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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

February 1, 2021
Sent via email

Feb 01 2021

STATE CLEARINGHOUSE

Mike Szarzynski
Development Department
City of Victorville
4343 Civic Drive
Victorville, CA 92392

SOUTHERN CALIFORNIA LOGISTICS AIRPORT SPECIFIC PLAN AMENDMENT
(PLAN19-00004)
DRAFT SUBSEQUENT PROGRAM ENVIRONMENTAL IMPACT REPORT
SCH# 2003011008

Dear Mr. Mr. Szarzynski:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Subsequent Program Environmental Impact report (DSPEIR) from the City of Victorville for the Southern California Logistics Airport (SCLA) Specific Plan Amendment (Plan19-00004) (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation (NOP) of the DSPEIR.

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,

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

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: City of Victorville, in partnership with Stirling Development

Objective: The objective of the Project is to amend the SCLA Specific Plan. Primary Project activities include modification of the existing land use district boundaries to more appropriately guide future development at SCLA, reduction of the development footprint of the Specific Plan area resulting in the removal of over 1,000 acres for industrial development, enlarging the acreage available for the development of Airport and Support Facilities (ASF), removal of the ASF Overlay, creation of a new land use district (Public Institutional [PI]) applicable to the existing FCC Victorville, revisions to the circulation and infrastructure planning components of the Specific Plan, and updates to the design guidelines (site planning, landscape, architectural, and lighting). Project development could result in approximately 25,973,000 square feet of new building area.

Location: City of Victorville, San Bernardino County, generally located to the north of Air Expressway, east of Adelanto Road, south of Desert Flower Road, and west of National Trails Highway, 34.583722, -117.378667

Timeframe: 25 years

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist City of Victorville in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that a Subsequent Program Environmental Impact Report is appropriate for the Project.

I. Environmental Setting and Related Impact Shortcoming

Would the Project 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 CDFW or USFWS?

COMMENT 1:

Section 5.3.4, Page 5.3-17

Issue: Upon review of the Biological Resource section, CDFW has concerns that the site-specific potential Project impacts and cumulative impacts are too general despite the Lead Agency knowing the maximum Project footprint. The DSPEIR lacks analysis of the magnitude or nature of incremental change to the environmental baseline, and the significance of the impacts to species identified as a candidate, sensitive, or special status species. The mitigation measures intended to avoid or substantially lessen significant environmental impacts rely on developing avoidance and minimization measures later should the biological surveys confirm presence. CDFW has concerns the mitigation measures are mainly future surveys that defer formulation of effective mitigation measures to a later date, deferring to other agencies, including CDFW, to identify and address mitigation measures, rather than presenting measures in the DSPEIR.

Specific impact: The DSPEIR identifies the Project could have substantial adverse effects on potential candidate, sensitive, or special status species present in the Project area based on future development taking place in suitable habitat.

Why impact would occur: The Biological Resources Report provided is identified as a general biological resources survey performed for two days (August 13-14, 2018). Such methodology can gather general information but is not recognized by CDFW as a method to determine presence or absence of candidate, sensitive, or special status species. The survey did not determine the environmental baseline for several of the species in which the DSPEIR identifies as potentially impacted. CDFW provided a comment letter on the NOP of the DSPEIR on November 11, 2019 which recommended the Lead Agency perform protocol level surveys for all species identified as potentially impacted prior to the circulation of the DSEIR. The DSEIR did not quantify impacts, such as the number of individuals impacted or the potential amount of suitable habitat for each species that would be lost through Project development within the Priority Development Area.

Evidence impact would be significant: The DSPEIR states implementation of proposed Mitigation Measures BIO-2 to BIO-5 will result in less than significant impacts to special status species, but the direct or indirect impacts have not been

quantified or analyzed within the DSPEIR. Thus, the DSPEIR lacks informed consideration of significant and adverse changes to the environmental baseline. Without an accurate environmental baseline of present candidate, sensitive, or special status species and delaying development of specific avoidance, minimization, and mitigation measures, it is unclear if the mitigation measures proposed to be implemented by City of Victorville and the Project Proponent in the Priority Development area will avoid, minimize, or mitigate the impacts to a level below significant adverse effect.

