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February 12, 2026

Rafael Torres
Assistant Planner
City of Ontario
303 East “B” Street
Ontario, CA 91761

Dear Mr. Torres:

CENTERPARK SPECIFIC PLAN (PSP24-002) (PROJECT)
DRAFT FOCUSED ENVIRONMENTAL IMPACT REPORT (DFEIR)
SCH# 2025060731

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Ontario for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the DEIR.

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

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW’s lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in “take” as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Location: The Project site is located on 29 existing parcels totaling 257.34 acres in the southwestern portion of the City of Ontario, in San Bernardino County. The proposed Project site is bound to the north by a Southern California Edison (SCE) easement located approximately 330 feet north of Edison Avenue, Walker Avenue on the east, Eucalyptus Avenue on the south, Campus Avenue on the west, and bisected by Edison Avenue.

Project Description: The Project consists of a Specific Plan to allow for a residential and mixed-used retail/office development across 29 parcels and 22 planning

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.

areas within a 257.24-acre site. The Project site is comprised of two "Ownership Areas". Ownership Area 1 of the Project includes Planning Areas 5 and 7 through 18, which would allow for the development of up to 3,095 residential dwelling units, 210,544 square feet of mixed-use commercial/retail uses, and 55.98 acres of open-space parkland and non-recreational uses. Ownership Area 2 of the Project includes Planning Areas 1 through 4, 6, and 19 through 22, which would allow for the development of up to 1,198 residential dwelling units and 11.28 acres of open-space parkland and non-recreational uses. No development has been proposed for Planning Areas within Ownership Area 2 at this time and are anticipated to be developed at a future date.

Timeframe: Anticipated timeline: 2026 - 2029

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Ontario 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.

Would the Project 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 CDFW or USFWS?

COMMENT 1: Table 4.1-2: Special Status Wildlife Species Potentially Occurring in the Site Vicinity

Section #4.1.2 Environmental Setting, Page # 4.1-6 - 4.1-10

Issue: The DFEIR does not accurately identify the status of certain special-status wildlife species that the Project may have a significant, or potentially significant, impacts on.

Specific impact: Table 4.1-2 depicting the special-status wildlife species that have the potential to occur on the Project site has incorrect status listings for multiple species. The following species have an incorrect Federal or State Status listed: Burrowing owl (*Athene cunicularia*), Northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), San Bernardino kangaroo rat (*Dipodomys merriami parvus*), Stephens' kangaroo rat (*Dipodomys stephens*), and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*).

The above species' incorrect status listing may result in inadequate analysis of certain species and/or may result in a less meaningful consideration of significant impacts to the special-status wildlife species under CEQA.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to special-status wildlife species has not been adequately analyzed in the DFEIR. Consistent with CEQA Guidelines, Section 15380, Cal. Code Regs., tit. 14, § 670.5 and Title 50, Code of Federal Regulations Sections 17.11 or 17.12, the status of certain species under the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) and Federal Endangered Species Act qualifies those species as an endangered, rare, or threatened species under CEQA.

Recommended Revision: CDFW recommends the list be reassessed and updated. Specifically, CDFW recommends the following revisions: update burrowing owl to be identified as a Candidate species pursuant to CESA, remove state status of Species of Special Concern from Northwestern San Diego pocket mouse and San Diego black-tailed jackrabbit, update San Bernardino kangaroo rat to be identified as an Endangered species pursuant to CESA, and update Stephens' kangaroo rat to be

identified as a Federally Threatened species under the Federal Endangered Species Act (in addition to its status under CESA).

COMMENT 2: California Endangered Species Act

Section 4.1.3, Regulatory Setting, Page 4.1-13

Issue: The DFEIR does not adequately identify the Project's significant, or potentially significant, impacts to species pursuant to the California Endangered Species Act.

