



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



August 22, 2025
 Sent via email

Ayida Smith
 Planner III
 San Bernardino County Flood Control District
 825 E 3rd St
 San Bernardino, CA 92415
Ayida.Smith@dpw.sbcounty.gov

**US-95 at Havasu Lake Road Improvement Project (Project)
 Mitigated Negative Declaration (MND)
 SCH# 2025070904**

Dear Ayida Smith,

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the San Bernardino County Flood Control District (District) 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: San Bernardino County Flood Control District (District)

Objective: The objective of the Project is to widen a segment of southbound U.S. Highway 95 (US-95) by 14 feet, to construct a left-turn pocket for left turns onto Lake Havasu Road. The left-turn pocket consists of a 12-foot travel lane and a 2-foot shoulder, and is approximately 3,000 feet long. Primary Project activities include removing vegetation, demolition of existing asphalt concrete, milling and overlay of existing pavement, and placement of new asphalt concrete on the expanded portions of the roadway.

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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Location: Unincorporated area south of Needles, San Bernardino County, at the intersection of US-95 and Havasu Lake Road, Latitude 34.55804, Longitude -114.64512, from approximately Post Mile (PM) 37.16 to PM 37.48.

Timeframe: Fall 2025 to Summer 2026.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources (see Attachment A).

I. Mitigation Measure or Alternative and Related Impact Shortcoming

Comment 1: Desert Tortoise (*Gopherus agassizii*)

Section 4.4.2, Pages 27-28, and Appendix B

Issue: The Project has the potential to result in temporary and permanent impacts to desert tortoise habitat. Appendix B of the MND states that a biological reconnaissance survey was performed on April 9, 2025. The survey method was not reported. A protocol-level survey is the most reliable way to detect desert tortoise, and less-rigorous surveys can give false impressions that a species is absent. Therefore, the reconnaissance survey may have missed evidence of desert tortoise, and desert tortoise may be present in the Project area. The Project proposes to avoid impacts to desert tortoise by implementing a pre-construction survey prior to ground disturbance, but does not define the pre-construction survey method. CDFW is concerned that there is the potential for desert tortoise to enter the Project site during Project activities. Take is defined as by California Fish and Game Code section 86 as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.

Specific impact: Desert tortoise is a State- and federally-listed threatened species. This species is impacted by ongoing threats, including loss, degradation, and fragmentation of habitat, due to development. Staging of construction equipment, vehicles, and foot traffic may result in the collapse of occupied burrows and result in direct mortality and/or injury to desert tortoise. Project construction and related activities may result in collision with or crushing by vehicles or heavy equipment; entrapment within open trenches and pipes; entrapment or entanglement within materials and equipment staged and moved; crushing or burial of individuals or eggs in burrows; destruction of burrows and refugia; and increased predation. The handling of desert tortoise to relocate/translocate out of harm's way requires the authorization of take through a CESA incidental take permit or other state authorization. The Project includes the potential for direct take of desert tortoise associated with vehicle and equipment strike, indirect take associated with Project activities, and reduction of habitat associated with road infrastructure expansion.

Why impacts would occur: The Project occurs within designated critical habitat for desert tortoise. The MND states that desert tortoise have been recorded within one mile of the site. Surveys for desert tortoise may not have been thorough enough to detect the species on site.

Evidence impact would be significant: Desert tortoise was recently uplisted from threatened to endangered under CESA through a unanimous vote by the Fish and Game Commission in April 2024, highlighting the importance of avoiding impacts to desert tortoise, its habitat, and habitat connectivity.

Desert tortoise populations have declined significantly in recent decades as a result of human activities in their native habitat including land development, off-road vehicle use, overgrazing, agricultural development, military activities, predation, and the spread of invasive plant species (USFWS 2011). The desert tortoise population in the western Mojave Desert has declined by 90% since the 1980s. Desert tortoises can take up to 20 years to reach sexual maturity, which limits their ability to recover from even small losses in population numbers (USFWS 2011).

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Recommendations Potentially Feasible Mitigation Measure(s): CDFW appreciates the inclusion of MM BIO-1. CDFW recommends the below revisions (deletions are in ~~strike through~~, and additions are in **bold italic**), and the adoption of MM BIO-3 and MM BIO-4 in the final MND.