To minimize significant impacts: As previously stated in the comment letter provided to City of Victorville for the NOP of the DSPEIR, CDFW recommended the DSPEIR have a complete, recent inventory of rare, threatened, endangered, and other sensitive species within the Project footprint and within areas with the potential to be indirectly affected. CDFW recommended species-specific surveys during the appropriate time of year and time of day, with consideration of seasonal variations of potential presence. With such information, City of Victorville can identify and analyze the potential impacts to candidate, sensitive, or special status species in or adjacent to the Priority Development Area and develop mitigation measures that can avoid, minimize, or mitigate impacts to the species to lessen the adverse significant effects.

COMMENT 2:

Section 5.3., Page 5.3-2

Issue: The DSPEIR identified four types of vegetative communities and land uses that total approximately 2103.49 acres, including Mojave creosote bush scrub, disturbed habitat, urban/developed, and bare ground.

Specific impact: The Project could result in approximately 269.79 acres of habitat modification of Mojave creosote bush scrub.

Why impact would occur: The Project does not condition Project development to prioritize development in areas less suitable for biological resources.

Evidence impact would be significant: Vegetation removal may result in the loss of habitat that supports numerous wildlife species. Clearing may also cause fragmentation and loss of sensitive habitats. The activities associated with clearing may also disturb associated soil seed banks that sustain local plant populations. Removal of vegetation has also been shown to make communities vulnerable to colonization by invasive plant species and to spread pathogens.

To minimize significant impacts: CDFW recommends the Project Proponent plan the site to minimize edge habitat and fragmentation and utilize existing disturbed areas whenever possible for site development. Additionally, any vegetation removal

should be conducted outside of nesting bird season (Fish and Game Code 3503, 3511, 3513).

II. Mitigation Measure or Alternative and Related Impact Shortcoming

Would the Project 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 CDFW or USFWS?

COMMENT 3:

Section 5.3.4, Page 5.3-17, 5.3-19

Issue: CDFW appreciates the inclusion of surveys floristic in nature for special status plant species in BIO-2. However, CDFW has concerns the mitigation measure is conditioned to be a *focused* plant survey in areas with suitable habitat prior to construction. The Biological Resources Report identified three plants that had the potential to occur through desktop analysis of database records and determination that suitable habitat was present. The DSPEIR states no special-status individuals or communities were identified in the field, but CDFW would like to note the general biological resources survey was not a protocol level survey and performed outside of the blooming season of these three plants. The DSPEIR states thirty western Joshua trees are located within the Project area.

Specific impact: The Project and Project related activities have the potential to take special-status plants, including a CESA candidate species.

Why impact would occur: A baseline inventory of special status species, including the species identified with the potential to occur, has not been obtained. The potential impacts to present special status plant species population have not been quantified or analyzed and future surveys as condition by BIO-2 have potential to be inadequate to identify special-status plants. As mentioned in *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW, 2018), “‘focused surveys’ that are limited to habitats known to support special status plants or that are restricted to lists of likely potential special status plants are not considered floristic in nature and are not adequate to identify all plants in a Project area to the level necessary to determine if they are special status plants”. Additionally, Appendix A of the Biological Resources Report contained a site photograph depicting a disturbed area with a western Joshua tree present. This image indicates special status species can be found outside of habitat that is considered “suitable”. Habitats, such as desert plant communities that have annual and short-lived perennial plants as major floristic components may require yearly surveys to accurately document baseline conditions for purposes of impact assessment (CDFW, 2018).