Specific impact: The DFEIR's California Endangered Species Act paragraph states that, "CESA does not include listing provisions for invertebrate species". On May 31, 2022, California's Third District Court of Appeal issued a published opinion reversing the judgement of *Almond Alliance of California et al. v. Fish and Game Commission et al.* The appeal determined that invertebrate species may be listed as endangered or threatened species under CESA. Invertebrate species, specifically those that fall under CESA protection, have not been identified and discussed in this Draft Focused Environmental Impact Report (DFEIR) and thus were not thoroughly reviewed nor surveyed within the proposed Project area. Table 4.1-2 of the DFEIR does correctly list the status of Crotch's bumble bee as a state candidate, but it is not discussed elsewhere within the remaining document. The Project may result in temporal or permanent, and potentially significant, impacts to invertebrate species listed under CESA.

Certain invertebrate species, such as Crotch's bumble bee (*Bombus crotchii*), have been granted CESA candidacy under the 2022 appeal and therefore receive the same protections as threatened and endangered species. As mentioned in the 2025 CDFW comment letter to the NOP for this Project, there are documented sightings of Crotch's bumble bee near the proposed Project area. However, the only mention of Crotch's bumble bee is in Table 4.1-2 and it presumes the species to have no potential for occurrence because of the lack of suitable food sources. Because of the incorrect statement of invertebrate species under the Regulatory Setting of the DFEIR, certain species may not have been correctly identified as Special-Status Wildlife Species and therefore, were not fully analyzed and surveyed to determine if the project would have a substantial adverse effect on the species. Lastly, Crotch's bumble bee are generalist foragers documented to use a wide variety of flowering plants for their nectar and pollen sources. If flowering vegetation exists within the Project area, there is suitable foraging habitat for Crotch's bumble bee.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to species pursuant CESA has not been adequately analyzed in the DFEIR due to its inaccuracy.

The California Court of Appeal ruled in *Almond All. Of California v. Fish and Game Comm'n* (2022), 79 Cal.App.5th 337, 336 (Case No.C093542) that, "the Commission may list any invertebrate as an endangered or threatened species under [Fish and Game Code sections] 2062 and 2067, if the invertebrate meets the requirements of those statutes, and thus may also designate any invertebrate as a candidate species under section 2068, if the species or subspecies may otherwise qualify as endangered or threatened species". Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Consistent with CEQA Guidelines, Section 15380, and Cal. Code Regs., tit. 14, § 670.5, the status of the certain invertebrate species under the California Endangered Species Act (Fish & G. Code, § 2050 *et seq.*) qualifies those species as an endangered, rare, or threatened species under CEQA. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species could result in the Project having a substantial adverse direct, indirect, and cumulative

effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Revision: CDFW recommends that the DFEIR revise the California Endangered Species Act section of the Regulatory Setting, 4.1.3, to include invertebrate species. CDFW also recommends that a habitat assessment and species-specific surveys be conducted for CESA invertebrate species that may occur within the proposed Project area. If invertebrate species are detected, an impact analysis, along with the appropriate minimization and avoidance measures should be included in the DFEIR. If invertebrate species under CESA cannot be fully avoided, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.

COMMENT 3: Biological Resource Survey

Section # 4.1.4, Impact Thresholds and Significance Criteria, Page # 4.1-17

Issue: The DFEIR does not adequately identify the Project's significant, or potentially significant, impacts to biological resources.

Specific impact: The DFEIR analysis and conclusion relies on one general reconnaissance level survey of the Project site to identify special status species, vegetation communities, and habitats that could support special status species.

Per the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, March 2018)², botanical field survey visits should be spaced throughout the growing season and multiple visits to the project area are usually required to capture the floristic diversity at a level necessary to determine the presence of special-status plant species. The 2024 June general field investigation of Ownership Area 1 was outside the bloom period, and towards the end of the bloom period, for several of the special-status plant species.

CDFW is concerned that the singular field investigation on June 13, 2024, is insufficient in timing and outdated, and thus is inadequate to rely upon to properly identify special status species, vegetation communities, and habitats that support special status wildlife and may not reflect current occupancy of sensitive or listed species.

CDFW maintains, as noted in the Center Park Specific Plan NOP Comment Letter, that focused species-specific surveys should be conducted by a qualified biologist at the appropriate time of year and day when the sensitive species are active or otherwise identifiable. In addition to rare plants and sensitive vegetation communities, species-specific surveys should be conducted for special status species that may occur within the Project site, including burrowing owl, Crotch's bumblebee, and tricolored blackbird.

