

California Environmental Quality Act (CEQA)

Addendum to the Initial Study/Mitigated Negative Declaration Tentative Tract Map No.20436



Lead Agency

City of Adelanto
Development Services – Planning Division
11600 Air Expressway
Adelanto, CA 92301

Project Proponent

CJC Holdings, LLC
c/o Mr. Chris Connors
17260 Bear Valley Road, Suite 110
Victorville, CA 92395

Prepared By:



11801 Pierce Street, Ste. 200
Riverside, CA 92505

October 31, 2024

1.0 Project Description

1.1 Approved Project

On December 15, 2021, the City of Adelanto Planning Commission approved a Mitigated Negative Declaration (MND) for Tentative Tract Map No. 20436. The proposal consisted of subdividing 20.1 acres into 88 single-family residential lots and providing infrastructure such as street, water, sewer, and drainage facilities to support the Project.

1.2 Modified Project

The Project Proponent is in the process of applying for an Individual Take Permit (ITP) for the Western Joshua Tree (WJT). Subsequent to the adoption of the MND, there have been changes regarding the regulations that apply to the Western Joshua Tree (WJT) and the Burrowing Owl (BUOW) as described below.

- The Western Joshua Tree Conservation Act (WJTCA0-July 2023
- Western Joshua Tree Relocation Guidelines and Protocols California Department of Fish and Wildlife July 2024
- Burrowing Owl Listed as a Candidate for the California Endangered Species Act (CESA), October 2024.

To address these issues, the Project Proponent requested an extension of time to record the final map. This addendum addresses the request in accordance with the California Environmental Quality Act (CEQA).

2.0 Statutory Requirement for an Addendum

Under CEQA, an Addendum to an adopted Negative Declaration or Mitigated Negative Declaration is needed if minor technical changes or modifications to the proposed project occur but none of the conditions described in Section 15162 calling for preparation of subsequent Negative Declaration or Mitigated Negative Declaration have occurred (CEQA Guidelines §15164). An addendum is appropriate only if these minor technical changes or modifications do not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts (CEQA Guidelines §15162). The Addendum need not be circulated for public review (CEQA Guidelines §15164[c]); however, an addendum is to be considered by the decision-making body along with the final adopted mitigated negative declaration prior to making a decision on the project (CEQA Guidelines §15164[d]).

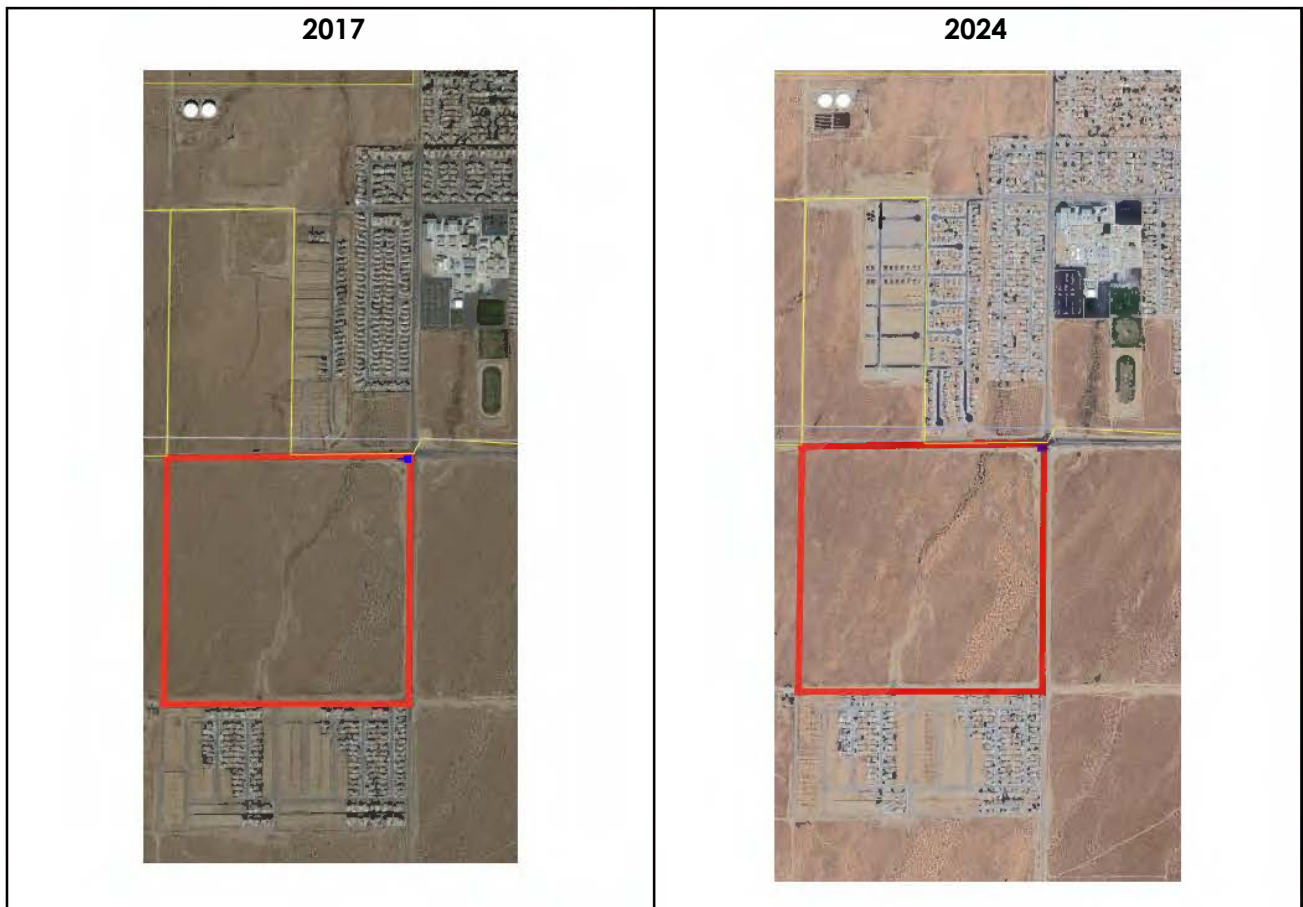
This Addendum to the previously adopted MND demonstrates that the environmental analysis, impacts, and mitigation requirements identified in the ISMND for Tentative Tract Map No. 20436

(adopted December 15, 2021) remain substantively unchanged despite minor project refinements described herein and supports the finding that the proposed Project does not raise any new issues and does not exceed the level of impacts identified in the previous ISMND.

3.0 Environmental Impact Analysis

JAs shown in Figure 1, *Aerial Photo 2017 vs. 2023*, the Project site and its surroundings have remained relatively constant, in terms of visible physical characteristics and neighboring land uses. When comparing the Project Site from 2017 to 2024, there have been no significant alterations in the physical conditions and neighboring land uses as shown in Exhibit 1 below.

Figure 1. Aerial Photo 2017 vs. 2023



Changes in Circumstances

Although no physical changes have occurred, the status of the Western Joshua tree and Burrowing Owl has changed.

Joshua Tree

As of July 10, 2023, the California legislature passed and signed the Western Joshua Tree Conservation Act (WJTCA, Senate Bill 122) into effect, listing the western Joshua tree (*Yucca*

brevifolia) as an endangered species. The WJTCA authorizes CDFW to oversee the various permitting processes dealing with the mitigation and/or removal of western Joshua trees. Although western Joshua trees were observed during the June 2024 field survey, a Joshua tree census was performed previously on January 4, 2024, that details the location of each tree both on-site and offsite within the 50ft boundary. Therefore, any attempt to remove a Joshua tree from its current position will require a California Endangered Species Act Incidental Take Permit (CESA, ITP) or a Western Joshua Tree Conservation Act Incidental Take Permit (WJTCA, ITP). The act authorizes CDFW to issue permits for the incidental take of one or more western Joshua trees if the permittee meets certain conditions. Permittees may pay specified fees in lieu of conducting mitigation activities. The act also authorizes CDFW to issue permits for the removal of dead western Joshua trees and the trimming of live western Joshua trees under certain circumstances.

Burrowing Owl

On October 10, 2024, the Commission unanimously approved naming the western burrowing owl (*Athene cunicularia hypugaea*) as a candidate for potential listing as a protected species under the California Endangered Species Act.

To address these changes, the original ISMND is revised as follows. ~~Strike through~~ indicates deletion of text, and **bold italicization** indicates additions to text.

