



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



July 28, 2025

Mina Morgan, Associate Planner
City of Victorville
14343 Civic Drive., P.O. Box 5001
Victorville, CA 92392

Dear Mina Morgan:

PLAN 24-000-20 TENTATIVE TRACT MAP 20816 (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2025070496

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Victorville 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 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: GJH Development, Inc.

Objective: The Project proposes a Tentative Tract Map to subdivide approximately 9.87 acres into 32 lots for a single-family residential development project. The average lot size is 8,600 square feet with a net density of 3.2 dwelling units per acre.

Location: The Project is located south of the intersection of Tawney Ridge Lane and Ferndale Road within the City of Victorville, San Bernardino County, State of California. The Project site is located on Assessor's Parcel Numbers: 0395-211-01, 0395-211-02, 0395-211-04, and 0395-211-05.

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.

Mina Morgan, Associate Planner
City of Victorville
July 28, 2025
Page 2

Timeframe: The Project is estimated to be constructed by 2026.

COMMENTS AND RECOMMENDATIONS

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

I. Specific Comments

COMMENT 1: Burrowing Owl (*Athene cunicularia*)

Issue: The MND proposes to avoid impacts to burrowing owl through mitigation measures BIO-1 and BIO-2; however, as written BIO-1 and BIO-2 may result in take of burrowing owl.

Specific impact: CDFW is concerned that BIO-1 only considers take avoidance surveys. While a habitat assessment and reconnaissance surveys were conducted for burrowing owl and no burrowing owl or sign thereof was detected, the MND recognizes that suitable habitat for burrowing is present on the Project site. Considering that the survey was conducted on August 13, 2024, and that the Project will be constructed by 2026, CDFW is concerned with potential impacts to non-breeding owls during the winter that may move into the Project site and owls that may establish themselves during the next breeding season. For these reasons, CDFW recommends protocol-level surveys according to the CDFW Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) (Staff Report)² before construction starts. Additionally, BIO-2 states that a passive relocation plan will be prepared if impacts to burrowing owl cannot be avoided. CDFW would like to note that since burrowing owl became a CESA candidate species in March 2024, CDFW cannot accept relocation plans outside of a CESA Incidental Take Permit (ITP).

Why impact would occur: Impacts to burrowing owl may be significant if burrowing owl and their sign are not properly identified through protocol level surveys. Burrowing owls are more detectable during the breeding season (Conway et al. 2008)³, and while a survey involving meandering transects was performed for burrowing owl at the end of the breeding season on August 13, 2024, it is not clear whether surveys followed accepted protocols (i.e., Staff Report). In addition, the Staff Report requires 4 surveys during the breeding or non-breeding season. Through ground disturbing Project activities, impacts to burrowing owl may be significant if burrowing owl moves onto the Project site before or during Project construction and are not detected properly, which may result in the destruction of their nests, or eggs and the destruction of nesting, foraging, or over-wintering habitat.

Evidence impact would be significant: On October 10, 2024, the Fish and Game Commission determined that burrowing owl warrants protection as a candidate species under CESA (Fish & G. Code, § 2050 et seq.). During the candidacy period, burrowing owl is afforded the same protection as a threatened and endangered species under CESA. The Project, as described, may result in injury, direct mortality, indirect mortality, disruption of breeding behavior, and/or may reduce reproductive capacity of the species. CDFW considers the direct and indirect take of burrowing owl, and the loss of the species’ habitat as a significant impact, unless mitigated to a level of less than significant and in compliance with State (i.e., Fish and Game Code sections 3503.5, etc.) and Federal laws (i.e., Migratory Bird Treaty Act). If Project activities could result in take, appropriate CESA authorization (i.e., ITP under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: Considering all of the above, CDFW recommends inclusion of the

² California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation.
³ Conway, C.J., and Simon J. (2003). Comparison of detection probability associated with burrowing owl survey methods. *Journal of Wildlife Management* 67: 501-511.