Recent surveys during the appropriate times of the year are needed to identify potential impacts to biological resources; inform appropriate avoidance, minimization, and mitigation measures; and determine whether impacts to biological resources have been mitigated to a level that is less than significant. Additionally, the DFEIR should acknowledge that if any areas within the Project site are left vacant or left graded and inactive in the interim period between construction phases, environmental conditions may change. Grading and leaving a site inactive may result in the area becoming occupied by wildlife that utilize disturbed areas.

The lack of focused surveys does not provide the DFEIR an adequate biological baseline due to its inadequate plant and wildlife inventory, observation of migratory birds that utilize the site, and observation of nesting or breeding species that utilize the site. Additionally, the lack of focused surveys hinders the analysis of impacts to special-status species. Reconnaissance surveys can be used to gather general information

² California Department of Fish and Wildlife. March 20, 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. [Special Status Native Plant Populations and Sensitive Natural Communities \(ca.gov\)](https://www.cdffw.ca.gov/Portals/0/Special_Status_Native_Plant_Populations_and_Sensitive_Natural_Communities_(ca.gov).pdf).

about habitat, but it should not be used to determine the presence or absence of candidate, sensitive, or special status species. The failure to locate a known special status species occurrence during one field season does not constitute evidence that the species' occurrence no longer exists at a location, particularly if adverse conditions are present.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to biological resources has not been adequately analyzed in the DFEIR. Impacts to special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Without an accurate biological 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 for the Project will avoid, minimize, or mitigate the impacts to a level below significant adverse effect

Recommended Potentially Feasible Mitigation Measure(s) to reduce impacts to less than significant: CDFW recommends the inclusion of the following new mitigation measure, BIO-6 in the DFEIR (edits are in bold):

Mitigation Measure MM BIO-6 (New):

Prior to commencing ground-disturbing activities within the Center Park Specific Plan, including staging and storage, a complete and recent inventory will be completed, including rare, threatened, endangered, and candidate species, Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code § 3511), and any other species not included in a specific listing but that can be shown to meet the criteria of a rare or endangered species (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.

COMMENT #4: Burrowing Owl (*Athene cunicularia*)

Section 4.1.6, Impacts and Mitigation Measures, Page 4.1-21 – 4.1-25

Issue: The DFEIR does not adequately identify the Project's significant, or potentially significant, impacts to burrowing owl.

Specific impact: The 2025 DFEIR includes impacts to biological resources identified in the biological report prepared by Cadre Environmental in 2024. However, the DFEIR fails to update burrowing owl (BUOW) as a candidate species under the California Endangered Species Act (CESA) in the DFEIR's following sections: Special-Status Wildlife Species, Impact Thresholds and Significance Criteria, Impacts and Mitigation Measures, and Cumulative Impacts. Specifically, Pg. 4.1-22 of the DFEIR states that, "While the species [BUOW] is not protected by state or federal endangered species acts..." which is contradictory to BUOW's current status as a candidate species under

CESA. CDFW is concerned that the DFEIR does not adequately assess impacts to BUOW as a CESA candidate species and is also concerned that the associated mitigation measures were not updated to reflect BUOW's CESA candidacy status.

CDFW agrees with the consultant's analysis that BUOW has a moderate potential for occurring on the Project site. However, CDFW is concerned that the single field investigation on June 13, 2024 did not adequately account for potential burrowing owl on site and that the survey is outdated to reflect current potential occupancy. Burrowing owls frequently move into disturbed areas since they are adaptive to highly modified habitats^{3,4}. Focused surveys for the species following a CDFW approved guideline, or similar approach, were not conducted prior to the release of the DFEIR and therefore the DFEIR does not adequately analyze impacts, nor provide adequate minimization and mitigation measures, to the candidate species which is afforded the same protections of an endangered or threatened species under CESA.

As noted in the DFEIR, BUOW use predominantly open land such as grassland, agriculture, and play habitats, and can often occur in less than optimal habitat. The 2024 Biological Resource Technical Report noted that suitable burrows larger than 4 inches in diameter and foraging habitat for BUOW were documented within and adjacent to the east of Ownership Area 1. The DFEIR, under MM BIO-4, states that 4 focused BUOW surveys will be conducted prior to construction, anticipated to begin 2026, between the months of February and July. While CDFW agrees that focused surveys should be conducted prior to construction, this level of surveys should also be conducted in advance of the CEQA document to aid in the determination of impacts and to identify appropriate and commensurate mitigation.

The current Mitigation Measure BIO-4 (MM BIO-4) will not adequately reduce impacts to BUOW to less than significant. Given the proposed Project activities, anticipated timeline, and current minimization measures, to the Project may not be able to fully avoid take as defined in Fish and Game Code section 86.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to burrowing owl has not been adequately analyzed in the DFEIR.

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. As a candidate species, Western Burrowing Owl is granted full protection of a threatened species under CESA. If Project activities could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities. Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species could result in the Project having a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: CDFW recommends that prior to adoption of the DFEIR, focused

³ Chipman, E. D., N. E. McIntyre, R. E. Strauss, M. C. Wallace, J. D. Ray, and C. W. Boal. 2008. Effects of human land use on western burrowing owl foraging and activity budgets. *Journal of Raptor Research* 42(2): 87-98.

⁴ Coulombe, H. N. 1971. Behavior and population ecology of the Burrowing Owl, *Speotyto cunicularia*, in the Imperial Valley of California. *Condor* 73:162-176

breeding and non-breeding surveys for burrowing owl be conducted on the Project site by a qualified biologist to establish the environmental baseline of resident and migratory individuals. It is important to note that according to the 2012 Staff Report, passive relocation (also known as exclusion) is not a take avoidance, minimization, or mitigation method and is considered a potentially significant impact under CEQA. Because appropriate focused surveys were not conducted prior to circulation of the DFEIR, the DFEIR may not adequately identify potentially significant impacts. CDFW recommends the DFEIR be revised and recirculated following completion of surveys so that results and appropriate specific avoidance, minimization, and mitigation measures can be included, to ensure that impacts to burrowing owls are reduced to less than significant. However, if the City chooses not to follow this path, CDFW recommends the following revisions to MM BIO-4 (edits are in ~~striketrough~~ and **bold**) to ensure an adequate assessment is completed and CESA authorization is obtained, if needed. If the DSEIR is recirculated without addressing these mitigation concerns, CDFW recommends the impact analysis to BUOW be elevated to Potentially Significant Impacts.

Mitigation Measure # BIO-4:

Focused and Preconstruction Burrowing Owl Surveys. Focused surveys for burrowing owl will be conducted in accordance with the March 7, 2012, CDFW staff report on Burrowing Owl Mitigation **prior to vegetation removal or ground-disturbing activities for all phases of Project construction**. Specifically, a total of four (4) surveys will be conducted: 1) at least one site visit between February 15th and April 15th, and 2) a minimum of three (3) surveys, at least three weeks apart, between April 15th and July 15th, with at least one visit after June 15th. A report of the findings prepared by a qualified biologist shall be submitted to the City of Ontario prior to any permit or approval for ground disturbing activities. **The Designated Biologist shall provide CDFW a GIS or KMZ map of BUOW burrow complex(es) and atypical burrows (e.g. culverts, buckled concrete, etc.) The map shall be at a scale of 1:24,000 or finer to show details and shall show locations of all BUOW sightings and labeled if sightings were potential burrows, occupied burrows, satellite burrows, areas of concentrated burrows, and BUOW sign. Locations documented by use of GPS coordinates must be collected in NAD83 datum. The map shall include an outline of the Project Area, a title, north arrow, scale bar, and legend.**

A 14-day burrowing owl preconstruction survey will also be conducted immediately prior to the initiation of ground-disturbing construction to ensure protection for this species. The survey will be conducted in compliance with CDFW guidelines (CDFW 2012). A report of the findings prepared by a qualified biologist shall be submitted to the City of Ontario prior to any permit or approval for ground disturbing activities.