MM BIO-1 (revised): Per the Biological Reconnaissance Assessment, the Project site has low potential to have a special status wildlife species, desert tortoise (*Gopherus agassizii*), to be present onsite. Because the Project site is located within USFWS designated critical habitat, a pre-construction survey for desert tortoise shall be done prior to initiating ground disturbance to ensure no desert tortoise migrating through the area are present on site. ***The survey shall be conducted in accordance with the U.S. Fish and Wildlife Service's 2019 desert tortoise survey methodology (see: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=174633&inline>).*** If a tortoise or an active burrow is observed no work shall occur within 500 feet of the burrow and a qualified biological monitor shall be present throughout construction activities. ***If complete avoidance of desert tortoise cannot be achieved, CDFW recommends that Project activities be postponed until a finalized CESA Incidental Take Permit (ITP) under Fish and Game Code section 2081 is obtained.***

MM BIO-3: Compensatory Mitigation for Desert Tortoise Habitat (New)
Permanent impacts to desert tortoise habitats shall be mitigated at a minimum 3:1 ratio (mitigated to impacted) by area. Temporary impacts to desert tortoise habitats shall be restored on site at least at a 1:1 ratio (mitigated to impacted) by area. If temporarily-impacted habitat does not recover to pre-Project conditions within five years, additional compensatory mitigation (minimum 3:1) shall be provided to offset temporal losses. Compensatory mitigation for desert tortoise habitat impacts shall be conducted through a CDFW-approved combination of (1) on-site restoration activities, (2) purchase of mitigation credits from a CDFW-approved bank, and/or (3) land acquisition, with permanent conservation, and management with sufficient funding to manage and maintain the property in perpetuity.

MM BIO-4: Animal Entrapment (New)
To prevent entrapment of desert tortoise during Project activities, all excavated steep-walled holes or trenches more than six inches deep must be covered at the close of each working day by plywood or similar material, or equipped with one or more escape ramps constructed of earth fill or wooden planks. At the beginning of each working day, all such holes or trenches must be inspected to ensure no animals have been trapped during the previous night. Before such holes or trenches are filled, they must be thoroughly inspected for trapped animals. If a desert tortoise (dead or alive) is located, CDFW must be contacted and additional measures and agency coordination are required. A CDFW ITP will be required prior to handling any desert tortoise.

Comment 2: Nesting Birds

Section 4.4.2, Pages 27-29

Issue: The Project will remove vegetation and cause ground disturbance, which could result in impacts to nesting birds including death, displacement, and loss of foraging and nesting habitats. The current proposed measures within the MND may not be sufficient to avoid significant impacts.

Specific impact: Minimization measure BIO-2 defines the nesting season as being from February 1 to August 31, but the timing of the bird nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes. CDFW staff have observed that changes in

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climatic conditions may result in the nesting bird season occurring earlier or later in the year than historical nesting season dates. CDFW recommends surveying for nesting birds regardless of the time of year, and within three days of the start of Project activities, to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests.

Evidence impact would be significant: It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures for all nests, all eggs, and any raptors or migratory birds as follows: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. 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. 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.).

Recommended Potentially Feasible Mitigation Measure: CDFW recommends the inclusion of the below measure, as revised (edits are in ~~strike through~~ and additions are in ***bold italics***), in the final MND to ensure impacts are mitigated to a level of less than significant.

MM-BIO-2 (Revised):

To minimize potential impacts to nesting birds protected under the MBTA within the Project, construction activities shall take place outside nesting season (February 1 to August 31) to the greatest extent practicable. The survey shall be scheduled with and conducted by a qualified biologist in coordination with the County and on-site construction manager.

~~If construction activities must occur during nesting season,~~ a **A** preconstruction nesting bird survey shall be conducted prior to initiation of ground-disturbing activities. The survey shall be completed within ~~44~~ **three** days prior to ground disturbing activities, which consist of, but are not limited to, tree removal, trenching, etc.