Evidence impact would be significant: Vegetation removal due to development may result in the loss of special status plant species. Sensitive plant species are listed under the CESA as threatened, or endangered, or proposed or candidates for listing; designated as rare under the Native Plant Protection Act; or plants that otherwise meet the definition of rare, threatened, or endangered species under CEQA. Plants constituting California Rare Plant Ranks 1A, 1B, 2A, and 2B generally meet the criteria of a CESA-listed species and should be considered as an endangered, rare or threatened species for the purposes of CEQA analysis. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085).

To minimize significant impacts: As previously recommended in the comment letter provided to City of Victorville for the NOP of the DSPEIR, CDFW recommended the DSPEIR have a thorough, recent, floristic-based assessment of special status plants following *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW, 2018). This assessment will identify the baseline inventory of the Project area and inform the effectiveness of the proposed mitigation measures to lessen the adverse significant effects. As the project is projected to last 25 years, CDFW believes BIO-2 should be implemented prior to each phase of the project to determine whether special status plant populations have established, expanded and/or migrated onsite, but not in lieu of a baseline survey. CDFW proposes modifications to BIO-2 for City of Victorville's consideration in Appendix A and recommends City of Victorville insert specific avoidance and minimizations measures rather than defer their development to a later date or modify the mitigation to be tied to required compliance with an articulated performance standard if the Lead Agency believes formulation is infeasible at the time of approval.

COMMENT 4:

Section 5.3.4, Page 5.3-18, 5.3-19

Issue: CDFW agrees with the use of the guidelines and recommendations within the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012) in BIO-3 for survey methodology. CDFW would like to note that the measure does not include avoidance or minimization measures for burrowing owls that may be indirectly impacted by Projects activities. Additionally, the measure does not recommend mitigation for burrowing owls directly impacted by Project activities. The Biological Resources Report states burrowing owl has the potential to occur within the development area as suitable habitat is present. The DSPEIR states no individuals were identified in the field, but CDFW would like to note the general biological resources survey did not follow the guidelines or recommendations of the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012).

Specific impact: The Project and Project-related activities have potential to take burrowing owl individuals and their nests and may result in loss of burrowing owl habitat.

Why impact would occur: A baseline inventory of burrowing owls has not been obtained. The potential direct and indirect impacts to present burrowing owl population have not been quantified or analyzed. The proposed mitigation measure lacks avoidance and minimization conditions, such as buffering and subsequent monitoring to ensure the efficacy of established buffers, to prevent potential take for individuals adjacent to the impact area. Lack of avoidance and minimization measures to prevent take of individuals adjacent to the Project may lead to a significant impact. Additionally, loss of burrows and habitat within the development area will result in a significant adverse effect through permanent loss of habitat. The DSPEIR does not propose mitigation through obtaining replacement habitat to lessen the impact.

Evidence impact would be significant: Take of individual burrowing owls and their nests is defined by FGC section 86, and prohibited by sections 3503, 3503.5 and 3513. Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting them from nesting, roosting, and satellite burrows may lead to indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG, 2012).

To minimize significant impacts: As previously stated in the comment letter provided to City of Victorville for the NOP of the DSPEIR, CDFW recommends the DSPEIR have a complete, recent inventory sensitive species within the Project footprint and within areas with the potential to be indirectly affected. CDFW recommended species-specific surveys during the appropriate time of year and time of day, with consideration of seasonal variations of potential presence. Without this information CDFW cannot provide meaningful comments on impacts and the effectiveness of the proposed mitigation measure to lessen the adverse significant effects. As the project is projected to last 25 years, CDFW believes BIO-3 should be implemented prior to each phase of the project to determine whether burrowing owl populations have established, expanded and/or migrated onsite, but not in lieu of a baseline survey. CDFW proposes modifications to BIO-3 for City of Victorville's consideration in Appendix A and recommends City of Victorville insert avoidance and minimization measures for indirect impacts to burrowing owls, such as buffering and monitoring of buffered individuals. Also, CDFW recommends requiring mitigation for direct and permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and

burrowing owls impacted are replaced as consistent with the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012).

