



State of California - Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



January 27, 2020  
Sent via email

Governor's Office of Planning & Research

Mr. Stuart McKibbin  
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JAN 28 2020

## STATE CLEARINGHOUSE

Subject: Initial Study with Mitigated Negative Declaration  
City of San Jacinto Esplanade Avenue Widening Project – Phase 1  
State Clearinghouse No. 2019129095

Dear Mr. McKibbin:

The California Department of Fish and Wildlife (CDFW) received the Initial Study and Mitigated Negative Declaration (IS/MND) on December 31, 2019 from the City of San Jacinto (City) for the Esplanade Avenue Widening Project, Phase 1 (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

### CDFW ROLE

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

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

provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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

## **PROJECT DESCRIPTION SUMMARY**

The Project, located within and adjacent to Esplanade Avenue in the cities of San Jacinto and Hemet, proposes to widen 1.5 miles of Esplanade Avenue extending from Warren Road to Sanderson Avenue. The construction of a sidewalk, unlined channel for drainage, and signage at Warren Road and Crawston Avenue are also contemplated as part of the Project.

## **WESTERN RIVERSIDE COUNTY MULTIPLE SPECIES HABITAT CONSERVATION PLAN AND PERMITTEE OBLIGATIONS**

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

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

The proposed Project occurs within the MSHCP area and is subject to the provisions and policies of the MSHCP. In order to be considered a covered activity, Permittees must demonstrate that proposed actions are consistent with the MSHCP and its associated Implementing Agreement. The City of San Jacinto



is the Lead Agency and is signatory to the Implementing Agreement of the MSHCP. The Project is located within the San Jacinto Area Plan, and portions of the project potentially occur within MSHCP Criteria Cell 3291 of the Hemet Vernal Pool Areas East Subunit (SU4). The IS/MND states (page 26) that "...the Project area is adjacent to Criteria Cell 3291," but based on review of graphics and project activities identified in "Esplanade Avenue Widening Project, Preliminary Jurisdictional Delineation Report," prepared by ESA dated April 2019, CDFW is concerned that portions of the Project may encroach into MSHCP Criteria Cell 3291. Projects that occur within MSHCP Criteria Cells are subject to the Joint Project Review (JPR) process through the Western Riverside County Regional Conservation Authority (RCA).

Because of uncertainty of Project activities encroaching into MSHCP Criteria Cell 3291, CDFW recommends that the City include a new mitigation measure in the IS/MND conditioning the Project to demonstrate compliance with the MSHCP and its associated Implementing Agreement. CDFW recommends the inclusion of the following new measure in the IS/MND:

**MM BIO-6: Prior to issuance of any grading permit the Project shall demonstrate compliance with the MSHCP and its associated Implementing Agreement, via the completion of the Joint Project Review (JPR) process through the Western Riverside County Regional Conservation Authority (RCA), or via the provision of written correspondence from the RCA, United States Fish and Wildlife Service, and California Department of Fish and Wildlife stating that the Project is not subject to the JPR process.**

Pursuant to CEQA Guidelines section 15097(f) CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for proposed MM BIO-6. The draft MMRP for MM BIO-6 is enclosed at the end of this letter.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Information can be submitted online or via completion of the CNDDDB field survey form at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be

found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## **FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

## **CDFW CONCLUSIONS AND FURTHER COORDINATION**

CDFW appreciates the opportunity to comment on the IS/MND City of San Jacinto's Esplanade Avenue Widening Project, Phase 1 (SCH No. 2019129095) and recommends that the City address CDFW's comments and concerns prior to adoption of the MND.

If you should have any questions pertaining to the comments provided in this letter, please contact Joanna Gibson at (909) 987-7449 or at [Joanna.Gibson@wildlife.ca.gov](mailto:Joanna.Gibson@wildlife.ca.gov).

Sincerely,



Scott Wilson  
Environmental Program Manager

**Attachment:** Draft Mitigation Monitoring and Reporting Program for CDFW-proposed Mitigation Measure BIO-6.

ec: California Department of Fish and Wildlife  
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Mitigation Monitoring and Reporting Program for the City of San Jacinto Esplanade Avenue Widening – Phase 1 Project

Mitigation Measure	Timing and Methods	Responsible Parties
Biological Resources		
<p><b>BIO-6: Demonstrate compliance with MSHCP and its associated Implementing Agreement.</b>  The Project occurs within the MSHCP and is subject to the provisions and policies of the MSHCP. The Project is located within the San Jacinto Area Plan, and portions of the Project are proposed immediately adjacent to MSHCP Criteria Cell 3291. Construction may be necessary within MSHCP Criteria Cell 3291. Projects that occur within MSHCP Criteria Cells are subject to the Joint Project Review (JPR) process through the Western Riverside County Regional Conservation Authority (RCA).</p>	<p><b>Timing:</b> Prior to construction.   <b>Methods:</b> City of San Jacinto will complete the JPR process through the RCA, or obtain written concurrence from the RCA, USFWS, and CDFW stating that Project is not subject to JPR process.</p>	<p><b>Implementation:</b> City of San Jacinto   <b>Monitoring and Reporting:</b> City of San Jacinto</p>