During the survey, should nesting birds or their nests be encountered, ~~to the maximum extent practicable,~~ a minimum buffer zone around occupied nests should be determined by a qualified biologist to avoid impacts to the active nest. ***If buffers do not seem feasible, CDFW shall be consulted.*** The buffer shall range at a minimum of 100 to 300 feet. The buffer should be maintained during physical ground-disturbing activities. Avoidance measures that shall be implemented if the biologist finds that it is required to not impact the nests include but are not limited to noise, activity, and design modifications, worker education, signage, buffers and/or temporary fencing. Once the biologist has determined that the nesting has ceased and the nestlings have fledged, the buffer may be removed.

Comment 3: Lake and Streambed Alteration (LSA)

Section 4.4.2, Pages 28-29

Issue: The MND does not consider all areas within the Project that may be subject to Fish and Game Code section 1602.

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify the California Department of Fish and Wildlife (CDFW) prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;

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- Use material from any river, stream, or lake; or
- Deposit or dispose of material into any river, stream, or lake.

Please note that “any river, stream, or lake” includes those that are dry for periods of time as well as those that flow year-round. If you are not certain a particular activity requires notification, CDFW recommends you notify. A Lake and Streambed Alteration (LSA) Agreement is required when a project activity may substantially adversely affect fish and wildlife resources.

Specific impact: The Project, as described, includes substantial diversion or obstruction of natural flow of a stream; substantial change in the bed, bank, and channel of a stream; and the potential for deposition of debris or other materials containing ground pavement into a stream.

Why impact would occur: The Project includes expansion of a roadway through an area that contains ephemeral streambeds. The MND constrains its focus to two streams that are outside of work areas, and does not address ephemeral streambeds that cross US-95 within the Project footprint.

Evidence impact would occur: Aerial and street-level photography show evidence of water flow across US-95, including at PM 37.451 (34.559965, -114.645002), PM 37.404 (34.559319, -114.645081), PM 37.35 (34.558581, -114.645135), PM 37.319 (34.558163, -114.645187), and PM 37.2 (34.556462, -114.645358). The MND does not include plans for notifying CDFW under Fish and Game Code section 1602. CDFW considers substantial adverse impacts and the deposition of materials where they may pass into streams as a significant impact, unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measure: CDFW recommends the inclusion of the below Mitigation Measures in the final MND to help avoid impacting Fish and Game Code section 1602 resources, and ensure impacts are mitigated to a level of less than significant.

MM BIO-5 (New): The District shall notify CDFW under Fish and Game Code section 1600 et seq. for all portions of the Project that will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. Shoulder backing and expansion of roadway that is planned to be placed in or near areas that are subject to Fish and Game Code section 1600 notification shall not consist of asphalt, bitumen, or any other substance or material that is deleterious to fish, plant life, mammals, or birdlife in accordance with Fish and Game Code 5650 et seq.

MM BIO-6 (New): Permanent impacts to 1602 resources shall be mitigated at a minimum 3:1 ratio (mitigated to impacted) by area, or other ratio deemed appropriate, and included in a Lake and Streambed Alteration Agreement. Compensatory mitigation for impacts to 1600 resource areas shall be conducted through a CDFW-approved combination of (1) on-site restoration activities, (2) purchase of mitigation credits from a CDFW-approved bank, and/or (3) land acquisition, conservation, and management.

ADDITIONAL COMMENT

Western Burrowing Owl (*Athene cunicularia hypugaea*)

The MND did not address the potential impacts of the project on the western burrowing owl. Biological species databases are valuable tools for assessing the likelihood of species presence within a project area. However, the California Department of Fish and Wildlife’s (CDFW) California Natural Diversity Database (CNDDDB) is neither comprehensive nor an

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absence database. CDFW recommends using the CNDDDB as an initial resource to gather information about species that may be present in the general vicinity of the project site.

CDFW is concerned that the western burrowing owl was not considered in the MND, despite the presence of suitable habitat on site, according to species specific literature and known occurrences in the surrounding desert—albeit more than five miles away—that might not be captured in a CNDDDB search.