COMMENT 5:

Section 5.3, Page 5.3-18, 5.3-20

Issue: The DSPEIR states desert tortoise and Mohave ground squirrel have the potential to be impacted by Project activities. The DSPEIR states no desert tortoise or Mohave ground squirrel individuals were identified in the field. However, the general biological resources survey was not a protocol level survey, was performed outside of the most active for desert tortoise and performed during Mohave ground squirrel dormant season.

Specific impact: The Project and Project related activities have the potential to take CESA-listed species.

Why impact would occur: A baseline inventory of desert tortoise and Mohave ground squirrel, and analysis of direct or indirect impacts have not been quantified or analyzed within the DSPEIR.

Evidence impact would be significant: CDFW considers adverse impacts to CESA-listed species, for the purposes of CEQA, to be significant without mitigation. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085).

To minimize significant impacts: As previously recommended in the comment letter provided to City of Victorville for the NOP of the DSPEIR, CDFW recommended the DSPEIR have a complete, recent inventory of threatened species within the Project footprint and within areas with the potential to be indirectly affected. Without this information CDFW cannot provide meaningful comments on impacts and the effectiveness of any avoidance measures to lessen the adverse significant effects. If the Project, including the Project construction or any Project-related activity during the life of the Project, results in take of CESA-listed species, CDFW recommends that the Project proponent seek appropriate authorization prior to Project implementation through an incidental take permit. Please note obtaining an ITP for CESA-listed species requires CEQA compliance, lack of identification of impacts in the CEQA document may require additional CEQA analysis for permit issuance. CDFW believes BIO-4 and BIO-5 should be implemented prior to each phase of the project to determine whether desert tortoise or Mohave ground squirrel populations have established and/or migrated onsite, but not in lieu of a baseline survey. CDFW proposes modifications to BIO-4 and BIO-5 for City of Victorville's consideration in Appendix A.

Would the Project interfere substantially with movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede use of native wildlife nursery sites?

COMMENT 6:

Section 5.3, Page 5.3-9, 5.3-18, 5.3-20

Issue: The DSPEIR states pallid bat and Townsend's big-eared bat have the potential to be impacted by the Project, indicating roosting habitat (abandoned buildings) is present on-site.

Specific impact: Activities have the potential to cause temporal or permanent loss of roosting habitat and deter individuals from potential foraging habitat.

Why impact would occur: A baseline inventory of bat populations that occur seasonally within the Project area and their roosting sites (maternity, day, or night) and analysis of direct or indirect impacts have not been quantified or analyzed within the DSPEIR. Pallid bats utilize day and night roosts which are usually different sites in proximity to each other, and reproductive female pallid bats utilize maternity roosts. The overwintering and maternity roosts for pallid bats are usually different locations, but the colonies often remain in the same general area year-round (Johnston, 2020; and Johnston, Reyes, Rodriguez, and Briones, 2018). Townsend's big-eared bat maternity colonies may use multiple sites for different stages (pregnancy, birthing, and rearing), while males remain solitary during the maternity season (CDFW, 2013). Due to seasonal utilization of different roost sites, pallid bats and other bat species may roost and forage in the Project area throughout the year. Additionally, species assemblages may vary seasonally at the Project site (Pierson, Rainey, and Corben, 2001).

Evidence impact would be significant: Pallid bats are sensitive to disturbance, urbanization, and human activity, and their populations have been extirpated throughout the state (CDFW, 2014; Johnston et al., 2019). Project studies have shown that pallid bats have abandoned roost sites after activities that resulted in disturbance (Johnston et al., 2019). Loss of traditional Townsend's big-eared bat roosting sites through destruction, modification, and disturbance has led to abandonment of dependent young or forced colonies to use lower quality roost sites (CDFW, 2013). Disturbance at hibernacula has caused Townsend's big-eared bat to arouse and use energy reserves essential for over-winter survival (CDFW, 2013).

