



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 19, 2024
Sent via email

James Hirsch
Senior Contract Planner
City of Adelanto
11600 Air Expressway
Adelanto, CA 92301

Dear James Hirsch:

Auto and Tractor Trailer Parking Lot (CUP 23-11 and LDP 23-13)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2024101290

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from City of Adelanto for the Auto and Tractor Trailer Parking Lot (CUP 23-11 and LDP 23-13) (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.

PROJECT DESCRIPTION SUMMARY

Proponent: Justin Prann, Pinnacle Transportation Group

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.

James Hirsch, Senior Contract Planner
City of Adelanto
November 19, 2024
Page 2

Objective: The objective of the Project is to develop an auto and tractor trailer parking lot that spans two Assessor's Parcel Numbers (APNs) on approximately 40.18 acres. The Project consists of a total of 1,600 parking spaces: 355 spaces (12' by 20') for vehicle/van, 168 spaces (12' by 30') for van/RV, 607 spaces (12' by 30') for van/RV with charger, 63 spaces (12' by 40') for van/RV, 366 spaces (15' by 70') for semi-truck trailer, 26 spaces (15' by 84') for semi-truck trailer, and 35 spaces (10' by 20') for office parking. Access to the Project site will be provided by a 70-foot driveway situated west of US 395 frontage.

Location: The Project site is located on the southwest corner of Coronado Avenue and US 395 in the City of Adelanto, San Bernardino County. The Project site's address is 1101 Race Road on APNs 0459-026-016 & -035, Latitude 34.610103 N and Longitude -117.424757 W. The Project site comprises the former Sunrise Motorcycle Park, which includes remaining graded motocross racetracks, utility fixtures, residual construction materials, and fencing, while the site is currently undeveloped, it has been disturbed. The adjacent parcels are mostly undeveloped, with several jeep trails traversing these areas.

Timeframe: The Project is scheduled to commence July 2025 and would take approximately 5 months to complete.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist 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.

I. Environmental Setting and Related Impact Shortcoming

COMMENT #1 Western Joshua tree (*Yucca brevifolia*)

IS/MND- page 77-78 and Biological Assessment Report page 3-4 and Attachment E.

Issue: The IS/MND recognizes the presence of western Joshua tree (WJT), a candidate species under California Endangered Species Act (CESA), on the proposed Project site. The Project has the potential to result in permanent impacts to WJT. CDFW appreciates that the IS/MND includes Mitigation Measure BIO-1 which considers an Incidental Take Permit through the Western Joshua Tree Conservation Act (WJTCA) and CDFW for the take of 11 live WJTs and 1 dead WJT. As identified in Attachment E of the Biological Assessment Report, there are at least twelve (12) Joshua trees within the Project site and at least four (4) WJTs within 25 feet of the Project boundary.

Specific impact: As stated in the IS/MND, the Project proponent would need to obtain the appropriate incidental take permit (ITP) through CDFW under CESA or the [Western](#)

James Hirsch, Senior Contract Planner
City of Adelanto
November 19, 2024
Page 3

[Joshua Tree Conservation Act](#) (ca.gov) for any living or dead western Joshua trees present within the Project site prior to ground-disturbing activities (CDFW 2024). Within the 40.18-acre Project site, the Project would remove at least twelve (12) WJTs to construct the parking facility. Based on arial imagery and pictures of WJTs included in the census, the Project site may contain more WJT individuals than the 12 trees documented on the Project site, and the 4 WJTs identified within the 25 ft buffer. Ground-disturbing activities would lead to the removal of both live and dead WJT from the Project site and might impact live WJT in adjacent parcels.

Why impact would occur: Take of WJT is defined as any activity that results in the removal of WJT or any parts thereof (CDFW 2024). The IS/MND should address the presence of all dead and live WJTs within the Project site, as well as the Project's impact on any live WJTs within and adjacent to the Project site. Access and construction occurring adjacent to WJTs in the off-site parcels could impact WJTs as a result of ground disturbing activities, encroachment, compaction, trampling, or disturbance of the root zone and seedbank by heavy equipment, vehicles, or foot traffic, and increased dust, water, and wind erosion during construction. Under the WJTCA ITP each WJT stem or trunk arising from the ground must be considered an individual tree requiring mitigation. In addition, for the purposes of the census, the Project site is defined as the area(s) where Project activities are expected to occur (e.g., access, staging, construction etc.). The census area is defined as the project site plus an additional 15- meter (~50 ft) census buffer around the Project site. If the census buffer area extends onto neighboring properties, landowner(s) permission should be obtained, whenever possible, to document any WJTs on adjacent properties. If landowner permission isn't available, WJT may be observed from the property boundary. More information regarding the WJTCA can be found here: [Western Joshua Tree Conservation Permitting](#)(ca.gov).

Evidence impact would be significant: The Project as described will result in direct take of WJT and parts thereof and would result in the loss of the habitats on which they depend on. WJT is a candidate threatened species under CESA. Under CESA, species classified as a candidate species are afforded the same protection as CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085). Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill". Grading, ground disturbance, vegetation clearing, staging of construction equipment, vehicles, and foot traffic may result in the permanent loss of WJT on Project site and may result in the disruption to the WJT seedbank.

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: CDFW appreciates that a WJT census was provided in the Biological Resource Assessment and that the IS/MND provides a measure to minimize the Project's impacts to western Joshua trees. CDFW recommends the Project revise their WJT census to include all WJT stems or trunks arising from the ground and include all WJTs within the census buffer zone (~50 ft) when applying for a WJTCA ITP. Additionally per the [WJTCA ITP Relocation Guidelines and Protocol](#) (Guidelines), CDFW might require relocation of WJT based upon your final census. CDFW recommends the following revisions to MM BIO-1 (edits are in strikethrough and **bold**):

James Hirsch, Senior Contract Planner
City of Adelanto
November 19, 2024
Page 4

Biological Resources Mitigation Measure 1 (MM BIO-1)

The western Joshua tree is a candidate threatened species under the California Endangered Species Act. Prior to construction, and initiation of western Joshua tree removal, relocation, replanting, trimming or pruning or any activity that may result in take of WJT on site, the project proponent is required to obtain California Endangered Species Act (CESA) Incidental Take Permit (ITP) under Section 2081(b) of the CESA, or under the Western Joshua Tree Conservation Act (WJTCA) of Fish and Game Code (§§ 1927-1927.12) through CDFW for the take of western Joshua trees. Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree. In lieu of completing the mitigation on its own, the permittee may elect to pay mitigation fees. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees. The City of Adelanto falls within an area of the WJTCA which qualifies for reduced Mitigation Fees for impacts to western Joshua trees (Fish and Wildlife Code, Section 1927). The reduced **2024** Mitigation Fees are as follows [Fish and Wildlife Code, Section 1927.3 (d)]: 1. Trees 5 meters or greater in height - \$1,000; 2. Trees 1 meter or greater but less than 5 meters in height - \$200; 3. Trees less than 1 meter in height - \$150. **Mitigations fees are updated annually. On January 1, 2025, the fees will increase by 5.5%. For the current fees, please visit: [Western Joshua Tree Conservation Act Incidental Take Permit](#).** Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem or trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. It is recommended that specific Joshua tree mitigation measures or determination of in-lieu fees be addressed through consultation with CDFW.

Comment #2: Burrowing Owl (*Athene cunicularia hypugaea*) and Mitigation Measure BIO-4

IS/MND page 79, Biological Resources Report page 50.

Issue: On October 10, 2024, the California Fish and Game Commission accepted a petition to list Western Burrowing Owl as endangered under CESA, determining the listing “may be warranted” and advancing the species to the candidacy stage of the CESA listing process. The Project may impact burrowing owl, and burrowing owl habitat. The MND includes Mitigation Measure BIO-4, which includes a plan for focused and pre-construction surveys for burrowing owls. However, this measure may not be sufficient to avoid or minimize impacts to burrowing owls.

James Hirsch, Senior Contract Planner
City of Adelanto
November 19, 2024
Page 5

Specific impact: The Biological Resources Assessment states that a general biological survey for burrowing owl, Le Contes's Thrasher, desert tortoise and Mojave ground squirrel was conducted on February 13, 2024 from 9:30 am to 1:30 pm on the 40-acre Project site. A WJT Census was also conducted during that four-hour period. No burrowing owls or signs were observed during the general survey. CDFW would like to note that only one meandering transect survey was performed on Feb 13, 2024, a focused survey for the species following a CDFW approved guideline, or similar approach, was not conducted. However, CDFW appreciates the inclusion of mitigation measure BIO-4 which calls for focused burrowing owl surveys to be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). CDFW advises that surveys include a minimum 500-foot buffer around the Project area. Project implementation, including grading, vegetation clearing and construction, may result in direct mortality, population declines, or local extirpation of burrowing owl not previously identified. The California Natural Diversity Database (CNDDDB) dataset, [Burrowing Owl Predicted Habitat](#) (CDFW 2024) display a high potential for burrowing owl presence within the Project area.

Why impact would occur: Burrowing owls have been known to use highly degraded and marginal habitat where existing burrows are available. The Biological Report indicates that three to four small burrows measuring 2-4 inches in diameter were observed adjacent to the Project site which were inspected using binoculars. The burrows are believed to be occupied by kangaroo rats. Burrowing owls can use small mammal burrows for nesting and cover year-round for their survival and reproduction. 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). As a candidate species, Western Burrowing Owl is granted full protection of a threatened species under CESA. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." CESA allows CDFW to authorize project proponents to take state-listed threatened, endangered, or candidate species if certain conditions are met. Take must be incidental to an otherwise lawful activity. The issuance of a permit cannot jeopardize the continued existence of the species, and the impacts must be minimized and fully mitigated.

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: The general transect survey that was conducted for the Project is not sufficient to provide a complete analysis of potential impacts to burrowing owl. CDFW

James Hirsch, Senior Contract Planner
 City of Adelanto
 November 19, 2024
 Page 6

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). To support the City of Adelanto in reducing impacts to burrowing owl to a level less than significant, CDFW recommends the following revisions to MM BIO-4 (edits are in strikethrough and **bold**) :

Biological Resources Mitigation Measure 4 (MM BIO-4)

Prior to the start of Project activities, **a survey for potential burrows followed by** 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). **Specifically, these reports suggest four surveys be conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (i.e., April 15 to July 15), when BUOW are most detectable. The surveys shall include 100 percent coverage and include a minimum 500-foot buffer in adjacent habitat. A report summarizing the breeding season survey including all requirements for survey reports (page 30 of the 2012 Staff Report) shall be submitted to CDFW for review.**

If no burrowing owl, active burrowing owl burrows, or sign (molted feathers, cast pellets, prey remains, eggshell fragments, decoration, or excrement) thereof are found, no further action is necessary.

If burrowing owls, **active burrowing owl burrows, or sign thereof** 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 **at least 30 days prior to initiation of ground disturbing activities** ~~prior and 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. **Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan.** ~~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.~~ **If the Project cannot ensure burrowing owls and their burrows are fully avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management**

James Hirsch, Senior Contract Planner
City of Adelanto
November 19, 2024
Page 7

funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDGW, 2012) may be authorized through the incidental take permit as a minimization measure.

Take avoidance surveys shall be conducted **by a qualified biologist** no less than 14 days prior to the start of Project-related activities. 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, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall ~~coordinate with~~ **notify** CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval ~~prior to commencing Project activities~~. **If avoidance is not feasible, the Project Proponent shall consult with CDFW on next steps, including obtaining an Incidental Take Permit (ITP) for burrowing owl prior to the start of Project activities.**

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base 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 Kelly Connor, Environmental Scientist at kelly.connor@wildlife.ca.gov.

James Hirsch, Senior Contract Planner
City of Adelanto
November 19, 2024
Page 8

Sincerely,

DocuSigned by:

Alisa Ellsworth

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 Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: [Microsoft Word - BUOW Staff Report final_030712 REV 1.doc](#)

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.

James Hirsch, Senior Contract Planner
 City of Adelanto
 November 19, 2024
 Page 9



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: The western Joshua tree is a candidate threatened species under the California Endangered Species Act. Prior to construction, and initiation of western Joshua tree removal, relocation, replanting, trimming or pruning or any activity that may result in take of WJT on site, the project proponent is required to obtain California Endangered Species Act (CESA) Incidental Take Permit (ITP) under Section 2081(b) of the CESA, or under the Western Joshua Tree Conservation Act (WJTCA) of Fish and Game Code (§§ 1927-1927.12) through CDFW for the take of western Joshua trees. Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree. In lieu of completing the mitigation on its own, the permittee may elect to pay mitigation fees. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees. The City of Adelanto falls within an area of the WJTCA which qualifies for reduced Mitigation Fees for impacts to western Joshua trees (Fish and Wildlife Code, Section 1927). The reduced 2024 Mitigation Fees are as follows</p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>

James Hirsch, Senior Contract Planner
 City of Adelanto
 November 19, 2024
 Page 10

<p>[Fish and Wildlife Code, Section 1927.3 (d)]: 1. Trees 5 meters or greater in height - \$1,000; 2. Trees 1 meter or greater but less than 5 meters in height - \$200; 3. Trees less than 1 meter in height - \$150. Mitigation fees are updated annually. On January 1, 2025, the fees will increase by 5.5%. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem or trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. It is recommended that specific Joshua tree mitigation measures or determination of in-lieu fees be addressed through consultation with CDFW.</p>		
<p>MM BIO-4: Prior to the start of Project activities, a survey for potential burrows followed by 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). Specifically, these reports suggest four surveys be conducted during daylight with each visit occurring at least three weeks apart during the peak breeding season (i.e., April 15 to July 15), when BUOW are most detectable. The surveys shall include 100 percent coverage and include a minimum 500-foot buffer in adjacent habitat. A report summarizing the breeding season survey including all requirements for survey reports (page 30 of the 2012 Staff Report) shall be submitted to CDFW for review.</p> <p>If no burrowing owl, active burrowing owl burrows, or sign (molted feathers, cast pellets, prey remains, eggshell fragments, decoration, or excrement) thereof are found, no further action is necessary.</p> <p>If burrowing owls, active burrowing owl burrows, or sign thereof 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 at least 30 days prior to initiation of ground disturbing 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</p>	<p>Prior to commencing ground or vegetation-disturbing activities</p>	<p>Project Proponent</p>

James Hirsch, Senior Contract Planner
City of Adelanto
November 19, 2024
Page 11

<p>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. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan. If the Project cannot ensure burrowing owls and their burrows are fully avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDGW, 2012) may be authorized through the incidental take permit as a minimization measure.</p> <p>Take avoidance surveys shall be conducted by a qualified biologist no less than 14 days prior to the start of Project-related activities. 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, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall notify CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval. If avoidance is not feasible, the Project Proponent shall consult with CDFW on next steps, including obtaining an Incidental Take Permit (ITP) for burrowing owl prior to the start of Project activities.</p>		
--	--	--