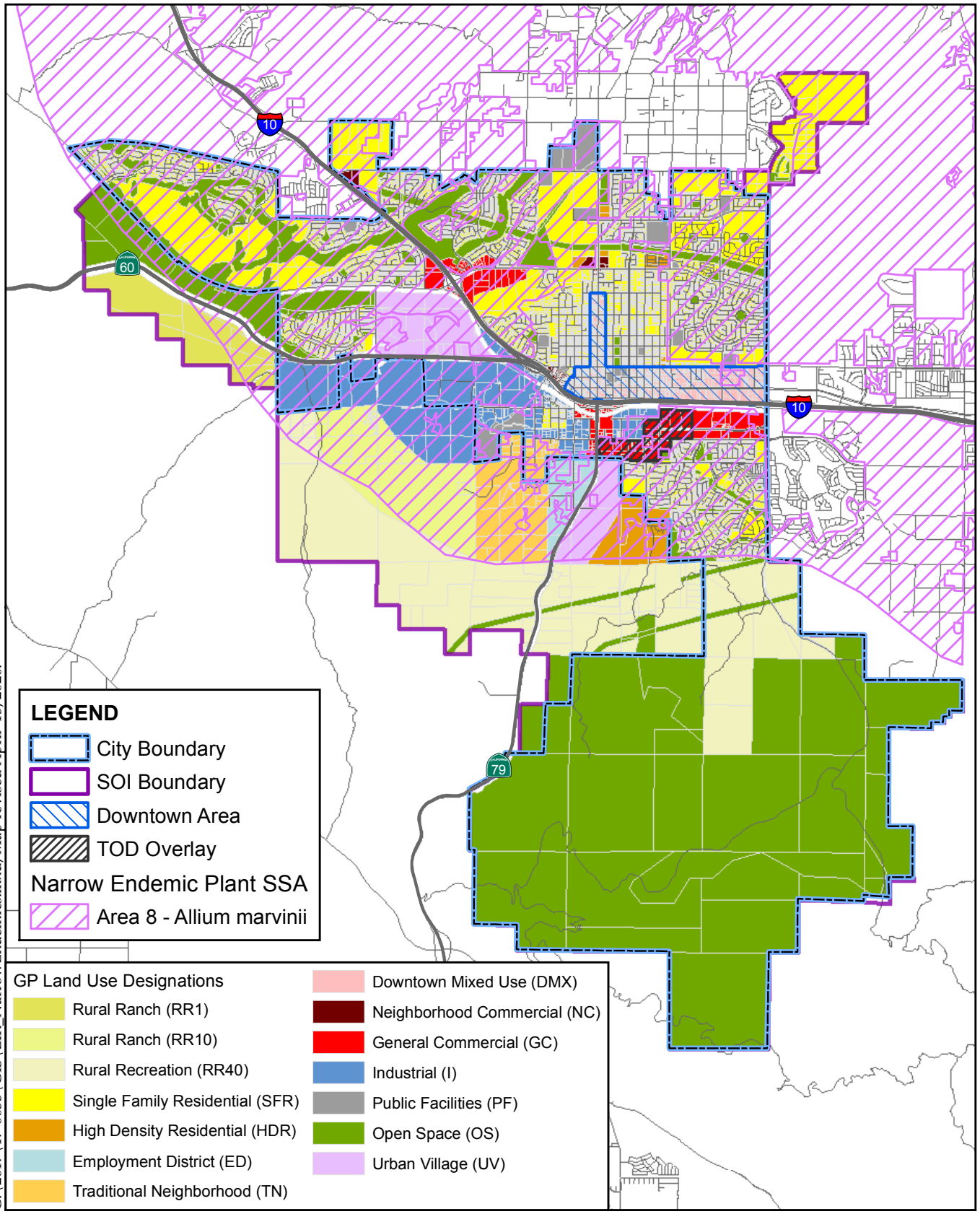
Section 6.1.2 - Riparian/Riverine and Vernal Pool/Fairy Shrimp: This section sets forth the biological survey and report requirements regarding riparian/riverine habitat and associated species, focusing on riparian/ riverine areas, vernal pools and fairy shrimp habitat. Listed fairy shrimp that are known to occur in Western Riverside County include Riverside fairy shrimp (*Streptocephalus woottoni),* vernal pool fairy shrimp (*Branchinecta lynchi),* Santa Rosa Plateau fairy shrimp (*Linderiella santarosae*).

Section 6.1.3 - Narrow Endemic Plant Species Survey Area (NEPSSA): This section sets forth the biological survey and report requirements regarding narrow endemic plant species, and requires focused surveys (generally during the bloom period) for all public and private projects proposed within the NEPSSA and when suitable habitat is determined to be present. **Figure 5.4-5 – MSHCP Narrow Endemic Species Survey Areas** illustrates where the NEPSSA overlaps with the Planning Area. As identified in **Table 5.4-A**, suitable habitat for three plants on the Narrow Endemic Plant Species list is located in the Planning Area: Yucaipa onion, slender-horned spineflower, and Wright's Trichocoronis.

Section 6.3.2 - Additional Survey Needs and Procedures: This section sets forth the biological survey and report requirements regarding the Criteria Area Species Survey Area (CASSA) plant species, amphibian species, burrowing owl and small mammal species. The Planning Area is within the amphibian species, CASSA, burrowing owl, and small mammal survey areas of Section 6.3.2 of the MSHCP.

Section 6.1.4 - Urban/Wildland Interface Guidelines: This section sets forth a range of measures to eliminate, reduce or minimize edge effects associated with the interface between development and the natural environment.

Section 6.9 - Application of Certain FESA Requirements: This section addresses USFWS proposed or adopted critical habitat designations and future recovery plans. It stipulates that FESA recovery plans do not require any additional land or financial compensation by the Permitees. Additionally, Section 6.9 provides that "to the maximum extent allowable" the USFWS shall ensure that any future FESA Biological Opinions issued for future projects are consistent with the no jeopardy ruling granted by the MSHCP, as long as the project is "consistent with the terms and conditions of the MSHCP and its Implementing Agreement." Through implementation of the MSHCP requirements found in Sections 6.1.2, 6.1.3, 6.3.2, 6.1.4 and 6.9, development projects outside of the Criteria Areas can be found consistent with the MSHCP, thereby ensuring impacts to Covered Species would be less than significant.



G:\2017\17-0033\GIS\EIR_NarrowEndemics.mxd; Map revised April 15, 2020.

Sources: Riverside Co. GIS 2020/RCA; Raimi+; Assoc., 2019; Rincon Consultants, Aug. 2018.

Figure 5.4-5 MSHCP Narrow Endemic Species Survey Areas

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Inside the Criteria Area
The following provides an additional explanation of what the consistency analysis will need to include for any project in the Planning Area to document MSHCP consistency:

Other Plan Requirements: The requirements are the same as outlined for "Outside Criteria Areas." Specifically, the MSHCP relevant sections that require documentation to determine consistency are Sections 6.12, 6.1.3, 6.1.4, and 6.3.2.

Joint Project Review Process: Once a development project has been reviewed and a determination of consistency/inconsistency with the MSHCP is made by the City, the project is reviewed by the Western Riverside County Regional Conservation Authority (RCA) through the Joint Project/Acquisition Review (JPR) process (as described in Section 6.6.2E of the MSHCP). To ensure that the requirements of the MSHCP are properly adhered to by all applicable parties, all projects within Criteria Cells are reviewed by the RCA through this process. Additionally, the JPR process includes a 10-day comment period for the USFWS and CDFW should they wish to comment on a decision made by the RCA.

The JPR Process includes a review of the project's relationship on three geographic levels. All projects within the Criteria Area must be reviewed for consistency with the following three reserve units: (1) Cores and Linkages, (2) Area Plans and Subunits, and (3) Criteria Cells.

The Habitat Acquisition and Negotiation Strategy (HANS) process (Section 6.1.1 of the MSHCP) outlines a methodology for Permittees to negotiate for the setting aside or purchase of areas needed for conservation (i.e., Reserve Assembly). Permittees may utilize incentives such as density bonuses or waivers of other local impact fees in return for conservation of a portion of a project site deemed important for MSHCP reserve assembly. The HANS process (Section 6.1.1 of the MSHCP)

Permittee MSHCP Findings: Once the JPR process is complete, the Permittee prepares MSHCP findings for inclusion in final project entitlement or approval documents and staff reports. Findings of MSHCP consistency/ inconsistency cannot be made until the JPR process is complete. Through implementation of these requirements, development projects inside Criteria Areas can be found consistent with the MSHCP. Impacts to covered species (candidate, sensitive or special status species) and their habitats resulting from development projects that are consistent with the MSHCP would be deemed less than significant because of their MSHCP compliance.

Riverside County Oak Tree Management Guidelines

In March 1993, the County of Riverside issued Oak Tree Management Guidelines to address the treatment of oak woodlands in areas where zoning and/or General Plan density restrictions allow the effective use of clustering. The guidelines are generally considered to be the most effective where minimum lot sizes are 2.5 acres or larger, or where oak woodlands are concentrated in a relatively small portion of a project site. The guidelines include recommendations for oak inventories, land use designs to cluster home sites in order to reduce impacts to oaks and mitigation measures for oak conservation.

