



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



September 30, 2024
Sent via email

Louis Morales, Contract Planner
 City of Adelanto
 11600 Air Expressway
 Adelanto, CA 92301
lmorales@ci.adelanto.ca.us

Dear Louis Morales:

Seneca Business Park and Storage Project LDP 24-03
 MITIGATED NEGATIVE DECLARATION (MND)
 SCH# 2024090066

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from City of Adelanto for the Seneca Business Park and Storage Project LDP 24-03 (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.

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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PROJECT DESCRIPTION SUMMARY

Proponent: Adelanto Seneca Land, LLC

Objective: The proposed Project entails the construction of a business park comprised of self-storage facilities, recreational vehicle storage, office space, retail space and a detention basin on a 9.67-acre site. The project consists of seven single-story buildings, two covered RV parking areas and will provide a total of 58 parking spaces.

Location: The Project site is located in the City of Adelanto, San Bernardino County, California at Latitude 34.51308 N and Longitude -117.40261 W. The site is located on the southeast corner of Seneca Road and Pearmain Street on Assessor Parcel Number (APN) 3103-511-08. The Project site is currently undeveloped, land surrounding the site is composed of a mix of undeveloped, vacant land and residential development.

Timeframe: The Project is scheduled April 2025 through December 2026.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Adelanto in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends in Attachment A, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

Comment #1: Inadequacy of Presence/Absence surveys for Special Status Plants

IS/MND page 41, Biological Technical Report 19-20

Issue: The Biological Technical Report prepared by ECORP Consulting, Inc states that a reconnaissance survey was performed on December 6, 2023, for a total of 1.5 hours. The Biological Technical Report does not state whether additional plant surveys were completed. CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities states that additional surveys are usually necessary to accurately document the floristic species diversity within a Project area. Additionally, the surveys were conducted outside of the recommended flowering or fruiting times for multiple species.

Specific impact: The project concluded that eleven special-status plants including white pygmy-poppy (*Canbya candida*), Mojave spineflower (*Chorizanthe spinosa*), Mojave monkeyflower (*Diplacus mohavensis*), sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*), Torrey's box-thorn (*Lycium torreyi*), solitary blazing star (*Mentzelia eremophila*), Beaver Dam breadroot (*Pediomelum castoreum*), crowned muilla (*Muilla coronata*), short-joint beavertail (*Opuntia basilaris* var. *brachyclada*), Latimer's woodland-gilia (*Saltugilia latimeri*), and Mojave fish-hook cactus (*Sclerocactus polyancistrus*) all have a low potential to be present. The IS/MND bases its analysis of impacts to biological resources on the initial field study described in the Biological Technical Report that was conducted on December 6, 2023. CDFW would like to note that the survey was conducted outside of the flowering season for the target species and it appears that surveys according to [Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities \(ca.gov\)](#) (CDFW 2018) were not conducted. Therefore, Project implementation, including grading, vegetation clearing and construction, may result in direct mortality, population declines, or local extirpation of sensitive plant communities.

Why impact would occur: The IS/MND proposes Mitigation Measure BIO-1 Preconstruction Rare Plant Survey which calls for pre-construction floristic surveys for special status species that have the potential to occur within the Project area. MM BIO-1 states that "the protocol-level survey should occur during the typical blooming period for these species (April-May) the season or the year prior to the start of ground-breaking." The IS/MND also states that construction is expected to begin in April 2025, CDFW is concerned that protocol-level botanical surveys were not conducted this year, at the

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appropriate time of year when plants will both be evident and identifiable, and or results of floristic surveys have not been made available for comment. Several of the special status plant species have a California Rare Plant Rank of 1B or 2B and any potential impacts require public disclosure of such impacts. If the absence of the species is not established, it may be reasonably assumed that the species are present, and specific enforceable avoidance, minimization, and mitigation measures should be developed.

Evidence impact would be significant: Impacts to special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Without an accurate environmental baseline of present candidate, sensitive, or special status species it is unclear if the Project Proponent will avoid, minimize, or mitigate the impacts to a level below significant adverse effect.

