



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

GAVIN NEWSOM, Governor
VALERIE TERMINI, Acting Director



January 9, 2026
Sent via email.

Edgar Gonzalez
Senior Planner
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
egonzalez@hesperiaca.gov

SUBJECT: HESPERIA BIG BOX RETAIL PROJECT (PROJECT)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH# 2024110259

Dear Edgar Gonzalez,

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Hesperia (City) 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

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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need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project Proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Project Proponent: City of Hesperia

Objective: The objective of the Project is to construct a big-box retail center. The Project includes construction of a 167,664-square-foot retail building and 683 parking spaces, with access provided by two new driveways on Amargosa Road and a 26-foot-wide paved access road connecting White Fox Trail to Cataba Road. South of Amargosa Road, the Project will develop a fuel station with 14 pumps and three underground fuel storage tanks, a 205-square-foot office building, and a 2,623-square-foot automated car wash.

Location: The Project is located in the western portion of the City of Hesperia, San Bernardino County, and lies north of Main Street, south of the California Aqueduct, east of Key Pointe Drive and Amargosa Road, and west of Interstate 15. The Project will occur on approximately 27.25 acres on four Assessor's Parcel Numbers (APNs): 0405-062-72, 0405-062-73, 3064-481-06, and 3064-481-07 (Project Site). APN 0405-062-72 is north of Amargosa Road, while the other APNs are located south of Amargosa Road and north of Main Street.

Timeframe: Construction of the Project will occur in two overlapping phases (Phase 1 and Phase 2) over 12 months. Phase 1 will build the fuel station and car wash in five months. Phase 2 will build the big-box retail in nine months.

COMMENTS AND RECOMMENDATIONS

CDFW appreciates that an application for a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit (ITP) for the Project has been submitted and that protocol level surveys for Mohave ground squirrel, western burrowing owl, and Crotch's bumble bee were conducted to help inform the DEIR.

CDFW offers the minor comments and recommendations below to assist the City 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 have been included to improve the final EIR.

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COMMENT 1: Western Burrowing Owl (*Athene Cunicularia*)

Section 4.3, Pages 6-7; 13-14

CDFW appreciates that through Mitigation Measure (MM) BIO-2B, the Project Proponent will obtain a CESA ITP for western burrowing owl, since presence of western burrowing owl has been confirmed on the Project Site. CDFW's only concern with MM BIO-2B is that a Mitigation Credit Agreement is considered as an option for compensatory mitigation pursuant to a CESA ITP. A Mitigation Credit Agreement currently isn't an available option so currently mitigation can only be fulfilled by one or more of the following options: 1) Conservation or Mitigation Bank credits (if available) 2) Permittee-responsible mitigation land acquisition protected by a conservation easement in perpetuity. Thus, CDFW recommends that the following revisions to MM BIO-2B (edits are in **bold** and ~~striketrough~~) be included in the final EIR:

MM BIO-2B Burrowing Owl Incidental Take Permit. Suitable burrowing owl habitat and burrowing owl presence have been confirmed on the site. Therefore, the Project Applicant shall obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) pursuant to the California Endangered Species Act (CESA) prior to the start of any ground disturbance or construction activities.

The ITP shall include, at a minimum: a description of project activities and equipment, proposed avoidance and buffer zones, identification of temporary and permanent impacts, monitoring requirements, proposed relocation or translocation protocols, and compensatory mitigation measures. Compensatory mitigation shall be satisfied through one or more of the following mechanisms:

1. purchase of credits at a CDFW-approved conservation or mitigation bank (if available); **or**

~~2. execution of a Mitigation Credit Agreement; or~~

~~23.~~ Permittee-responsible mitigation land acquisition.

If burrowing owl is documented within the project site or within the 500-foot buffer during pre-construction surveys or construction-phase biological monitoring, the biological monitor shall notify the CDFW within 48 hours of the observation. All applicable conditions of the ITP shall be fully implemented to avoid unauthorized take.

COMMENT 2: Desert Tortoise (*Gopherus Agassazii*)

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Section 4.3 Biological Resources, Page 4.3-2

CDFW recognizes that the potential for desert tortoise occurring on the Project Site is very low, especially considering that according to the DEIR, no suitable burrows for desert tortoise were observed and no suitable habitat occurs on the Project Site. In addition, the Project Site is largely separated from other areas of native habitat by development. However, because the California Natural Diversity Database indicates that the Project Site is within the predicted range and within suitable habitat for desert tortoise and the Biotic Resources Overlay Map also indicates that the Project Site is in an area with sparse populations of the desert tortoise, CDFW recommends that a pre-construction survey be conducted prior to ground-disturbing activities to confirm absence of desert tortoise. Thus, CDFW recommends the adoption of MM BIO-7 (see below) in the final EIR.

MM BIO-7. Desert Tortoise Pre-Construction Surveys. A qualified biologist shall conduct a protocol-level presence or absence survey within the Project Site, and 50-foot buffer zone no more than 48 hours prior to Project activities commencing in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology (USFWS 2019). The survey shall utilize survey routes that provide 100-percent visual coverage for desert tortoise and their sign. If desert tortoise may be impacted by the Project, Permittee shall fully avoid impacts to desert tortoise or should obtain a CESA ITP if impacts are unavoidable.

