



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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Ontario, CA 91764
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 22, 2022
Sent via email

Governor's Office of Planning & Research

Louis Morales, Contract Planner
City of Adelanto
11600 Air Express Way
San Bernardino, CA 92301

Jun 23 2022

STATE CLEARINGHOUSE

Subject: Initial Study and Mitigated Negative Declaration for Hopland Street Development CUP 19-02; State Clearing House No. 2022060296

Dear Mr. Morales:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (ISMND) from the City of Adelanto (City) for the Hopland Street Development Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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.

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.

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

PROJECT DESCRIPTION SUMMARY

The Project site is located on a 5-acre vacant parcel on Assessor's Parcel Number (APN) 0455-052-40-0000 in the City of Adelanto within the County of San Bernardino, California; Latitude 34.54408 N and Longitude -117.3659 W. The Project site is surrounded by open space to the north, east, and west. To the south, the Project site is bounded by Hopland Street. The Project site lies between two ephemeral streams, tributary to the Mojave River and on land that is predicted to be highly suitable for desert tortoise (*Gopherus agassizii*).

The Project proposes to build a cannabis cultivation park that includes 8 buildings totaling 92,926 square feet of floor area. The site plan also includes a cul-de-sac street, driveways, parking spaces, landscaping, security lighting, and controlled access with security guards. The proposed plan for runoff on the site is to allow it to flow into the landscaped areas on the Project property where it will percolate into the ground.

Timeframe: The Project is expected to be completed approximately twelve months after the start date.

COMMENTS AND RECOMMENDATIONS

CDFW is concerned with: (1) the adequacy of the biological (BIO) mitigation measures (MM) proposed by the City to mitigate potential impacts to biological resources that may occur on-site and (2) the assessment that went into determining possible impacts. The ISMND reports that, according to the California Natural Diversity Database (CNDDDB), the nearest occurrence of desert tortoise is four miles away and the nearest occurrence of burrowing owl (*Athene cunicularia*) is three miles away. However, through a search of CNDDDB, CDFW

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found a record of desert tortoise only 230 meters southwest of the Project site and that the nearest occurrence of burrowing owl is 400 meters to the south.

To assist the City in adequately mitigating the Project's potentially significant impacts to biological resources, CDFW offers the comments and recommendations presented below, and in Attachment 1 "Mitigation Monitoring and Reporting Program", pursuant to the CEQA Guidelines, section 15097(f). CDFW requests that the City revise and/or adopt the following mitigation measures prior to finalizing the ISMND:

Nesting Birds

CDFW appreciates the inclusion of MM BIO-1 in the ISMND and recommends MM BIO-1 be amended to include the following language (edits are in ~~strike~~through and **bold**):

MM BIO-1

All Project activities on-site shall be conducted outside of the nesting bird season to the maximum extent feasible. If Project activities begin during the non-nesting season (non-nesting season is typically from September 16 through December 31), a pre-construction survey shall be performed by a qualified biologist to verify the absence of nesting birds. A qualified biologist shall conduct the pre-activity survey within the Project area (including access routes) and a 300- foot buffer surrounding the Project area, no more than two hours prior to initiating Project activities.

For all ~~If p~~Project activities are planned during bird nesting season (~~February typically, January 1 to August 31~~ **September 15**), a nesting bird survey shall be conducted ~~within thirty~~ **no more than three (3)** days prior to any ~~ground-~~disturbing **Project** activities, including, but not limited to clearing, grubbing, and/or rough grading to ensure birds ~~protected under the Migratory Bird Treaty Act (MBTA)~~ are not disturbed by on-site activities. ~~The~~ **All surveys will shall** be conducted by a qualified biologist. ~~If nesting bird activity is present, based on the species, a no-disturbance buffer zone shall be established around each nest. If there is no nesting activity, then no further action is need for this measure.~~ **Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-**

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construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 100 feet for passerines and 300 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

Burrowing owl (*Athene cunicularia*)

CDFW appreciates the inclusion of MM BIO-2 and MM BIO-3 in the ISMND and recommends they be amended to include the following language (edits are in ~~strikethrough~~ and **bold**):

MM BIO-2

Prior to the issuance of a grading permit, a preconstruction burrowing owl clearance survey must be conducted in accordance with the Staff Report on Burrowing Owl Mitigation, (State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012 **or the most recent version**), by a qualified biologist within 14 days prior to the beginning of **Pproject activities** ~~construction~~, and a secondary survey must be conducted by a qualified biologist within 24 hours prior to the beginning of **Pproject activities** ~~construction~~ to determine if the project site contains suitable burrowing habitat, **burrowing owl or sign thereof** and to avoid any potential impacts to the species. The surveys shall include 100 percent coverage of the project site. If both surveys reveal no burrowing owls ~~are~~ present, no additional actions related to this measure ~~are~~ required. If occupied burrows **or sign thereof** are found within the **Project** footprint during the pre-construction clearance survey, Mitigation Measure No. 3 shall apply.