Mina Morgan, Associate Planner
 City of Victorville
 July 28, 2025
 Page 3

following changes to BIO-1 and BIO-2 in the Final MND (edits are in ~~strikethrough~~ and additions are in **bold**):

Mitigation Measure: BIO-1 & BIO-2

BIO-1 Burrowing Owl Pre-Construction Surveys. **Prior to the initiation of Project activities, the Project Proponent shall have a qualified avian biologist conduct breeding season and/or non-breeding surveys for burrowing owl consistent with the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation. Additionally to confirm presence/absence of burrowing owl following previous surveys, p**Pre-construction surveys for Burrowing Owls on the Project site and in the surrounding area shall be conducted by a qualified biologist no more than 14 days prior to initiation of Project ground-disturbing activities in accordance with guidelines identified by the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation (Department of Fish and Game Code, March 2012). If Project activities are delayed for more than 30-days (including the restarting of activities after project/ground disturbing delays of 30-days or more), additional surveys will be required, including but not limited to a take avoidance survey within 24 hours of ground disturbance. If burrowing owls are observed on the Project site during the Pre-construction survey **or any time during Project activities**, the California Department of Fish and Wildlife shall be immediately notified, and Mitigation Measure BIO-2 shall be required. If burrowing owl(s) are not observed onsite during any pre-construction surveys, a letter shall be prepared by the qualified **avian** biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to issuance of any grading permits, and no further action is required **if the Project will fully avoid impacts to burrowing owl.**

BIO-2 Burrowing Owl Mitigation if Detected On-Site. If burrowing owls are observed on the project site during any preconstruction survey **or at any time during Project activities** as per MM BIO-1, **the Project Proponent shall immediately halt Project activities and** the California Department of Fish and Wildlife (CDFW) shall be immediately notified, and the applicant shall conduct an impact assessment in accordance with the 2012 Staff Report on Burrowing Owl Mitigation prior to commencing Project activities to determine appropriate mitigation and any areas occupied by burrowing owls shall be avoided. No ground-disturbing activities shall be permitted within 500 meters of an occupied burrow. A smaller buffer may be established if the qualified biologist determines that a reduced buffer would not adversely affect the burrowing owl(s). **If Project activities cannot fully avoid impacts to burrowing owl, the Project Proponent shall not commence or continue Project activities and should obtain a CESA ITP to authorize take of burrowing owl. Impacts to burrowing owl shall be mitigated through the CESA ITP.**

~~If burrowing owls cannot be avoided by the Project, then a qualified biologist shall prepare and submit a passive relocation program to CDFW for review/approval prior to the commencement of Project activities in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report on Burrowing Owl Mitigation and mitigation shall be required as described below (see g) to reduce impacts to less than significant, including the following steps as approved by the California Department of Fish and Wildlife and in accordance with the updated CDFW Staff Report on Burrowing Owl Mitigation (2012) shall be implemented if burrowing owl are present onsite:~~

~~a) Occupied burrows shall not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the California Department of Fish and Game verifies through non-invasive methods either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.~~

~~b) A burrowing owl survey shall be conducted on all portion of the site between September and January to determine the location of active (non-breeding) burrows.~~