The Project site has the potential to provide suitable foraging and/or nesting habitat for western burrowing owl. On October 10, 2024, the Fish and Game Commission determined that western burrowing owl warrants protection as a candidate species under CESA (Fish & G. Code, § 2050 et seq.). During the candidacy period, western burrowing owl is afforded the same protection as threatened and endangered species under CESA, and unauthorized take of the species is prohibited. If Project activities, including burrow exclusion and closure, could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081b) should be obtained prior to commencement of Project activities.

Take of individual western burrowing owls and their nests is also prohibited by Fish and Game Code sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.”

For the purposes of CEQA review, CDFW recommends that the San Bernardino County Flood Control District follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012); available for download from CDFW’s website:

<https://www.wildlife.ca.gov/conservation/survey-protocols>.

The Staff Report on Burrowing Owl Mitigation, specifies three steps for project impact evaluations:

- a. A habitat assessment;
- b. Surveys; and
- c. An impact assessment

As stated in the Staff Report on Burrowing Owl Mitigation, the three progressive steps are effective in evaluating whether a project will result in impacts to western burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures appropriate. Habitat assessments are conducted to evaluate the likelihood that a site supports western burrowing owl. Western burrowing owl breeding and non-breeding surveys provide information needed to determine the potential effects of proposed projects and activities on western burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which western burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of the proposed CEQA project activity.

Within the 2012 Staff Report, the minimum habitat replacement recommendation was intentionally excluded as it was shown to serve as a default, replacing any sites specific analysis and discounting the wide variation in natal area, home range, foraging area, and other factors influencing western burrowing owls and western burrowing owl population persistence in a particular area. It hypothesized that mitigation for permanent impacts to nesting, occupied, and satellite burrows and western burrowing owl habitat should be on, adjacent or proximate to the impact site where possible and where habitat is sufficient to support western burrowing owls present. If mitigation occurs offsite, it should include (a) permanent conservation of similar vegetation communities (grassland, scrublands, desert, urban, and agriculture) to provide for western burrowing owl nesting, foraging, wintering, and dispersal (i.e., during breeding and non-breeding seasons) comparable to or better than that of the impact area, and (b) be sufficiently large acreage with the presence of fossorial mammals. Furthermore, the report noted that suitable mitigation lands should be based on a comparison of the habitat attributes of the impacted and conserved lands,

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including but not limited to: type and structure of habitat being impacted or conserved; density of western burrowing owls in impacted and conserved habitat; and significance of impacted or conserved habitat to the species range-wide.

CDFW recommends the San Bernardino County Flood Control District include western burrowing owl specific preconstruction surveys prior to ground disturbance and if found within the project site or in the surrounding habitat, contact CDFW to discuss how to fully avoid impacts to the species. If full avoidance is not possible, a CESA incidental take permit should be obtained prior to the start of work.

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 MND to assist the District in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Chris Briggs, Senior Environmental Scientist (Specialist) at 909-758-6774 or Christopher.Briggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:

4D759253408941E...
Brandy Wood
Environmental Program Manager

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

REFERENCES

U.S. Fish and Wildlife Service [USFWS]. 2011. Revised recovery plan for the Mojave population of the desert tortoise (*Gopherus agassizii*). U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, CA, USA. Accessed at: https://ecos.fws.gov/docs/recovery_plan/RRP%20for%20the%20Mojave%20Desert%20Tortoise%20-%20May%202011_1.pdf

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ATTACHMENTS

Attachment A: Mitigation and Monitoring Reporting Plan

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Attachment A: Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the final MND for the Project.

