



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
CHARLTON H. BONHAM, Director



July 10, 2025

Oliver Mujica
 Contract Planner III
 County of San Bernardino
 385 N. Arrowhead Ave.
 San Bernardino, CA 92415

Dear Oliver Mujica:

THE RIVER'S EDGE RANCH (Project)
 MITIGATED NEGATIVE DECLARATION (MND)
 SCH# 2025061424

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the County of San Bernardino (County) for the Project pursuant to 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 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: Doug Whiteman, The River's Edge Ranch

Objective: The Project will expand an existing Administrative Building from 1,387 square feet to 8,029 square feet and construct a new 11,114 square foot Bunk House on a 20-acre site. To accommodate the proposed expansion, existing features on-site will be relocated or demolished. The Project will demolish the basketball court, dog pen, and an existing shed located on the eastern portion of the Project site. Additionally, both 12-foot gates at the access points along Haynes Road will be removed and replaced with a 40-foot gate. A tool shed, existing playground, horse wash station, and two corrals will be relocated on-site to accommodate the proposed Project,

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.

Oliver Mujica, Contract Planner III
 County of San Bernardino
 July 10, 2025
 Page 2

Location: The Project is located at 33433 South Haynes Road, Lucerne Valley, California 92356-9054. More specifically, the Project is located at Assessor's Parcel Number 0453-062-14-000.

Timeframe: Unknown.

COMMENTS AND RECOMMENDATIONS

CDFW appreciates the thoroughness of the measures in the draft MND to avoid and minimize impacts to biological resources. CDFW recommends only minor modifications to the measures below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW strongly recommends the following revisions to BIO-1 and BIO-2, and the adoption of BIO-3 (NEW) (edits are in ~~strikethrough~~ and **bold**) in the final MND.

MM BIO-1:

Preconstruction surveys for ~~burrowing owls and~~ desert tortoise shall be conducted by a qualified biologist no less than 14 days prior to the start of Project-related activities and **again** within 24-hours prior to ground disturbance **within the Project site and 500-foot buffer** to determine if any ~~burrowing owls and/or~~ desert tortoise have moved in. **Surveys shall be consistent with the U.S. Fish and Wildlife Service Preparing for any Action that May Occur within the Range of the Mojave Desert Tortoise². The survey shall utilize perpendicular survey routes and ensure 100 percent visual coverage for desert tortoise and their sign (e.g., scat, tracks, burrows).** In the event that ~~burrowing owls and/or~~ desert tortoise are found within the Project site **or within a 500-foot buffer**, work shall be halted **immediately** and consultation with the California Department of Fish and Wildlife and United States Fish and Wildlife Service to discuss specific mitigation measures and or to authorize "take" of ~~burrowing owls and/or~~ desert tortoise. If ground disturbing activities **on the Project site in these areas** are delayed or suspended for more than 30 days after the preconstruction survey, the **Project** area shall be resurveyed for ~~burrowing owls and~~ desert tortoise.

MM BIO 2:

In order to avoid violation of the MBTA and the California Fish and Game Code, site-preparation activities (removal of trees and vegetation) for the Project site shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31) of potentially occurring native and migratory bird species. ~~If site-preparation activities for an implementing project are proposed during the nesting/breeding season (February 1 to August 31),~~ **Regardless of the time of year**, a pre-activity field survey shall be conducted by a qualified biologist **no more than 3 days prior to any ground disturbing activities on the Project site** ~~prior to the issuance of grading permits for such project,~~ to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. **Surveys shall be conducted during the appropriate time of day/night, during appropriate weather conditions. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors).** If a nest is suspected, but not confirmed, the qualified biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the qualified biologist shall monitor the nest for one hour (four hours for raptors) prior to approaching the nest to determine status. The qualified biologist shall use their **best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.** ~~If active nests are not located within the~~

² U.S. Fish and Wildlife Service. 2019. Preparing for any Action that May Occur Within the Range of the Mojave Desert Tortoise (*Gopherus agassizii*)

Oliver Mujica, Contract Planner III
 County of San Bernardino
 July 10, 2025
 Page 3

implementing project site and an appropriate buffer of 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected bird nests (nonlisted), or 100 feet of sensitive or protected songbird nests, construction may be conducted during the nesting/breeding season. **The qualified biologist shall monitor the nest at the onset of Project activities, and at the onset of any changes in Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. The qualified biologist shall be onsite daily to monitor all existing nests, the efficacy of established buffers, and to document any new nesting occurrences.** However, if active nests are located during the pre-activity field survey, no grading or heavy equipment activity shall take place within at least 500 feet of an active listed species or raptor nest, 300 feet of other sensitive or protected (under MBTA or California Fish and Game Code) bird nests (nonlisted), or within 100 feet of sensitive or protected songbird nests until the nest is no longer active. **If at any time during Project activities, a California Endangered Species Act listed bird species is observed nesting on site, the Project Proponent shall immediately halt Project activities and contact CDFW Inland Deserts Region 6.**

MM BIO-3 (NEW):

Prior to the initiation of ground disturbing Project activities, a qualified biologist shall conduct a burrowing owl habitat assessment of the Project area consistent with the *California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation*³. The assessment shall consist of walking the Project site to identify the presence of burrowing owl habitat. If the burrowing owl habitat assessment identifies burrowing owl habitat or sign on site (e.g., feathers, pellets, prey remains etc.), the Project Proponent shall have a qualified biologist perform focused breeding season surveys according to Appendix D of the 2012 Staff Report prior to initiation of Project activities. Occupancy of burrowing owl habitat is confirmed at a site when at least one burrowing owl, or its sign (e.g., feathers, pellets, prey remains etc.) at or near a burrow entrance is observed within the last 3 years. To confirm presence/absence of burrowing owl, the qualified biologist shall inspect all suitable burrows for evidence of burrowing owl within 3 days prior to Project initiation. If burrowing owl is identified on the Project site or within the vicinity of the Project site, the Project Proponent shall immediately halt all Project activities and notify CDFW and fully avoid impacts to burrowing owl. If impacts to burrowing owl cannot be fully avoided, the Project Proponent should obtain a California Endangered Species Act Incidental Take Permit from CDFW.

