



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 26, 2023
Sent via email.

Natalie Patty
Contract Planner
San Bernardino County Land Use Services
385 N Arrowhead Ave
San Bernardino, CA 92414



PROJ-2022-00055, TPM 20542 (Project)
MITIGATED NEGATIVE DECLARATION
SCH# 2023060648

Dear Ms. Patty,

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Mitigated Negative Declaration (MND) from San Bernardino County Land Use Services (Lead Agency) for Tentative Parcel Map (TMP) 20542 pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California Fish and Wildlife resources. 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 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 & Game 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 proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & Game Code § 1600 et seq.)

Conserving California's Wildlife Since 1870

PROJECT DESCRIPTION SUMMARY

Proponent: San Bernardino County Land Use Services

Objective: The Project proposes to create the subdivision of a 10-acre site into four 2.5-acre parcels for the future development of four single-family residences and ancillary structures.

Location: Northeast corner of Lindero Road and Paramount Road intersection in the City of Phelan; Section 31, Township 5 North, Range 6 West, in the United States Geological Survey (USGS) Phelan 7.5-minute topographic quadrangle.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist San Bernardino County Land Use Services in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife resources.

CDFW recommends that the forthcoming MND address the following:

Crotch's Bumble Bee

Crotch bumble bee is a candidate species for listing under CESA; therefore, it should be considered a threatened, endangered, or rare species under CEQA pursuant to CEQA Guidelines section 15380. If found on-site, the Project could result in crushing or killing Crotch bumble bees, reduction in sufficient food resources such as nectar and pollen, and/or removal of nesting and overwintering sites. Many bumble bee species, once common in the western United States, have undergone a dramatic decline in both distribution and abundance and are now extirpated from much of their historic ranges (Hatfield et al. 2018). Many bumble bees are threatened with extinction due primarily to reductions in habitat from urbanization, intensive agriculture, and invasive species introductions (ibid). If Crotch bumble bee occur at the Project site and Project impacts to Crotch bumble bee would occur, this may result in a substantial reduction in the species' population, which would be a mandatory finding of significance (CEQA Guidelines, § 15065).

CDFW is concerned the MND's analysis and determination of project related impacts to Crotch's Bumble Bee does not have supporting evidence. The MND determines that while Crotch's bumble bee has been found in the Phelan quadrant the project site lacks suitable habitat. According to range maps and scientific literature on Crotch's bumble bee is found in a variety of habitats, including Joshua tree and creosote scrub, similar habitat found within the project site.

Additionally, CDFW is concerned that the survey period for the biological resources report was outside of the optimal time period for bumble bees, specifically colony active

period (highest detection probability) being between April and August when ambient temperatures are over 55°F. The biological resources survey was performed in March in temperatures in the mid- to high-40s.

CDFW recommends conducting habitat mapping no less than 120 days prior to initiation of Project activities. Mapping will identify habitat alliances following Sawyer et al. (2009) and the report will identify species composition for each mapped alliance. If habitat mapping identifies the presence of plants (e.g., *genera Antirrhinum, Phacelia, Clarkia, Cordylanthus, Dendromecon, Eschscholzia, Eriogonum Hypericum, Lantana, Lupinus, Salvia, Asclepias, Cirsium, Monardella, Keckiella, Acmispon, Euthamia, Ehrendorferia, Vicia, and/or Trichostema*) or other suitable habitat, then a qualified biologist approved by CDFW shall prepare a draft survey plan and conduct surveys for Crotch's bumble bee. The survey plan will identify the timing, number, and duration of survey efforts, and procedures to follow in the event that Crotch's bumble bee is detected within the Project area. Survey methodology shall generally follow the U.S. Fish and Wildlife Service protocol for the Rusty Patched bumble bee (USFWS 2019). CDFW also recommends completing multiple surveys, coinciding with the peak bloom periods of the plants listed above. Following the completion of surveys, and no less than 30 days prior to initiation of Project activities, survey results shall be submitted to CDFW for review and comment. If Crotch's bumble bee are detected during surveys, Project activities shall not occur in any occupied habitat areas the qualified biologist shall immediately notify CDFW.

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). Information can be submitted online or via completion of the CNDDDB field survey at the following link: [Submitting Data to the CNDDDB \(ca.gov\)](#). The completed form can be mailed electronically to CNDDDB at the following address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: [CNDDDB - Plants and Animals \(ca.gov\)](#).

FILING FEES

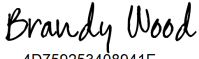
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order 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.).

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CONCLUSION

CDFW appreciates the opportunity to comment on the TMP-20542 Project and recommends that the San Bernardino County Land Use Services address CDFW's comments and concerns in the forthcoming MND. If you should have any questions pertaining to the comments provided in this letter, please contact Marlee Poff, Environmental Scientist, at Marlee.Poff@Wildlife.ca.gov.

Sincerely,

DocuSigned by:

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for

Alisa Ellsworth
Environmental Program Manager