To minimize significant impacts: As previously recommended in the comment letter provided to City of Victorville for the NOP of the DSPEIR, CDFW recommended the DSPEIR have a complete, recent inventory of special status species within the Project footprint and within areas with the potential to be indirectly

affected. Without this information CDFW cannot provide meaningful comments on impacts and the effectiveness of any avoidance and minimization measures to lessen the adverse significant effects. CDFW believes BIO-6 should be implemented prior to each phase of the project to confirm whether bat populations have established, expanded and/or migrated onsite, but not in lieu of a baseline survey that determines the seasonal use of the Project area. CDFW also proposes any roosting habitat loss be sequenced and that mitigation through restoration or replacement for loss of roosting habitat be performed on-site to prevent temporal or permanent impacts. CFW proposes modifications to BIO-6 for City of Victorville's consideration in Appendix A.

COMMENT 7:

Section Page

Issue: CDFW appreciates the detail contained within BIO-9, Page 5.3-24, to prevent take of nesting birds. CDFW has concerns the measure lacks a timeframe in which the last survey will be performed prior to construction.

Specific impact: Project activities have the potential to take nesting bird individuals or their nest or cause adverse reaction that can result in abandonment or failure of a nest.

Why impact would occur: Depending on the species, nests may be built over a period of a few days, which may occur between the last nesting bird survey and start of construction.

Evidence impact would be significant: Fish and Game Code 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code Section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009). Noise exposure can cause weakened pair preference in birds (Swaddle and Page, 2007) as well as reduced pairing success that can lead to a decline in overall reproductive success (Habib et al., 2007). Species may increase their vigilance when exposed to noise as individuals must rely more on visual detection of predators when auditory cues are masked by noise (Quinn et al. 2017). Additionally, noise can cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

To minimize significant impacts: CDFW recommends conditioning the mitigation measure to have a timeframe in which the last nesting bird survey will be performed in the week prior to construction to ensure the last survey is within 3 days of start of construction. This recommended modification, and other recommended edits to the mitigation measures can be found in Attachment A.

III. Editorial Comments and/or Suggestions

8. Please note that BIO-2 references a 2009 methodology. Please use *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (CDFW, 2018) or most current version at the time of the survey, available on CDFW's website.

9. Page 5.3-7 states no special-status species were observed during the field survey however Appendix A of the Biological Resource Report has a site photo that includes a western Joshua tree, a candidate species under CESA. Additionally, Page 5.3-17 states no special-status plant species were observed, but later in the paragraph acknowledges western Joshua tree was observed and protected under CESA. CDFW questions why the DSPEIR was updated to include the candidacy listing, but not updated to state a special-status species was observed on-site.

10. Page 5.3-9 lists desert tortoise as a state threatened species. Currently, desert tortoise is state threatened and candidate endangered species under CESA.

11. CDFW would like to note Page 5.3-24 states the City of Victorville's policy is to *encourage* development of natural habitat that supports rare, threatened, or endangered plants and wildlife via Resource Element Policy 4.1.1. CDFW believes this should be edited to read, "*discourage*".

12. Please note, should a Notification of Lake or Streambed Alteration be submitted for any impacts to areas subject to Fish and Game Code section 1602, depending on the impacts of the Project a Habitat Mitigation and Monitoring Plan (HMMP) may or not be required by California Department of Fish and Wildlife within an Agreement. As such CDFW recommended language modification to BIO-9, see Appendix A.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural

communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp.

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.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DSPEIR to assist City of Victorville in identifying and mitigating Project impacts on biological resources. Due to the concerns presented in this letter, CDFW concludes that the DSPEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts on biological resources. Deficiencies in the Lead Agency CEQA document can affect later Project approvals by CDFW in its role as a Responsible Agency. In addition, because of these issues, CDFW has concerns that Lead Agency may not have the basis to approve the Project or make "findings" as required by CEQA unless the environmental document is modified to eliminate and/or mitigate significant impacts, as reasonably feasible (CEQA Guidelines, §§ 15074, 15091 & 15092).