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.)

³ California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation.

Oliver Mujica, Contract Planner III
County of San Bernardino
July 10, 2025
Page 4

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Emily Leon, Environmental Scientist, at Emily.Leon@wildlife.ca.gov or at (760) 644-5976.

Sincerely,

DocuSigned by:

6BBFAB19FE504F9...

For Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov

Doug Whiteman, Project Applicant
River's Edge Ranch
Doug@riversedgeranch.org

Eliza Laws, Senior Environmental Analyst
Albert A Webb Associates
Eliza.laws@webbassociates.com

ATTACHMENTS

Attachment A: Mitigation Monitoring Reporting Plan

REFERENCES

California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation.

U.S. Fish and Wildlife Service (USFWS). 2019. Preparing for any action that may occur within the range of the Mojave Desert Tortoise (*Gopherus agassizii*).

Oliver Mujica, Contract Planner III
 County of San Bernardino
 July 10, 2025
 Page 5

Attachment A

Mitigation Monitoring and Reporting Plan

Biological Resources (BIO)		
Mitigation Measure (MM)	Implementation Schedule	Responsible Party
<p><u>MM BIO-1:</u></p> <p>Preconstruction surveys for desert tortoise shall be conducted by a qualified biologist no less than 14 days prior to the start of Project-related activities and again within 24-hours prior to ground disturbance within the Project site and 500-foot buffer to determine if any desert tortoise have moved in. Surveys shall be consistent with the U.S. Fish and Wildlife Service Preparing for any Action that May Occur within the Range of the Mojave Desert Tortoise. The survey shall utilize perpendicular survey routes and ensure 100 percent visual coverage for desert tortoise and their sign (e.g., scat, tracks, burrows). In the event that desert tortoise are found within the Project site or within a 500-foot buffer, work shall be halted immediately and consultation with the California Department of Fish and Wildlife and United States Fish and Wildlife Service to discuss specific mitigation measures and or to authorize “take” of desert tortoise. If ground disturbing activities on the Project site are delayed or suspended for more than 30 days after the preconstruction survey, the Project area shall be resurveyed for desert tortoise.</p>	<p>No less than 14 days prior to the start of Project-related activities and again within 24-hours prior to ground disturbance</p>	<p>Project Proponent and Qualified Biologist</p>
<p><u>MM BIO 2:</u></p> <p>In order to avoid violation of the MBTA and the California Fish and Game Code, site-preparation activities (removal of trees and vegetation) for the Project site shall be avoided, to the greatest extent possible, during the nesting season (generally February 1 to August 31) of potentially occurring native and migratory bird species. Regardless of the time of year, a pre-activity field survey shall be conducted by a qualified biologist no more than 3 days prior to any ground disturbing activities on the Project site, to determine if active nests of species protected by the MBTA or the California Fish and Game Code are present in the construction zone. Surveys shall be conducted during the appropriate time of day/night, during appropriate weather conditions. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly</p>	<p>No more than 3 days prior to ground disturbing activities.</p>	<p>Project Proponent and Qualified Biologist</p>

Oliver Mujica, Contract Planner III
 County of San Bernardino
 July 10, 2025
 Page 6

<p>from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). If a nest is suspected, but not confirmed, the qualified biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be inferred based on observations. If a nest is observed, but thought to be inactive, the qualified biologist shall monitor the nest for one hour (four hours for raptors) prior to approaching the nest to determine status. The qualified biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate. The qualified biologist shall monitor the nest at the onset of Project activities, and at the onset of any changes in Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. The qualified biologist shall be onsite daily to monitor all existing nests, the efficacy of established buffers, and to document any new nesting occurrences. If at any time during Project activities, a California Endangered Species Act listed bird species is observed nesting on site, the Project Proponent shall immediately halt Project activities and contact CDFW Inland Deserts Region 6.</p>		
<p><u>MM BIO-3:</u></p> <p>Prior to the initiation of ground disturbing Project activities, a qualified biologist shall conduct a burrowing owl habitat assessment of the Project area consistent with the <i>California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation</i>. The assessment shall consist of walking the Project site to identify the presence of burrowing owl habitat. If the burrowing owl habitat assessment identifies burrowing owl habitat or sign on site (e.g., feathers, pellets, prey remains etc.), the Project Proponent shall have a qualified biologist perform focused breeding season surveys according to Appendix D of the 2012 Staff Report prior to initiation of Project activities. Occupancy of burrowing owl habitat is confirmed at a site when at least one burrowing owl, or its sign (e.g., feathers, pellets, prey remains etc.) at or near a burrow entrance is observed within the last 3 years. To confirm presence/absence of burrowing owl, the qualified biologist shall inspect all suitable burrows for evidence of burrowing owl within 3 days prior to Project initiation. If burrowing owl is identified on the Project site or within the vicinity of the Project site, the Project Proponent shall immediately halt all Project activities and notify CDFW and fully avoid impacts to burrowing owl. If impacts to burrowing owl cannot be fully avoided, the Project Proponent should obtain a California Endangered Species Act Incidental Take Permit from CDFW.</p>	<p>Prior to ground disturbing activities and again within 3 days prior to ground disturbing activities</p>	<p>Project Proponent and Qualified Biologist</p>