Ordinance No. 559 – Regulating the Removal of Trees

Ordinance No. 559 regulates the removal of living native trees on parcels of property greater than one-half acre, located above 5,000 feet within the unincorporated area of Riverside County without first obtaining a permit to do so. The purpose of the ordinance is to ensure that the timberlands of Riverside County are protected, and the ecological balance of such timberlands is preserved.

Local Regulations

Application for Environmental Review and Processing

As part of the entitlement process, applicants are required to complete and submit an Application for Environmental Review and Processing, which is used by the City Planning Department to determine what, if any, technical studies may be required as part of the entitlement process. According to the Application for Environmental Review and Processing, a biological resource report is required for an implementing development project if: native soils and habitats such as wetlands are within, or in proximity to the project area, and/or construction activities will result in trenching, excavation of undisturbed soils.

5.4.3 Beaumont 2040 Plan

The Beaumont 2040 Plan goals, policies, and implementation actions that reduce potential impacts to biological resources include:

Beaumont 2040 Plan, Chapter 3 – Land Use and Design

Goal 3.1: A City structure that enhances the quality of life of residents, meets the community's vision for the future, and connects new growth areas together with established Beaumont neighborhoods.

Policy 3.1.6 Preserve and protect natural open space areas in south and southwest Beaumont and its sphere of influence.

Policy 3.1.12 Establish buffers between open space areas and urban development by encouraging less intensive rural development within proximity to the open space areas.

Goal 3.12: A City that minimizes the extent of urban development in the hillsides, and mitigates any significant adverse consequences associated with urbanization.

Policy 3.12.2 Limit the extent and intensity of uses and development in areas of unstable terrain, steep terrain, scenic vistas, and other critical environmental areas.

Implementation LUCD23 Tree Planting Program. Partner with local non-profit organization to implement a tree planting program (Planting of trees on City-owned and private property).

Beaumont 2040 Plan, Chapter 5 – Economic Development and Fiscal

Goal 5.7: A unique location that celebrated Beaumont's location, history, and community.

Policy 5.7.6 Support the growth of the eco-tourism industry in Jack Rabbit and Potrero Reserve by preserving as open space and recreation areas.

Beaumont 2040 Plan, Chapter 7 – Community Facilities and Infrastructure

Goal 7.5: Manage and effectively treat storm water to minimize risk to downstream resources.

Policy 7.5.3 Minimize pollutant discharges into storm drainage systems, natural drainages, and groundwater. Design the necessary stormwater detention basins, recharge basins, water quality basins, or similar water capture facilities to protect water quality by capturing and/or treating water before it enters a watercourse.

Policy 7.5.5 Require hydrologic/hydraulic studies and WQMPs to ensure that new developments are redevelopment projects will not cause hydrologic or biologic impacts to downstream receiving waters, including groundwater.

Beaumont 2040 Plan, Chapter 8 – Conservation and Open Space

Goal 8.5: A City that preserves and enhances its natural resources.

Policy 8.5.1 Minimize the loss of sensitive species and critical habitat areas in areas planned for future development.

Policy 8.5.2 Require new developments adjacent to identified plant and wildlife habitat areas to maintain a protective buffer, minimize new impervious surface, minimize light pollution, and emphasize native landscaping.

Policy 8.5.3 Encourage new development to support a diversity of native species and manage invasive species.

Policy 8.5.4 Support the protection of existing wildlife in the conservation areas located in the southerly portion of the General Plan's City of Beaumont and its Sphere of Influence.

Policy 8.5.5 Protect and enhance creeks, lakes, and adjacent wetlands by eradicating non-native vegetation and restoring native vegetation.

Policy 8.5.6 Continue to support the creation of local and regional conservation and preservation easements that protect habitat areas, serve as wildlife corridors and help protect sensitive biological resources.

Policy 8.5.7 Discourage the use of plant species on the California Invasive Plant Inventory.

Policy 8.7.5 Preserve watercourses and washes necessary for regional flood control, ground water recharge areas, and drainage for open space and recreational purposes.

Policy 8.7.6 Preserve permanent open space edges or greenbelts that provide a buffer for separation between adjoining developments.

Goal 8.8: A City where the natural and visual character of the community is preserved.

Policy 8.8.1 Promote the maintenance of open space through the implementation of the General Plan.

Policy 8.8.2 Protect and preserve open space and natural habitat wherever possible.

Policy 8.8.3 Work with Riverside County and adjacent cities, landowners, and conservation organizations to preserve, protect, and enhance open space and natural resources consistent with the MSHCP.

Policy 8.8.4 Require the provision of open space linkages and conservation between development projects, consistent with the conservation efforts targeted in the MSHCP.

Policy 8.8.5 Encourage residential clustering as a means of preserving open space. This policy is implemented through the Land Use and Community Design Element.

Policy 8.8.6 Establish buffers between open space areas and urban development by encouraging less intensive rural development within proximity to the open space areas.

Goal 8.9: A City where the extent of urban development in the hill sides is minimized and mitigated.

Policy 8.9.2 Limit the extent and intensity of uses and development in areas of unstable terrain, steep terrain, scenic vistas, and other critical environmental areas.

Goal 8.10: A City that promotes the protection of biological resources through MSHCP implementation.

Policy 8.10.1 Work with landowners and government agencies in promoting development concepts that are sensitive to the environment and consider the preservation of natural habitats and further the conservation goals of the MSHCP.

Policy 8.10.2 Work with landowners and government agencies in identifying areas within the City of Beaumont and its Sphere of Influence that should be preserved as open space for passive recreation, resource management, or public safety and which meet the City's preservation obligations per the MSHCP.

Policy 8.10.3 Encourage the protection of existing wildlife in the conservation areas located in the southerly portion of the City of Beaumont and its Sphere of Influence.

Policy 8.10.4 Preserve significant habitat and environmentally sensitive areas, including hillsides, rock outcroppings, and viewsheds through the application of the Hillside Ordinance Policies.

Implementation C18 On-site Wildlife Habitat. Encourage the protection of undisturbed native plants and habitat areas, instead of individual native plants sprinkled around a development.

Implementation C23 Future Development. Partner with landowners and government agencies in the sphere of influence to promote future development concepts, coordinate on open space uses, and protect existing wildlife.

Implementation C24 Habitat Management Plan. Work collaboratively with the County to develop a Habitat Management Plan for sensitive areas in the sphere of influence, in conformance with habitat management requirements.

Beaumont 2040 Plan, Chapter 11 – Downtown Area Plan

Implementation DAP12 Tree Planting Program. Partner with local non-profit organizations to implement a tree planting program (planting of trees on City-owned and private property).

5.4.4 Thresholds of Significance

The City has not established local CEQA significance thresholds as described in Section 15064.7 of the CEQA Guidelines. Therefore, significance determinations utilized in this section are from Appendix G of the CEQA Guidelines. A significant impact will occur if implementation of the proposed Project will:

- (Threshold A) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;

- (Threshold B) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service;
- (Threshold C) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- (Threshold D) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- (Threshold E) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and/or,
- (Threshold F) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan.

5.4.5 Environmental Impacts before Mitigation

A variety of regulatory measures, including compliance with and implementation of Federal, State, regional, and local regulations as well as City's applicable Beaumont 2040 Plan goals, policies, and implementation would serve to ensure potential impacts to biological resources are reduced to the point where impacts are less than significant. See full discussion on environmental impacts and applicable mitigation measures below. In addition, all future implementing projects would be subject to further CEQA review focusing on the specifics of the proposed project which cannot be foreseen at this time since no specific development proposals are included as part of the Project.

For purposes of the below analyses, the discussion includes the City limits as well as the City's SOI (collectively referred to as "Planning Area"). Future development on properties within the City's SOI that are annexed to the City would be subject to the City's entitlement process while future development within the City's SOI that is under the County's land use control would be subject to the County's entitlement requirements.

Threshold A: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The following assumptions were used when analyzing impacts to species and their habitat:

- Any area with a proposed designation of Residential except Rural Residential (1 DU per 40 acres), Urban Village South, Retail, Office, Commercial, Industrial, Downtown Mixed Use, or Neighborhood Center were considered to be impacted throughout the land use area, with a potential for the future complete loss of all biological resources not protected under existing regulations. Areas proposed for Hillside Residential or Rural Residential designations are expected to leave a portion of the area in a natural state due to steep slope development restrictions, as described in the Beaumont 2040 Plan.
- Areas adjacent to any Residential, Urban Village, Retail, Office, Commercial, Industrial, Downtown mixed use, or Neighborhood Center designation were assumed to experience

potential development-associated impacts due to increased noise, lighting, traffic, increased percentage of non-permeable surface area, and, in the case of potential residential development, the introduction of domestic animals.

Adoption and implementation of the Beaumont 2040 Plan itself would not result in significant direct impacts to existing biological resources; however, the adoption of the Beaumont 2040 Plan could lead to potential impacts as a result of future development. These potential impacts could be both direct and indirect. This discussion identifies potential impacts that could result from future development at a programmatic level. Specific potential direct and indirect impacts resulting from individual future development projects will be analyzed on a case-by-case basis as they are submitted to the City.

Impacts that may occur as a result of project implementation vary according to future proposed projects and include potential habitat loss and diminished habitat quality. Wherever future projects are implemented, the following impacts have the potential to occur:

- Direct loss of sensitive plants and/or communities from construction activities;
- Direct loss or disturbance of sensitive wildlife species from construction activities;
- Direct mortality resulting from removal of trees with active nests;
- Direct mortality or loss of suitable habitat resulting from the trimming or removal of obligate host plants;
- Direct mortality resulting from fill of wetlands features;
- Loss of breeding and foraging habitat resulting from the filling of seasonal or perennial wetlands;
- Loss of breeding, foraging, and refuge habitat resulting from the permanent removal of riparian vegetation;
- Abandoned eggs or young and subsequent nest failure for special-status nesting birds, including raptors, and other non-special status migratory birds resulting from human-generated noises;
- Loss or disturbance of rookeries and other colonial nests;
- Loss of suitable foraging habitat for special-status raptor species;
- Wildlife disturbance caused by the presence and activities of humans, domestic animals, and vehicles adjacent to directly impacted areas;
- Artificial lighting that alters nocturnal wildlife activity;
- Alterations in the natural landscape with the placement of impermeable surfaces and an associated increase in urban runoff, potentially containing herbicides, fungicides, pesticides, and fertilizers, which can enter and negatively impact waterways or aquatic habitat;
- Increased habitat fragmentation with a potential corresponding decrease in species diversity and abundance; and
- Increased invasive plant species and adverse impacts to native habitats.

Species at risk for the aforementioned adverse effects are identified in **Table 5.4-A – Special-Status Plant Species Known to Occur within Regional Vicinity of the Planning Area** and **Table 5.4-B – Special-Status Wildlife Species Known to Occur within Regional Vicinity of the Planning Area**.

Pursuant to these tables, 22 special-status plant species and 34 special-status wildlife species are considered candidate, sensitive, or special status under FESA, CESA and/or CNPS/CRPR designation. These include species that are listed as endangered or threatened under FESA, species proposed, or candidates for such listing and species similarly listed under CESA. This list also includes species covered and not covered by the Western Riverside County MSHCP. Proposed planning actions could result in the permanent loss of habitat by allowing future development to occur.

In addition, proposed planning actions have the potential to produce indirect impacts that could adversely modify the composition and value of wildlife habitat adjacent to development areas. Indirect harm includes direct secondary impacts due to construction activities, such as: disturbed breeding, feeding, nesting or foraging behaviors; loss of foraging habitat; loss of food sources; loss of burrows; and, loss of nesting or roosting habitat. Indirect harm also includes ongoing secondary impacts due to human occupation, such as: disturbance by human intrusion, increased invasive plants and impacts to native habitat, increased night-time lighting, introduction of new species (particularly dogs and house cats) and increased urban-associated predators (such as raccoons, opossums or coyotes) due to greater availability of scavenged food sources, i.e., refuse and pet foods. These impacts from future projects will need to be analyzed on a case-by-case basis when projects are submitted to the City.

The implementation of the MSHCP (further discussed under Threshold F below) for future implementing projects consistent with the Beaumont 2040 Plan at a project-specific level would minimize direct, indirect, and cumulative biological impacts. The MSHCP was prepared to provide for the take and mitigation of the 146 species covered under the MSHCP pursuant to the FESA, which includes most of the species listed above in **Table 5.4-A** and Table 5.4-B The MSHCP allows for the issuance of take at the local level, by MSHCP Permittees including the City, thereby streamlining the take authorization process on a project-by-project basis.

Any open space set aside on a site or conserved elsewhere (for example, as part of MSHCP requirements) would provide protected habitat for the benefit of the common species as well as sensitive and protected species. As required by the MSHCP Implementing Agreement (Section 8.5), payment of the LDMF and compliance with all applicable requirements of the MSHCP provides full mitigation under CEQA, NEPA, FESA, and CESA for all direct, indirect and cumulative impacts to MSHCP covered species and habitats. The MSHCP also addresses indirect impacts through Cores and Linkages, Criteria Cells and MSHCP fees. Furthermore, for MSHCP covered species, the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) (State Clearinghouse No. 2001101108, CEQ Number 020463, ERP Number SFW-K99032-CA) prepared for the MSHCP was a project-specific EIR/EIS and found that with a combination of impact reduction features incorporated into the MSHCP, including reserve configuration, adaptive management and monitoring, and species survey and avoidance/minimization policies, development consistent with the MSHCP would have less than significant impacts to covered species.

Impacts to certain species not covered by the MSHCP as identified in **Table 5.4-A** and **Table 5.4-B**, if present on a site and going to be impacted, may require additional mitigation measures. For species Not Covered by the MSHCP, mitigation measure **MM BIO-1 will be incorporated to ensure potential impacts remain less than significant related to these uncovered species**. For MSHCP Covered Species, through compliance with the MSHCP and mitigation measure **MM BIO-2**, which addresses impacts to nesting birds, impacts from adoption and implementation of the Beaumont 2040 Plan are considered **less than significant with mitigation incorporated**.

Threshold B: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Beaumont 2040 General Plan and Revised Zoning Map

The Planning Area includes riparian habitats as well as other sensitive habitats such as Riversidean Alluvial Fan Sage Scrub habitats. Impacts to these areas could result from future implementing projects and would need to be assessed on a project-specific basis once those projects are proposed. For the Beaumont 2040 Plan and Zoning Map revisions, the sensitive habitats within the Planning Area are shown on **Figure 5.4-2 – Vegetation and Land Cover** and include: Riparian Scrub, Riversidean Alluvial Fan Sage Scrub, Southern Cottonwood/Willow Riparian, Open Water/Reservoir/Pond, and land immediately adjacent to open water. Adoption and implementation of the Beaumont 2040 Plan itself would not result in significant direct impacts to existing biological resources including riparian and other sensitive natural community; however, the adoption of the Beaumont 2040 Plan could lead to potential impacts from future development implemented consistent with the Beaumont 2040 Plan. These potential impacts could be both direct and indirect. This discussion identifies potential impacts that could result from future development at a programmatic level. Impacts that may occur as a result of development may occur according to future proposed projects and include potential habitat loss and diminished habitat quality. Wherever future projects are implemented, the following impacts have the potential to occur:

- Fill of waters of the U.S. or of the State subject to existing regulatory requirements per Section 404, 401 of the Clean Water Act, Porter Cologne Act and California Department of Fish and Game (CDFW) Streambed Alteration Agreements;
- Direct loss of sensitive plants and/or communities from construction activities;
- Alterations in the natural landscape with the placement of impermeable surfaces;
- Increased urban runoff, potentially containing herbicides, fungicides, pesticides, and fertilizer required to maintain turf and landscaping; and
- Increased habitat fragmentation with a potential corresponding decrease in species diversity and abundance.

Habitat may be lost or significantly altered due to direct impacts as well as indirect impacts resulting from development. Direct impacts are generally those in which habitat is lost to grading and filling. Indirect impacts to riparian or other sensitive habitats generally occur through edge effects, habitat alterations, disturbances, fragmentation or degradation. Edge effects occur where urban development meets open space. In these areas, the potential for indirect impacts to wildlife within the open space are the greatest. Types of urban disturbances potentially affecting natural open space areas include: change in runoff quality and pattern; introduction of toxic chemicals (particularly fertilizers and other gardening chemicals) and manure; spill-over of nighttime lighting; increased ambient noise levels and spill-over noise; introduction of non-native plants (including potentially invasive species); increased risk of trash and refuse; and increased potential for human disturbances of open spaces.

Under the MSHCP, Section 6.1.2, any proposed project will require an assessment for impacts to riparian habitat, including riverine, fairy shrimp and vernal pool habitat, therefore, determining the presence/absence, quantity, and quality of such habitat and the measures necessary to mitigate potential direct and indirect impacts of the given proposal. Section 6.1.2 of the MSHCP outlines the requirements and protection of riparian/riverine areas, fairy shrimp and vernal pools within the MSHCP area. A mitigation plan or Determination of Biologically Equivalent of Superior Preservation (DBESP) must be in

place prior to project approval in order to meet the requirements of Section 6.1.2 MSHCP related to riparian/riverine habitats.

In addition to the MSHCP riparian/riverine habitats that are required to be assessed and mitigated through the MSHCP, future projects also have the potential to impact sensitive habitats regulated areas through Section 401, 404 of the Clean Water Act (CWA) and Streambed Alteration Agreements from CDFW. Regulatory permits (i.e. 404, 401 and 1600 permits) would be required per these existing federal and state regulations for any future implementing projects. The City would need to see that future projects have mitigated for impacts to sensitive habitats and waters of the state or U.S. at a ratio deemed acceptable to the various resource agencies. The following measures can be incorporated by the City to ensure impacts associated with riparian and/or sensitive habitats are analyzed:

- Preparation of a Jurisdictional Delineation of Waters of the U.S. and wetlands pursuant to the CWA and ACOE protocol. If avoidance is infeasible, then applicants must obtain a CWA Section 404 permit from the ACOE prior to project grading. These permits must include measures or other equivalent requirements necessary to reduce impacts to riparian and wetlands resources and ensure no net loss of wetlands.
- Preparation of a Jurisdictional Delineation of Waters of the State including wetlands pursuant to the Porter-Cologne Water Quality Act. If avoidance is infeasible, and no federal 404 Permit is required, then applicants must obtain a Waste Discharge Requirement (WDR) Permit from the RWQCB prior to project grading. If a federal 404 Permit will be required, then applicants will instead obtain a 401 Permit from the RWQCB prior to project impacts.
- Preparation of a Jurisdictional Delineation of streams and vegetation within drainages and native vegetation of use to wildlife pursuant to CDFW and California Fish and Game Code Sect 1600 *et seq*. Where necessary, applicants are required to obtain a Section 1601 or 1603 permit and a Streambed Alteration Agreement from CDFW. These permits must include measures or other equivalent requirements that reduce impacts to riparian and wetlands resources to ensure no net loss of wetlands.
- Riparian/Riverine evaluation pursuant to Section 6.1.2 of the MSHCP. Applicants must avoid impacts to riparian areas to preserve the function and value of such habitats. Where avoidance is infeasible, a DBESP will be required.