Questions regarding this letter or further coordination should be directed to Ashley Rosales, Environmental Scientist at 760-219-9452 or Ashley.Rosales@Wildlife.ca.gov.

Sincerely,

DocuSigned by:

8091B1A9242F49C...

Scott Wilson
Environmental Program Manager

Attachments

- A. Mitigation Monitoring and Reporting Program (MMRP)

cc: HCPB CEQA Program
Habitat Conservation Planning Branch
CEQAcommentletters@wildlife.ca.gov

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

REFERENCES

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ATTACHMENT 1

MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PURPOSE OF THE MMRP

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

TABLE OF MITIGATION MEASURES

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party for implementing the mitigation measure. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure.

Mitigation Measure	Implementation Schedule	Responsible Party
BIO-1: Projects outside of the Priority Development Area that are subject to California Environmental Quality Act (CEQA) review (meaning, nonexempt projects), and with the potential to reduce or eliminate habitat for native plant and wildlife species or sensitive habitats, as determined by the City of Victorville’s Development Department, shall provide a Biological Resources Assessment prepared by a City-approved qualified biologist for review and approval by the Development Services Department. The assessment shall include biological field survey(s) and a jurisdictional delineation of the project site to characterize the extent and quality of habitat that would be impacted by development. Surveys shall be conducted by qualified biologists and/or botanists in accordance with California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service survey protocols for target species. If no sensitive species are observed during the field survey and the regulatory agencies agree with those findings, then no further mitigation would be required. If sensitive species or habitats are	Before commencing ground- or vegetation-disturbing activities outside of the Priority Development Area	Project Proponent

<p>documented on the project site, the project applicant shall comply with the applicable requirements of the regulatory agencies and shall apply mitigation determined through the agency permitting process.</p>		
<p>BIO-2: Prior to construction of each phase and during the appropriate blooming periods for special-status plant species with the potential to occur within the Priority Development Area, a qualified botanist shall conduct a focused rare special status plant survey in the Project area and 100-foot buffer areas with suitable habitat to determine presence or absence whether special status plant populations have established, expanded and/or migrated onsite. The surveys shall be floristic in nature (i.e., identifying all plant species to the taxonomic level necessary to determine rarity), and shall be inclusive of, at a minimum, areas proposed for disturbance. Any proposed work in areas with no suitable habitat shall not require a focused rare plant survey. The results of the survey shall be documented in a letter report that would be included in the environmental document. If individual or populations of special-status plant species are found within the areas proposed for disturbance, measures to avoid and minimize impacts shall be implemented to ensure no net reduction in the size or viability of the local population recommended. The surveys and reporting shall follow following <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW, 2018)</i> and/or 2001 CNPS guidelines.</p> <p>If State- and/or Federally-listed plant species are present, and avoidance is infeasible, Incidental Take Permit(s) from the California Department of Fish and Wildlife and/or U.S. Fish and Wildlife Service shall be obtained prior to the commencement of project activities.</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Project Proponent</p>

