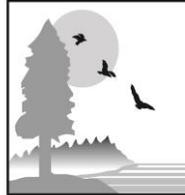


CALIFORNIA STATE LANDS COMMISSION

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Established in 1938

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Governor's Office of Planning & Research

May 3, 2021

STATE CLEARINGHOUSE

May 3, 2021

File Ref: SCH #2021030677

Lori Lamson
Assistant Town Manager
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, California 92307

VIA ELECTRONIC MAIL ONLY (planning@applevalley.org)

**Subject: Comments on the Notice of Preparation for the Apple Valley
Multispecies Habitat Conservation Plan and Natural Community
Conservation Plan, San Bernardino County**

Dear Lori Lamson:

The California State Lands Commission (Commission) staff has reviewed the Notice of Preparation (NOP) for the Apple Valley Multispecies Habitat Conservation Plan and Natural Community Conservation Plan (Apple Valley MSHCP/NCCP) (Plan), which is being prepared by the Town of Apple Valley. The Town of Apple Valley, as the public agency proposing to carry out the Project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The Commission will act as a trustee agency pursuant to State CEQA Guidelines section 15386, subdivision (b), because of its duty as the trustee of school lands to monitor projects that could directly or indirectly impact these lands. Commission staff requests that the Town of Apple Valley provide Commission staff an opportunity to comment on the Draft Environmental Impact Report (EIR) as required by CEQA section 21153, subdivision (a), and the State CEQA Guidelines section 15086, subdivisions (a)(2).

Commission Jurisdiction and School Lands

In 1853, the U.S. Congress granted to California nearly 5.5 million acres of land for the specific purpose of supporting public schools. In 1984, the State Legislature passed the School Land Bank Act (Act), which established the School Land Bank Fund (SLBF) and appointed the Commission as its trustee (Pub. Resources Code, § 8700 et seq.). The

Act directed the Commission to develop school lands into a permanent and productive resource base for revenue generating purposes. The Commission manages approximately 462,830 +/- acres of school lands still held in fee ownership by the State and the reserved mineral interests on an additional 790,000 +/- acres where the surface estates have been sold. Revenue from school lands is deposited in the State Treasury for the benefit of the Teachers' Retirement Fund (Pub. Resources Code, § 6217.5).

Project Description

The Apple Valley MSHCP/NCCP is being collaboratively developed by the Town of Apple Valley and the County of San Bernardino, with joint participation of the California Department of Fish and Wildlife (CDFW), the U.S. Fish and Wildlife Service (USFWS), 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. This take authorization would be provided by the USFWS under the Endangered Species Act and by CDFW under the state Natural Community Conservation Planning Act.

Environmental Review

Commission staff requests that the Town of Apple Valley consider the following comments on the Project NOP.

General Comments

1. Staff notes that the proposed Plan boundary appears to encompass State-owned school lands managed by the State Lands Commission located near the Town of Apple Valley. However, in the introduction under the Project Description, the NOP also states, "State and other public and/or special district lands are excluded from the Plan Area" (NOP page 6), so it is not clear what the intention is regarding inclusion of State-owned school lands in the Plan Area. Staff would like to clarify that the Commission has not been part of the planning process for the Apple Valley MSHCP/NCCP and is not a signatory to the Planning Agreement entered into by the Town of Apple Valley pursuant to Fish and Game Code section 2810. Because the Commission is not a Party to the Apple Valley MSHCP/NCCP, it is important that the Plan avoid relying on Commission-owned lands and its associated habitats within the Plan Area as a means of meeting the Plan's conservation objectives, and Commission-owned lands located within the Plan boundaries should not be designated in the Plan as habitat reserves. Staff recommends that the Town of Apple Valley initiate discussions with Commission staff as soon as possible to determine whether and to what extent there are areas of potential agreement between the Plan's objectives, conservation measures, and habitat linkages, and the Commission's potential decisions related to management of its landholdings.
2. Staff would like to notify you of a 200-megawatt solar generation facility, called the Stagecoach Solar Project, proposed on approximately 3,000 acres of school lands in

San Bernardino County, about 12 miles northwest of the community of Lucerne Valley and 15 miles south of the City of Barstow. The Commission is the lead agency under the CEQA for this proposed project and is currently preparing a Draft EIR. Staff encourages the Town of Apple Valley to engage as soon as possible to: (1) raise project layout and other siting/facility suggestions that Commission staff should consider that would help preserve habitat linkages; and (2) provide suggestions on other conservation and management measures the Commission should consider for this proposed project. Further details for the Stagecoach Solar Project can be found on the Commission website at <https://www.slc.ca.gov/ceqa/stagecoach-solar-project/>.

3. The Commission is directed by statute to proactively manage school lands to provide an economic base in support of public schools. As described above, these lands were placed into a statutory trust with the creation of the School Land Bank Act and School Land Bank Fund in 1984, and the Commission is the trustee of the Fund. Public Resources Code section 8701 emphasizes that the Commission should develop school lands for revenue-generating purposes.

Thank you for the opportunity to comment on the NOP for the Plan. As a trustee agency, we request that you consider our comments prior to adoption of the final Plan.

Please send copies of future Plan-related documents when they become available. Please refer questions concerning environmental review to Sarah Mongano, Senior Environmental Scientist, at sarah.mongano@slc.ca.gov. For questions concerning Commission leasing jurisdiction, please contact Randy Collins, Public Land Management Specialist, at randy.collins@slc.ca.gov.

Sincerely,



Nicole Dobroski, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
S. Mongano, Commission
E. Kennedy, Commission
R. Collins, Commission