These measures above shall be incorporated into mitigation measure **MM BIO-3** to ensure impacts to riparian/riverine or sensitive habitat resources are less than significant. Compliance with Section 6.1.2 of the MSHCP, applicable Federal, State, regional, and local requirements, and implementation of mitigation measure **MM BIO-3** will reduce impacts to a **less than significant level with mitigation incorporated**.

Threshold C: Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Section 404 of the CWA requires that a permit be obtained from the ACOE prior to the discharge of dredged or fill materials into any Waters of the U.S., as defined by the Navigable Water Protection Rule, effective June 22, 2020, which includes (1) territorial seas, and waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including waters which are subject to the ebb and flow of the tide; (2) Tributaries; (3) Lakes and ponds, and impoundments of jurisdictional waters; and (4) Adjacent wetlands.

In addition to any potential wetlands, the limits of ACOE jurisdiction extends to the OHWM of streams and lakes, which is defined at 33 CFR 328.3(e) as:

> *…that line on the shore established by the fluctuation of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.*

Section 404 Permits usually require mitigation to offset losses of these habitat types and a Section 404 Permit triggers the need for a 401 Permit from the RWQCB. Mitigation preference by the regulatory agencies is typically in the order of mitigation banks first, then in-lieu fee programs, and finally applicant-sponsored mitigation. The ACOE is required to consult with the USFWS, EPA, and RWQCB, when appropriate in carrying out its discretionary authority under Section 404.

Stream channels that do not meet the Federal definition of a wetland may still be regulated by the State of California under the Porter-Cologne Water Quality Act as a Water of the State. In addition, they are generally regulated within California by Section 1600 of the California Fish and Game Code and will most likely also be considered riparian/riverine per Section 6.1.2 of the MSHCP.

Direct impacts to federally protected wetlands would occur if future development resulted in direct removal, fill, hydrological interruption or other disturbance to these resources. Such effects are often associated with clearing and grubbing, grading, paving and building for new development, redevelopment and construction of roads, flood control projects and other infrastructure located in and/or adjacent to the following identified habitats/resources: Riparian Scrub, Riversidean Alluvial Fan Sage Scrub, Southern Cottonwood/Willow Riparian, Open Water/Reservoir/Pond, and land immediately adjacent to open water.

Should certain proposed development be located within wetland areas, Federal and State laws and regulations would be implemented to protect resources from development through the ACOE Section 404 permitting process, the California Wetlands Conservation Policy (CWCP), and compliance with applicable MSHCP policies. The CWCP is intended to ensure that no net loss of wetlands would occur within the State. This is a related policy to a Federal Executive Order that also mandates no net loss of wetlands. With respect to the State's policy, it also encourages a long-term net gain in the quantity, quality, and permanence of wetland acreage and values. Interpretation of this order indicates that any developer wishing to fill in wetlands for construction of new development must provide mitigation of in-kind habitat at ratios likely from 2:1 up to 10:1. Section 6.1.2 of the MSHCP outlines the requirements and protection of riparian/riverine areas and vernal pools within the MSHCP area which typically match the areas considered wetlands/riparian per the CWCP. Implementation of mitigation measure **MM BIO-3** would ensure impacts to wetlands are less than significant. Accordingly, strict adherence to the identified Federal and State laws and regulations, the MSHCP, the "no net wetland loss" policy currently in place, and implementation of mitigation measure **MM BIO-3** would ensure impacts to jurisdictional waters and wetlands would be **less than significant with mitigation incorporated**.

Threshold D: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Future development with implementation of the Beaumont 2040 Plan Update could result in creation of new barriers to animal movement in the urbanizing portions of the City; however, impacts to wildlife

movement would be mitigated through the establishment of corridors and linkages established by compliance with the Western Riverside MSHCP, as described below.

As part of the Western Riverside MSHCP, a system of corridors and linkages has been established within the Planning Area to accommodate wildlife movement within the open areas. Specifically, MSHCP Proposed Constrained Linkage 22, Proposed Constrained Linkage 23, a portion of Proposed Core 3, a portion of Proposed Linkage 6, Proposed Linkage 12, a portion of Existing Core I, a portion of Existing Core K, and a portion of Existing Noncontiguous Habitat Block B are within the Planning Area and generally provides a connection to Core Area in the Badlands, connection to San Timoteo Creek and Core Areas in the Badlands to San Bernardino County, connection from the San Bernardino National Forest to the southwest with San Bernardino County, connection to a portion of the San Bernardino Mountains, and connection to Bogart County Park. The Cores, Linkages, and Habitat Blocks mentioned above and described in detail in MSHCP Section 3.2.3: Cores and Linkages within the MSHCP Conservation Area.

Future intensified development within these Cores, Linkages, and Habitat Blocks would have the potential to result in direct or indirect impacts. Direct impacts to wildlife movement corridors generally occur from blockage or interference with the connectivity between blocks of habitat, a decrease in the width of a corridor or linkage that constrains movement, or the loss of visual continuity within a linkage or corridor. Even when not directly constrained by development, corridors are also vulnerable to edge effects and human encroachment as well. Future projects within MSHCP Criteria Cells would be required to comply with the necessary conservation requirements and objectives identified in the species-specific conservation objectives for those species (refer to Section 9.0 of the MSHCP). that would prevent substantial interference with wildlife movement and corridors. This includes Section 7.5.2 – Guidelines for Construction of Wildlife Crossings.

Wildlife nursery sites include areas that provide the resources necessary for reproduction of a species, including foraging habitat, breeding habitat and water sources. Direct impacts to nursery sites from implementation of the Beaumont 2040 Plan would include removal of habitat for development and infrastructure. Indirect impacts to nursery sites would have the potential to result from noise, lighting and changes in drainage patterns, introduction of pests or domestic animals and other edge effects. These impacts can substantially interfere with native wildlife nursery sites. Determining whether or not a specific area is a nursery site requires field surveys, which are often only valid for a given breeding season depending on the wildlife species present. In their role as NCCPs, the Western Riverside County MSHCP is required by Federal and State permitting authorities to provide for the movement of species, protect wildlife corridors and facilitate genetic flow. The MSHCP protects native wildlife nursery sites by conserving large blocks of representative native habitats suitable for supporting species' lifecycle requirements and the essential ecological processes of species which depend on such habitats. The EIR for the MSHCP concluded that the Plan provides for the movement of species through established wildlife corridors and protects the use of native wildlife nursery sites; therefore, compliance with the conservation requirements for the Cores, Linkages, and Habitat Blocks in the Planning Area mentioned above would ensure wildlife nursery sites are not adversely impacted. Additionally, future project will need to comply with the MBTA (**MM BIO-2**). Thus, through the protections afforded by the MSHCP and implementation of mitigation measure **MM BIO-2**, future development with implementation of the Beaumont 2040 Plan would have a **less than significant impact with mitigation incorporated.**

Threshold E: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Implementation of the proposed Beaumont 2040 Plan would be subject to all applicable Federal, State, regional, and local policies and regulations related to the protection of biological resources as outlined above in this section. The City does not have a tree preservation policy or ordinance. However, an application and approval from the City is required for any removal of front yard/street tree or trees. Those areas in the SOI within the jurisdiction of the County would still be subject to Riverside County goals, policies (compliance with Riverside County's Oak Tree Management Guidelines, Riverside County Ordinance No. 559), and project review process as long as annexation into the City did not occur. The Beaumont 2040 Plan goals, policies, and implementation outlined above would be incorporated into future development projects, and therefore the Beaumont 2040 Plan and Revised Zoning Ordinance and Zoning Map would not result in conflicts. Based on the required compliance with the Beaumont 2040 Plan, along with the requirement to get a permit from the City for the removal of trees, impacts are considered to be **less than significant and no mitigation is required.**

Threshold F: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan?

There are two adopted Habitat Conservation Plans/Natural Community Conservation Plan within the Planning Area. Namely, the Stephens Kangaroo Rat Habitat Conservation Plan (SKR HCP) and the Multiple Species Habitat Conservation Plan/Natural Communities Conservation Plan (MSHCP).

Implementation of the Beaumont 2040 Plan within the southern portion of the City limits would be subject to the SKR HCP. The Beaumont 2040 Plan is in conformance with the SKR HCP as evidenced by the area remaining as Open Space Reserve in the Potrero Reserve area, which is designated as a SKR Study Area in the SKR HCP.

Implementation of the proposed Beaumont 2040 Plan would be subject to the Western Riverside MSHCP. Goals and policies listed in Section 5.4.2 above require compliance with the MSHCP to ensure that that there are no conflicts with local biological resource protections. Properties within MSHCP Criteria Cells (see **Figure 5.4-1 – MSHCP Criteria Cells**) would be subject to the Criteria Cell's conservation objectives and requirements, outlined in Section 3.3 of the MSHCP, which could require the need for land to be set aside for Conservation, and not developed. The process of evaluating a project's location in terms of the areas that are described for Conservation by the Cell Criteria is referred to as Reserve Assembly. A Beaumont 2040 Plan land use designation and zoning designation do not supersede the requirements of the Criteria Cells to have land set aside for Conservation. The primary area of Criteria Cells in the City limits are in the southern portion of the City and Sphere of Influence, and a targeted area north of SR-60 and west of I-10. (See **Figure 5.4-1**).