MM BIO-3

If occupied burrows **or sign thereof** are found within the ~~development~~ **Project** footprint during the pre-construction clearance surveys (**MM BIO-2**) the

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applicant shall conduct an impact assessment in accordance with the 2012 Staff Report on Burrowing Owl Mitigation prior to commencing Project activities to determine appropriate mitigation, and burrowing owl shall be avoided through site-specific buffer zones shall be established by the qualified biologist through consultation with the California Department of Fish and Wildlife (CDFW). The buffer zones may vary depending on burrow location and burrowing owl sensitivity to human activity, and no ~~construction~~ **Project activities** shall occur within a buffer zone(s) until appropriate avoidance and minimization measures are determined through consultation with CDFW.

If the focused burrowing owl surveys detect active burrowing owl burrows outside the breeding season (September 1 through January 31), or within the breeding season (February 1 through August 31) but owls are not nesting or in the process of nesting (as confirmed by a qualified biologist) and burrowing owls cannot be avoided, active and/or passive relocation shall be conducted following consultation with CDFW. A qualified biologist shall prepare and submit a passive relocation plan to CDFW for review/approval prior to the commencement of Project activities in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report on Burrowing Owl Mitigation and mitigation at a minimum ratio of 2:1 and permanent conservation and management of burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A shall be required.

When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, Project activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW prior to the start of Project activities.

Desert tortoise (*Gopherus agassizii*)

According to a CNDDDB query, the Project site is located in an area that is predicted to be high quality desert tortoise habitat. Additionally, an occurrence of desert tortoise is reported within 250 meters of the Project site. Given the potential for desert tortoise to be found on the site, CDFW requests that a qualified biologist conducts a protocol level survey according to the 2019 U.S.

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Fish and Wildlife Service (USFWS) Desert Tortoise (Mojave Population) Field Manual. CDFW recommends mitigation measure MM BIO-4 be added to the final ISMND:

MM BIO-4

During the desert tortoise active season (April to May or September to October) pre-construction surveys for desert tortoise shall be conducted no more than 48 hours prior to initiation of Project activities and after any pause in Project activities lasting 30 days or more. Desert tortoise pre-construction surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology. The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Results of the survey shall be submitted to the California Department of Fish and Wildlife (CDFW) prior to start of Project activities. If the survey confirms desert tortoise absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If the survey confirms presence of desert tortoise, the Project proponent shall submit to CDFW for review and approval a desert tortoise specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take to desert tortoise. If complete avoidance cannot be achieved, CDFW recommends the Project proponent not undertake Project activities and Project activities be postponed until appropriate authorization (i.e., California Endangered Species Act [CESA] Incidental Take Permit [ITP] under Fish and Game Code section 2081) is obtained.

Western Joshua Tree (*Yucca brevifolia*)

On October 9, 2020, western Joshua tree became a candidate species for listing as threatened under the California Endangered Species Act (CESA). As a candidate species, western Joshua tree is afforded the same protections under CESA as threatened and endangered species, and “take” of the species, as defined in Fish and Game Code section 86, requires authorization under CESA. California Fish and Game Code Section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”.

Through aerial imagery, CDFW identified at least 3 western Joshua tree immediately adjacent to the Project boundary. While CDFW is unclear of the presence of western Joshua tree on the Project site, due to lack of botanical field

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survey data in the ISMND, CDFW is concerned with the Project's potential impacts to western Joshua tree (e.g., individuals, seedbank, and habitat).