4.4 Biological Resources

The analysis in this section is based in part on the following technical reports:

- ~~□ *General Biological Resources Assessment, Adelanto, San Bernardino County, California, APN: 0459-132-33. RCA Associates, Inc., which is dated May 25, 2021, and is included as Appendix B to this Initial Study.*~~
- ~~□ *Protected Plant Preservation Plan, APN: 0459-132-3, City of Adelanto, California, RCA Associates, Inc., which is dated May 25, 2021, and is included as Appendix C to this Initial Study.*~~
- **General Biological Resources Assessment, Adelanto, San Bernardino County, California, APN: 0459-132-33. RCA Associates, Inc., which is dated June 12, 2024, and is included as Appendix B-2 to this Initial Study.**
- **Western Joshua Tree Census, Adelanto, San Bernardino County, California, APN: 0459-132-33. RCA Associates, Inc., which is dated January 30, 2024, and is included as Appendix C-2 to this Initial Study.**
- **Western Joshua Tree Mao, UEG, which is dated September 23, 2024, and is included as Appendix C-3 to this Initial Study.**

| Threshold 4.4 (a) Would the Project: | Potentially Significant or Significant Impact | Less Than Significant Impact with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---|---|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | | ■ | | |

Impact Analysis

Plant Species

The vegetation community on site is creosote bush scrub habitat encompassing mainly native plants and some non-native grasses. The site is dominated by creosote bush (*Larrea tridentata*), Nevada jointfir (*Ephedra nevadensis*), kelch grass (*Schismus barbatus*), red brome (*Bromus rubens*), white bursage (*Ambrosia dumosa*), and Asian mustard (*Brassica tournefortii*).

Flatspine burr ragweed (*Ambrosia acanthicarpa*), red brome (*Bromus madritensis*), Joshua tree (*Yucca brevifolia*), Nevada jointfir (*Ephedra nevadensis*), desert dandelion (*Malacothrix glabrata*), desert wooly star (*Eriastrum eremicum*), shortpod mustard (*Hirschfeldia incana*) and cheatgrass (*Bromus tectorum*). There are no candidate, sensitive, or special status plant species located on the Project site.

Western Joshua Tree

~~Western Joshua tree became a Candidate Species under the California Endangered Species Act (CESA), effective October 9, 2020. The California Fish and Game Commission is currently reviewing the petition to list the Western Joshua tree as Threatened under the CESA and a Department status review report is due to the Commission by April 9, 2022¹. Until a final decision is made on the petition, the CESA prohibits the take and possession of any species, or any part or product of a species that is designated as a Candidate Species. As a Candidate Species, western Joshua tree now has full protection under CESA, and any take of the species (including removal of western Joshua tree or similar actions) will require authorization under CESA.~~

Development of the Project will result in the removal or relocation of 60 western Joshua trees. As required by the City of Adelanto, the Project Proponent is required to obtain an Incidental Take Permit (ITP) from the CDFW prior to impact to any Joshua trees. The ITP also requires compliance with CEQA before a permit will be issued.

~~To fulfill these requirements, a Protected Plant Plan was prepared to assess the impacts to Joshua trees. (Appendix C). Based on the evaluation and analysis of each tree, it was determined that 7 of the 60 trees (11.7%) are suitable for transplanting. The remaining 53 Joshua~~

¹ <https://fgc.ca.gov/CESA#wjt>

~~trees (83.7%) were determined to be unsuitable for transplanting due to a variety of factors such as size, condition, damage, dying, excessive leaning, possibly disease, clonal, etc. and are proposed to be removed.~~

The factors utilized to determine which Joshua trees were suitable for transplanting ~~include the following criteria:~~

- ~~☐ Trees from about 1 foot in height up to approximately 12 feet,~~
- ~~☐ No visible signs of damage to the tree such as absence of bark due to rodent or other animals,~~
- ~~☐ Minimal number of branches (No more than 2 or 3 branches),~~
- ~~☐ No excessive leaning of the tree,~~
- ~~☐ No yellow or brown fronds,~~
- ~~☐ Proximity to other Joshua trees (i.e., clonal), and~~
- ~~☐ No exposed roots at the base of the tree.~~

There are a total of 77 Western Joshua trees located on the site and based on the CDFW Western Joshua Tree Relocation Guidelines and Protocols, ten Joshua trees will need to be retained in place on the project site. This includes 2 Class A trees, 6 Class B trees, and two Class C trees. Based on the analysis of the trees on-site and the proposed development plan, the following trees will be retained in place: JT 2923, JT998, JT986, JT2798, JT2800, JT2803, JT 2804, JT2786, JT1000. And JT999 (Note: These Identification numbers are located in Table 4-2-1 in the Western Joshua Tree Census report prepared for the project and is attached to the Initial Study. Details on each tree is also provided in Table 4-2-1. The location of these 10 Joshua trees is shown in the Joshua Tree Exhibit, which is also attached to the Initial Study

The following mitigation measures apply to the removal or transplanting of any Western Joshua trees.