MSHCP Criteria Area
The Planning Area is located within The Pass Area Plan of the MSHCP. The target conservation acreage range for The Pass Area Plan is 22,510 to 27,895 acres; it is composed of approximately 13,970 acres of existing Public/Quasi-Public Lands and 8,540 to 13,925 acres of Additional Reserve Lands. The target acreage range within the City is 5,440 to 9,060 acres. The Pass Area Plan is further divided into Subunits, Cell Groups, and Cells with specific conservation objectives, as shown on **Figure 5.4-1**.

Pursuant to the provisions of the MSHCP, all discretionary development projects within the Criteria Area are to be reviewed for compliance with the MSHCP through the JPR Process, which includes project consistency with the Reserve Assembly (i.e. Section 6.1.1 of the MSHCP – the Habitat Acquisition and Negotiation Strategy - HANS process or equivalent process). The HANS process ensures that an early determination will be made of what properties are needed for the MSHCP Conservation Area, that the owners of property needed for the MSHCP Conservation Area are compensated if required. Once properties are deemed consistent with the Reserve Assembly requirements of the MSHCP (See Section 3.3), then , projects within the City of Beaumont shall receive take authorization of covered species adequately conserved through the permits issued to the City pursuant to the MSHCP. Proposed development projects and public projects located within Criteria Area will also undergo a review process to ensure consistency with the MSHCP Reserve Assembly (MSHCP Section 6.1.1) and special survey requirements (Sections 6.1.2, 6.1.3, 6.1.4 and 6.3.2 of the MSHCP outlined below) referred to as the Joint Project Review (JPR) process which is conducted by the Regional Conservation Authority (RCA). The City is responsible for ensuring all projects within the Criteria Area go through the JPR process prior to project approvals.

MSHCP Conservation Area Cores and Linkages/Wildlife Corridors

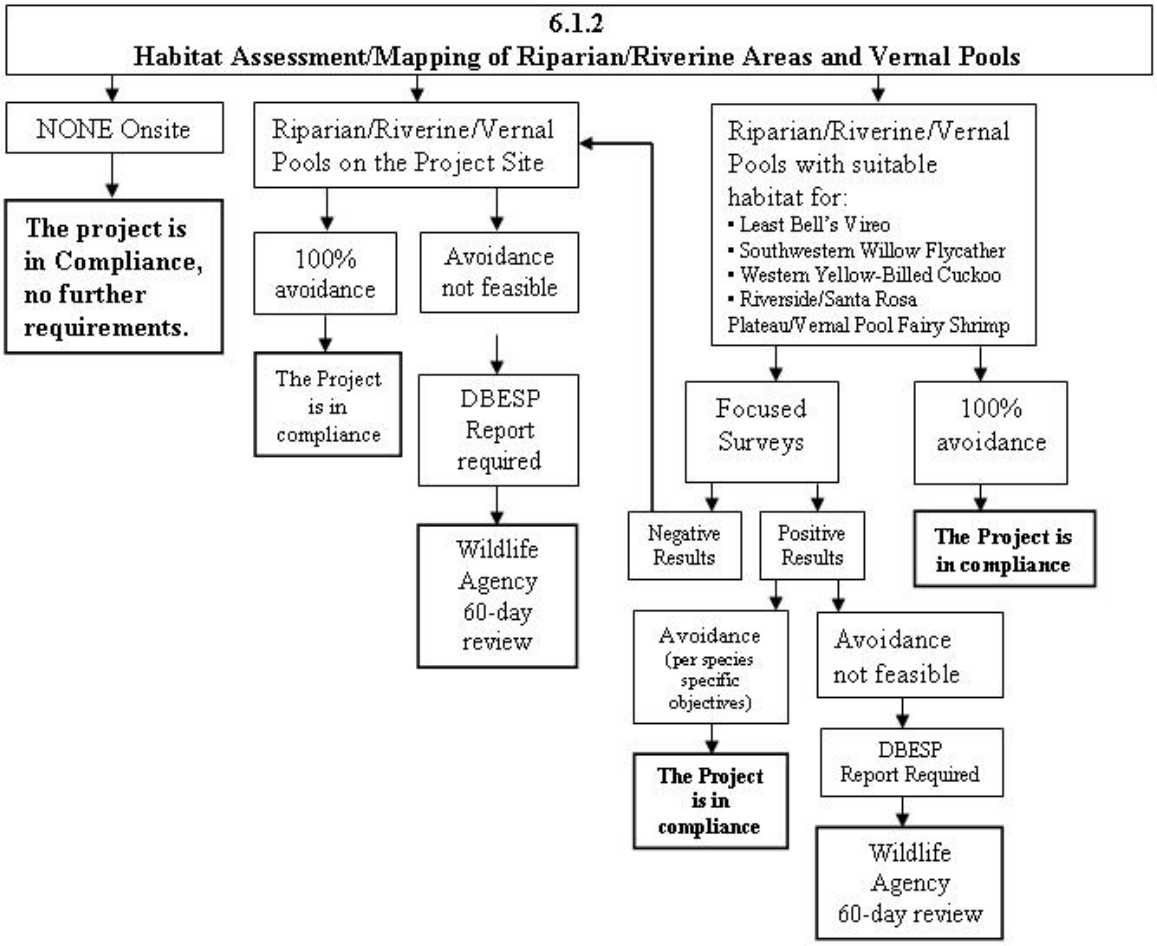
The MSHCP Conservation Area within the Planning Area is made up of lands which are already conserved (i.e. the portion of the Potrero Subunit owned by CDFW is considered Conserved per the MSHCP and designated as Open Space per the Beaumont 2040 Plan (**Figure 5.4-1 – MSHCP Criteria Cells**). As depicted on Figure 5.4-1, the areas designated as Open Space are located variously in the southern and northwestern portions of the Potrero Subunit. The Planning Area is comprised of a variety of existing and proposed Cores, Linkages, and Habitat Blocks some of which already have lands Conserved, and some of which still need to be conserved through the Reserve Assembly/HANS process. The MSHCP identifies cores for habitat conservation and linkages for wildlife movement. **Figure 5.4-4 – MSHCP Cores and Linkages** illustrates how the cores and linkages in the MSHCP overlap with the Planning Area. Proposed Constrained Linkage 22, a portion of Proposed Core 3, and Proposed Linkage 12, are within the Planning Area and generally provide a connection to Core Area in the Badlands, connection to San Timoteo Creek and Core Areas in the Badlands to San Bernardino County, connection from the San Bernardino National Forest to the southwest with San Bernardino County, connection to a portion of the San Bernardino Mountains, and connection to Bogart County Park. The Cores, Linkages, and Habitat Blocks are described in detail in Section 3.2.3: Cores and Linkages within the MSHCP Conservation Area. As projects are proposed within the Planning Area, an evaluation of how the project might contribute to, or conflict with, assembly of the MSHCP Conservation Area consistent with reserve configuration requirements shall be performed through the HANS and JPR processes.

Riparian/Riverine Areas, Vernal Pools and Fairy Shrimp

As outlined in Section 6.1.2 of the MSHCP, riparian/Riverine areas as defined in the MSHCP are lands which contain habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or portion of the year. Riparian habitats are shown on **Figure 5.4-2** and include: Riparian Scrub, Riversidean Alluvial Fan Sage Scrub, Southern Cottonwood/Willow Riparian, Open Water/Reservoir/Pond, and land immediately adjacent to open water. Vernal pools are seasonal wetlands that occur in depression areas that have wetland indicators of all three parameters (soil, vegetation, and hydrology) during the wetter portion of the growing season but normally lack wetlands indicators of hydrology and/or vegetation during the drier portions of the growing season. Listed fairy shrimp are typically associated with certain soil types and ponded areas. Listed and common fairy shrimp can be found in man-made features such as road ruts, tire ruts and stock ponds.

As projects are proposed within the Planning Area, an assessment of the potentially significant effects of those projects on riparian/riverine areas, vernal pools and fairy shrimp shall be performed as currently required pursuant to Section 6.1.2 of the MSHCP, *Protection of Species Associated with Riparian/Riverine Areas and Vernal Pools*. If riparian/riverine areas, vernal pools and/or fairy shrimp occur on site and project implementation does not completely avoid these areas, a DBESP must be prepared (see Flow Chart on next page).