CDFW requests the final ISMND: 1) adequately identify and disclose the Project's impacts (i.e., direct, indirect, and cumulative) to western Joshua tree individuals, seedbank, and habitat, and 2) propose mitigation to offset impacts to western Joshua tree, and 3) demonstrate that impacts to western Joshua tree are less than significant and, for the purposes of CESA permitting, are fully mitigated. Further, CDFW recommends the adoption of MM BIO-5 below:

MM BIO-5

CDFW recommends that a California Endangered Species Act (CESA) Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of western Joshua tree, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate project-related impacts of the taking of CESA-listed species. CDFW recommends permanent protection through the establishment of a conservation easement, development of a long-term management plan, and establishing funding sufficient to implement management plan tasks in perpetuity. These tasks should be completed or financial security must be provided before starting any Project activities. In order to execute an ITP, CDFW requires documentation of California Environmental Quality Act (CEQA) compliance. CDFW requires the CEQA document have a State Clearing House number, show proof of filing fees, and proof the document has been circulated.

Employee Awareness of Wildlife Resources

Part of the Project proponent's responsibility is to educate individuals that will be on-site on the wildlife species that may be present and how to limit impacts to wildlife species in the area. CDFW appreciates that the ISMND considers developing a Workers Environmental Awareness Program (WEAP) and offers MM BIO-6 to assist in developing the contents of the WEAP:

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MM BIO-6

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 (Workers Environmental Awareness Program; WEAP). The WEAP 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 WEAP 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. The WEAP should include, but not be limited to: (1) best practices for managing waste and reducing activities that can lead to increased occurrences of opportunistic species and the impacts these species can have on wildlife in the area and (2) protected species that have the potential to occur on the Project site including desert tortoise, burrowing owl, and nesting birds. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing any work on-site.

LSA Notification

Please note that the Department of Cannabis Control (DCC) requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from DCC, cultivators must have a Lake and Streambed Alteration (LSA) Agreement or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through the Environmental Permit Information Management System (EPIMS) at <https://epims.wildlife.ca.gov> and learn more about permitting at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>. Therefore, CDFW offers MM BIO-7 below:

MM BIO-7

Prior to construction and issuance of any grading permit, the Project proponent should obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project proponent should obtain a CDFW-executed Lake and

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Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

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 online field survey form, along with the types of information reported to CNDDDB, can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

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 requests that the City include in the final ISMND the suggested mitigation measures (Attachment 1) offered by CDFW to reduce Project impacts.

CDFW appreciates the opportunity to comment on the ISMND for the Hopland Street Development Project (SCH No. 2022060296) and hopes our comments assist the City of Adelanto in identifying and mitigating Project impacts on biological resources.


If you should have any questions pertaining to the comments provided in this letter, please contact Kevin Francis, Environmental Scientist at Kevin.Francis@wildlife.ca.gov.

ATTACHMENTS

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

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Sincerely,

DocuSigned by:

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(For) Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearing House, Sacramento
state.clearinghouse@opr.ca.gov

REFERENCES

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline=true>

U.S. Fish and Wildlife Service. 2019. Preparing for any action that may occur within the range of the Mojave desert tortoise (*Gopherus agassizii*). USFWS Desert Tortoise Recovery Office. Reno, NV.

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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. 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.

Biological (BIO) Mitigation Measure (MM)	Implementation Schedule	Responsible Party
<p>MM BIO-1</p> <p>All Project activities on-site shall be conducted outside of the nesting bird season to the maximum extent feasible. If Project activities begin during the non-nesting season (non-nesting season is typically from September 16 through December 31), a pre-construction survey shall be performed by a qualified biologist to verify the absence of nesting birds. A qualified biologist shall conduct the pre-activity survey within the Project area (including access routes) and a 300- foot buffer surrounding the Project area, no more than two hours prior to initiating Project activities.</p> <p>For all Project activities planned during bird nesting season (typically, January 1 to September 15), a nesting bird survey shall be conducted no more than three (3) days prior to any Project activities, including, but</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

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<p>not limited to clearing, grubbing, and/or rough grading to ensure birds are not disturbed by on-site activities. All surveys shall be conducted by a qualified biologist. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 100 feet for passerines and 300 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p>		
<p>MM BIO-2 Prior to the issuance of a grading permit, a preconstruction burrowing owl clearance survey must be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012 or the most recent</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