Western Joshua Tree Mitigation Measures

BIO-1. Incidental Take Permit Required During Candidacy Period for Western Joshua Tree. Any attempt to remove a western Joshua tree, dead or alive, from its current position will require an Incidental Take Permit issued by the California Department of Fish and Wildlife (CDFW) until such time a final decision is made whether or not the species will be listed as threatened or endangered under the CESA. Compensatory mitigation shall be per Mitigation Measure BIO-2.

BIO-2. Incidental Take Permit Compensatory Mitigation for Western Joshua Tree Removal. If an Incidental Take Permit is required before or after the candidacy period, the compensatory mitigation ratio for impacts to western Joshua tree shall be determined by the functional quality of the habitat based on the size and reproductive class of trees within the Project impact area as confirmed in the Department-approved tree census report. The compensatory mitigation ratio for impacts to western Joshua tree shall be at a ratio of 1:1 of the project impact area unless a lesser ratio is approved by the CDFW through the Incidental Take Permit application process. To satisfy the compensatory mitigation requirement, prior to commencing any project activities in areas that may contain western Joshua trees, the Project Proponent shall pay a mitigation fee to be established by the CDFW. The fee accounts for biological monitoring, infrastructure, short- and long-term habitat maintenance, and reporting activities.

BIO-3. Transplantation of Western Joshua Trees. The following criteria contained in the CDFW Western Joshua Tree Relocation Guidelines and Protocols

~~will be utilized by the Project Proponent when conducting any future transplanting activities. A. The Joshua trees will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the City where they can remain in perpetuity. Joshua trees that are deemed not suitable for transplanting will be cut up and discarded as per City requirements.~~

~~B. Earthen berms will be created around each tree by the biologist prior to excavation and the trees will be watered approximately one week before transplanting. Watering the trees prior to excavation will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.~~

~~C. Each tree will be moved to a pre-selected location which has already been excavated and will be placed and oriented in the same direction as their original direction. The hole will be backfilled with native soil, and the transplanted tree will be immediately watered. The biologist will develop a watering regimen to ensure the survival of the transplanted trees. The watering regimen will be based upon the needs of the trees and the local precipitation.~~

BIO-4. Western Joshua Tree Protection During Construction/Operational Activities. Any Western Joshua trees that are to remain located on-site shall be protected in place during all grading, construction and operational activities. ~~A perimeter fence shall be constructed with a 25 to 50-foot minimum buffer around the trees in order to protect the trees, branches, roots, and the existing buffer around the trees and the existing established location. Additionally, any landscaping around the trees should be drought tolerant and native. No artificial irrigation will be needed and no runoff shall impact the trees.~~ pursuant to the CDFW Western Joshua Tree Relocation Guidelines and Protocols

With the implementation of Mitigation Measures BIO-1 through BIO-4, impacts on candidate, sensitive, or special status plant species would be less than significant.

Wildlife Species

The site supports a variety of wildlife, with many of them being birds. One mammal was observed on site, the antelope ground squirrel (*Ammospermophilus leucurus*). Other mammals that are

expected to occur include desert cottontails (*Sylvilagus audubonii*), California ground squirrel (*Otospermophilus beecheyi*), black tailed jackrabbit (*Lepus californicus*), and coyote (*Canis latrans*). Birds observed included ravens (*Corvus corax*), house sparrow (*Passer domesticus*), rock pigeon (*Columba livia*), Wilson's warbler (*Cardellina pusilla*), and horned larks (*Eremophila*). Two reptiles were observed during the survey, the common side-blotched lizard (*Uta stansburiana*) and long nose leopard lizard (*Gambelia wislizenii*). Other reptiles that may occur on the site include desert spiny lizard (*Sceloporus magister*) and western whiptail lizard (*Cnemidophorus tigris*). **minimal amount of wildlife, the only mammal observed on site was the cottontail rabbit (*Sylvilagus*), however other common species in the area include the antelope ground squirrel (*Ammospermophilus leucurus*), black tailed jack rabbit (*Lepus californicus*) and California ground squirrel (*Otospermophilus beecheyi*). Birds observed included ravens (*Corvus corax*), red-tailed hawk (*Buteo jamaicensis*), white crown sparrow (*Zonotrichia leucophrys*), turkey vulture (*Cathartes aura*) and house finch (*Haemorhous mexicanus*). Only the western fence lizard (*Sceloporus occidentalis*) was observed during the field investigation, although the common side-blotched lizard (*Uta stansburiana*) is common in the area. Other reptile species that are expected to occur on site include the western whiptail lizard (*Cnemidophorus tigris*).**

Table 4.4.1. Presence of Candidate, Sensitive, or Special Status Wildlife Species, provides a summary of all wildlife species that may be located in the Project area.

Table 4.4.1. Presence of Candidate, Sensitive, or Special Status Wildlife Species

| Species | Status |
|-----------------------------------|--|
| <u>Crotch's Bumble Bee</u> | <u>Not Present. Crotch's bumble was not observed in the June 2024 field investigation and is not expected to occur due to the lack of available preferred food sources on site. The two nearest occurrences are located over 12 miles away in the Apple Valley North and Phelan quadrangle and have no recent reporting in the past 70 years.</u> |
| Desert Tortoise | Not Present/Future Presence Possible: Site is located within the known distribution of the documented species. Focused surveys observation conducted on site did not identify any tortoises. |
| Mohave Ground Squirrel | Not Present: Site supports somewhat suitable habitat for the species. Species is not expected to observations occur on the site. |
| Swainsain's Hawk | Not Present. There is no habitat that the supports the species. |
| Le Conte's thrasher | Not Present. Site does support suitable habitat for the species; however, no thrashers observations observed during field within two surveys. |
| Burrowing Owl | Not Present/Future Presence Possible. No owls or owl signs (whitewash, etc.) were seen on the property during the survey. However, there is a possibility of owls moving onto this site in the future based on the presence of suitable burrows for utilization. Therefore, Mitigation Measure BIO-1, 30-day Pre- |

| Species | Status |
|---------|--|
| | <p>Construction Burrowing Owl Survey BIO-5 Burrowing Owl Protection is required.</p> |

Wildlife Species Mitigation Measures

As noted above, no wildlife species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service were detected on-site **except for the Burrowing Owl which was listed as a candidate Species on October 10, 2024.** However, ~~Because~~ the Project site has suitable habitat or is located within the range of certain species, pre-construction surveys are required to confirm the absence of burrowing owl, desert tortoise, and nesting birds.

BIO-5 Burrowing Owl Protection. *Prior to the issuance of a grading permit, a preconstruction survey for burrowing owls, in conformance with CDFW guidelines², shall be completed no more than 30 days prior to the start of construction within suitable habitat at the project site(s) and buffer zone(s). Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFW verifies through noninvasive methods that either.*

- 1) *the birds have not begun egg-layering and incubation or*
- 2) *that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFW authorizing the eviction. A 250-foot buffer, within which no new activity will be permissible, shall be maintained between project activities and nesting burrowing owls during the nesting season. This protected area shall remain in effect until August 31, or at the CDFW's discretion and based upon monitoring evidence, until the young owls are foraging independently. If surveys determine that burrowing owls occupy the site and avoiding development of occupied areas is not feasible, then habitat compensation on off-site mitigation lands shall be implemented. Habitat Management lands comprising existing burrowing owl foraging and breeding habitat shall be acquired and preserved. An area of 6.5 acres (the amount of land found to be necessary to sustain a pair or individual owl) shall be secured for each pair of owls, or individual in the case of an odd number of birds. As part of an agreement with CDFW, the project proponent shall secure the performance of its mitigation duties by providing CDFW with security in the form of funds that would:*

² *Burrowing Owl Survey Protocol and Mitigation Guidelines*, prepared by the California Burrowing Owl Consortium, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83842&inline>

1) allow for the acquisition and/or preservation of 6.5 acres of habitat management lands per pair of owls.