Section 6.1.2 of the MSHCP lists various species that are associated with riparian, riverine, vernal pools or fairy shrimp habitat. As shown in **Table 5.4-B**, least Bell's vireo, southwestern willow flycatcher and western yellow billed cuckoo are listed in Section 6.1.2 of the MSHCP and are known to occur within the Pass Area Plan and the Planning Area. A habitat assessment survey for this species would be needed. If a habitat assessment identifies suitable habitat for any of these Section 6.1.2 species in this section of the MSHCP and the project design does not incorporate avoidance, focused surveys shall be conducted, and avoidance and minimization measures shall be implemented in accordance with the species-specific objectives for the species occurring on site. The flow chart below defines the process as to how future implementing projects would be assessed for consistency with Section 6.1.2 of the MSHCP:



Narrow Endemic Plant Species Survey Area (NEPSSA)

Under Section 6.1.3, *Protection of Narrow Endemic Plant Species*, of the MSHCP, site-specific focused surveys for NEPSSA species shall be required where appropriate or suitable habitat is present within the identified survey areas (as depicted on **Figure 5.4-5** NEPSSA Areas). As shown on **Figure 5.4-5**, the Planning Area overlaps with the NEPSSA in the northern half of the Planning Area. Additionally, as identified in Table 5.4-A, three plants on the Narrow Endemic Plant Species list of the MSCHP have potential to occur in the Planning Area: slender-horned spine flower, Wright's trichocoronis, and Yucaipa onion. Projects with the potential to affect NEPSSA species shall be subject to avoidance, minimization, and mitigation strategies as outlined in Section 6.1.3 of the MSHCP. The flow chart below outlines how future implementing projects would be required to assess consistency with Section 6.1.3 of the MSHCP.

Additional Survey Needs and Procedures
As outlined in Section 6.3.2, *Additional Survey Needs and Procedures,* of the MSHCP, habitat assessments are required for proposed projects located within the survey areas. If any proposed project is located within the Amphibian Survey Area, Burrowing Owl Survey Area, Mammal Survey Area, or the plants in the CASSA as illustrated on **Figures 5.4-6 – MSHCP Criteria Area Species Survey Areas** and **5.4-7 – MSHCP Burrowing Owl, Mammal and Amphibian Survey Areas**, habitat assessments are required, which need to address potential habitat for these species. If potential habitat for these species is determined to be located within a future implementing project's site, focused surveys are required during the appropriate season for said species.

As shown in **Table 5.4-A** and **Table 5.4-B**, there is suitable habitat within the Planning Area for the following species listed in Section 6.3.2 of the MSHCP:

- Burrowing owl
- Coulter's goldfields
- Davidson's saltscale
- Los Angeles pocket mouse
- Mountain yellow-legged frog
- Mud nama
- Nevin's barberry
- Round-leaved filaree
- an Bernardino kangaroo rat
- San Jacinto Valley crownscale
- Smooth tarplant

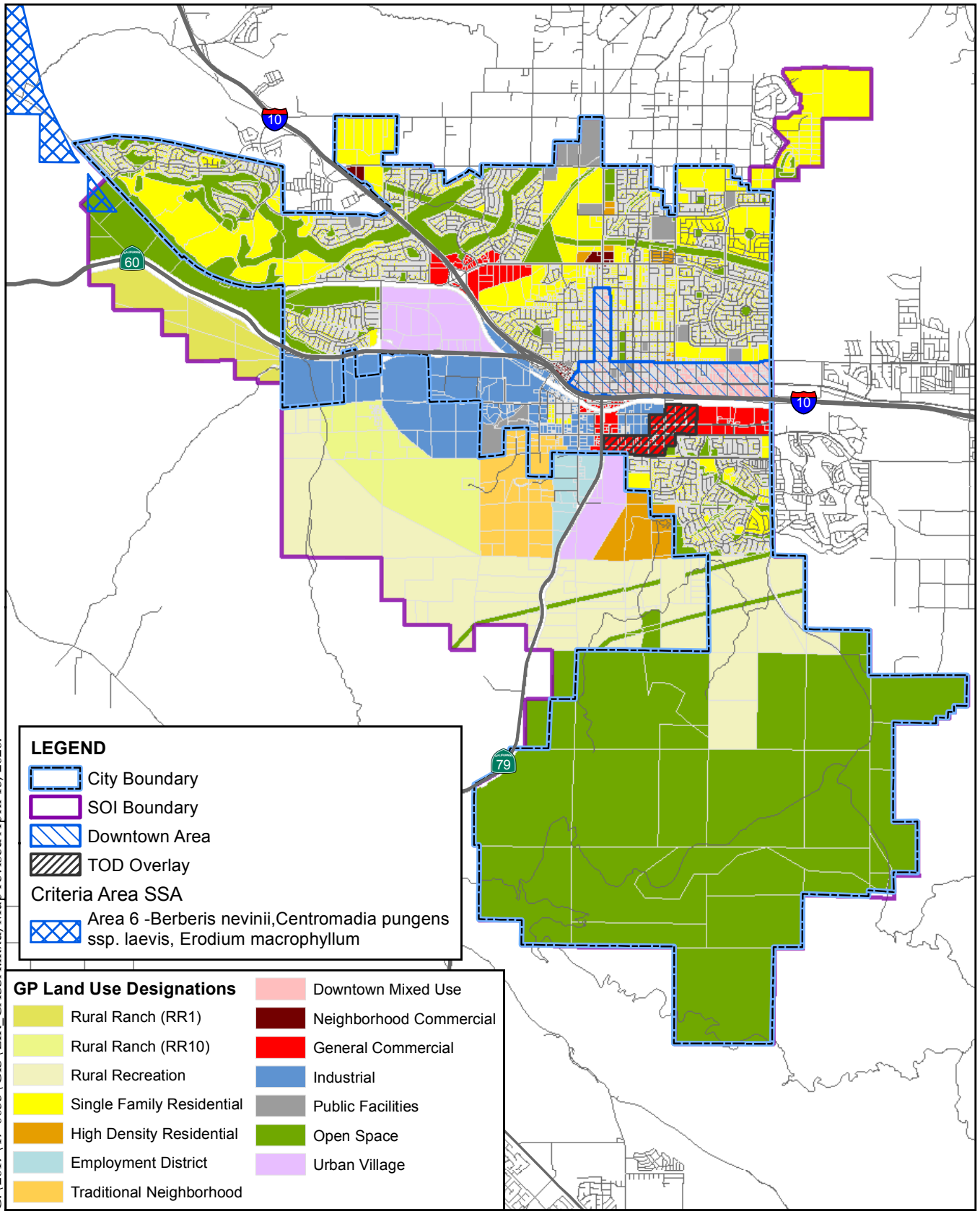
If any proposed project within the Planning Area fall within survey areas shown on **Figure 5.4-6** and **Figure 5.4-7,** the project applicant must follow the procedures shown below on flow charts for Sections 6.1.3 and 6.3.2 for the City to determine compliance with the MSHCP.

Projects that are proposed within a CASSA area as shown in **Figure 5.4-6** must comply with the survey requirements in MSHCP Section 6.3.2. The CASSA affects a small section of land within the SOI that is designated as Open Space; it is located north of Interstate 60, west of Oak Valley Parkway/San Timoteo Canyon Road in the northern most corner of the SOI.

Within the Planning Area, there are four species with survey areas shown in **Figure 5.4-7**: Burrowing Owl, Los Angeles Pocket Mouse (LAPM), San Bernardino Kangaroo Rat, and Mountain Yellow-legged Frog. These survey areas for small mammals and an amphibian encompass areas throughout the Planning Area. For amphibians, the survey area is only in the southern portion of the SOI in areas that are already designated for open space and conservation. The LAPM survey area is located in pockets throughout the Planning Area; the largest area is again in the southern portion of the City in an area designated as Open

Space; other LAPM areas are located between Interstate 10 and the City's northern boundary and south of Interstate 60 and east of Jack Rabbit Trail. The LAPM survey area to the east of Interstate 10 goes through portions of drainage features, including San Timoteo creek. The survey areas for the San Bernardino Kangaroo Rat and LAPM are located in the southern and northern portions of the Planning Area; to the north, the survey area straddles Interstate 10 to the east and west of Brookside Avenue, continuing along the City boundary to the west. In the southern portion of the Planning Area the survey area is located in an area designated as Open Space. Projects that are proposed within these areas for MSHCP small mammal and amphibian surveys must comply with the survey requirements set forth in Section 6.3.2.

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Sources: Riverside Co. GIS 2020/RCA; Raimi+ Assoc., 2019; Rincon Consultants, Aug. 2018.

