



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](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



September 25, 2025  
*Sent via email.*

Luis Rodriguez Jr.  
Contract Planner  
County of San Bernardino  
15900 Smoke Tree Street, Suite #131  
Hesperia, CA 92345  
[Luis.Rodriguez@lus.sbcounty.gov](mailto:Luis.Rodriguez@lus.sbcounty.gov)

Dear Mr. Rodriguez:

PIONEERTOWN MOTEL EXPANSION PROJECT (PROJECT)  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND)  
SCH# 2025081332

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an IS/MND from San Bernardino County for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

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

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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:** Pioneertown Motel, LLC

**Objective:** The objective of the Project is to expand the existing Pioneertown Motel from its current location onto three additional Assessor’s Parcel Numbers (APNs): APNs 0594-212-27, -28, -29, and -30 to the north, for a total development area of approximately 5.79 acres. Primary Project activities include construction of 47 new motel rooms (for a total of 66 rooms), horseback riding facilities, a day spa, an outdoor pool, a restaurant, an event venue, and retail space. The Project consists of 17,088 square feet (sq. ft.) of additional lodging and includes 4,036 sq. ft. of amenities, 1,787 sq. ft. of back-of-house and administration uses, 785 sq. ft. of retail uses, and a 3,447 sq. ft. guest-only event venue, and a 2,955 sq. ft. restaurant. The Project will also construct a new sewage disposal plant, an onsite wastewater treatment plant, and a heating system using propane gas.

**Location:** The Project site is located at 5240 Curtis Road, in the unincorporated town of Pioneertown, San Bernardino County. The entire Project location is bisected by Rawhide Road, a dirt road separating the existing motel from the three vacant parcels. The Project is located at latitude 34.1575685°N and longitude -116.4932911°W.

**Timeframe:** The Project will be completed in two phases. Phase 1 is scheduled to begin in the first quarter of 2027 and Phase 2 is scheduled to begin in the fourth quarter of 2028, with anticipated completion by the end of 2029.

## **COMMENTS AND RECOMMENDATIONS**

CDFW appreciates that the MND considers obtaining an Incidental Take Permit through mitigation measure BIO-4 for the take of western Joshua tree (*Yucca brevifolia*) located on the Project site. CDFW reviewed Appendix D: Biological Surveys and also appreciated that protocol level surveys were conducted for desert tortoise (*Gopherus agassizii*) (CESA Endangered) and burrowing owl (*Athene cunicularia*) (CESA Candidate), which are of concern to CDFW as species protected by CESA. Likewise, CDFW appreciates that American badger (*Taxidea taxus*) (species of special concern) and desert kit fox (*Vulpes macrotis*) (fully protected) were considered in the surveys, and no impacts are anticipated to these two species.

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CDFW only offers minor comments and recommendations below and in Attachment A to further assist San Bernardino County 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.

### **COMMENT #1: Nesting Birds (Revised)**

CDFW appreciates that the MND included a measure for a pre-construction survey for nesting birds (i.e., BIO-1). However, BIO-1 limits pre-construction surveys for nesting birds from February 1 to August 31. 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. This is in consideration that 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). 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 year than historical nesting season dates. As such, CDFW recommends the following revisions (additions are in **bold** and deletions are in ~~strikethrough~~) to BIO-1:

### **BIO-1: Preconstruction Nesting Bird Surveys (Revised)**

~~If it is not feasible to avoid the nesting bird season (February 1 through August 31),~~ **A** a qualified biologist shall conduct a pre-construction nesting bird survey to determine presence/absence, location, and status of any active **bird** nest. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and the CFGC, the nesting bird survey shall occur no earlier than **three seven (37)** days prior to the commencement of construction. In the event active nests are discovered, a suitable buffer (distance to be determined by a qualified biologist) shall be established around active nests and no construction within the buffer allowed, until the biologist has determined the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).

### **COMMENT #2: Desert Tortoise (*Gopherus agassizii*)**

CDFW appreciates that protocol level surveys for desert tortoise, a CESA endangered species, were conducted in 2020 and 2025 according to guidance from the USFWS published protocol (USFWS 2019). While no evidence, including live desert tortoise, scat, carcasses, tracks, or burrows were observed, CDFW appreciates that the MND recognizes that since surveys were conducted on February 23, 2025 and results are deemed valid for a period of 12 months from date of survey, if construction commence after February 23, 2025, an additional survey will be conducted to ensure desert tortoise

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are not present. CDFW only recommends the minor edits to BIO-3 below for incorporation in the final MND:

### **BIO-3: Preconstruction Desert Tortoise Survey (Revised)**

The most recent protocol desert tortoise surveys were conducted on February 23, 2025, and results are deemed valid for a period of 12 months from date of survey. Should construction commence after February 23, 2026, an additional survey shall be conducted to ensure compliance with USFWS guidance (USFWS 2019). A USFWS authorized biologist shall survey the Project site (including buffer where accessible) **and appropriate buffer** for the presence of desert tortoise **ensuring 100% visual coverage** no more than 14 days prior to the commencement of Project activities. If desert tortoise and/or active burrows are observed, the authorized biologist shall contact USFWS **and CDFW** for concurrence and direction on relocation of the tortoise. **Relocation of desert tortoise shall require proper authorization from the respective agencies, including a CESA ITP from CDFW.** ~~In general, desert tortoise shall be moved no more than 1,000 feet for juveniles and adults, and 300 feet for hatchlings.~~

### **COMMENT #3: Crotch's Bumble Bee (*Bombus crotchii*)**

The Project is within the range of Crotch's bumble bee, a CESA candidate species. Additionally, the Project site contains buckwheat (*Eriogonum fasciculatum*), Notch-leaf phacelia (*Phacelia crenulata*), and other flowering plants that provide foraging habitat for Crotch's bumble bee. Crotch's bumble bee is considered imperiled and is extremely rare. However, the MND did not consider impacts to this species. For these reasons, CDFW recommends BIO-5 below for adoption in the final MD to avoid and minimize impacts to Crotch's bumble bee.