COMMENT 3: Mohave Ground Squirrel (*Xerospermophilus mohavensis*)

Section 4.3 Biological Resources, Page: 4.3-6

Due to the presence of suitable habitat on the Project Site, CDFW appreciates that camera and live trapping occurred in 2024 during which no Mohave ground squirrel (MGS) was found. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period. Therefore, additional surveys are necessary to verify that MGS remain absent from the Project Site within suitable habitat. For this reason, CDFW recommends MM BIO-8 (see below) be adopted in the final EIR.

MM BIO-8 Mohave Ground Squirrel Pre-Construction Surveys. Prior to commencement of ground disturbing Project activities, a visual survey shall be conducted by a qualified biologist during the period of March 15 through April 15 to determine presence of Mohave ground squirrel. The survey shall be conducted on the Project Site according to the *Mohave Ground Squirrel Survey Guidelines* (CDFW, October 2023 Revision 4 or most recent version) during daylight hours by the qualified biologist who can visually identify Mohave ground squirrel and white-tailed antelope squirrel and detect vocalization calls. If the survey or monitoring confirms presence, the Project

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Proponents shall contact CDFW immediately (within 24 hours) and fully avoid all impacts to Mohave ground squirrel or obtain an incidental take permit (ITP).

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

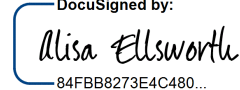
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental 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 DEIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Scott Jakubowski, Senior Environmental Scientist (Specialist), at (909) 354-0919 or scott.jakubowski@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Alisa Ellsworth
Environmental Program Manager

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ATTACHMENTS

Attachment A: Mitigation and Monitoring Report Plan

REFERENCES

California Department of Fish and Wildlife. (2023). *Mohave ground squirrel survey guidelines*. California Department of Fish and Wildlife, Sacramento, CA.
<https://wildlife.ca.gov/Conservation/Mammals/Mohave-Ground-Squirrel>.

U.S. Fish and Wildlife Service. (2019). *Preparing for any action that may occur within the range of the Mojave desert tortoise (Gopherus agassizii): Guidelines for conducting and reporting desert tortoise surveys*. U.S. Fish and Wildlife Service.
https://www.fws.gov/nevada/desert_tortoise/documents/survey-protocol.pdf.

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Attachment A: Mitigation Monitoring and Reporting Plan

Measure Number	Biological (BIO) Mitigation Measure (MM)	Implementation Schedule	Responsible Party
MM BIO-2B	Burrowing Owl Incidental Take Permit. Suitable burrowing owl habitat and burrowing owl presence have been confirmed on the site. Therefore, the Project Applicant shall obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) pursuant to the California Endangered Species Act (CESA) prior to the start of any ground disturbance or construction activities. The ITP shall include, at a minimum: a description of project activities and equipment, proposed avoidance and buffer zones, identification of temporary and permanent impacts, monitoring requirements, proposed relocation or translocation protocols, and compensatory mitigation measures. Compensatory mitigation shall be satisfied through one or more of the following mechanisms: 1. purchase of credits at a CDFW-approved conservation or mitigation bank (if available); or 2. Permittee-responsible mitigation land acquisition. If burrowing owl is documented within the project site or within the 500-foot buffer during pre-construction surveys or construction-	Prior to commencing ground- or vegetation-disturbing activities	Project Proponent

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	phase biological monitoring, the biological monitor shall notify the CDFW within 48 hours of the observation. All applicable conditions of the ITP shall be fully implemented to avoid unauthorized take.		
MM BIO-7	Desert Tortoise Pre-Construction Surveys. A qualified biologist shall conduct a protocol-level presence or absence survey within the Project Site, and 50-foot buffer zone no more than 48 hours prior to Project activities commencing in accordance with the U.S. Fish and Wildlife Service 2019 desert tortoise survey methodology (USFWS 2019). The survey shall utilize survey routes that provide 100-percent visual coverage for desert tortoise and their sign. If desert tortoise may be impacted by the Project, Permittee shall fully avoid impacts to desert tortoise or should obtain a CESA ITP if impacts are unavoidable.	Prior to commencing ground- or vegetation-disturbing activities	Project Proponent and Qualified Biologist
MM BIO-8	Mohave Ground Squirrel Pre-Construction Surveys. Prior to commencement of ground disturbing Project activities, a visual survey shall be conducted by a qualified biologist during the period of March 15 through April 15 to determine presence of Mohave ground squirrel. The survey shall be conducted on the Project Site according to the Mohave Ground Squirrel Survey Guidelines (CDFW, October 2023 Revision 4 or most recent version) during daylight hours by the qualified biologist who can	Prior to commencing ground- or vegetation-disturbing activities	Project Proponent and Qualified Biologist

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	visually identify Mohave ground squirrel and white-tailed antelope squirrel and detect vocalization calls. If the survey or monitoring confirms presence, the Project Proponents shall contact CDFW immediately (within 24 hours) and fully avoid all impacts to Mohave ground squirrel or obtain an incidental take permit (ITP).		
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