Mina Morgan, Associate Planner
City of Victorville
July 28, 2025
Page 4

- ~~c) If the Project cannot avoid burrowing owl, qualified biologists shall exclude all owls from active burrows using one-way doors during the non-breeding season (September 1—January 31) or during the breeding season (February 1—August 31), only after a qualified biologist has determined there are no nesting owls and/or juvenile owls are no longer dependent on the burrows. Concurrently, all inactive burrows and other sources of secondary refuge for burrowing owls shall be collapsed and removed from the site.~~
- ~~d) Following a 48-hour observation period and 48 hours after installation of one-way doors, all vacated burrows shall be collapsed.~~
- ~~e) A qualified biologist shall conduct a post-exclusion survey confirming the absence of burrowing owls on the site. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, construction activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation and provided to CDFW. Should newly occupied burrows be discovered on the site the exclusion shall be repeated as outlined in the CDFW-approved passive relocation program.~~
- ~~f) A final clearance survey confirming the absence of active burrowing owls burrows shall be conducted within three days of initiating Project activities.~~
- ~~g) Compensatory mitigation lands for permanent impacts to nesting, occupied, and satellite burrows and burrowing owl habitat shall be provided by the applicant/developer at a minimum ratio of 2:1 and permanent conservation and management of burrowing owl habitat such that the habitat acreage, number of burrows and burrowing owl impacts are replaced consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with CDFW. A qualified biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted, and a reporting plan shall be prepared for CDFW review and approval. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years. When a qualified biologist determines that burrowing owls are no longer occupying the Project site and passive relocation is complete, Project activities may begin. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. The letter shall be submitted to CDFW prior to the start of Project activities.~~

COMMENT 2: Nesting Birds

Issue: The MND proposes to avoid impacts to nesting birds through mitigation measure BIO-3. However, BIO-3 lacks methodology, timing, and appropriate monitoring requirements to fully avoid take of nesting birds on the Project site.

Specific impact: BIO-3 states that surveys for nesting birds will only be conducted during the nesting bird season. CDFW would like to clarify that a pre-construction nesting bird survey is needed prior to construction regardless of the time of year to ensure that impacts to nesting birds are avoided. This is in consideration that the timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). Additionally, BIO-3 does not propose measures to properly monitor potential nests observed on site.

Why impact would occur: BIO-3 limits pre-construction surveys for nesting birds during January 15th to August 31st; however, studies have shown that migratory bird species arrive earlier in the season partially in response to higher temperatures influenced by climate change (Usui et. al., 2016).⁴ In addition, in response to warming, birds have been reported to breed earlier and CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the

⁴ Usui, T., Butchart, S.H.M., and Philmore A.B., (2016). Temporal shifts and temperature sensitivity of avian spring migratory phenology: a phylogenetic meta-analysis. *Journal of Animal Ecology* 86(2): 250-261.

Mina Morgan, Associate Planner
City of Victorville
July 28, 2025
Page 5

year than historical nesting season dates. CDFW recommends that disturbance to occupied nests of non-migratory passerine birds, migratory birds, and raptors within the Project site and surrounding area be avoided any time birds are nesting onsite. Thus, if surveys for nesting birds are not conducted immediately prior to the commencement of Project activities (i.e., 3 days prior) regardless of time of year, impacts to nesting birds may be significant if nesting birds are present on site and not detected.

Evidence impact would be significant: It is the Project proponent’s responsibility to avoid take of all nesting birds. Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: Considering all of the above, CDFW recommends inclusion of the following changes to BIO-3 in the Final MND (edits are in ~~strike through~~ and additions are in **bold**):

Mitigation Measure: BIO-3

BIO-3 Nesting Bird Survey. All Project activities on-site shall be conducted outside of nesting season (January 15 to August 31) to the maximum extent feasible. **Regardless of the time of year** ~~During the nesting bird season~~, a qualified **avian** biologist shall conduct pre-project nesting bird surveys, implement nest buffers, and conduct monitoring at all active nests within the **entire Project site work area** and a surrounding 300-foot buffer. Nesting bird surveys shall be conducted by a qualified **avian** biologist within **the entire Project site and a 300-foot buffer around the Project site** ~~feet of all work areas~~, no more than 3 days prior to commencement of project activities **at the appropriate time of day/night, during appropriate weather conditions. Surveys shall encompass all suitable areas including, trees, shrubs, bare ground, burrows and cavities. If a nest is suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed prior to the commencement of ground disturbing Project activities. The qualified avian biologist shall not risk failure of the nest to determine the exact location or status and shall make every effort to limit the nest to potential predation as a result of the survey/monitoring efforts (e.g., limit number of surveyors, limit time spent at/near the nest, scan the site for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). If a nest is observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for one hour (four hours for raptors) prior to approaching the nest to determine status. The qualified avian biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate.** If active nests containing eggs or young are found, a qualified **avian** biologist shall establish an appropriate nest buffer **based on their professional judgement**. Nest buffers are species-specific and range from 15 to 100 feet for passerines and 50 to 300 feet for raptors, depending on the planned activity's level of disturbance, site conditions, and the observed bird behavior. Established buffers shall remain until a qualified **avian** biologist determines the young have fledged or the nest is no longer active. Active nests shall be monitored until the **qualified avian** biologist has determined the young have fledged or the project is finished. The qualified **avian** biologist has the authority to stop work if nesting **birds** ~~pairs~~ exhibit signs of disturbance.

