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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 16, 2020
Sent via email

Governor's Office of Planning & Research

APR 17 2020

STATE CLEARINGHOUSE

Travis Clark
Associate Planner
City of Victorville
Development Dept.
14343 Civic Drive
Victorville, CA 92393

Victorville CarMax Auto Superstore (PLAN18-00052) (Project)
Draft Environmental Impact Report (DEIR)
SCH# 2019070975

Dear Mr. Clark:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Victorville for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, 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 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

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.

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: Centerpoint Integrated Solutions

Objective: The objective of the Project is to construct an auto dealership and supporting auto service uses. Primary Project activities include development of an approximately 4.76-acre site with facilities, parking, hardscaping, and landscaping.

Location: 14901 Civic Drive, Victorville, San Bernardino County; east of Civic Drive, south of Roy Rogers Drive, west of Interstate 15, and north of Valley Park Lane; 34.519719°, -117.322141°

Timeframe: Year of completion is projected as 2021.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the 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 Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends in Attachment 1, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

I. Mitigation Measure 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: BIO-1

Table 1.11-1 Page 1-55

Issue: CDFW appreciates the City of Victorville's inclusion of a mitigation measure to avoid potentially significant impacts to nesting birds. However, CDFW has

concerns that the measure lacks monitoring to ensure the efficacy of established buffers.

Specific impact: As written, the mitigation measure does not allow for adjustment of buffer sizes should Project activities cause an adverse reaction that can result in abandonment or failure of the nest.

Why impact would occur: Noise has been shown to reduce the density of nesting birds (Francis et al. 2009). 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).

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.).

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Mitigation Measure:

To minimize significant impacts: CDFW suggests the City of Victorville modify the current measure to the following:

MM BIO-1: Nesting Birds. If Project activities must occur during the avian nesting season (February to September), a survey for active nests shall be conducted by a qualified biologist, no more than three (3) days prior to the start of activities. If active nests are identified and present onsite, the qualified biologist shall establish an appropriate nest buffer with flagging and stakes or construction fencing that does not pose an entanglement risk to wildlife. All Project activities within 0-300 feet of the nest, depending on the species (50 feet for passerines and up to 300 feet for raptors), shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. The qualified biologist shall monitor the nest at the onset of Project activities and at the onset of any changes in

Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the qualified biologist determines that Project activities may be causing an adverse reaction, the qualified biologist shall adjust the buffer accordingly. Construction personnel shall be instructed regarding the ecological sensitivity of the flagged or fenced area. The qualified biologist shall have the authority to stop work if nesting individuals or pairs exhibit signs of disturbance.

COMMENT 2: Burrowing Owl

Table 1.11-1 Page 1-55

Issue: CDFW has concerns BIO-1 does not adequately address avoidance, minimization, and mitigation measures for impacting burrowing owls, a Species of Special Concern. Burrowing owl presence has been mapped at the Project location (CNDDDB, 2020). Non-breeding or migratory individuals have the potential to occupy the site outside of nesting bird season.

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: Potentially significant impacts to burrowing owls are not mitigated to the extent feasible.

Evidence impact would be significant: Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code Section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” 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).

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Mitigation Measure:

To minimize significant impacts: CDFW recommends including the following measure in the environmental document:

MM BIO-2: Pre-construction Burrowing Owl Survey. Burrowing owl surveys shall be conducted at least 14 days prior to any Project activities, at any time of year. Surveys shall be completed following the recommendations and guidelines provided within the *Staff Report on Burrowing Owl Mitigation* (CDFG, March 2012) or most recent version by a qualified biologist. If an active burrowing owl burrow is detected within any Project disturbance area, or within adjacent habitat to the disturbance area, a 300- foot radius buffer zone surrounding the burrow shall be flagged, and no impacts to soils or vegetation or noise levels above 65 dBA shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW. The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the *Staff Report on Burrowing Owl Mitigation* such that the habitat acreage, number of burrows and burrowing owls impacted are replaced. Passive relocation shall take place outside the nesting season (1 February to 31 August).