~~If burrowing owls are detected on-site during the focused surveys or 14-day preconstruction survey efforts, during the breeding season (February 1st to August 31st) then construction activities shall be limited to beyond 300 feet of the active burrows until a qualified biologist has confirmed that nesting efforts are complete or not initiated. In addition to monitoring breeding activity, if construction is proposed to be initiated during the breeding season or active relocation is proposed, a burrowing owl relocation plan will be developed and approved by the City of Ontario, CDFW and USEWS.~~

If burrowing owl occupancy is confirmed, and if Project activities may impact burrowing owl, including burrow exclusion and closure, the Project Proponent shall begin early coordination with CDFW for appropriate CESA authorization (i.e., Incidental Take Permit (ITP) under Fish and Game Code section 2081) prior to commencement of Project activities. The ITP application shall describe, at a minimum, project activities and equipment, proposed avoidance/buffers, temporary and permanent impacts, monitoring, relocation and/or translocation, and minimization and compensatory mitigation actions. ITP compensatory mitigation will be fulfilled by one or more of following options: 1) Permittee-

responsible mitigation land acquisition or 2) Conservation or Mitigation Bank credits (if available).

COMMENT # 5: Crotch's bumble bee (*Bombus crotchii*)

Section 4.1.6, Impacts and Mitigation Measures

Issue: The DFEIR does not adequately identify the Project's significant, or potentially significant, impacts to Crotch's bumble bee.

Specific impact: Crotch's bumble bee was not identified as a CESA candidate species within the DFEIR and was not specifically surveyed for prior to the distribution of the DFEIR. CDFW is concerned that the DFEIR does not sufficiently identify potential Project impacts to Crotch's bumble bee and does not provide appropriate mitigation measures to fully mitigate impacts to less than significant. The Project has the potential to result in take of Crotch's bumble bee and has the potential to cause permanent or temporary loss of Crotch's bumble bee habitat.

Table 4.1-2 concludes that the species has no potential to occur on-site based on the assumed lack of suitable food sources and heavily disturbed conditions. CDFW notes that there are 2 CNDDDB occurrences for crotch's bumble bee within 1 mile of the project area. A queen's dispersal distance averages around 10 km (6.2 miles)^{5,6,7} and the foraging range for bumble bee's is averaged at roughly 1-2 km (0.62-1.24 miles) from the nest in a single trip^{8,9,10}. As noted in comment #3 above, CDFW is concerned that the general field investigation conducted in June 2024 may not have thoroughly inspected the area for both Crotch's bumble bee and the plants the species relies upon for habitat and therefore a full impact analysis, and associated mitigation measures are not included in the DFEIR. Project activities may result in take of Crotch's bumble bee from collapsing burrows, entombment, displacement, dust from Project operations, and vegetation removal that reduces foraging and nesting habitat. The Projects DFEIR's lack of impact analysis and associated mitigation measures may result in significant impacts to Crotch's bumble bee under CEQA.

Crotch's bumble bee occurs primarily in California, including the Mediterranean region, Pacific Coast, Western Desert, Great Valley and adjacent to foothills through most of southwestern California¹¹. Crotch's bumble bee are generalist foragers and have been reported visiting a wide variety of flower plants. The plant families most commonly associated with Crotch's bumble bee observations or collections from California include Fabaceae, Apocynaceae, Asteraceae, Lamiaceae, Boraginaceae and Asclepiadaceae. This is not a comprehensive list, and the species has been observed foraging and utilizing areas with high levels of disturbance and nonnative plant species. Ground disturbance (e.g., trenching, grading, soil compaction, and earth-moving activities) and vegetation removal have the potential to destroy Crotch's bumble bee burrows. Additionally, these activities create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance which may also impact the species if found within the Project site.

⁵ Jha, S., and C. Kremen. 2013. Urban land use limits regional bumble bee gene flow. *Molecular Ecology* 22:2483–2495.

⁶ Kraus, F. B., S. Wolf, and R. F. A. Moritz. 2009. Male flight distance and population substructure in the bumblebee *Bombus terrestris*. *Journal of Animal Ecology* 78:247–252.

⁷ Williams, P. H., R. W. Thorp, L. L. Richardson, and S. R. Colla. 2014. *Bumble Bees of North America: An Identification Guide*. Princeton University Press.