COMMENT 3: Fish and Game Code section 1602 Resources

Mina Morgan, Associate Planner
City of Victorville
July 28, 2025
Page 6

Issue: The Project may substantially divert, obstruct, or substantially change or use material from the bed, channel, or bank of a potential drainage channel located onsite that is a tributary to the Mojave River.

Specific impact: The MND does not propose mitigation measures to notify pursuant to Fish and Game Code section 1602 despite a vegetated drainage channel occurring onsite as identified in the MND's Water Quality Management Plan on Page 87. On Page 52, the Water Quality Management Plan shows that the limits of grading include the vegetated channel. Additionally, according to the United States Geologic Survey National Hydrology Dataset, the drainage channel is classified as an unnamed ephemeral stream tributary to the Mojave River.

Why impact would occur: The MND does not include mitigation measures to notify CDFW regarding the potential streambed onsite therefore impacts to Fish and Game Code section 1602 resources may be substantial if not avoided, minimized, or mitigated to a level below significant through a Streambed Alteration Agreement.

Evidence impact would be significant: Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and water courses with a subsurface flow.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: Considering all of the above, CDFW recommends inclusion of Mitigation Measure BIO-4, into the Final MND.

Mitigation Measure: BIO-4 (NEW)

BIO-4 Fish and Game Code section 1602 Resources. Prior to construction activities, mapping of stream resources in the Project area shall be conducted to identify all streams on site. If Project construction activities occur within a stream or associated habitat, then the California Department of Fish and Wildlife (CDFW) shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alteration Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.

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

Mina Morgan, Associate Planner
City of Victorville
July 28, 2025
Page 7

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 the City of Victorville 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:

84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

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ATTACHMENTS

Attachment A: Mitigation Monitoring Reporting Plan

REFERENCES

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

Conway, C.J., and Simon J. (2003). Comparison of detection probability associated with burrowing owl survey methods. *Journal of Wildlife Management* 67: 501-511.

Usui, T., Butchart, S.H.M., and Philmore A.B., (2016). Temporal shifts and temperature sensitivity of avian spring migratory phenology: a phylogenetic meta-analysis. *Journal of Animal Ecology* 86(2): 250-261.