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<p>version) by a qualified biologist within 14 days prior to the beginning of Project activities, and a secondary survey must be conducted by a qualified biologist within 24 hours prior to the beginning of Project activities to determine if the project site contains suitable burrowing habitat, burrowing owl or sign thereof and to avoid any potential impacts to the species. The surveys shall include 100 percent coverage of the project site. If both surveys reveal no burrowing owls are present, no additional actions related to this measure are required. If occupied burrows or sign thereof are found within the Project footprint during the pre-construction clearance survey, Mitigation Measure No. 3 shall apply.</p>		
<p>MM BIO-3</p> <p>If occupied burrows or sign thereof are found within the Project footprint during the pre-construction clearance surveys (MM BIO-2) the applicant shall conduct an impact assessment in accordance with the 2012 Staff Report on Burrowing Owl Mitigation prior to commencing Project activities to determine appropriate mitigation, and burrowing owl shall be avoided through site-specific buffer zones established by the qualified biologist through consultation with the California Department of Fish and Wildlife (CDFW). The buffer zones may vary depending on burrow location and burrowing owl sensitivity to human activity, and no Project activities shall occur within a buffer zone(s) until appropriate avoidance and minimization measures are determined through consultation with CDFW.</p> <p>If the focused burrowing owl surveys detect active burrowing owl burrows</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

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<p>outside the breeding season (September 1 through January 31), or within the breeding season (February 1 through August 31) but owls are not nesting or in the process of nesting (as confirmed by a qualified biologist) and burrowing owls cannot be avoided, active and/or passive relocation shall be conducted following consultation with CDFW. A qualified biologist shall prepare and submit a passive relocation plan to CDFW for review/approval prior to the commencement of Project activities in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report on Burrowing Owl Mitigation and mitigation at a minimum ratio of 2:1 and permanent conservation and management of burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A shall be required.</p> <p>When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, Project activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW prior to the start of Project activities.</p>		
<p>MM BIO-4</p> <p>During the desert tortoise active season (April to May or September to October) pre-construction surveys for desert tortoise shall be conducted no more than 48 hours prior to initiation of Project activities and after any pause in Project activities lasting</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

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<p>30 days or more. Desert tortoise pre-construction surveys shall be conducted in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology. The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Results of the survey shall be submitted to the California Department of Fish and Wildlife (CDFW) prior to start of Project activities. If the survey confirms desert tortoise absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If the survey confirms presence of desert tortoise, the Project proponent shall submit to CDFW for review and approval a desert tortoise specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take to desert tortoise. If complete avoidance cannot be achieved, CDFW recommends the Project proponent not undertake Project activities and Project activities be postponed until appropriate authorization (i.e., California Endangered Species Act [CESA] Incidental Take Permit [ITP] under Fish and Game Code section 2081) is obtained.</p>		
<p>MM BIO-5</p> <p>CDFW recommends that a California Endangered Species Act (CESA) Incidental Take Permit (ITP) be obtained if the Project has the potential to result in “take” (California Fish and Game Code Section 86 defines “take” as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) of western Joshua tree, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

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<p>authorized by state law (Fish and Game Code, §§ 2080 & 2085). Permanent protection and perpetual management of compensatory habitat is necessary and required pursuant to CESA to fully mitigate project-related impacts of the taking of CESA-listed species. CDFW recommends permanent protection through the establishment of a conservation easement, development of a long-term management plan, and establishing funding sufficient to implement management plan tasks in perpetuity. These tasks should be completed or financial security must be provided before starting any Project activities. In order to execute an ITP, CDFW requires documentation of California Environmental Quality Act (CEQA) compliance. CDFW requires the CEQA document have a State Clearing House number, show proof of filing fees, and proof the document has been circulated.</p>		
<p>MM BIO-6</p> <p>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 (Workers Environmental Awareness Program; WEAP). The WEAP 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 WEAP 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. The WEAP should include, but not be limited to: (1) best practices for managing waste</p>	<p>Prior to commencing ground- or vegetation disturbing activities</p>	<p>Project Proponent</p>

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<p>and reducing activities that can lead to increased occurrences of opportunistic species and the impacts these species can have on wildlife in the area and (2) protected species that have the potential to occur on the Project site including desert tortoise, burrowing owl, and nesting birds. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing any work on-site.</p>		
<p>MM BIO-7</p> <p>Prior to construction and issuance of any grading permit, the Project proponent should obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project proponent should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Prior to commencing Project activities</p>	<p>Project Proponent</p>