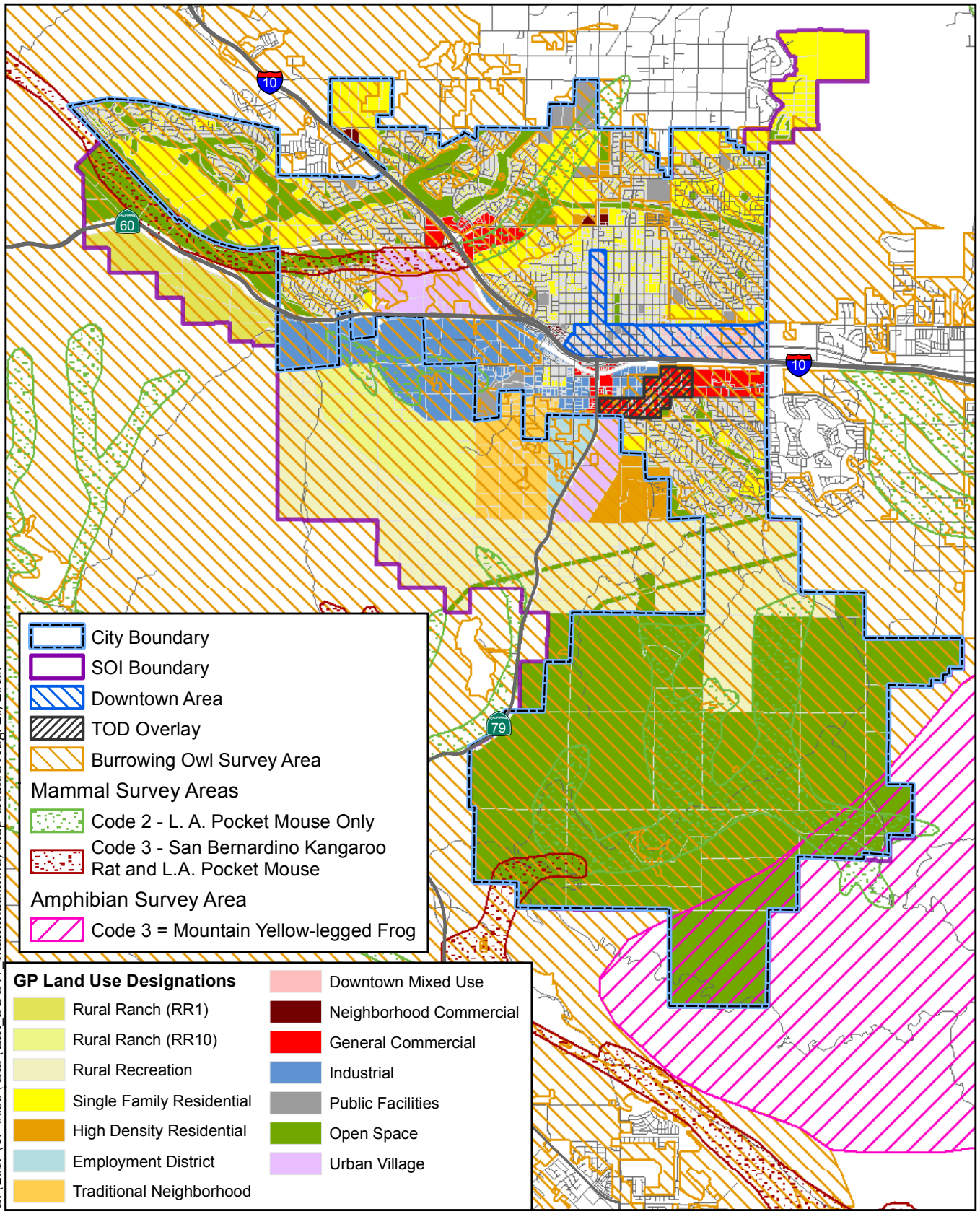
0 1 2 3 Miles

Figure 5.4-6 MSHCP Criteria Area Species Survey Areas

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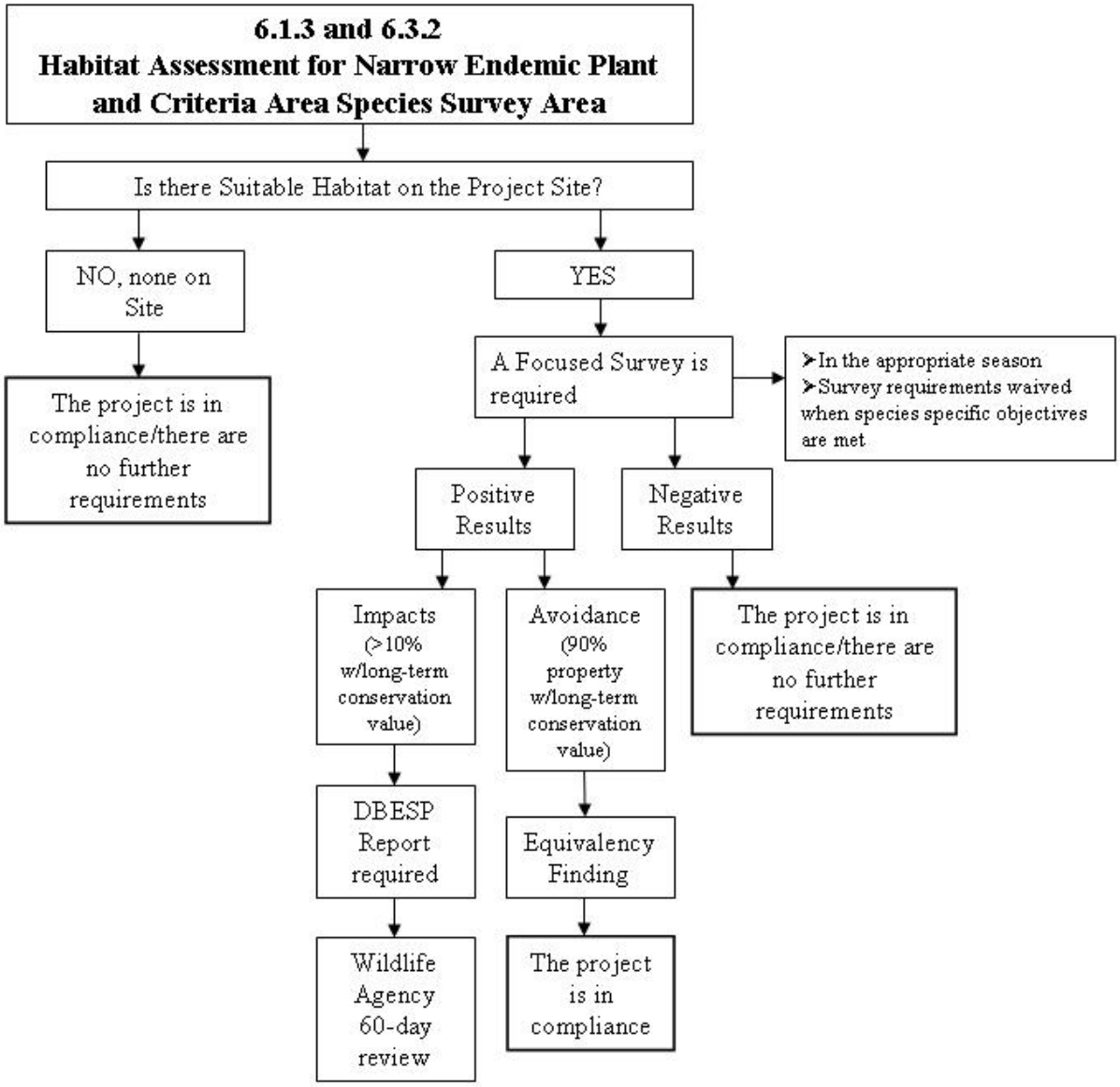
Sources: Riverside Co. GIS 2020/RCA; Raimi+ Assoc. 2019; Rincon Consultants, Aug. 2018.

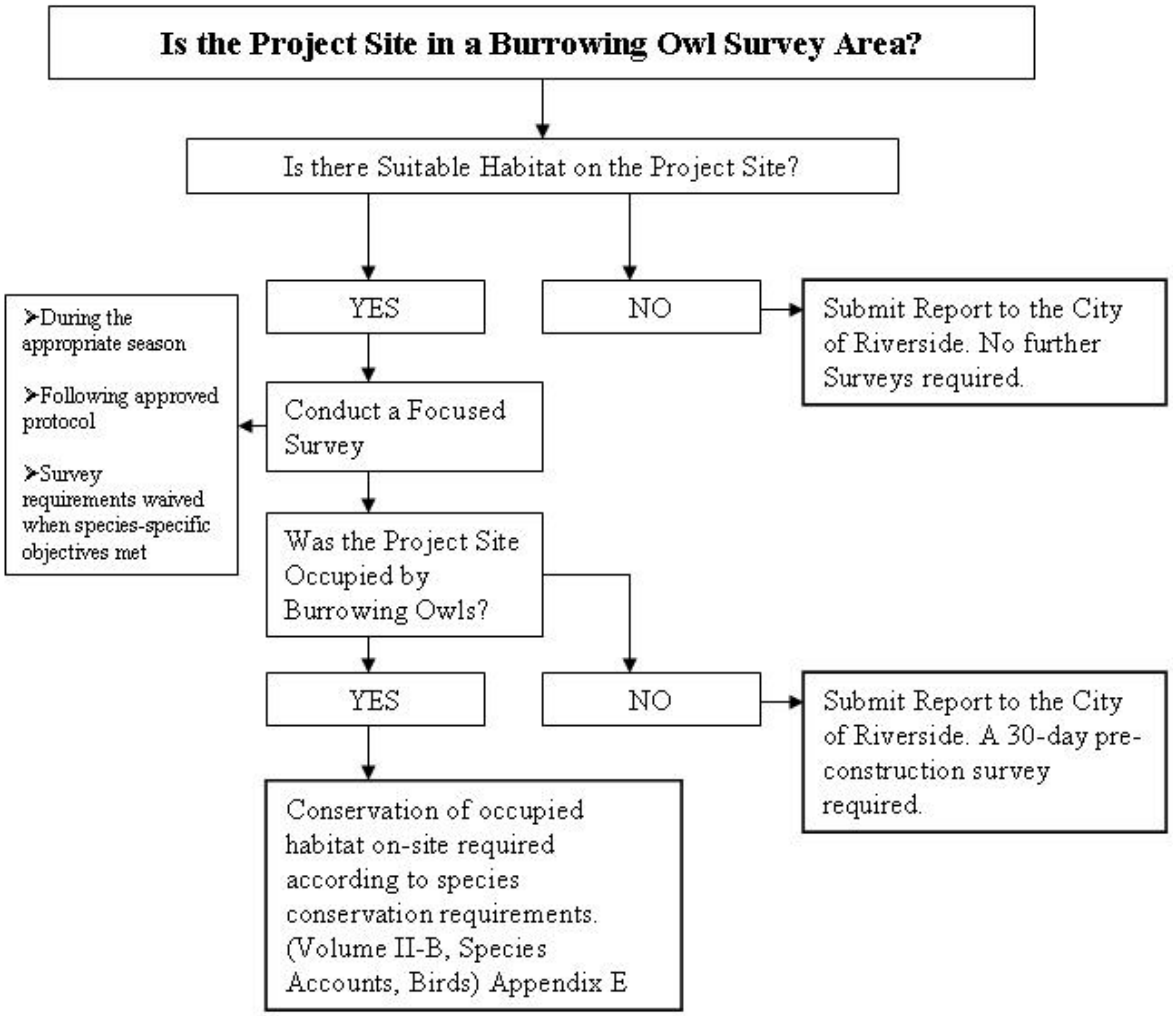
Figure 5.4-7 MSHCP Burrowing Owl, Mammal and Amphibian Survey Areas
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0 1 2 3 Miles

