

**NOTICE OF PREPARATION  
OF  
ENVIRONMENTAL IMPACT REPORT  
AND  
NOTICE OF PUBLIC SCOPING MEETING**

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Apple Valley Multispecies Habitat Conservation Plan  
and Natural Community Conservation Plan  
(Apple Valley MSHCP/NCCP)

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**LEAD AGENCY:**

Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, California 92307

*Primary Contact:*

*Lori Lamson, Assistant Town Manager*

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**April 2021**

# Notice of Preparation (NOP) of an Environmental Impact Report (EIR)

**Date:** April 2, 2021

**TO:** Agencies and Interested Parties

**FROM:** Town of Apple Valley

**SUBJECT:** The Town of Apple Valley (Town), as the Lead Agency under the California Environmental Quality Act (CEQA), has determined in accordance with CEQA Sections 15060 and 15081 that preparation of an Environmental Impact Report (EIR) is required for the Apple Valley Multispecies Habitat Conservation Plan/Natural Community Conservation Plan (MSHCP/NCCP). In accordance with Section 15060(d), an Initial Study is not required.

The Town will likewise serve as the lead agency for the EIR, pursuant to Section 15168 of CEQA Guidelines. The California Department of Fish and Wildlife (CDFW) is a Responsible and Trustee Agency to CEQA.

The U.S. Fish and Wildlife Service (Service) will be the federal Lead Agency under the National Environmental Policy Act (NEPA) and will prepare an Environmental Impact Statement (EIS) for the Apple Valley MSHCP/NCCP

Compliance with NEPA and CEQA may be done concurrently in a joint EIS/EIR. The Town and County will develop the MSHCP/NCCP, such that it meets the state's requirements for a NCCP and federal requirements for an MSHCP.

The project description, location, and potential environmental impacts are provided below.

**Agencies:** We request input from your agency as to the scope and context of the environmental impact analysis relevant to your agency's statutory responsibilities and interests in connection with the proposed project. Your agency may need to use the EIR prepared by the Town when considering any required permits issued by your agency or when authorizing other approvals for the project.

**Interested Parties:** Comments and concerns regarding the environmental issues associated with implementation and approval of this project are requested from organizations and individuals.

**Comments Due:** A 30-day public review of this Notice of Preparation begins on **April 2, 2021**. Any comments must be received **no later than 5 p.m. by May 3, 2021**. Please include your contact information and the name of your organization (if applicable) with your comment(s).

Comments should be mailed to:  
Lori Lamson, Assistant Town Manager  
Town of Apple Valley, Community and Development Services  
14955 Dale Evans Parkway  
Apple Valley, California 92307

Phone: (760)240-7000, ext. 7204

Email comments to: [planning@applevalley.org](mailto:planning@applevalley.org) (Subject Line: Apple Valley MSHCP/NCCP NOP Comments)

**The Town will accept comments received, postmarked, or emailed on or before 5 p.m. May 3, 2021.**

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comment to withhold your personal identifying information from public review, the Town cannot guarantee that it will be able to do so. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, may also be made available for public disclosure in their entirety.

**Scoping Meeting:** A scoping meeting will be held by the Town on Thursday, **April 29, 2021, from 4:00 p.m. to 6:00 p.m.**

**IMPORTANT COVID-19 NOTICE**

THIS MEETING IS BEING CONDUCTED CONSISTENT WITH STATE OF CALIFORNIA EXECUTIVE ORDER N-29-20 DATED MARCH 17, 2020 REGARDING THE COVID-19 PANDEMIC. THE MEETING IS BROADCAST LIVE AND VIEWABLE ON **FRONTIER CHANNEL 29 OR CHARTER SPECTRUM CHANNEL 186 AND LIVE STREAMED ONLINE AT APPLEVALLEY.ORG**. IN AN EFFORT TO PROTECT PUBLIC HEALTH AND IN ACCORDANCE WITH EXECUTIVE ORDER N-29-20, **THE PUBLIC MAY ONLY VIEW THE MEETING ON TELEVISION AND/OR ONLINE.**