Mina Morgan, Associate Planner
City of Victorville
July 28, 2025
Page 8

Attachment A

Mitigation Monitoring and Reporting Plan

Biological Resources (BIO)		
Mitigation Measure	Implementation Schedule	Responsible Party
<u>BIO-1 Burrowing Owl Pre-Construction Surveys.</u> Prior to the initiation of Project activities, the Project Proponent shall have a qualified avian biologist conduct breeding season and/or non-breeding surveys for burrowing owl consistent with the California Department of Fish and Wildlife (CDFW) <i>2012 Staff Report on Burrowing Owl Mitigation</i>. Additionally to confirm presence/absence of burrowing owl following previous surveys, pre-construction surveys for Burrowing Owls on the Project site and in the surrounding area shall be conducted by a qualified biologist no more than 14 days prior to initiation of Project ground-disturbing activities in accordance with guidelines identified by the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation (Department of Fish and Game Code, March 2012). If Project activities are delayed for more than 30-days (including the restarting of activities after project/ground disturbing delays of 30-days or more), additional surveys will be required, including but not limited to a take avoidance survey within 24 hours of ground disturbance. If burrowing owls are observed on the Project site during the Pre-construction survey or any time during Project activities, the California Department of Fish and Wildlife shall be immediately notified, and Mitigation Measure BIO-2 shall be required. If burrowing owl(s) are not observed onsite during any pre-construction surveys, a letter shall be prepared by the qualified avian biologist documenting the results of the survey. The letter shall be submitted to CDFW prior to issuance of any grading permits, and no further action is required if the Project will fully avoid impacts to burrowing owl.	Prior to the initiation of Project activities	Project Proponent and Qualified Avian Biologist
<u>BIO-2 Burrowing Owl if Detected On-Site.</u> If burrowing owls are observed on the project site during any preconstruction survey or at any time during Project activities per MM BIO-1, the Project Proponent shall immediately halt Project activities and the California Department of Fish and Wildlife (CDFW) shall be immediately notified, and the applicant shall conduct an impact assessment in accordance with the 2012 Staff Report on Burrowing Owl Mitigation prior to commencing Project activities to determine appropriate mitigation and any areas occupied by burrowing owls shall be avoided. No ground-disturbing activities shall be permitted within 500 meters of an occupied burrow. A smaller buffer	Prior to the initiation of Project activities	Project Proponent

Mina Morgan, Associate Planner
City of Victorville
July 28, 2025
Page 9

may be established if the qualified biologist determines that a reduced buffer would not adversely affect the burrowing owl(s). If Project activities cannot fully avoid impacts to burrowing owl, the Project Proponent shall not commence or continue Project activities and should obtain a CESA ITP to authorize take of burrowing owl. Impacts to burrowing owl shall be mitigated through the CESA ITP.		
<u>BIO-3 Nesting Bird Survey.</u> All Project activities on-site shall be conducted outside of nesting season (January 15 to August 31) to the maximum extent feasible. Regardless of the time of year, a qualified avian biologist shall conduct pre-project nesting bird surveys, implement nest buffers, and conduct monitoring at all active nests within the entire Project site and a surrounding 300-foot buffer. Nesting bird surveys shall be conducted by a qualified avian biologist within the entire Project site and a 300-foot buffer around the Project site, no more than 3 days prior to commencement of project activities at the appropriate time of day/night, during appropriate weather conditions. Surveys shall encompass all suitable areas including, trees, shrubs, bare ground, burrows and cavities. If a nest is suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed prior to the commencement of ground disturbing Project activities. The qualified avian biologist shall not risk failure of the nest to determine the exact location or status and shall make every effort to limit the nest to potential predation as a result of the survey/monitoring efforts (e.g., limit number of surveyors, limit time spent at/near the nest, scan the site for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). If a nest is observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for one hour (four hours for raptors) prior to approaching the nest to determine status. The qualified avian biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate. If active nests containing eggs or young are found, a qualified avian biologist shall establish an appropriate nest buffer based on their professional judgement. Nest buffers are species-specific and range from 15 to 100 feet for passerines and 50 to 300 feet for raptors, depending on the planned activity's level of disturbance, site conditions, and the observed bird behavior. Established buffers shall remain until a qualified avian biologist determines the young have fledged or the nest is no longer active. Active nests shall be monitored until the qualified avian biologist has determined the	Prior to the initiation of Project activities	Project Proponent and Qualified Avian Biologist

Mina Morgan, Associate Planner
City of Victorville
July 28, 2025
Page 10

young have fledged or the project is finished. The qualified avian biologist has the authority to stop work if nesting birds exhibit signs of disturbance.		
<u>BIO-4 Fish and Game Code section 1602 Resources.</u> Prior to construction activities, mapping of stream resources in the Project area shall be conducted to identify all streams on site. If Project construction activities occur within a stream or associated habitat, then the California Department of Fish and Wildlife (CDFW) shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alternation Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.	Prior to the initiation of Project activities	Project Proponent