<p>BIO-3: Prior to each phase of construction, a qualified biologist shall conduct a burrowing owl protocol survey in areas of the Priority Development Area and 150-meter buffer zone with suitable habitat to ensure that to determine whether burrowing owl presence have established, expanded and/or migrated onsite. burrowing owls remain absent from the project site and ensure impacts to any occupied burrows do not occur. A complete burrowing owl survey in accordance with the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife, 2012), consists of four site visits. Surveys shall be conducted during the burrowing owl nesting season, which can begin as early as February 1 and continues through August 31. Further, two preconstruction clearance surveys shall be conducted 14 to 30 days and 24 hours prior to any vegetation removal or ground disturbing activities. If no burrowing owls or occupied burrows are detected, construction may begin. If an occupied burrow is found within the development footprint during pre-construction clearance surveys, a burrowing owl exclusion plan shall be prepared and submitted to California Department of Fish and Wildlife for approval prior to initiating project activities that includes proposed mitigation for direct and permanent impacts to nesting, occupied and satellite burrows and/or burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owls impacted are replaced as consistent with the <i>Staff Report on Burrowing Owl Mitigation</i>. If an occupied burrow is found within adjacent habitat that may be indirectly impacted by Project activities, the individual shall be buffered following the distances recommended in the <i>Staff Report on Burrowing Owl Mitigation</i>. The biologist shall monitor the burrow, adjust the buffer area as needed, and shall have the authority to stop construction activities to prevent take. Any proposed work in areas with no suitable habitat</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Project Proponent</p>
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<p>shall not require a burrowing owl protocol survey.</p>		
<p>BIO-4: Prior to each phase of construction, a qualified biologist shall conduct a protocol survey to determine the presence/absence of desert tortoise in areas of the Priority Development Area with suitable habitat. In accordance with survey guidelines established by the U.S. Fish and Wildlife Service, the qualified biologist shall survey areas of suitable habitat located on and within 500 feet of the proposed development during the tortoise’s most active periods (April through May or September through October) when air temperatures are below 95°F. Survey transects shall be oriented north to south and spaced at approximately 10-meter (33 feet) intervals throughout all areas containing suitable habitat to provide 100 percent visual coverage and increase the likelihood of detecting desert tortoise and/or sign. Following completion of the presence/absence survey, the biologist shall prepare a letter report with supporting Geographic Information Systems (GIS) figures to document the methods and results of the presence/absence survey, as well as identify any additional surveys, mitigation avoidance measures, and/or permitting requirements that may be required prior to implementation of a proposed project. Any proposed work in areas with no suitable habitat shall not require a desert tortoise protocol survey.</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire project</p>	<p>Project Proponent</p>
<p>BIO-5: Prior to each phase of construction, a qualified biologist shall conduct a protocol survey following the Mohave Ground Squirrel Survey Guidelines (CDFW, 2010) to determine the presence/absence for the Mohave ground squirrel in areas of the Priority Development Area with suitable habitat. Studies that include trapping for the Mohave ground squirrel shall be conducted by a biologist that holds a current authorized by a Memorandum of Understanding (MOU) or Letter Permit issued by the Wildlife Branch of the California Department of Fish and</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire project</p>	<p>Project Proponent</p>

<p>Wildlife, or by another permit as determined by the California Department of Fish and Wildlife, and shall be undertaken by a qualified biologist. Visual surveys to determine Mohave ground squirrel activity and habitat quality shall be undertaken during the period of 15 March through 15 April. Following completion of the presence/absence surveys, the biologist shall prepare a letter report with supporting Geographic Information Systems (GIS) figures to document the methods and results of the presence/absence survey, as well as identify any additional surveys, avoidance measures, and/or permitting requirements that may be required prior to implementation of a proposed project. Any proposed work in areas with no suitable habitat shall not require a Mohave ground squirrel protocol survey.</p>		
<p>BIO-6: Within 30 days pPrior to construction, a qualified bat biologist shall perform a summer and winter survey within all suitable structures and vegetation within the Priority Development Area for bat roosts. If bats roosts are found within the project impact area, the qualified bat biologist shall identify the bats to the species level and evaluate the colony to determine its size and significance. If any structures house an active maternity colony of bats, construction activities shall not occur during the recognized bat breeding season (March 1 to October 1). Any proposed work in areas with no suitable roosting or foraging habitat shall not require a bat survey. If a bat roost is present within the vicinity of a proposed project impact area that does not need to be removed, a qualified bat biologist shall establish a species-specific no-disturbance buffer (typically 100 feet) that must be maintained throughout the duration of the project. If a maternity roost is identified, a no-disturbance buffer shall be established and maintained until a qualified bat biologist determines that the roost is no longer active. If project activities must occur during non-daylight</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project/Post Construction</p>	<p>Project Proponent</p>