⁸ Dramstad, W. E., G. L. A. Fry, and M. J. Schaffer. 2003. Bumblebee foraging—is closer really better? *Agriculture, Ecosystems & Environment* 95:349–357

⁹ Walther-Hellwig, K., and R. Frankl. 2000. Foraging habitats and foraging distances of bumblebees, *Bombus* spp. (Hym., Apidae), in an agricultural landscape. *Journal of Applied Entomology* 124:299–306.

¹⁰ Williams, P. H., R. W. Thorp, L. L. Richardson, and S. R. Colla. 2014. *Bumble Bees of North America: An Identification Guide*. Princeton University Press.

¹¹ Williams, P. H., et al. 2014. *The Bumble Bees of North America: An Identification Guide*. Princeton University Press, Princeton

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to Crotch's bumble bee has not been adequately analyzed in the DFEIR. Crotch's bumble bee is a candidate species for listing under CESA; therefore, it receives the same legal protection afforded to endangered or threatened species under CESA pursuant to Fish & G. Code §§ 2074.2 & 2085. If found on-site, the Project could result in crushing or killing Crotch's bumble bees, reduction in sufficient food resources such as nectar and pollen, and/or removal of nesting and overwintering sites. Many bumble bee species, once common in the western United States, have undergone a dramatic decline in both distribution and abundance and are now extirpated from much of their historic ranges¹². Many bumble bees are threatened with extinction due primarily to reductions in habitat from urbanization, intensive agriculture, and invasive species introductions¹³. If Crotch's bumble bee occurs at the Project site and Project impacts to Crotch's bumble bee occur, this could result in a substantial reduction in the species' population, which could be a significant impact.

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: CDFW recommends the inclusion of the following new mitigation measure, BIO-7 in the DFEIR to ensure an adequate assessment is completed and CESA authorization is obtained, if needed

Mitigation Measure #: BIO-7 (New)

(MM-BIO 7.1) A qualified entomologist familiar with the species behavior and life history shall conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys should follow CDFW's *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species*¹⁴. If no CESA-protected bumble bees are found during the surveys, but the habitat assessment identified suitable nesting, foraging, or overwintering habitat within the project site, it is recommended that a biological monitor be onsite during vegetation or ground disturbing activities that take place during any of the Queen and Gyne flight Period and Colony Active Period to ensure continued avoidance of this highly mobile species. Survey results, including negative findings, should be submitted to CDFW prior to implementing Project-related ground disturbing activities. At minimum, a survey report should provide the following:

- a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.**
- b) Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.**
- c) Map(s) showing the location of nests/colonies.**
- d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density,**

¹² Hatfield, R., Jepsen, S., Foltz Jordan, S., Blackburn, M., Code, Aimee. 2018. A Petition to the State of California Fish and Game Commission to List Four Species of Bumblebees as Endangered Species

¹³ Ibid

¹⁴ California Department of Fish and Wildlife. 2023. [Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species](#).

cover, and abundance of each species).

(MM-BIO- 7.2) If Crotch’s bumble bee is detected and if impacts to Crotch’s bumble bee cannot be feasibly and fully avoided during Project construction and activities, the Project proponent shall coordinate with CDFW to obtain appropriate permits for incidental take of Crotch’s bumble bee and provide appropriate mitigation for impacts to Crotch’s bumble bee habitat.

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

Due to the issues presented in this letter, CDFW concludes that the DFEIR does not adequately identify or mitigate the Project’s significant, or potentially significant, impacts on biological resources. Deficiencies in the Lead Agency CEQA document can affect later project approvals by CDFW in its role as a Responsible Agency. In addition, because of these issues, CDFW has concerns that Lead Agency may not have the basis to approve the project or make “findings” as required by CEQA unless the environmental document is modified to eliminate and/or mitigate significant impacts, as reasonably feasible (CEQA Guidelines, §§ 15074, 15091 & 15092).

Questions regarding this letter or further coordination should be directed to Amelia Viera, Environmental Scientist at Amelia.Viera@wildlife.ca.gov or (909) 544 – 2528.

Sincerely,

DocuSigned by:

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