II. 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 3: Special Status Plant Species

Issue: The Biological Resource Assessment performed by Rincon Consultants, Inc. in May 2018 states the reconnaissance site visit was designed to assess habitat suitability and not to determine the presence or absence of specific species. Additionally, it states protocol surveys to confirm the presence or absence of special status species were outside of the scope of analysis. The findings and opinions of the report were based on literature review and the site visit. The DEIR uses this document to determine that no special status plant species are present at the Project site.

Specific impact: A botanical field survey to identify all plants to the taxonomic level necessary to determine rarity and listing status was not performed. Therefore, the DEIR does not analyze nor address potential impacts to sensitive plant species.

Why impact would occur: Botanical field surveys should be conducted during times of year when plants are evident and identifiable (i.e. flowering or fruiting), which may warrant multiple surveys during the season to capture floristic diversity (CDFW, 2018). 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). Additionally, CDFW's California Natural Diversity Database (CNDDDB) was used in the literature review to determine which special status plants have the potential to occur at the Project site. CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site.

Evidence impact would be significant: 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). Fish and Game Code Sections 1900–1913 includes provisions that prohibit the take of endangered and rare plants from the wild and a salvage requirement for landowners.

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming)

Mitigation Measure:

To minimize significant impacts: To ensure that Project impacts to biological resources are fully analyzed, CDFW recommends the City of Victorville require a thorough floristic-based assessment of special status plants and natural communities. The assessment should be performed by a qualified biologist following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, March 2018) or most recent version. Note that CDFW generally considers biological field assessments for rare plants may be considered valid for a period of up to three years. Should special status plants be present, CDFW recommends the inclusion of the following mitigation measure:

MM BIO-3: Special Status Plant Species. Should any CESA-listed plant species be present at the Project site, the Project Proponent shall obtain an incidental take permit for those species prior to the start of Project activities. Should other special status plants or natural communities be present in the Project Area, a qualified restoration specialist shall assess whether perennial species may be successfully transplanted to an appropriate natural site or whether on-site or off-site conservation

is warranted to mitigate Project impacts. If successful transplantation of perennial species is determined by a qualified restoration specialist, the receiver site shall be identified, and transplantation shall occur at the appropriate time of year. Additionally, the qualified restoration specialist shall perform seed collection and dispersal from special status annual plant species to a natural site as a conservation strategy to minimize and mitigate Project impacts. If these measures are implemented, monitoring of plant populations shall be conducted annually for 5 years to assess the mitigation's effectiveness. The performance standard for mitigation shall be no net reduction in the size or viability of the local population.

Comment 4: Special Status Wildlife Species

Issue: As previously stated, the Biological Resource Assessment performed by Rincon Consultants, Inc. in May 2018 states the reconnaissance site visit was designed to assess habitat suitability and not to determine the presence or absence of specific species. Additionally, it states protocol surveys to confirm the presence or absence of special status species were outside of the scope of analysis. The findings and opinions of the report were based on literature review and the site visit. The DEIR uses this document to determine that no special status wildlife species are present at the Project site.

Specific impact: Protocol level surveys required to determine the presence of special status wildlife species were not performed. Therefore, the DEIR does not analyze nor address potential impacts to sensitive wildlife species.

Why impact would occur: Wildlife surveys should be conducted at the appropriate time of year and time of day when the species are active or otherwise identifiable. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Additionally, CDFW's CNDDDB was used in the literature review to determine which special status wildlife species have the potential to occur at the Project site. CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the Project site.

Evidence impact would be significant: CDFW has discretionary authority over activities that could result in the "take" of any species listed as candidate, threatened, or endangered, pursuant to CESA (Fish and Game Code, § 2050 et seq.). 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). Take of any species designated as fully protected under the Fish and Game Code is prohibited (See Fish & Game Code, §§ 3511, 4700, 5050, 5515.).