2) provide initial protection and enhancement activities on the habitat management lands, potentially including, but not limited to, such measures as fencing, trash clean-up, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFW, and

3) establish an endowment for the long-term management of the habitat management lands.

BIO-6 Desert Tortoise Protection. Prior to the issuance of a grading permit, no more than 30 calendar days prior to start of ground disturbing activities, a qualified biologist shall conduct pre-construction surveys for desert tortoise. Pre-construction surveys shall be completed using perpendicular survey routes within the Project site and 50-foot buffer zone. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Ground disturbing activities cannot start until 2 negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Should desert tortoise presence be confirmed during the survey, all desert tortoises encountered during clearance surveys and subsequent monitoring efforts will be permanently removed from the project area and translocated to an off-site recipient site. The Project Proponent shall prepare a site-specific Desert Tortoise Translocation Plan that will provide details on the proposed recipient site, desert tortoise clearance surveys and relocation, definitions for Authorized Biologists and qualified desert tortoise biologists, exclusion fencing guidelines, protocols for managing desert tortoise found during active versus inactive seasons, protocols for incidental tortoise death or injury, and will be consistent with project permits and current USFWS guidelines. The Plan will also include a requirement for communication and coordination with the BLM regarding the desert tortoise recipient site. Prior to construction, the Plan will be subject to the approval of the CDFW and the USFWS. Impacts shall be offset through acquisition of compensatory land within suitable and occupied desert tortoise habitat and/or monetary contributions to other recovery efforts in the West Mojave habitat mitigated for at a ratio of 1:1. Final mitigation acreage is subject to the approval of the state and federal wildlife agencies.

BIO-7 Nesting Bird Surveys. If construction or vegetation removal activities must occur ~~during the bird breeding season (February through mid-September)~~ **at any time** in areas identified as habitat for burrowing owl, ferruginous hawk, California horned lark, loggerhead shrike, and the Conte's thrasher, surveys for active nests shall be conducted by a qualified biologist no more than 30 days prior to the start of construction. A minimum no-disturbance buffer of 250 feet shall be established around active nests and demarcated with fencing or flagging. No project-related activities shall occur within the buffer zone until a qualified biologist has determined that the birds have fledged and are no longer reliant on the nest or parental care for survival. The buffer distance may be reduced, depending on the sensitivity of the species and nest location, in consultation with the CDFW.

General Biological Resource Mitigation Measures

BIO-8. Worker Awareness Program. Prior to the start of construction, a Worker Environmental Awareness Program (WEAP) will be developed by the Project Proponent. A qualified biologist

with experience with the sensitive biological resources in the region will present the WEAP to all personnel working in the project area (either temporarily or permanently) prior to the start of project activities. The WEAP may be videotaped and used to train newly hired workers or those not present for the initial WEAP. The WEAP could include, but will not be limited to discussions of the sensitive biological resources associated with the project, project-specific measures to avoid or eliminate impacts to these resources, consequences for not complying with project permits and agreements, and contact information for the lead biologist. Logs of personnel who have taken the training will be kept on the site at the construction or project office.

BIO-9. Qualified Biologist On-Site. Unless determined to be unnecessary by the project biologist (RCA Associates, Inc.,) with concurrence from the Adelanto Planning Department, the applicant/developer shall provide a qualified biologist on-site prior to and during all ground and habitat disturbing activities to move out of harm's way wildlife that would otherwise be injured or killed from related project activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should only be moved as far as necessary to ensure their safety. Measures to prevent wildlife from re-entering the site should also be taken. Only qualified biologists with authorization by CDFW may move CESA-listed species. Additionally, in order to ensure the mitigation measures proposed are valid in accordance with current site conditions and that no additional mitigation measures are needed, the following mitigation measure has been included. Mitigation Measure:

With implementation of Mitigation Measures BIO-1- BIO-9, impacts would be less than significant relating to candidate, sensitive, or special status wildlife species.

| Threshold 4.4 (e) Would the Project: | Potentially Significant or Significant Impact | Less Than Significant Impact with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|--|---|---|------------------------------|-----------|
| Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | | ■ | | |

Impact Analysis

~~As noted under Threshold 4.4 (a) above, Western Joshua tree became a candidate species under the California Endangered Species Act (CESA), effective October 9, 2020.~~

Impacts to Western Joshua trees are discussed under Threshold 4.4 (a) above.

Level of Significance: Less than significant impact with mitigation incorporated.