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: The IS/MND should include the presence/absence results from focused surveys for the special status plant species previously mentioned. With such information, the City of Adelanto can identify and analyze the potential impacts to candidate, sensitive, or special status species in or adjacent to the Project area and develop mitigation measures that can avoid, minimize, or mitigate impacts to the species to lessen the adverse significant effects. CDFW recommends the following revisions to MM BIO-1 (edits are in strikethrough and **bold**):

Biological Resources Mitigation Measure 1 (MM BIO-1):

Pre-construction rare plant clearance survey: Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the Project Applicant shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging).

If complete avoidance of a special status plant is not feasible, the Project Applicant shall mitigate the loss of the plant(s) through off-site compensation including: 1) permanent protection of an existing off-site native population; 2) permanent protection of an off-site introduced population; 3) a combination of 1) and 2); or 4) mitigation banking. The ratio of acquisition to loss must in most cases exceed 1:1 for any species. The ratio should be higher for rarer species, particularly for those that occupy irreplaceable habitats

~~Preconstruction Rare Plant Survey: It is recommended that a protocol-level preconstruction survey be conducted for the eleven special status plant species that have a low potential to occur on the Project site, including White pygmy poppy, Mojave spineflower, Mojave monkeyflower, Sagebrush leoflingia, Torrey's box thorn, Solitary blazing star, Crowned muilla, short joint beavertail, Beaver Dam breadroot, Latimer's woodland-gilia, and Mojave fishhook cactus. The protocol-level survey should occur during the typical blooming period for these species (April-May) the season or the year prior to the start of ground-breaking Project activities. The survey should be performed by a qualified botanist or biologist experienced with surveying for and identifying desert flora. The surveys should be conducted in consideration of the USFWS Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed, and Candidate Plants~~

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~~(USFWS 1996), General Rare Plant Survey Guidelines (Cypher 2002), CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018), and the CNPS's Botanical Survey Guidelines (CNPS 2001). If special status plant species are observed on the Project site during the survey, then a non-disturbance buffer shall be established around the location(s) of the individuals or population. The size of the nondisturbance buffer shall be determined by the qualified botanist or biologist based on location of special status species and expected construction activities. If one or more special status plants are found on the Project site and avoidance of the location(s) is not feasible during Project construction, then additional mitigation measures will need to be implemented. Mitigation measures could include, but are not limited to, biological monitoring, seasonal work avoidance, seed collection, or transplanting. Coordination with CDFW may need to occur before or during mitigation implementation.~~

Comment #2 Burrowing Owl (*Athene cunicularia*)

IS/MND page 5-6, Biological Technical Report page 21.

Issue: The Project may impact burrowing owl, a California Species of Special Concern (SSC).

Specific impact: The IS/MND acknowledges the potential for burrowing owl to occur given historical occurrence within the general area and suitable habitat. No burrowing owls or signs were observed during the field investigation. CDFW would like to note that only one reconnaissance survey was performed on December 6, 2023, for a total of 1.5 hours, a focused survey for the species following a CDFW approved guideline, or similar approach, was not conducted and the site supports suitable habitat. Therefore, Project implementation, including grading, vegetation clearing and construction, may result in direct mortality, population declines, or local extirpation of burrowing owl not previously identified. Additionally, the [California Natural Diversity Database](#) includes ten observations of burrowing owl within a 2-mile radius of the Project site (CDFW 2024) and the CNDDDB dataset, [Burrowing Owl Predicted Habitat](#) (CDFW 2024) display a high potential for burrowing owl presence within the Project area.

Why impact would occur: According to the Biological Technical Report, focused burrowing owl surveys were not conducted on the Project site. Burrowing owls have been known to use highly degraded and marginal habitat where existing burrows are available. Burrowing owls are well-adapted to open, relatively flat expanses and vacant lots and prefer habitats with generally short sparse vegetation with few shrubs such as those occurring on the Project site. If burrowing owl burrows are not properly detected, prior to ground disturbance, site preparation, and grading could destroy habitat and result in take of burrowing owl.

Evidence impacts would be significant: Habitat loss is a threat to burrowing owls (CDFG, 2012). Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, evicting them from nesting, roosting, and satellite burrows may lead to indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG, 2012). Burrowing owls are also dependent on adjacent habitat, and forage within 600 meters of nest burrows (Rosenberg and Haley, 2004). CEQA provides protection not only for CESA-listed species, but for any species, including, but not limited to Species of Special Concern (SSC), which can be shown to meet the criteria for State listing. Burrowing owls are [Species of Special Concern \(ca.gov\)](#) and have recently been petitioned for consideration to be listed as Endangered or Threatened under CESA. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: The general transect survey that was conducted for the Project is not

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sufficient to provide a complete analysis of potential impacts to burrowing owl. CDFW recommends that prior to commencing Project activities, focused and preconstruction surveys for burrowing owl be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version). CDFW recommends the revised IS/MND include specific avoidance and minimization measures to ensure that impacts to burrowing owls are reduced to less than significant. CDFW recommends the following revisions to MM BIO-2 ((edits are in strikethrough and **bold**):

Biological Resources Mitigation Measure 2 (MM BIO-2)

Focused burrowing owl surveys shall be conducted by a qualified biologist according to the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version). If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring 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 burrow cannot be avoided, the Burrowing Owl Plan shall also describe relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should 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. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Permittee shall implement the Burrowing Owl Plan following CDFW review and approval.

Pre-construction surveys for burrowing owl shall be conducted prior to the start of construction. The surveys shall follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). ~~Two surveys shall be conducted, with the first~~ **Pre-construction surveys shall be being conducted no less than between 30 and 14** days before initial ground disturbance (e.g., grading, grubbing, construction)., **Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance and the second survey being conducted no more than 24 hours prior to initial ground disturbance.** If burrowing owls or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified on the Project site during the survey ~~and impacts to those features are unavoidable,~~ **Project activities shall be immediately halted. The qualified biologist shall coordinate consultation with the CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities.** ~~shall be conducted and the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012) for avoidance and/or passive relocation shall be followed.~~

COMMENT #3 Nesting Birds Surveys and Existing Mitigation Measure BIO-3 IS/MND page 41-42, Biological Technical Report page 22, 26.

Issue: CDFW is concerned that Mitigation Measure BIO-3, as currently written, is not sufficient in timing or scope to prevent impacts to nesting birds and raptors. The Project site provides nesting and foraging habitat as stated in the Biological Technical Report prepared by ECORP Consulting, Inc.

Specific impact: Various bird species were observed during the general survey including common raven (*Corvus corax*), Anna's hummingbird (*Calypte anna*), rock pigeon (*Columba livia*), house finch (*Haemorhous mexicanus*), yellow-rumped warbler (*Setophaga coronata*), Eurasian collared dove (*Streptopelia decaocto*), morning dove (*Zenaida macroura*) and white-crowned sparrow (*Zonotrichia leucophrys*). MM BIO-3 states that if construction must occur between February 1st and August 31st, a nesting bird survey shall be completed by a biologist. Additionally, specific buffer distances from nests are not

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discussed. Project implementation could result in the loss of nesting and/or foraging habitat for passerine and raptor species and disrupt breeding behavior.

Why impact would occur: While MM BIO-3 establishes dates when songbirds and raptor generally tend to nest, it is important to remember that the timing of the 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 later in the year than historical nesting season dates. Species that nest outside the peak breeding season should also be considered (e.g., hummingbirds may nest year-round, and raptors may nest outside the peak breeding season). To adequately identify nesting bird presence in the Project area, nesting pre-construction surveys should be conducted by a qualified biologist no more than three (3) days prior to the initiation of project activities, at the appropriate time of day/night, during appropriate weather conditions regardless of the time of the year. If nesting birds are detected during surveys, CDFW recommends that buffers be established around nest sites with the following distances: a minimum of 300 feet for songbirds, and 500 feet for raptors. Reductions in buffers may be appropriate based on screening vegetation, ambient levels of human activities, or other factors.

Evidence impact would be significant: The biggest threat to birds includes habitat loss and the conversion of natural vegetation into commercial, residential, and industrial land uses. The Project will involve grading and removal of existing vegetation to make way for the development. In addition to direct removal of habitat, construction noise, vibration, dust, or human disturbance could result in temporary or long-term disturbance of nesting birds on the Project site. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: To address the above issues and help the Project applicant avoid unlawfully taking of nests and eggs, CDFW recommends that disturbance of occupied nests within the Project site be avoided any time birds are nesting on-site. Preconstruction nesting bird surveys shall be performed no more than 3 days prior to Project activities to determine the presence and location of nesting birds. CDFW recommends that the measure be revised to the following (edits are in strikethrough and **bold**) for inclusion in the final MND:

Biological Resources Mitigation Measure 3 (MM BIO-3)

~~If construction or other Project activities are scheduled to occur during the nesting bird season (February 1 through August 31),~~ **Regardless of the time of year,** a pre-construction nesting bird survey shall be conducted by a qualified ~~avian~~ biologist to ensure that active bird nests, including nests belonging to special-status avian species, will not be disturbed, or destroyed. The survey shall be completed no more than three days prior to initial ground disturbance. The nesting bird survey shall include the Project site (**including access routes**) and ~~adjacent areas~~ **500-foot buffer surrounding the Project areas** where Project activities have the potential to affect active nests, either directly or indirectly, due to construction activity, noise, human activity, or ground disturbance. **The qualified biologist shall make every effort to avoid potential nest predation as a result of survey and monitoring efforts.** If **nesting bird activity** or an active nest is identified **within the work area or the Project's zone of influence (generally 100-300 feet),** a qualified ~~avian~~ biologist shall establish an appropriately sized non-disturbance buffer around ~~the~~ **each** nest using flagging or staking. **The buffer shall be a minimum of 500 feet for raptors and 300 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species.** Construction activities shall not occur within any non-disturbance buffer zones until the nest **nests are no longer occupied and the juvenile birds can survive independently from the nests** ~~is and nests are~~ deemed inactive by the qualified ~~avian~~ biologist. **Active nest(s) and an established buffer distance(s) shall be monitored**

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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. If there is no nesting activity, then no further action is needed for this measure. If an active nest is encountered during the Project construction, construction shall stop immediately until a qualified biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws. ~~If initial ground-disturbing activities are scheduled to occur during the nesting bird season, then a biological monitor shall be present during all vegetation removal activities to ensure no impacts to nesting birds occur.~~

COMMENT #4: Ephemeral Streams and Detention Basin

IS/MND Page 13, 74, Preliminary Drainage Study Page 5

Issue: Development facilitated by the Project could impact stream resources subject to notification pursuant to Fish and Game Code section 1602. Additionally, CDFW is concerned about potential impacts to biological resources resulting from management of the proposed detention basin.

Specific impact: Page 5 of the Preliminary Drainage Study prepared by Encompass Associates, Inc. states that “existing drainage patterns generally conveying runoff northeasterly to Seneca Road, however a small portion of the site is tributary to the intersection of Pearmain Street and Seneca Road. There is runoff from southerly off-site areas onto the property”. Absent a Jurisdictional Delineation, CDFW is unclear if impacts to stream resource will be avoided. Project implementation, including grading, vegetation clearing and construction pursuant to the Project could divert or obstruct stream flows, substantially alter the bed, bank, or channel of a stream, use or deposit materials subject to notification pursuant to Fish and Game Code section 1602. Absent notification, the Project could result in impacts to stream and lake resources that should otherwise be avoided, minimized, or addressed in an agreement with CDFW. In addition, to meet development requirements, proposed runoff must be limited to levels below the existing peak flow. The Project proposes the construction of gutters that will drain to a proposed detention basin. Detention basins have the potential to create habitat that attracts wildlife. CDFW is concerned that the basins need proper management and maintenance. The IS/MND should address work period/season, nesting birds, vegetation removal, and sensitive species surveys, as well as the potential need for a Lake and Streambed Alteration Agreement to maintain the basin.

Why impact would occur: Project implementation will result in physical changes to the landscape (e.g., grading) and could physically alter lake or streambed resources.

Evidence impact would be significant: CDFW has authority over activities in rivers, streams and lakes that may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake (Fish and Game Code section 1602). For any such activities, the Project Applicant should provide written notification of Lake and Streambed Alteration to CDFW and obtain a Lake and Streambed Alteration Agreement pursuant to Fish and Game Code section 1602.

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: CDFW recommends the adoption of MM BIO-7 below to address potential impacts to Fish and Game Code section 1602 resources.

Biological Resources Mitigation Measure 7 (MM BIO-7)

Lake and Streambed Alteration Notification. Prior to construction and issuance of any grading permit, the Project Applicant 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 Applicant should obtain a CDFW-executed Lake and Streambed Alteration

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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 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 MND to assist the City of Adelanto in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Lydia Rodriguez, Senior Environmental Scientist (Specialist) at (909) 544-9932 or Lydia.Rodriguez@wildlife.ca.gov.

Sincerely,

DocuSigned by:


84FBB8273E4C480...
Alisa Ellsworth
Environmental Program Manager

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

ATTACHMENTS

Attachment A: MMRP for CDFW-Proposed Mitigation Measures

REFERENCES

California Natural Diversity Database (CNDDDB) Government [ds45]. 2024. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System.

Rosenberg, D. K., and K. L. Haley. 2004. The ecology of burrowing owls in the agroecosystem of the Imperial Valley, California. *Studies in Avian Biology* 27:120-135.

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Attachment A

Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM BIO-1:</p> <p>Pre-construction rare plant clearance survey: Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife’s (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a CDFW approved botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special-status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and, in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the project area is identified to the taxonomic level necessary to determine rarity and listing status. If any special-status plants are identified, the Project Applicant shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging).</p> <p>If complete avoidance of a special status plant is not feasible, the Project Applicant shall mitigate the loss of the plant(s) through off-site compensation including: 1) permanent protection of an existing off-site native population; 2) permanent protection of an off-site introduced population; 3) a combination of 1) and 2); or 4) mitigation banking. The ratio of acquisition to loss must in most cases exceed 1:1 for any species. The ratio should be higher for rarer species, particularly for those that occupy irreplaceable habitats</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>
<p>MM BIO-2:</p> <p>Focused burrowing owl surveys shall be conducted by a qualified biologist according to the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 2012 or most recent version). If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>

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<p>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 burrow cannot be avoided, the Burrowing Owl Plan shall also describe relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should 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. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Permittee shall implement the Burrowing Owl Plan following CDFW review and approval.</p> <p>Pre-construction surveys for burrowing owl shall be conducted prior to the start of construction. The surveys shall follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). Pre-construction surveys shall be conducted no less than 14 days before initial ground disturbance (e.g., grading, grubbing, construction). Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance. If burrowing owls or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified on the Project site during the survey, Project activities shall be immediately halted. The qualified biologist shall coordinate with the CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities.</p>		
<p>MM BIO-3:</p> <p>Regardless of the time of year, a pre-construction nesting bird survey shall be conducted by a qualified biologist to ensure that active bird nests, including nests belonging to special-status avian species, will not be disturbed, or destroyed. The survey shall be completed no more than three days prior to initial ground disturbance. The nesting bird survey shall include the Project site (including access routes) and 500-foot buffer surrounding the Project areas where Project activities have the potential to affect active nests, either directly or indirectly, due to construction activity, noise, human activity, or ground disturbance. The qualified biologist shall make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If nesting bird activity or an active nest is identified within the work area or the Project's zone of influence (generally 100-300 feet), a qualified biologist shall establish an appropriately sized non-disturbance buffer around each nest using flagging or staking. The buffer shall be a minimum of 500 feet for raptors and 300 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. Construction activities shall not occur within any non-disturbance buffer zones until the nest nests are no longer occupied and the juvenile birds can survive independently from the nests is and nests are deemed inactive by the qualified biologist. Active nest(s) and an established buffer distance(s) shall be monitored</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>

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<p>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. If there is no nesting activity, then no further action is needed for this measure. If an active nest is encountered during the Project construction, construction shall stop immediately until a qualified biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws.</p>		
<p>MM BIO-7: Lake and Streambed Alteration Notification. Prior to construction and issuance of any grading permit, the Project Applicant 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 Applicant 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 ground or vegetation disturbing activities</p>	<p>Project Proponent</p>