FOR INDIVIDUALS WISHING TO MAKE PUBLIC COMMENTS, YOU MAY COMMENT IN ONE OF TWO WAYS: 1) COMMENTS AND CONTACT INFORMATION CAN BE EMAILED TO **PUBLICCOMMENT@APPLEVALLEY.ORG** BY 12 P.M. THURSDAY, APRIL 29, 2021, TO BE INCLUDED IN THE RECORD; 2) A REQUEST TO SPEAK CAN BE EMAILED TO THE SAME ADDRESS AS ABOVE AND AT THE TIME OF THE MEETING, THE TOWN CLERK WILL PLACE A PHONE CALL TO THE COMMENTER AND ALLOW THEM TO PRESENT THEIR PUBLIC COMMENT VIA SPEAKER PHONE DURING THE LIVE MEETING. EACH SPEAKER WILL BE ALLOWED 3 MINUTES.

## **PROJECT INFORMATION**

**Location:** The general vicinity of the Plan Area is in the Victor Valley Region of the West Mojave Desert, San Bernardino County, California. More specifically, it is located between the City of Victorville to the west, the City of Hesperia to the southwest, the Lucerne Valley to the southeast, and Barstow to the north (see Figure 1, Apple Valley MSHCP/NCCP Plan Area).

### **Background:**

The project being analyzed in the EIR is the Apple Valley MSHCP/NCCP. The Plan is intended to serve a specified Plan Area within the Town and San Bernardino County (County) as a Multispecies Habitat Conservation Plan (MSHCP) under the federal Endangered Species Act (FESA) and as a Natural Community Conservation Plan (NCCP) under the California Endangered Species Act (CESA).

The Plan is being collaboratively developed by the Town and County with joint participation of CDFW, the Service, and the Bureau of Land Management (BLM). The requested state and federal permits would authorize incidental take of covered species caused by the impacts from covered activities for a period of 30 years and includes minimization and mitigation measures to offset the impacts of the taking of covered species. To meet the requirements under CEQA, the Town as the Lead Agency will prepare a draft EIR (DEIR) and, later, a final EIR (FEIR) to evaluate the effects of covered activities in the implementation of the Apple Valley MSHCP/NCCP.

ADMINISTRATIVE DRAFT

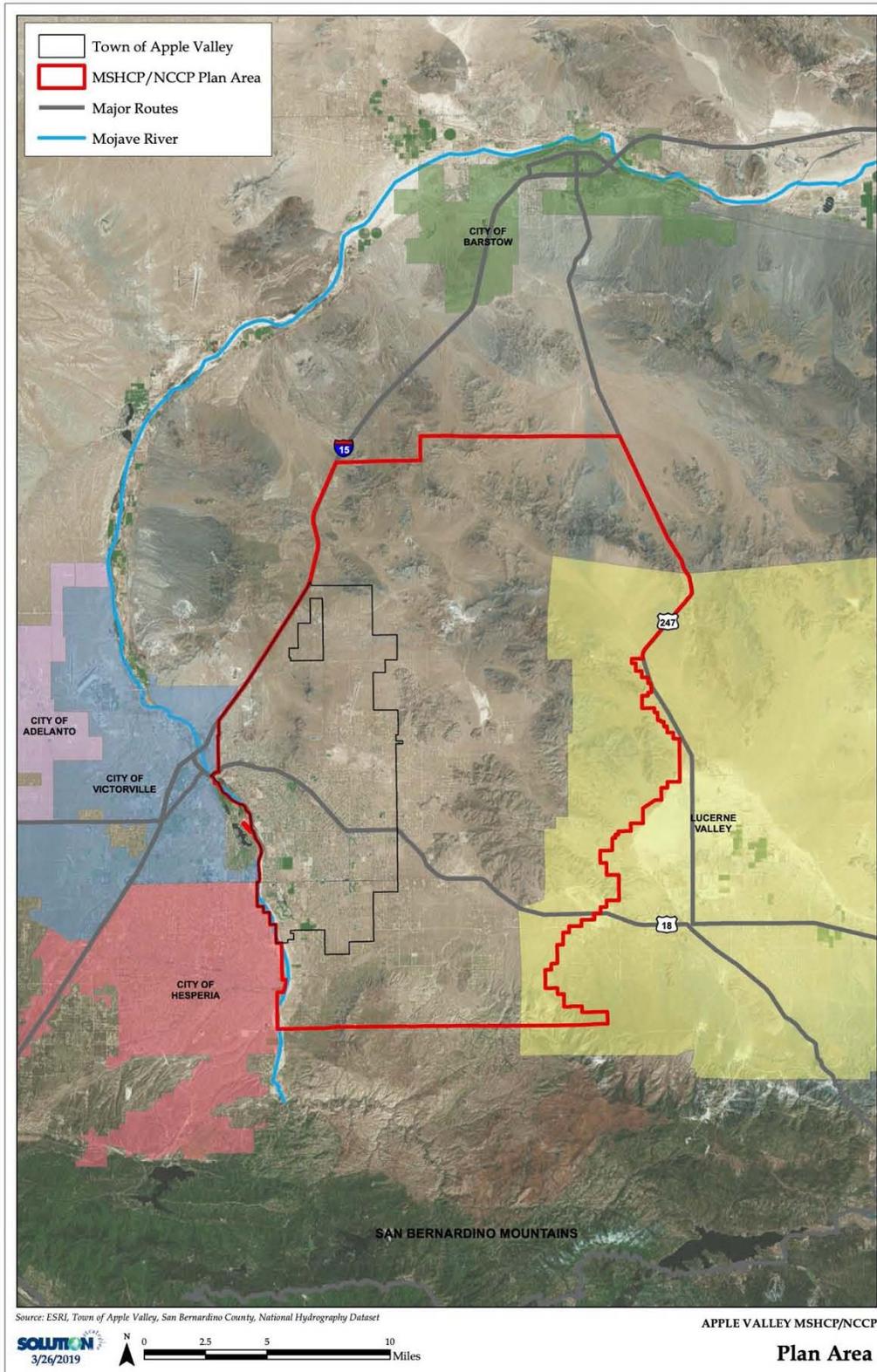


Figure 1: Apple Valley MSHCP/NCCP Plan Area

### **MSHCP/NCCP Overview:**

The Plan Area covers 222,369 acres (347 square miles) and stretches from the San Bernardino Mountains in the south to Stoddard Mountain in the north, and from the Granite Mountains in the east to the Mojave River Corridor and I-15 in the southwest and west, respectively. Elevations within the Plan Area range from 2,716 feet above mean sea level along the Mojave River to 5,700 feet above mean sea level in the San Bernardino Mountains. The Plan Area is entirely within the County. The Plan Area is also located at the intersection of three landscape-level linkages that are critical to landscape connectivity in the larger region.

The Plan Area represents the area where the Town and County are seeking permit authorization from CDFW and the Service. It encompasses the private, Town, and County lands within which the Covered Activities will be implemented. The Plan Area includes federal lands, state lands and other lands, such as utilities and special districts, that are not under the Town or County jurisdiction. While the Town and County do not have jurisdiction over the federal lands, these lands provide for conservation of Covered Species and habitats impacted by the Covered Activities.

The Town and County are working in coordination with the Bureau of Land Management (BLM), the Service, and CDFW to achieve consistent and complementary conservation planning goals between the MSHCP/NCCP and state and federal lands use plans to achieve conservation benefits at a landscape scale.

The purpose of the MSHCP/NCCP is to:

- Maintain the Town's and County's rural character, quality of life, and economic opportunity within the Plan Area.
- Conserve, restore, and manage ecologically important resources across large connected natural and semi-natural landscapes for species populations that are defined as endangered, threatened, or at-risk within the Plan Area.
- Receive federal Incidental Take Permits (ITPs or take permits) and State take permit authorizations (collectively, take permits) to facilitate appropriate and consistent conservation and mitigation measures in the Plan Area, while streamlining the federal and state permitting process for Project Proponents on lands under the Town's and County's jurisdictions within the Plan Area.