<p>hours or during the bat breeding season (March 1 to October 1), a qualified bat biologist shall establish monitoring measures, including frequency and duration, based on species, individual behavior, and type of construction activities. Night lighting shall be used only within the portion of the project actively being worked on and focused directly on the work area. This measure would minimize visual disturbance and allow bats to continue to utilize the remainder of the area for foraging and night roosting. If bats are showing signs of distress, work activities shall be modified to prevent bats from abandoning their roost or altering their feeding behavior. At any time, the qualified biologist shall have the authority to halt work if there are any signs of distress or disturbance that may lead to roost abandonment. Work shall not resume until corrective measures have been taken or it is determined that continued activity would not adversely affect roost success. Any roosting habitat loss shall be sequenced, and roosting habitat shall be restored or replaced in-kind and on-site to prevent temporal or permanent loss based on the bat species roosting requirements.</p>		
<p>BIO-7: Prior to the commencement of construction within the Priority Development Area, mitigation to offset impacts must be agreed upon, and the appropriate permits/authorization must be procured for projects with the potential to impact jurisdictional waters, which includes the following:</p> <ul style="list-style-type: none"> • Army Corps of Engineers Clean Water Act Section 404 Nationwide Permit for impacts associated with dredge and fill material to non wetland Waters of the United States not exceeding 0.5 acre, whereas impacts exceeding 0.5 acre shall require a Standard Individual Permit, which includes an Alternatives Analysis; • Lahontan Regional Water Quality Control Board Clean Water Act Section 401 Water 	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Project Proponent</p>

<p>Quality Certification for impacts associated with dredge and fill material to Waters of the United States; and</p> <ul style="list-style-type: none"> California Department of Fish and Wildlife California Fish and Game Code Section 1602 Lake or Streambed Alteration Agreement (or other approval such as an Operation by Law letter or Letter of Non-Substantial Impact) for impacts/alteration to streambed/banks and associated riparian vegetation. 		
<p>BIO-8: Following the completion of site-specific development activities occurring within the Priority Development Area, areas disturbed during construction shall be restored to natural conditions or better. Restoration of jurisdictional areas affected by proposed activities shall include re-contouring slopes to pre-project grade and the installation of the appropriate seed mix, cuttings, and/or container stock according to specifications, including maintenance, monitoring, and success criteria, detailed in an agency-approved Habitat Mitigation and Monitoring Plan (HMMP) as may be required by California Department of Fish and Wildlife.</p>	<p>Before commencing ground- or vegetation-disturbing activities</p>	<p>Project Proponent</p>
<p>BIO-9: Proposed project activities occurring within the Priority Development Area shall avoid the bird breeding season (typically January through July for raptors and February through August for other avian species), if feasible. If breeding season avoidance is not feasible, a qualified biologist shall conduct a pre-construction nesting bird survey for avian species to determine the presence/absence, location, and status of any active nests on or adjacent to the area proposed project site. The extent of the survey buffer area surrounding the nest shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Project Proponent</p>

<p>avoid the destruction of active nests and to protect the reproductive success of birds protected by the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code, nesting bird surveys shall be performed twice per week during the three weeks prior to the scheduled project activities. The second survey of the third week shall occur no more than 3 days before the start of construction. In the event that active nests are discovered, a suitable buffer (distance to be determined by the biologist or overriding agencies) shall be established around such active nests, and no construction within the buffer allowed, until the biologist has determined that the nest(s) is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). The biologist shall monitor the nest, adjust the buffer area as needed, and shall have the authority to stop construction activities to prevent take. Nesting bird surveys are typically not required for construction activities occurring September through December; however, hummingbirds (Family Trochilidae), for example, are known to nest year-round; therefore, a pre-construction nesting bird survey for activities outside of the breeding season shall be conducted within 24 hours of construction to ensure full compliance with the regulations.</p>		
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