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6.1.3 and 6.3.2
Habitat Assessment for Narrow Endemic Plant and Criteria Area Species Survey Area
Is there Suitable Habitat on the Project Site?
NO, none on Site
YES
The project is in compliance/there are no further requirements
A Focused Survey is required
➢In the appropriate season
➢Survey requirements waived when species specific objectives are met
Positive Results
Negative Results
Impacts (>10% w/long-term conservation value)
Avoidance (90% property w/long-term conservation value)
The project is in compliance/there are no further requirements
DBESP Report required
Equivalency Finding
Wildlife Agency 60-day review
The project is in compliance



Urban Wildlands Interface Guidelines

Section 6.1.4, *Guidelines Pertaining to the Urban/Wildlife Interface*, of the MSHCP, outlines the minimization of indirect effects associated with locating development in proximity to the MSHCP Conservation Area (i.e. lands already Conserved or future lands to be Conserved). To minimize these effects, guidelines in Section 6.1.4 of the MSHCP shall be implemented in conjunction with review of individual public and private development projects in proximity to the MSHCP Conservation Area and address the following: drainage, toxics, lighting, noise, invasive species, barriers, and grading/land development.

There are no project-specific impacts as a result of adoption of the Beaumont 2040 Plan; therefore, no impacts exist at a programmatic level. The City is a Permittee of the MSHCP and must thereby comply with provisions set forth through the MSHCP for projects proposed within the City. The County of Riverside is also a Permittee of the MSHCP and must thereby comply with provisions set forth through the MSHCP for projects under its jurisdiction in the City's SOI. Any individual development projects constructed pursuant to the Beaumont 2040 Plan and public projects constructed to implement the Beaumont 2040 Plan will follow the measures of the MSHCP, as stated above, and will be in compliance with the MSHCP.

Thus, the implementation of all goals, policies, and implementation listed in Section 5.4-3, implementation of mitigation measure **MM BIO-3**, and compliance with the MSHCP and SKR HCP will ensure that the proposed project does not conflict with any HCPs. Therefore, impacts associated with potential inconsistencies with the MSHCP and SKR HCP for the Planning Area would be **less than significant with mitigation incorporated**.

5.4.6 Proposed Mitigation Measures

An EIR is required to describe feasible mitigation measures which could minimize significant adverse impacts (*CEQA Guidelines*, Section 15126.4). Based on the above analysis, there is a potential for impacts to occur to some sensitive species not covered by the MSHCP and for nesting birds, for potential future impacts to jurisdictional waters and/or wetlands. The following mitigation measures will be required to reduce potential impacts to less than significant levels.

MM BIO-1: **For impacts identified to Species Not Covered by the MSHCP,** potential direct and indirect impacts to Federal Species of Concern, California Species of Special Concern, California Species Animals or plants on lists one through four of the California Native Plant Society (CNPS) Inventory will require habitat assessments prepared by a qualified biologist for future implementing projects. The habitat assessment report identifying potential impacts to the Not Covered MSHCP species shall be provided in a report and submitted to the City Planning Department prior to issuance of grading permits. The following determinations shall be made by the City based on the habitat assessment:

- If the findings of the habitat assessment show no suitable habitat or sensitive species Not Covered by the MSHCP occur on site, then no additional surveys or mitigation measures are required.
- If the potential for sensitive species exists or suitable habitat for sensitive species exists on site, focused surveys shall be completed within one year of the submittal to the City for review unless a separate process has been established for that species that is consistent with the MSHCP. Focused surveys conducted in the appropriate season for each species, as identified in the habitat assessment report, shall be conducted to determine presence/absence status, unless the protocol for a species requires just a pre-construction survey.
- If no sensitive species are identified through focused surveys, then no additional surveys or mitigation measures are required.
- If sensitive species Not Covered by the MSHCP are found on site and are not avoided by project design, coordination with the appropriate regulatory agencies (i.e. USFWS and/or CDFW) would be required to obtain necessary take permits and implement project-specific mitigation prior to any ground disturbing activities.

MM BIO-2: If future implementing project activities are planned during the bird nesting (February 15 to August 31) season and there are trees or vegetation on site, nesting bird survey(s) within 7 days prior to ground disturbance, clearing and/or demolition activities shall be conducted to ensure birds protected under the Migratory Bird Treaty Act (MBTA) are not disturbed by on-site activities. Any such survey(s) shall be conducted by a qualified biologist. If no active nests are found, no additional measures are required.

If active nests are found, the nest locations shall be mapped by the biologist. The nesting bird species shall be documented and, to the degree feasible, the nesting stage (e.g.,

incubation of eggs, feeding of young, near fledging) determined. Based on the species present and surrounding habitat, a no-disturbance buffer shall be established around each active nest. The buffer shall be identified by a qualified biologist and confirmed by the City. No construction or ground disturbance activities shall be conducted within the buffer until the biologist has determined the nest is no longer active and has informed the City and construction supervisor that activities may resume.

MM BIO-3: The City shall require the following for all future implementing projects in order to mitigate for impacts to riparian/riverine or sensitive habitats associated with waters of the US and State:

- Preparation of a Jurisdictional Delineation of Waters of the U.S. and wetlands pursuant to the RCA as well as CWA and ACOE protocol where drainages are located on site. If avoidance of the drainages is infeasible, then applicants must obtain a CWA Section 404 permit from the ACOE prior to project grading. These permits must include measures or other equivalent requirements necessary to reduce impacts to riparian and wetlands resources and ensure no net loss of wetlands.
- Preparation of Jurisdictional Delineation of Waters of the State and wetlands pursuant to the State Porter-Cologne Act and RWQCB requirements where drainages are located onsite. If a 404 Permit from ACOE is required, then a 401 Permit from RWQCB shall be obtained. If a 404 Permit is not required, but the project impacts Waters of the State that cannot be avoided, then a WDR Permit from the RWQCB shall be obtained. The 401 and WDR Permits must outline how the project avoided, minimized, and/or mitigated impacts to jurisdictional features. A Draft Restoration Plan and Draft Compensatory Mitigation Plan will be submitted to the satisfaction of the RWQCB should temporary impacts require restoration or if compensatory mitigation is necessary.
- Preparation of a Jurisdictional Delineation of streams and vegetation within drainages and native vegetation of use to wildlife pursuant to CDFW and California Fish and Game Code Sect 1600 *et seq*. Where necessary, applicants are required to obtain a Section 1601 or 1603 permit and a Streambed Alteration Agreement from CDFW. These permits must include measures or other equivalent requirements that reduce impacts to riparian and wetlands resources ensure no net loss of wetlands.
- Riparian/Riverine evaluation pursuant to Section 6.1.2 of the MSHCP. Applicants must avoid impacts to riparian areas to preserve the function and value of such habitats. Avoided areas shall be protected in perpetuity through a legal instrument such as a conservation easement or deed restriction. Where avoidance is infeasible, a DBESP will be required to be reviewed and approved by the RCA and/or US Fish and Wildlife Services and California Department of Fish and Game.

5.4.7 Level of Significance After Mitigation

With adherence to and implementation of the above-listed Beaumont 2040 Plan goals, policies, and implementation from Section 5.4.3 above, the above listed mitigation measures, as well as adherence to standard Federal, State, regional, and local regulations, including the Western Riverside County MSHCP, impacts to biological resources are considered **less than significant with mitigation incorporated**. The significance of impacts to biological resources resulting from specific future development projects will be evaluated on a project-by-project basis and Beaumont 2040 Plan goals. Policies, and implementation, as

well as City standards and practices will be applied, individually or jointly, as necessary and appropriate. If project-level impacts are identified, specific mitigation measures may be required by CEQA.

5.4.1 References

The following references were used in the preparation of this section of the Draft PEIR:

County of Riverside	*Western Riverside County Multiple Species Habitat Conservation Plan.* (Available at http://rctlma.org/Portals/0/mshcp/volume1/index.html, accessed February 7, 2018.)
Development Related Fee Schedule	City of Beaumont, Development Related Fee Schedule July 2020. (Accessed at https://www.beaumontca.gov/DocumentCenter/View/2313/Development-Fee-Schedule-Planning-Public-Works-Building--Fire?bidId=Accessed August 30, 2020)
ECR	City of Beaumont, *City of Beaumont General Plan Update Existing Conditions Report*. 2016 (Included as Appendix B.)