To minimize significant impacts: To ensure that Project impacts to biological resources are fully analyzed, CDFW recommends the City of Victorville require protocol level surveys for sensitive wildlife species that have potential to occur at the Project site. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period. CDFW recommends the City of Victorville include specific avoidance, minimization, and mitigation measures for any special status wildlife species identified at the Project site. Additionally, CDFW recommends the inclusion of the following mitigation measure:

MM BIO-4: Special Status Wildlife Species Observations. If the Project Proponent encounters special status wildlife species during Project activities that were not identified during pre-construction surveys, work shall be suspended, and CDFW shall be notified and provided proposed additional conservation measures for review and comment. If the Project Proponent encounters a CESA-listed species, the Project Proponent shall obtain an ITP for the species prior to the restarting Project activities.

III. Editorial Comments and/or Suggestions

Additional Mitigation Measures

CDFW recommends the inclusion of the following mitigation measures to reduce potential impacts to biological resources during Project activities:

MM BIO-5: On-site Education. A qualified biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site. The program shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. The qualified biologist shall also include as part of the education program information about the distribution and habitat needs of any special status species that may be present, legal protections for those species, penalties for violations, and mitigation measures. Education should include but not be limited to burrowing owl, nesting birds, and special-status plants. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on-site.

MM BIO-6: Minimize Impacts on Other Species. A qualified biologist shall be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way wildlife that would otherwise be injured or killed from Project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety. Measures shall be taken to prevent wildlife from re-entering the Project site. Only biologists with authorization by CDFW shall move CESA-listed species.

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 DEIR to assist the City of Victorville in identifying and mitigating Project impacts on biological resources. Questions regarding this letter or further coordination should be directed to Ashley Rosales, Environmental Scientist at 909-980-8607 or Ashley.Rosales@Wildlife.ca.gov.

Sincerely,



Scott Wilson
Environmental Program Manager

Attachment 1: Draft Mitigation Monitoring and Reporting Program for CDFW-proposed Mitigation Measures.

ec: Office of Planning and Research, State Clearinghouse, Sacramento
HCPB CEQA Coordinator
Habitat Conservation Planning Branch

RESOURCES

- California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>)
- California Department of Fish and Wildlife (CDFW). 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>)
- California Natural Diversity Database (CNDDDB) Government [ds45]. 2020. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System.
- Francis, C. D., C. P. Ortega, and A. Cruz. 2009. Noise pollution changes avian communities and species interactions. *Current Biology* 19:1415–1419.
- Kight, C. R., and J. P. Swaddle. 2011. How and why environmental noise impacts animals: An integrative, mechanistic review. *Ecology Letters* 14:1052–1061.
- Quinn, J. L., M. J. Whittingham, S. J. Butler, W. Cresswell, J. L. Quinn, M. J. Whittingham, S. J. Butler, W. Cresswell, and W. Noise. 2017. Noise, predation risk compensation and vigilance in the chaffinch *Fringilla coelebs*. *Journal of Avian Biology* 37:601–608.

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
<p>MM BIO-1: <u>Nesting Birds</u>. If Project activities must occur during the avian nesting season (February to September), a survey for active nests shall be conducted by a qualified biologist, no more than three (3) days prior to the start of activities. If active nests are identified and present onsite, the qualified biologist shall establish an appropriate nest buffer with flagging and stakes or construction fencing that does not pose an entanglement risk to wildlife. All Project activities within 50-300 feet of the nest, depending on the species (50 feet for passerines and up to 300 feet for raptors), shall be postponed until the nest is vacated and juveniles have fledged, and there is no evidence of a second attempt at nesting. The qualified biologist shall monitor the nest at the onset of Project activities and at the onset of any changes in Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. If the qualified biologist determines that Project activities may be causing an adverse reaction,</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Project Proponent</p>