### **BIO-5: Crotch's Bumble Bee (New)**

**Crotch's bumble bee focused surveys shall be conducted within the Project site and within 100-feet of the Project site prior to the start of Project activities. Surveys shall be conducted using survey guidance in the 2023 Survey Considerations for Candidate Bumble Bee Species. If Crotch's bumble bee is detected through surveys, Permittee shall fully avoid impacts to Crotch's bumble bee or should obtain a CESA ITP.**

### **COMMENT #4: Lake and Streambed Alteration Agreement Notification**

The MND recognizes the presence of a stream-like feature on site, but not enough information is provided to help CDFW determine whether the feature is subject to Fish and Game Code section 1602. 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:

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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 watercourses with a subsurface flow.

While CDFW determined that based on aerial photography a stream may occur on site, CDFW recommends that the Project proponent adopt BIO-6 below to either obtain written correspondence from CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or, if notification under section 1602 of the Fish and Game Code is required for the Project, to obtain a CDFW-executed Lake and Streambed Alteration Agreement.

#### **BIO-6: LSA Agreement Notification (New)**

**Prior to construction and issuance of any grading permit, the Project Proponent shall notify pursuant to Fish and Game Code section 1602 and shall obtain written correspondence from the CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project or if CDFW determines that the Project may substantially affect fish and wildlife resources, shall obtain 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

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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 IS/MND to assist San Bernardino County in identifying and mitigating Project impacts on biological resources.

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

Sincerely,

DocuSigned by:  
  
84FBB8273E4C480...

Alisa Ellsworth  
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento  
[state.clearinghouse@lci.ca.gov](mailto:state.clearinghouse@lci.ca.gov)

Matt French, Pioneertown Motel, LLC  
5240 Curtis Rd., Pioneertown, CA 92268

Danielle Ornelas, Senior Environmental Planner, CASC Engineering and Consulting  
[dornelas@cascinc.com](mailto:dornelas@cascinc.com)

Ben Loescher, Founding Principal, Loescher-Meachum Architects, Inc  
[bloescher@lma.la](mailto:bloescher@lma.la)

## ATTACHMENT

A. Mitigation and Monitoring Reporting Plan

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## REFERENCES

California Department of Fish and Wildlife (CDFW). 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species.

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

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.

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**Attachment A**

**Mitigation Monitoring and Reporting Plan**

<b>Measure Number</b>	<b>Biological (BIO) Mitigation Measure</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>
<b>BIO-1:</b>	A qualified biologist shall conduct a pre-construction nesting bird survey to determine presence/absence, location, and status of any active bird nest. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and the CFGC, the nesting bird survey shall occur no earlier than three 3 days prior to the commencement of construction. In the event active nests are discovered, a suitable buffer (distance to be determined by a qualified biologist) shall be established around active nests and no construction within the buffer allowed, until the biologist has determined the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest).	Prior to Project initiation	Project Proponent and Qualified Biologist
<b>BIO-3</b>	The most recent protocol desert tortoise surveys were conducted on February 23, 2025, and results are deemed valid for a period of 12 months from date of survey. Should construction commence after February 23, 2026, an additional survey shall be conducted to ensure compliance with USFWS guidance (USFWS 2019). A USFWS authorized biologist shall survey the Project site (including buffer where accessible) and appropriate buffer for the presence of desert tortoise ensuring 100% visual coverage no more than 14 days prior to the commencement of Project activities. If desert tortoise and/or	Prior to Project initiation	Project Proponent and Qualified Biologist

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	active burrows are observed, the authorized biologist shall contact USFWS and CDFW for concurrence and direction on relocation of the tortoise. Relocation of desert tortoise shall require proper authorization from the respective agencies, including a CESA ITP from CDFW.		
<b>BIO-5:</b>	Crotch's bumble bee focused surveys shall be conducted within the Project site and within 100-feet of the Project site prior to the start of Project activities. Surveys shall be conducted using survey guidance in the <i>2023 Survey Considerations for Candidate Bumble Bee Species</i> . If Crotch's bumble bee is detected through surveys, Permittee shall fully avoid impacts to Crotch's bumble bee or should obtain a CESA ITP.	Prior to Project initiation	Project Proponent and Qualified Biologist
<b>BIO-6</b>	Prior to construction and issuance of any grading permit, the Project Proponent shall notify pursuant to Fish and Game Code section 1602 and shall obtain written correspondence from the CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project or if CDFW determines that the Project may substantially affect fish and wildlife resources, shall obtain 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 Project initiation	Project Proponent