Mitigation Measure	Timing	Responsible Party
<p>MM BIO-1</p>	<p>Per the Biological Reconnaissance Assessment, the Project site has low potential to have a special status wildlife species, desert tortoise (<i>Gopherus agassizii</i>), to be present onsite. Because the Project site is located within USFWS designated critical habitat, a pre-construction survey for desert tortoise shall be done prior to initiating ground disturbance to ensure no desert tortoise migrating through the area are present on site. The survey shall be conducted in accordance with the U.S. Fish and Wildlife Service’s 2019 desert tortoise survey methodology (see: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=174633&inline). If a tortoise or an active burrow is observed no work shall occur within 500 feet of the burrow and a qualified biological monitor shall be present throughout construction activities. If complete avoidance of desert tortoise cannot be achieved, CDFW recommends that Project activities be postponed until a finalized CESA Incidental Take Permit (ITP) under Fish and Game Code section 2081 is obtained.</p>	<p>Prior to commencing ground- or vegetation-disturbing activities.</p> <p>Project proponent</p>
<p>MM-BIO-2</p>	<p>To minimize potential impacts to nesting birds protected under the MBTA within the Project, construction activities shall take place outside nesting season (February 1 to August 31) to the greatest extent practicable. The survey shall be scheduled with and conducted by a qualified biologist in coordination with the County and on-site construction manager.</p> <p>A preconstruction nesting bird survey shall be conducted prior to initiation of ground-disturbing activities. The survey shall be completed within three days prior to ground disturbing activities, which consist of, but are not limited to, tree removal, trenching, etc.</p> <p>During the survey, should nesting birds or their nests be encountered, a minimum buffer zone around occupied nests should be determined by a qualified biologist to avoid impacts to the active nest. If buffers do not seem</p>	<p>Within three days prior to commencing ground- or vegetation-disturbing activities.</p> <p>Project proponent</p>

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Mitigation Measure	Timing	Responsible Party
<p>feasible, CDFW shall be consulted. The buffer shall range at a minimum of 100 to 300 feet. The buffer should be maintained during physical ground-disturbing activities. Avoidance measures that shall be implemented if the biologist finds that it is required to not impact the nests include but are not limited to noise, activity, and design modifications, worker education, signage, buffers and/or temporary fencing. Once the biologist has determined that the nesting has ceased and the nestlings have fledged, the buffer may be removed.</p>		
<p>MM-BIO-3 Compensatory Mitigation for Desert Tortoise Habitat: Permanent impacts to desert tortoise habitats shall be mitigated at a minimum 3:1 ratio (mitigated to impacted) by area. Temporary impacts to desert tortoise habitats shall be restored on site at least at a 1:1 ratio (mitigated to impacted) by area. If temporarily-impacted habitat does not recover to pre-Project conditions within five years, additional compensatory mitigation (minimum 3:1) shall be provided to offset temporal losses. Compensatory mitigation for desert tortoise habitat impacts shall be conducted through a CDFW-approved combination of (1) on-site restoration activities, (2) purchase of mitigation credits from a CDFW-approved bank, and/or (3) land acquisition, with permanent conservation, and management with sufficient funding to manage and maintain the property in perpetuity.</p>	<p>Prior to commencing ground- or vegetation-disturbing activities.</p>	<p>Project proponent</p>
<p>MM-BIO-4 Animal Entrapment: To prevent entrapment of desert tortoise during Project activities, all excavated steep-walled holes or trenches more than six inches deep must be covered at the close of each working day by plywood or similar material, or equipped with one or more escape ramps constructed of earth fill or wooden planks. At the beginning of each working day, all such holes or trenches must be inspected to ensure no animals have been trapped during the previous night. Before such holes or trenches are filled, they must be thoroughly inspected for trapped animals. If a desert tortoise (dead or alive) is located, CDFW must be contacted and additional measures and agency coordination are required. A CDFW ITP</p>	<p>At the beginning and end of each working day.</p>	<p>Project proponent</p>

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Mitigation Measure		Timing	Responsible Party
	will be required prior to handling any desert tortoise.		
MM-BIO-5	The District shall notify CDFW under Fish and Game Code section 1600 et seq. for all portions of the Project that will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. Shoulder backing and expansion of roadway that is planned to be placed in or near areas that are subject to Fish and Game Code section 1600 notification shall not consist of asphalt, bitumen, or any other substance or material that is deleterious to fish, plant life, mammals, or birdlife in accordance with Fish and Game Code 5650 et seq.	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent
MM-BIO-6	Permanent impacts to 1602 resources shall be mitigated at a minimum 3:1 ratio (mitigated to impacted) by area, or other ratio deemed appropriate, and included in a Lake and Streambed Alteration Agreement. Compensatory mitigation for impacts to 1600 resource areas shall be conducted through a CDFW-approved combination of (1) on-site restoration activities, (2) purchase of mitigation credits from a CDFW-approved bank, and/or (3) land acquisition, conservation, and management.	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent