



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Inland Deserts Region
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 Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 30, 2024

Amanda Malone
 Associate Planner
 Town of Apple Valley
 14955 Dale Evans Parkway
 Apple Valley, CA 92307

Dear Amanda Malone:

Buffalo Trading Post Plaza (PROJECT)
 MITIGATED NEGATIVE DECLARATION (MND)
 SCH# 2024081250

The California Department of Fish and Wildlife (CDFW) received an Initial Study/ Mitigated Negative Declaration from the Town of Apple Valley for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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 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: Ara Tchaghlassian, Hwy 18 Rancherias LLC.

Objective: The objective of the Project is to develop a mixed-use commercial plaza that will be known as the Buffalo Trading Post Plaza. The development of the commercial plaza is anticipated to occur in two phases on Assessor's Parcel Number (APN) 311-217-116, 311-217-117, and 311-217-118 on approximately 11.82 acres. Phase 1 includes the proposed development of a car wash, tire shop, coffee shop with drive-through access, 2 drive through accessible restaurants and retail building totaling approximately 43,909

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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square feet of building space across 7.6 acres. Phase 2 includes the proposed development of a general retail, office and additional drive-thru restaurants totaling approximately 35,000 square feet of building space across approximately 3 acres, but specifics are to be determined. The remaining 1.07 acres are anticipated to be left as open space and no development to occur. The development also includes a tentative parcel map that would subdivide the Project location into 9 parcels.

Location: The Project is located in the southeast corner of the intersection of Rancherias Road and U.S. Highway 18 in the Town of Apple Valley, County of San Bernardino, State of California. The Project occurs at latitude 34.52770 and Longitude -117.22469, the Project is bordered by a golf course known as Apple Valley Golf and residential development to the north, commercial and residential to the west, commercial development to the east and undeveloped land to the south.

Timeframe: Construction is anticipated to occur over a 2-year period and be completed by 2026.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Town of Apple Valley in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

COMMENT #1: Bats

IS/MND page 38

Issue: The Project site contains suitable habitat and has the potential to impact bat species, including but not limited to, pallid bat (*Antrozous pallidus*) a CDFW Species of Special Concern (SSC), western mastiff bat (*Eumops perotis*) (CDFW SSC), and California myotis (*Myotis californicus*).

Specific impact: The Project site contains potential suitable foraging and roosting habitat for bats, including the rocky hillside south of the Project. Project activities such as construction, noise, and vibrations may impact and disrupt the behavior of bats and result in displaced roosts. Impacts to foraging habitat and reducing habitat quality could also occur due to Project activities.

Why impact would occur: Pallid bats are noted to be common in dry habitat with rocky areas supporting roost sites and have an occurrence in California Natural Diversity Database (CNDDDB) relatively close to the Project site. Western mastiff bat inhabits areas of desert scrub and use rock crevices as suitable habitat. California myotis is noted to have high suitable habitat within the Project site based on CNDDDB California Myotis Predicted Habitat.

Although the IS/MND mentions hoary bat and pallid bat, the IS/MND does not include mitigation measures for bats and mentions these species would only be foraging over the site. The rocky hill adjacent to the Project site also contains suitable foraging and roosting habitat, and Project activities could result in indirect impacts to suitable habitat both within and adjacent to the Project site. Indirect impacts from the Project may be caused by disturbance, vibration, or attracting predators.

Evidence impact would be significant:

Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered SSC. A SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

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- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed;
- is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status.

Impacts on SSC could require a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065). Impacts on bats, either directly or indirectly through disturbances to roosts and loss of habitat, would be a significant impact. The Project's impact on bats has yet to be mitigated below a significant level. Accordingly, the Project continues to have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the adoption of BIO-11 below into the Final MND to ensure impacts to bats, and habitats thereof, are mitigated to a level of less than significant.

BIO-11: Preconstruction Bat Survey and Mitigation (NEW):

For all Project activities planned in or adjacent to potential bat roosting habitat, a Designated Biologist shall conduct daytime and evening visual surveys for bats and for potential roosting habitat 14 days prior to the planned commencement of Project activities. If bats are found roosting in or adjacent to the Project site, the Designated Biologist shall conduct emergence surveys and use acoustic monitoring during appropriate weather conditions to identify the species, estimated quantity present, roost type (e.g., maternity), and roost status (e.g., maternal occupied, seasonal refuge, etc.). CDFW shall be notified within 24 hours if bats are found roosting. Results of the surveys shall be provided to CDFW within seven days of completing the beforementioned surveys. If roosting bats or signs of roosting bats are found in the Project site (e.g., occupied roosts, urine staining, guano masses, etc.), a Bat Avoidance and Monitoring Plan shall be submitted at least seven days prior to the start of Project activities for CDFW review and written approval. Project activities may not start until CDFW's written approval of the Bat Avoidance and Monitoring Plan has been provided. The Bat Avoidance and Monitoring Plan shall include: (1) an assessment of all Project impacts to bats, including noise disturbance during construction; (2) effective avoidance and minimization measures to protect bats; (3) compensatory mitigation for permanent impacts to roosts if impacted, such as, but not limited to, constructing artificial bat roosting habitats (e.g., bat boxes or panels).

COMMENT #2: Burrowing Owl (*Athene cunicularia*)

Issue: The Project has the potential to result in permanent and temporary loss, degradation and impacts to burrowing owl habitat. The Project also has the potential of direct take of burrowing owl during Project activities and the life of the Project.

Specific impact: The Project has the potential to impact burrowing owl through the collapsing of burrows, entombment, displacement, direct take associated with vehicle and/or equipment strike(s), indirect take associated with Project activities such as attracting predators, reduction of habitat and habitat quality associated with the construction of the commercial plaza. The Project as described will cause permanent and temporary impacts to burrowing owl foraging and nesting habitat.

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Why impact would occur: Multiple burrowing owl occurrences have been reported near the Project site, and the Project site is considered to be high quality predicted habitat for burrowing owl, according to CNDDDB. Although the Biological Resources Assessment Report (BRAR) mentions a reconnaissance survey was conducted, a focused burrowing owl survey was not conducted. Furthermore, the BRAR mentions the rocky hillside south of the Project site was not surveyed, although this location is within one of the APNs and within 150-meter buffer, and should be included as part of a focused or protocol level survey. The IS/MND mentions the BRAR concluded no burrowing owls are currently onsite with a high degree of certainty; this is concerning considering focused surveys were not conducted and not all portions of the Project location and adjacent areas were surveyed.

Evidence impact would be significant: Burrowing owls are regulated under Fish and Game Code section 3503.5, are a CDFW SSC, and have recently been petitioned for consideration to be listed as Endangered or Threatened under CESA. The Project, as described, may result in injury, direct mortality, indirect mortality, disruption of breeding behavior, and/or may reduce reproductive capacity of the species. However, because the IS/MND does not include mitigation measures specific to burrowing owl, the IS/MND may not adequately mitigate the potential impacts to burrowing owl to a level of less than significant. CDFW considers the direct and indirect take of burrowing owl, and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant and in compliance with State (i.e., Fish and Game Code sections 3503.5, etc.) and Federal laws (i.e., Migratory Bird Treaty Act).

Recommended Potentially Feasible Mitigation Measures: CDFW recommends the edits to BIO-8 below in the final IS/MND to ensure impacts to burrowing owl, and their habitats are mitigated to a level of less than significant. Additions are in **bold** and edits are in ~~strikethrough~~.

BIO-8: Burrowing Owl Pre-Construction Survey (REVISED)

Preconstruction surveys for burrowing owl shall be conducted 14 days to **30 days** ~~24 hours~~ before ground-disturbing activities, and a final ~~sweep~~ **survey** shall be conducted within 24 hours prior to ground disturbance. **Preconstruction burrowing owl surveys shall be conducted in accordance with the 2012 Staff Report on Burrowing Owl Mitigation (Staff Report) (See: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>) prior to vegetation removal or ground disturbing activities.** If burrowing owls and/or signs of burrowing owls are found during the preconstruction survey, **Project activities shall be immediately halted.** ~~and if the burrows are unavoidable or subject to indirect impacts, then guidelines in CDFG (2012) will need to be followed. In this scenario, consultation with CDFW and the Town may be required, and a full breeding season survey (February 15 to June 16) may also be required.~~ **The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities and implementing the measures of the Burrowing Owl Plan.**

The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the

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temporary or permanent loss of occupied burrow(s) and habitat consistent with the “Mitigation Impacts” section of the 2012 Staff Report and Caltrans shall implement CDFW approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.

COMMENT #3: Crotch’s Bumble Bee (*Bombus crotchii*)

Issue: The Project may impact suitable habitat for Crotch’s bumble bee, a CESA candidate species, and has the potential for take pursuant to Fish & G. Code, § 2081(b). The IS/MND does not consider the potential impacts by the Project to Crotch’s bumble bee which could result in permanent and temporary loss, degradation, and impacts the species habitat.

Specific impact: The Project may result in temporal or permanent loss of suitable nesting and foraging habitat. Project ground-disturbing activities may cause death or injury of adults, eggs, and larva through collapsing burrows, entombment, displacement, and vegetation removal that reduces foraging and nesting habitat and habitat quality.

Why impact would occur: Direct impact to the species could occur through the removal of host plants that occur on the Project site. The BRAR mentions burrows were found onsite that are used by unidentified rodents. It is documented that Crotch’s bumble bee is known to nest in ground cavities including abandon rodent burrows.

Evidence impact would be significant: The Project contains habitat suitable for Crotch’s bumble bee including flowering plants (e.g., mustard and California buckwheat), grasses, and rodent burrows. Burrows exist on the Project site and are suitable nesting sites for Crotch’s bumble bee. Direct take of Crotch’s bumble bee, a candidate species for listing under CESA, may occur during Project activities. The Project, as described, would remove potential habitat, including nesting and foraging habitat for Crotch’s bumble bee. CDFW considers the direct and indirect take of Crotch’s bumble bee, and the loss of the species’ habitat, as a significant impact unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measures: CDFW recommends the adoption of BIO-12 below in the final IS/MND to ensure impacts to Crotch’s bumble bee, and their habitats are mitigated to a level of less than significant. Additions are in **bold** and edits are in ~~strikethrough~~.

BIO-12 Crotch’s Bumble Bee Habitat Assessment (NEW)

Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch’s bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.

If habitat for Crotch’s bumble bee is present, a Designated Biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch’s bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1, by an approved Designated Biologist familiar with Crotch’s bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the

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Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, Project Proponent shall fully avoid the species absent take authorization. If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.

COMMENT #4: Nesting Birds

Issue: The Project has the potential to impact nesting birds, including CESA-listed birds, CDFW Species of Special Concern (SSC), and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

Specific impact: The Project implementation could result in the loss of nesting and/or foraging habitat for (non-)passerine and raptor species.

Why impact would occur: Nesting avian species could be directly or indirectly impacted during construction and for the life of the Project through the removal of potential foraging habitat and loss of and/or modification of habitat features by the construction of the commercial plaza, the phases of development, noise and vibration and the removal of vegetation. Nest destruction, nest abandonment, behavioral disturbance, increased risk of predation, and degradation of suitable habitat could also lead to significant impacts to nesting avian species and local populations.

The timing of the bird nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have observed that changing climate conditions may result in the nesting bird season occurring earlier and/or later in the year than historical nesting season dates. Both the IS/MND and the BRAR indicate nesting bird surveys would only occur during February-August, CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests.

Evidence impact would be significant: Fish and Game Code section 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 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.). 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.

Recommended Potentially Feasible Mitigation Measures: CDFW recommends the adoption of BIO-12 below in the final IS/MND to ensure impacts to Crotch's bumble bee, and their habitats are mitigated to a level of less than significant. Additions are in **bold** and edits are in ~~strikethrough~~.

BIO-7 Nesting Birds (REVISED)

Project activities shall not result in impacts to nesting birds or result in the take or removal of nests or eggs unless as otherwise provided for under CDFW and USFWS regulations. Any vegetation removal or grading ~~occurring during the nesting season (February 1 through August 31)~~ will require at least one nesting bird survey to

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be conducted by a qualified biologist **experienced with: identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures** no more than three days prior to such activity. If no nests are found, construction may proceed. If active nests are found, impact avoidance measures (e.g. 'no work' buffers; sound and/or visual barriers), **a no work buffer shall be established and monitored by a qualified biologist based on their professional judgement. Buffers shall be delineated by temporary flagging or other means and remain in effect as long as construction is occurring or until the nest is no longer active. Any active nests shall be continuously monitored by a qualified biologist during Project activities that have the potential to cause disturbance to any nesting birds to ensure avoidance buffers are effective. Avoidance buffers shall be expanded and/or modified as needed by the qualified biologist if any nesting bird shows behavioral responses resulting from Project related activities. Concurrent and further surveys shall occur as Project construction progresses, as the nature of the Project is linear in fashion.** ~~will be put in place around the nest until young have fledged. Additionally, if offsite nests are identified, then the CDFW recommended buffers of 500 feet for birds of prey and 100 to 300 feet for other birds shall be applied.~~

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 filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing 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 IS/MND to assist the Town of Apple Valley in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to CDFW staff Steven Recinos, Environmental Scientist at 909-731-5954 or Steven.Recinos@wildlife.ca.gov.

Sincerely,

DocuSigned by:

 84FB88273E4C480...
 Alisa Ellsworth
 Environmental Program Manager

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Attachments: (A) Mitigation Monitoring Reporting Plan

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

Julia Karo, Senior Environmental Scientist, Supervisor
Inland Deserts Region
Julia.Karo@wildlife.ca.gov

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REFERENCES

California Department of Fish and Game (2012). Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at:
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California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Available at
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150>.

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Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Final MND for the Project.