The EIR will consider the proposed project action(s) and a reasonable range of alternatives. A detailed description of the proposed plan and alternatives will be included in the EIR. It is anticipated the No Project and one other alternative will be considered. Alternatives may vary by the level of conservation, impacts caused by the proposed activities, Permit Area, Covered Species, or a combination of these factors.

The EIR will analyze variations in the Covered Activities, the footprint of development in the Plan Area, mitigation approaches, conservation implementation, and effectiveness monitoring. The EIR is anticipated to address potentially significant direct, indirect, and

cumulative impacts that may occur directly or indirectly, and/or cumulatively as a result of implementing the proposed action or any of the alternatives. Strategies for avoiding, minimizing, and mitigating the impacts of take will also be considered. For potentially significant impacts, the EIR will identify mitigation measures, where feasible, to reduce the impacts to the extent possible.

## **PROJECT DESCRIPTION**

### **Introduction**

The project being analyzed in the EIR is the Apple Valley MSHCP/NCCP, a multi-jurisdictional plan. The proposed approximately 222,369-acre Permit or Plan Area for the Plan includes private, Town, and County lands as well as federal lands. State and other public and/or special district lands are excluded from the Plan Area. These excluded lands are described in the MSHCP/NCCP to facilitate a broad-based landscape management approach and enhance conservation of ecosystems and connectivity across large areas and jurisdictions

The Plan is being collaboratively developed by the Town and County with joint participation of CDFW, the Service, and the BLM. The requested state and federal permits would authorize incidental take of covered species caused by the impacts from covered activities for a period of 30 years and includes minimization and mitigation measures to offset the impacts of the taking of covered species. To meet the requirements under CEQA, the Town as the Lead Agency will prepare a draft EIR and, later, a final EIR to evaluate the effects of covered activities in the implementation of the Apple Valley MSHCP/NCCP.

### ***Apple Valley Multispecies Habitat Conservation Plan/Natural Community Conservation Plan***

The general vicinity of the MSHCP/NCCP Plan Area is the Victor Valley Region of the West Mojave Desert, San Bernardino, California. More specifically, it is located between the city of Victorville to the west, the City of Hesperia to the southwest, the Lucerne Valley to the southeast, and Barstow to the north. The total Plan Area is approximately 222,369 acres.

Federal lands within the Plan Area are managed by the BLM (86,633 acres), and state lands are owned by the CDFW or the California State Lands Commission (CSLC) (7,326 acres). Utilities and special districts are managed by the entity that owns them (1,990 acres).

Take permits are required when activities will result in the “take” of listed species. By completing an NCCP, a state take permit can be issued pursuant to Section 2835 of the Natural Community Conservation Planning Act (NCCPA). Upon issuance of the take permit by the CDFW, the Town and County, as Permittees, are provided “take” authorization for Covered Activities under the NCCP.

The Town and County are seeking a 30-year permit term. Prior to permit expiration, the Town and County may apply to renew or amend the MSHCP/NCCP and its associated take permits and authorization to extend the term.

### **Covered Activities**

The Town and County are seeking “take coverage” to include both federal and state permit authorizations for activities that it conducts, permits, or otherwise authorizes. The proposed activities include the land uses in the Town of Apple valley General Plan and the San Bernardino County General Plan (collectively general plans). The general plans are state-mandated plans; each provides a statement of development policies, including diagrams and text that set forth objectives, standards, and plan proposals. Covered activities include: residential development, commercial and mixed-use development, industrial development, specific plan development, operation and maintenance of existing public facilities; capital improvements (new public facilities, new roads), as well as land management activities required to implement the MSHCP/NCCP. The MSHCP/NCCP addresses the anticipated impacts by the covered activities on private lands under the land use jurisdiction of the Town and County within the Plan Area. In total, there are 97,640 acres of developable private lands within the Plan Area. The impact analysis shows a total of 29,320 acres are projected to be impacted by development over the Plan’s 30-year permit term

Covered Species

The species proposed for coverage under the MSHCP/NCCP include four State and/or Federally listed species and five special status species and/or state fully protected species in the Plan Area (see Table 1, below). The list of species proposed to be covered in the MSHCP/NCCP may be modified to include additional threatened or endangered species, and species that may become listed as endangered or threatened during the life of the permit that occur within the project area and may be affected by the covered activities.

TABLE 1 – SPECIES PROPOSED FOR INCLUSION IN THE APPLE VALLEY MSHCP/NCCP

Common name	Scientific name	Federal status	State status
<b>Birds</b>			
Burrowing owl	<i>Athene cunicularia</i>	None	State Species of Concern (SSC)
Golden eagle	<i>Aquila chrysaetos</i>	Protected under BGEPA and MBTA	Fully Protected Watch List
Least Bell’s vireo	<i>Vireo belli pusillus</i>	Endangered	Endangered
Southwestern willow flycatcher	<i>Epidonax traillii extimus</i>	Endangered	Endangered
Western yellow-billed cuckoo	<i>Coccyzus americanus occidentalis</i>	Candidate	Endangered
<b>Mammals</b>			
Desert bighorn sheep	<i>Ovis canadensis</i>	None	Fully Protected
Desert kit fox	<i>Vulpes marotis arsipus</i>		Fully Protected Furbearing Mammal
<b>Reptiles</b>			
Desert tortoise	<i>Gopherus agassizii</i>	Threatened	Threatened
<b>Plants</b>			
Joshua tree	<i>Yucca brevifolia</i>		Candidate Threatened

Natural Communities

Consistent with the requirements of the NCCPA, the Plan provides a comprehensive approach to the conservation and management of Covered Species and their habitats, incorporating a conservation strategy that provides for the protection of habitat, natural communities, and species diversity on an ecosystem level.

One key component of the Plan is the identification and protection of natural communities in the Plan Area. These natural communities support and provide habitat for the Plan’s

Covered Species. The draft MSHCP/NCCP includes an analysis of impacts to Covered Natural Communities and Covered Species and proposes limits on impacts resulting from Covered Activities.

The draft MSHCP/NCCP includes proposed mitigation measures. These measures would be systematically implemented and monitored for success. Proposed mitigation includes both site-specific measures as well as management of public conservation lands and acquisition of private lands through various mechanisms, including purchase of land in fee title from willing sellers and establishment permanent conservation easements. The Lead Agency is also considering establishing a nonwasting endowment (where conservation actions are funded by the interest earned, not the principal) to fund conservation actions on conserved lands in the Plan Area.

### Landscape-level Linkages

The importance of the Plan Area is that it is located at the intersection of three landscape-level linkages that are critical to landscape connectivity for the larger region. Maintenance of these linkages will not only provide for the preservation and enhancement of habitat for the covered species and natural communities present in the Plan Area, but also the landscape connectivity needed to reduce the detrimental effects of habitat fragmentation on ecosystem function and species demography and will allow for range shifts in response to changing conditions (e.g., climate change). The three linkages are: the San Bernardino-Granite Mountain Linkage, the Wild Wash Linkage, and the Mojave River Corridor. Together, the portion of these three linkages that fall within the Plan Area boundaries make up a central part of the MSHCP/NCCP conservation strategy.

### **Requested Comments:**

We request comments or suggestions from the public; affected Federal, State, Tribal, and local governments, agencies, and offices; the scientific community; industry; or other interested party on the proposed action. We will consider these comments in developing the DEIR. Specifically, we seek comments concerning: (i) The eight species proposed for inclusion in the applicant's proposed multispecies habitat conservation plan (MSHCP), including information regarding their ranges, distribution areas, population sizes and population trends; (ii) relevant data concerning the impacts of the proposed development on these species; (iii) any other environmental issues that should be considered with regard to the proposed development and permit action; and (iv) the range of alternatives to be included in the EIR.

### **DOCUMENT AVAILABILITY**

A copy of the NOP is available for review at the following locations:

- Town of Apple Valley, Community and Development Services, 14955 Dale Evans Parkway, Apple Valley, California 92307

For additional information regarding the Apple Valley MSHCP/NCCP, please visit the following website: <https://www.applevalley.org/services/planning-division/multi-species-habitat-conservation-plan>



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Lori Lamson  
Town of Apple Valley  
Community & Development Services

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March 30, 2021

Date