



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



April 9, 2025
Sent via email

Christian Espinoza
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Tentative Tract No. 20723 Palmdale Road and Calendula Street Residential Project
(Project)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2025030423

Dear Christian Espinoza:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from City of Adelanto for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the state. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory

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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authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Core Group Consultants, LTD

Objective: The objective of the Project is to subdivide two contiguous parcels totaling approximately 10 gross acres into 48 single-family residential lots with a minimum lot size of 6,050 square feet and an average lot size of 7,241 square feet. Project activities include clearing, grubbing, grading, utility installation, paving, residential construction, landscaping and street improvements.

Location: The proposed Project site is situated with Seneca Road to the north, Calendula Road to the east and Palmdale Road to the south in the City of Adelanto, San Bernardino County at Latitude 34.51016 N and Longitude -117.4285. The Project site is identified by the following Assessor’s Parcel Numbers: 3103-361-05 and 3103-361-06. Currently, the Project site is undeveloped and is surrounded by vacant land to the north, south and west.

Timeframe: The IS/MND anticipates construction beginning in 2026 and continuing for 13 months.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist City of Adelanto Development Services – Planning Division 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. Project Description and Related Impact Shortcoming

COMMENT # 1 *Inadequacy of surveys:*

IS/MND Section 4.4, Page 5, Table 4.4-1

Issue: IS/MND analysis and conclusions rely on a general reconnaissance level survey of the Project site to identify special status species, vegetation communities, and habitats that could support special status species. The survey was conducted outside of the recommended survey times for multiple species. CDFW is also concerned that the survey

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conducted on September 6, 2024, was insufficient in duration and timing to properly survey for special status species, vegetation communities and habitats that support special status wildlife

Specific impact: The IS/MND bases its analysis of impacts on biological resources on a general reconnaissance level survey described in the Biological Resource Assessment conducted on September 6, 2024, by Marsh and Mallow Land Resources Consulting (MMLRC) biologist Darian Wong. Focused surveys were not conducted. Therefore, Project implementation, including grading, vegetation removal and construction, may result in direct mortality, population declines, or local extirpation of sensitive plant and wildlife species that were not previously known or identified.

Why impact would occur: The timing and scope of the general reconnaissance survey are incompatible with properly surveying for species of special concern, state listed and threatened and endangered species that, according to California Natural Diversity Database (CNDDDB), may occur within this area such as sagebrush loeflingia (*Loeflingia squarrosa var. artemisiarum*), burrowing owl (*Athene cunicularia hypugaea*), Mohave ground squirrel (*Xerospermophilus mohavensis*) and desert tortoise (*Gopherus agassizii*). Reconnaissance surveys can be used to gather general information about habitat, but it should not be used to determine the presence or absence of candidate, sensitive, or special status species. The IS/MND states that the implementation of pre-construction biological surveys as mitigation measures proposed in BIO-1, BIO-3, BIO-4, BIO-5, and BIO-6, will result in less than significant impacts to special status species. However, without establishing an appropriate biological baseline utilizing professionally accepted survey standards, the IS/MND cannot disclose the potential Project impacts, nor can it develop specific and enforceable avoidance, minimization, or mitigation measures. Given that a number of sensitive species including burrowing owl, Mohave ground squirrel and desert tortoise are known to occur within the vicinity of the Project and within similar habitat, baseline biological surveys are necessary to conclude the absence of a species. If the absence of the species is not established, it may be reasonably assumed that the species are present, and specific and 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 and the delay in development of species avoidance, minimization, and mitigation measures, it is unclear if the mitigation measures proposed to be implemented by the Project Proponent will avoid, minimize, or mitigate the impacts to a level below significant adverse effect.

Recommended Potentially Feasible Mitigation Measures To reduce impacts to less than significant: The IS/MND should include a Project impact analysis on sensitive species based on professionally accepted survey methodologies, including but not limited to, desert tortoise, Mohave ground squirrel, rare plants, and burrowing owl. 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

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develop mitigation measures that can avoid, minimize, or mitigate impacts to the species to lessen the adverse significant effects. CDFW recommends the inclusion of an additional mitigation measure BIO-8 to the IS/MND.