Mitigation Measure	Timing	Responsible Party	
<p>BIO-11 Pre-construction Bat Survey and Mitigation (New)</p>	<p>For all Project activities planned in or adjacent to potential bat roosting habitat, a Designated Biologist shall conduct daytime and evening visual surveys for bats and for potential roosting habitat 14 days prior to the planned commencement of Project activities. If bats are found roosting in or adjacent to the Project site, the Designated Biologist shall conduct emergence surveys and use acoustic monitoring during appropriate weather conditions to identify the species, estimated quantity present, roost type (e.g., maternity), and roost status (e.g., maternal occupied, seasonal refuge, etc.). CDFW shall be notified within 24 hours if bats are found roosting. Results of the surveys shall be provided to CDFW within seven days of completing the beforementioned surveys. If roosting bats or signs of roosting bats are found in the Project site (e.g., occupied roosts, urine staining, guano masses, etc.), a Bat Avoidance and Monitoring Plan shall be submitted at least seven days prior to the start of Project activities for CDFW review and written approval. Project activities may not start until CDFW's written approval of the Bat Avoidance and Monitoring Plan has been provided. The Bat Avoidance and Monitoring Plan shall include: (1) an assessment of all Project impacts to bats, including noise disturbance during construction; (2) effective avoidance and minimization measures to protect bats; (3) compensatory mitigation for permanent impacts to roosts if impacted, such as, but not limited to, constructing artificial bat roosting habitats (e.g., bat boxes or panels).</p>	<p>Prior to commencing ground- or vegetation-disturbing activities.</p>	<p>Project proponent</p>

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<p>BIO-8 Burrowing Owl Pre-construction Survey (Revised)</p>	<p>Preconstruction surveys for burrowing owl shall be conducted 14 days to 30 days 24 hours before ground-disturbing activities, and a final sweep survey shall be conducted within 24 hours prior to ground disturbance. Preconstruction burrowing owl surveys shall be conducted in accordance with the 2012 Staff Report on Burrowing Owl Mitigation (Staff Report) (See: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline) prior to vegetation removal or ground disturbing activities. If burrowing owls and/or signs of burrowing owls are found during the preconstruction survey, Project activities shall be immediately halted. and if the burrows are unavoidable or subject to indirect impacts, then guidelines in CDFG (2012) will need to be followed. In this scenario, consultation with CDFW and the Town may be required, and a full breeding season survey (February 15 to June 16) may also be required. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities and implementing the measures of the Burrowing Owl Plan.</p> <p>The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat</p>	<p>Prior to commencing ground- or vegetation-disturbing activities.</p>	<p>Project proponent</p>
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	<p>consistent with the “Mitigation Impacts” section of the 2012 Staff Report and Caltrans shall implement CDFW approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.</p>		
<p>BIO-12 Crotch’s Bumble Bee Habitat Assessment (New)</p>	<p>Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch’s bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.</p> <p>If habitat for Crotch’s bumble bee is present, a Designated Biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch’s bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1, by an approved Designated Biologist familiar with Crotch’s bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, Project Proponent shall fully avoid the species absent take authorization. If the Project may result in take of Crotch’s bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch’s</p>	<p>Prior to commencing ground- or vegetation-disturbing activities.</p>	<p>Project proponent</p>

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	<p>bumble bee cannot be achieved, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.</p>		
<p>BIO-7 Nesting Bird Surveys (Revised)</p>	<p>Project activities shall not result in impacts to nesting birds or result in the take or removal of nests or eggs unless as otherwise provided for under CDFW and USFWS regulations. Any vegetation removal or grading occurring during the nesting season (February 1 through August 31) will require at least one nesting bird survey to be conducted by a qualified biologist experienced with: identifying local and migratory bird species; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures no more than three days prior to such activity. If no nests are found, construction may proceed. If active nests are found, impact avoidance measures (e.g. 'no work' buffers; sound and/or visual barriers), a no work buffer shall be established and monitored by a qualified biologist based on their professional judgement. Buffers shall be delineated by temporary flagging or other means and remain in effect as long as construction is occurring or until the nest is no longer active. Any active nests shall be continuously monitored by a qualified biologist during Project activities that have the potential to cause disturbance to any nesting birds to ensure avoidance buffers are effective. Avoidance buffers shall be expanded and/or modified as needed by the qualified biologist if any nesting</p>	<p>Prior to commencing ground- or vegetation-disturbing activities.</p>	<p>Project proponent</p>

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Town of Apple Valley
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	<p>bird shows behavioral responses resulting from Project related activities. Concurrent and further surveys shall occur as Project construction progresses, as the nature of the Project is linear in fashion. will be put in place around the nest until young have fledged. Additionally, if offsite nests are identified, then the CDFW recommended buffers of 500 feet for birds-of-prey and 100 to 300 feet for other birds shall be applied.</p>		
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