<p>the qualified biologist shall adjust the buffer accordingly. Construction personnel shall be instructed regarding the ecological sensitivity of the flagged or fenced area. The qualified biologist shall have the authority to stop work if nesting individuals or pairs exhibit signs of disturbance.</p>		
<p>MM BIO-2: <u>Pre-construction Burrowing Owl Survey</u>. Burrowing owl surveys shall be conducted at least 14 days prior to any Project activities, at any time of year. Surveys shall be completed following the recommendations and guidelines provided within the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG, March 2012) or most recent version by a qualified biologist. If an active burrowing owl burrow is detected within any Project disturbance area, or within adjacent habitat to the disturbance area, a 300- foot radius buffer zone surrounding the burrow shall be flagged, and no impacts to soils or vegetation or noise levels above 65 dBA shall be permitted while the burrow remains active or occupied. Disturbance-free buffers may be modified based on site-specific conditions in consultation with CDFW. The qualified biologist shall monitor active burrows daily and will increase buffer sizes as needed if owls show signs of disturbance. If active burrowing owl burrows are located within any work area, a qualified biologist shall submit a burrowing owl exclusion plan to CDFW for review and approval. The burrowing owl exclusion plan shall include permanent compensatory mitigation consistent with the recommendations in the <i>Staff Report on Burrowing Owl Mitigation</i> such that the habitat acreage, number of burrows and burrowing owls impacted are replaced. Passive relocation shall take place outside the nesting season (1 February to 31 August).</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Project Proponent</p>
<p>MM BIO-3: <u>Sensitive Plant Species</u>. Should any CESA-listed plant species be present at the Project site, the Project Proponent shall obtain an incidental take permit for those species prior to the start of Project activities. Should other special</p>	<p>Before commencing ground- or vegetation-disturbing</p>	<p>Project Proponent</p>

<p>status plants or natural communities be present in the Project Area, a qualified restoration specialist shall assess whether perennial species may be successfully transplanted to an appropriate natural site or whether on-site or off-site conservation is warranted to mitigate Project impacts. If successful transplantation of perennial species is determined by a qualified restoration specialist, the receiver site shall be identified, and transplantation shall occur at the appropriate time of year. Additionally, the qualified restoration specialist shall perform seed collection and dispersal from special status annual plant species to a natural site as a conservation strategy to minimize and mitigate Project impacts. If these measures are implemented, monitoring of plant populations shall be conducted annually for 5 years to assess the mitigation's effectiveness. The performance standard for mitigation shall be no net reduction in the size or viability of the local population.</p>	<p>activities/Entire Project/Post Construction</p>	
<p>MM BIO-4: <u>Special Status Wildlife Species Observations.</u> If the Project Proponent encounters special status wildlife species during Project activities that were not identified during pre-construction surveys, work shall be suspended, and CDFW shall be notified and provided proposed additional conservation measures for review and comment. If the Project Proponent encounters a CESA-listed species, the Project Proponent shall obtain an ITP for the species prior to the restarting Project activities</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Project Proponent</p>
<p>MM BIO-5: <u>On-site Education.</u> A qualified biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site. The program shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. The qualified biologist shall also include as part of the education program information about the distribution and habitat needs of any special</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Project Proponent</p>

<p>status species that may be present, legal protections for those species, penalties for violations, and mitigation measures. Education should include but not be limited to desert tortoise, burrowing owl, desert kit fox, American badger, nesting birds, and special-status plants. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on-site.</p>		
<p>MM BIO-6: <u>Minimize Impacts on Other Species.</u> A qualified biologist shall be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way wildlife that would otherwise be injured or killed from Project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety. Measures shall be taken to prevent wildlife from re-entering the Project site. Only biologists with authorization by CDFW shall move CESA-listed species.</p>	<p>Before commencing ground- or vegetation-disturbing activities/Entire Project</p>	<p>Project Proponent</p>