Mitigation Measure #8 (MM BIO-8):

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint with the potential to be affected, including Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380) for which suitable habitat is present within or adjacent to the Project. The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

II. Environmental Setting and Related Impact Shortcoming

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

Section #4.4, Pages 40-42, Table 4.4-1 and Appendix B – General Biological Resource Assessment and Preliminary Jurisdictional Delineation

Issue: On October 25, 2024, the western burrowing owl was designated as a candidate CESA-listed species. The Project may impact burrowing owl and its habitat. The general biological survey that was conducted on September 6, 2024, by MMLRC is not sufficient in timing and scope to detect burrowing owl.

Specific impact: CDFW is concerned that the IS/MND does not sufficiently identify Project impacts to burrowing owl nor ensure impacts are mitigated to a level less than significant. CDFW would also like to point out that one reconnaissance survey was conducted on the project site and no species-specific surveys were completed. As stated in the General Biological Resource Assessment, the site contains potentially suitable habitat and burrows that can be used by burrowing owls and diagnostic signs were observed onsite. However focused were not conducted to determine presence/absence of burrowing owls. Burrowing owl surveys should be conducted whenever burrowing owl habitat or sign is encountered on or adjacent to (within 150 meters) a project site and

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follow protocols set forth in CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012).

Why impact would occur: Burrowing owls have been known to use highly degraded and marginal habitats where existing burrows are available. The nest and roost burrows of the burrowing owl are most commonly dug by ground squirrels, but they have also been known to use a variety of other species' dens or holes (Gervais, J.A., Rosenberg, D.K., & Comrack, L.A., 2008). Burrowing owls may use small mammal burrows throughout the Project site and adjacent areas as overwintering, breeding, and nesting habitat. Additionally, the California Natural Diversity Database (CNDDDB) dataset, Burrowing Owl Predicted Habitat (CDFW 2025) displays a high potential for burrowing owl presence within the Project area, along with several observations of burrowing owls within 5 miles of the Project site (CDFW 2025). Project implementation, including grading, vegetation clearing and construction, may result in direct mortality, population declines, or local extirpation of burrowing owl not previously identified. Burrowing owls also have a high potential to move into disturbed areas since they are adapted to highly modified habitats (Chipman et al., 2008; Coulombe, 1971).

Evidence impact 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: CDFW appreciates the inclusion of MM BIO-3. To support the City of Adelanto in reducing impacts to burrowing owl to a level less than significant, CDFW offers the following revisions (edits are in **bold**) for inclusion in the final MND:

Biological Resources Mitigation Measure 3 (MM BIO-3)

Prior to any ground disturbance, a survey for potential burrows followed by four breeding season surveys of areas found to have potential for burrowing owl occupation shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). 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

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requirements for survey reports (page 30 of the 2012 Staff Report) shall be submitted to CDFW for review.

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 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 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.

Pre-construction surveys for burrowing owl occupation shall be conducted by a qualified biologist(s) prior to the start of Project-related activities. The surveys shall follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). The surveys shall include 100 percent coverage and include a minimum 500-foot buffer in adjacent habitat. 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 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 the 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 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

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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](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 Lead Agency in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nicholas Barton, Environmental Scientist at Nicholas.barton@wildlife.ca.gov.

Sincerely,

DocuSigned by:



Alisa Ellsworth

Environmental Program Manager

Attachments

- A. MMRP for CDFW-Proposed Mitigation Measures

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

California Department of Fish and Wildlife
Nicholas Barton
Environmental Scientist
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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](#)

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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-3:</p> <p>Prior to any ground disturbance, a survey for potential burrows followed by four breeding season surveys of areas found to have potential for burrowing owl occupation shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). 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 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 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 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</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>

<p>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>Pre-construction surveys for burrowing owl occupation shall be conducted by a qualified biologist(s) prior to the start of Project-related activities. The surveys shall follow the methods described in the CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). The surveys shall include 100 percent coverage and include a minimum 500-foot buffer in adjacent habitat. 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 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 the next steps, including obtaining an Incidental Take Permit (ITP) for burrowing owl prior to the start of Project activities.</p>		
<p>MM BIO-8</p> <p>Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint with the potential to be affected, including Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380) for which suitable habitat is present within or adjacent to the Project. The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years.</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>

<p>Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.</p>		
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