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

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Sent via e-mail

Elena Barragan, Senior Planner
San Bernardino County, Land Use Services Department
385 N. Arrowhead Ave
San Bernardino, CA 92415
Elena.barragan@lus.sbcounty.gov

Hume SoCal Campground Expansion Project (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2025110453

Dear Elena Barragan:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from San Bernardino County, Land Use Services Department (County) 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, Land Use Services Department

Objective: The Hume SoCal Campground Expansion Project is a proposal to enlarge the existing Hume SoCal Campground from the existing campground size of approximately 107 acres to approximately 252.1 acres – an addition of approximately 145 acres. The existing Hume SoCal Campground, owned by Calvary Chapel, currently accommodates approximately 300 persons, including campers, camp staff, and facility/office staff. The proposed expansion of Hume SoCal Campground and the increase in camp facilities

[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.

would allow the Project to accommodate an additional approximately 2,700 persons for a maximum of approximately 3,000 campers, camp staff and facility/office staff.

Expansion of the campground would involve the construction/installation of new camp structures including residential dorms and semi-permanent tents, staff housing, dining/meeting halls, indoor/outdoor recreational facilities, and campground infrastructure (internal roads, pedestrian trails, etc.), and the addition of recreational activities and programming. The existing campground's structures, facilities, and amenities will continue to be used. The Project would be implemented in five phases.

Phase 1 of the Project would involve the development of facilities to be used as a Junior High Camp. Proposed residential structures within the Phase 1 area include an expanded welcome center, private administration and guest speaker residencies, staff housing, and student dormitories. Phase 1 also includes the development of a gymnasium, bus parking, a snack shop, a chapel, converting an existing chapel to a small meeting space, an expansion to the existing dining hall, a maintenance building, an amphitheater, and restrooms. Outdoor recreation facilities include grass quads. Existing and proposed facilities within Phase 1 would accommodate up to 988 guest occupants.

Phase 2 of the Project would involve the development of facilities to be used as a High School Camp. Proposed residential structures within the Phase 2 area include staff housing buildings, and student dormitories. Phase 2 also includes the development of a large dining hall, gymnasium, a chapel, amphitheater, and restrooms. Outdoor recreation facilities include grass quads, a swimming pool, and a recreation pond. Existing and proposed facilities within Phase 2 would accommodate up to 1,096 occupants.

Phase 3 would include the development of one adult lodge with included access road. Existing and proposed facilities within Phase 3 would accommodate up to 140 occupants.

Phase 4 of the Project would include the development of an Elementary Age Camp and associated facilities. Proposed residential structures within Phase 4 include semi-permanent insulated tent structures for students. Phase 4 also includes the development of restroom facilities with showers and an amphitheater. Outdoor recreation facilities include grass quads, a dining canopy, a swimming pool, and a recreation pond. Existing and proposed facilities within Phase 4 would accommodate up to 500 occupants.

Phase 5 of the Project proposes the creation of a tent-based youth camp, Wildwood Camp. Residential structures proposed for this phase consist of semi-permanent insulated tent structures. Phase 5 also includes the development of restroom facilities with showers and an amphitheater. Outdoor recreation facilities include grass quads, a dining canopy, a swimming pool, and a recreation pond. Existing and proposed facilities within Phase 5 would accommodate up to 130 occupants.

Location: The Project will be located within the San Bernardino Mountains in the unincorporated Community of Green Valley Lake, San Bernardino County, California. The Project site is approximately 0.4-mile northwest of State Route 18 (SR-18). The approximately 251-acre Project site is transected by Green Valley Lake Road and roughly centered around the existing Hume SoCal campground facility within Assessor's Parcel Numbers (APN) 0328-071-05, -07, and -10, and 0328-121-40 and -42

Timeframe: Implementation of Phase 1 would be constructed over approximately 1-5 years with capacity slowly rising from 300 occupants to 784 occupants at the end of the last year of construction. Implementation of Phase 2 would occur over approximately 5 years with capacity slowly rising from 784 occupants to 1,784 occupants over the 5-year interval. Implementation of Phase 3 would occur over approximately 5 years upon completion of Phase 2 with capacity slowly rising from 1,784 occupants to 1,924 occupants over the 5-year interval. Implementation of Phase 4 would occur over approximately 5 years upon completion of Phase 3 with capacity slowly rising from 1,924 occupants to 2,424 occupants over the 5-year interval. Implementation of Phase 5 would occur over approximately 5 years with capacity slowly rising from 2,424 occupants to 2,544 occupants over the 5-year interval. The IS/MND did not specify when construction is projected to begin.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist San Bernardino County, Land Use Services Department (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. The MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) to biological resources and whether those impacts are less than significant. Additionally, pursuant to CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for CDFW-recommended mitigation measures MM BIO-[A] through MM BIO-[L].

I. Environmental Setting and Related Impact Shortcoming

COMMENT #1: Assessment of Biological Resources

IS/MND Document, Section #4.4, Pages #73-80 and Appendix A1: Biological Resources Assessment, Table C-1

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

Specific impact: The MND (p. 73) bases its analysis of impacts to biological resources on a biological resource assessment done on July 31, 2023 and August 2, 2023. It is important to note that Appendix A1 has contradictory information about the biological assessments; Section 1 (p. 1) states ELMT biologists conducted a field survey on July 31, 2023, and August 2, 2023, whereas Appendix A1, Section 2.2 (p. 6) states ELMT biologists conducted field investigations on March 22, April 18 and June 30, 2023. CDFW is concerned about the lack of consistency in the IS/MND. CDFW is also concerned that the scope and timing of the assessment may not be sufficient for the County to determine the extent and significance of Project-related impacts. As stated in the Biological Resource Assessment, "The purpose of the biological resources assessment is to characterize existing site conditions on the entire project site and to assess the probability of occurrence of special-status plant and wildlife species that could pose a constraint to project implementation" (p.1). Once the assessment has determined probability of occurrence, focused or protocol-level surveys should be performed for the detection of special-status species with the potential to occur on the Project site and in the surrounding area and to determine the level of occupancy and potential significance of impacts resulting from the Project. The results of the focused/protocol surveys should then be used to establish feasible mitigation measures to avoid the impacts, minimize the impacts to less than significant, or determine that minimization is infeasible, and the results of the surveys provided in the document. Absent findings of focused surveys, CDFW is concerned that the County has not adequately identified potentially significant impacts.

CDFW is concerned about the potential for the following special-status species to occur on or near the Project site and recommends focused surveys, following standard accepted protocols, be conducted and the results included in a revised CEQA document. The California Natural Diversity Database (CNDDB) and Biogeographic Information and Observation System (BIOS) indicate that occurrences of ESA-listed, CESA-listed, or other special-status species have been reported, or have the potential to occur, within a 3-mile radius of the Project area including, but not limited to, the following: **Plants**: ash-grey paintbrush (*Castilleja cinera*), Baldwin Lake linanthus (*Linanthus killipii*), Big Bear Valley woollypod (*Astragalus leucolobus*), lemon lily (*Lilium* *parryi*), Palmer's mariposa lily (*Calochortus palmeri* var. *palmeri*), Parish's alumroot (*Heuchera parishii*), Parish's yampah (*Perideridia parishii* ssp. *parishii*), San Bernardino Mountains dudleya (*Dudleya abramsii* ssp. *affinis*), San Bernardino Mountain's owl clover (*Castilleja lasiorhyncha*), southern jewelflower (*Streptanthus campestris*); **Birds**: bald eagle (*Haliaeetus leucocephalus*), California spotted owl (*Strix occidentalis occidentalis*), Cooper's hawk (*Astur cooperii*), golden eagle (*Aquila chrysaetos*), long-eared owl (*Asio otus*), olive-sided flycatcher (*Contopus cooperi*), purple martin (*Progne subis*); **Reptiles**: southern rubber boa (*Charina umbratica*), two-striped gartersnake (*Thamnophis hammondii*); **Amphibians**: arroyo toad (*Anaxyrus californicus*); **Mammals**: San Bernardino flying squirrel (*Glaucomys oregonensis californicus*), San Bernardino golden-mantled ground squirrel (*Callospermophilus lateralis bernardinus*), white-eared pocket mouse (*Perognathus alticolus alticolus*).

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

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to biological resources has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the MND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a Project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed Project are adequately investigated and discussed.

Recommended Potentially Feasible Mitigation Measure: To establish the existing environmental setting with respect to biological resources, CDFW recommends that focused biological surveys be conducted as described in the following mitigation measure(s), mitigation measures to reduce impacts to less than significant be established, and all information provided in a revised CEQA document. If the County chooses to forego completion of focused surveys to support a revised CEQA document, CDFW recommends the County condition the following measure:

Mitigation Measure BIO-[A]: Assessment of Biological Resources

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition of Endangered, Rare or Threatened Species (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological surveys for wildlife to be valid for a one-year period, and surveys for rare plants may be

considered valid for a period of up to three years. Some aspects of the proposed Project warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

COMMENT #2: Special-Status Plants

IS/MND Document, Section #4.4, Page #74 and Appendix A1: Biological Resources Assessment, Table C-1

Issue: The MND does not adequately identify the Project's significant, or potentially significant, impacts to special-status plants (see Comment #1 for species).

Specific Impact: The MND (p. 74) indicates that no special-status plants were observed during the field assessments conducted in 2023, however, the MND (p. 74) also states that multiple special-status plant species have potential to occur within the Project site, including multiple that are CNPS ranks 2B or above. CDFW is concerned that the MND relies on a field assessment alone, and that focused, protocol presence/absence surveys were not conducted to identify special-status plants. Floristic assessments typically involve multiple visits to the Project site at various times of year to detect plants in various blooming seasons. Additionally, the general biological surveys that were conducted in 2023 occurred before Tropical Storm Hilary impacted the Project area (Appendix A1, p.1). As a result, that survey data may not accurately and completely describe the environmental setting that may be affected by the proposed Project, as conditions may have changed since the historic storm.

The MND (p. 74) continues to say "if any of the aforementioned special-status plant species were observed onsite, their small, isolated populations would not contribute meaningfully to the conservation of their relative species. No focused surveys are recommended." This claim is not substantiated with any evidence in the IS/MND nor Appendix A1. CEQA Guidelines require the IS/MND to provide a factually supported explanation as to why and how Project-related impacts to these populations of special-status plants "would not contribute meaningfully to the conservation of their species".

The aforementioned plant species have potential to be impacted by the Project activities, and the Project has not conducted any protocol-level, focused surveys to establish a baseline environmental setting. The Project has also not proposed any mitigation measures to reduce the impacts to levels less than significant.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to special-status plants has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the MND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a Project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed Project are adequately investigated and discussed. The California Rare Plant Rank 1B indicates plants that are rare, threatened, or endangered in California and elsewhere, and California Rare Plant Rank 2B indicates plants that are rare, threatened, or endangered in California but more common elsewhere. Impacts to these species must be analyzed during preparation of environmental documents relating to CEQA because they meet the definition of rare or endangered under CEQA Guidelines §15125 (c) and/or §15380.

Recommended Potentially Feasible Mitigation Measure: CDFW recommends a thorough, floristic-based assessment of special-status plants at the appropriate time(s) of year be conducted, usually involving multiple visits to the Project area, as described below. CDFW recommends that a revised CEQA document include the results of recent floristic surveys as described in the following mitigation measure, as well as mitigation measures to reduce impacts to less than significant. If the County chooses to forego completion of focused surveys to support a revised CEQA document, CDFW recommends the County condition the following measure:

MM BIO-[B]: Special-Status Plants

Prior to Project initiation, a thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see https://www.wildlife.ca.gov/Conservation/Plants) shall be performed by a qualified biologist. Should any state-listed plant species be present in the Project area, the Project proponent shall obtain appropriate CESA authorization for those species prior to the start of Project activities. Should other special-status plants or natural communities be present in the Project area, on-site or off-site habitat restoration (whichever is applicable) and/or enhancement and preservation should be evaluated and discussed in detail. Where habitat preservation is not available on-site, off-site land acquisition, management, and preservation should be evaluated.

II. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #3: Nesting Birds

IS/MND Document, Appendix A1: Biological Resources Assessment, Section 4.4, Page #12

Issue: CDFW is concerned that the MND does not sufficiently identify Project impacts to nesting birds or ensure that impacts are reduced to a level less than significant.

Specific impact: The Biological Resources Assessment (p. 12) states "The onsite plant communities provide suitable foraging and nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that have adapted to the mountains." CDFW is concerned about the impacts to nesting birds including loss of nesting/foraging habitat and potential take from ground-disturbing activities and construction. Conducting work outside the peak nesting season is an important avoidance and minimization measure. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds are avoided. 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.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 2017). 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. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting onsite. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

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 as follows: section 3503 states that it is 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 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or 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. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by 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 County replace MM BIO-2 with the following measure for nesting birds in a revised CEQA document to ensure that impacts to nesting birds are reduced to less than significant:

MM BIO-[C]: Nesting Birds

Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

COMMENT #4: Bald and Golden Eagles

IS/MND Document, Appendix A1: Biological Resources Assessment, Section 4.7.2, Page #17

Issue: CDFW is concerned that the MND does not sufficiently identify Project impacts to bald and golden eagles or ensure that impacts are reduced to a level less than significant.

Specific impact: The Biological Resources Assessment (p. 17) states “The tall, mature trees provide suitable nesting habitat for both golden eagle and bald eagle, and the open, disturbed areas scattered throughout the Project site provide hunting opportunities for both raptor species. Additionally, bald eagle has been observed nearby.” CDFW is concerned that the Project may result in direct and indirect impacts to bald and golden eagles.

Evidence impact would be significant: Bald eagle and golden eagle are fully protected species (Fish & G. Code, § 4700) and protected under The Bald and Golden Eagle Protection Act of 1940 (U.S.C. Title 16, Chapter 5A, Subchapter II, § 668 a d) and its subsequent amendments. Bald eagle is an endangered species pursuant to the California Endangered Species Act (Fish & G. Code, § 2050 et seq.).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for Project activities to negatively impact bald and golden eagles, CDFW recommends the County complete surveys according to the measure below and include any survey findings, impact assessments, and any necessary mitigation measures in a revised CEQA document. If the County elects not to follow this approach, CDFW recommends the County include the following additional mitigation measure prior to adoption of the CEQA document:

MM BIO-[D]: Bald Eagle and Golden Eagle Breeding Surveys

Prior to Project activities, a qualified biologist shall conduct focused breeding surveys for bald eagle and golden eagle, following appropriate protocols: CDFW's Bald Eagle Nesting Territory Survey Form and Instructions (2010) and USFWS Interim Golden Eagle Inventory and Monitoring Protocols (Pagel et al. 2010). If nesting eagles are detected during the focused surveys, the qualified biologist and San Bernardino County shall coordinate with CDFW to develop avoidance and minimization measures to be reviewed by CDFW. Project disturbances will not occur within 0.5 mile of the active nest sites during breeding season (December 30 through July 1) or any disturbance if that action is shown to disturb the nesting eagles. The 0.5 mile no disturbance buffer will be maintained throughout the breeding season or until the young have fledged and are no longer dependent on the nest or parental care for survival.

COMMENT #5: California Spotted Owl

IS/MND Document, Appendix A1: Biological Resources Assessment, Section 4.7.2, Page #17-18

Issue: CDFW is concerned that the MND does not sufficiently identify Project impacts to California spotted owl or ensure that impacts are reduced to a level less than significant.

Specific impact: The Biological Resources Assessment (p. 18) states "The project site supports high quality habitat and generally primarily consists of undisturbed forested areas... The canopy varies in density, but there are many areas with closed canopy which is favorable for cover for the species. Additionally, there are many trees that are both tall and mature enough to provide nesting cavities and perching opportunities for this species. Therefore, it was determined that there is a high potential for California spotted owl to occur onsite." The California Natural Diversity Database (CNDDB) and Biogeographic Information and Observation System (BIOS) indicate that there are multiple California spotted owl observations as well as activity centers within and near the Project footprint. CDFW is concerned about the impacts to California spotted owl that could occur as a result of Project activities through construction as well as creation of defensible space leading to reduction in canopy cover, which is essential to habitat function. Further, Appendix A1, Table C-1 incorrectly states there are no historical California spotted owl nests within the Project site. The proposed location of the High School Age Camp (APN: 0328-121-40) overlaps with the location of a nest site for spotted owl territory SBD0155 (BIOS ds704). In addition, the IS/MND fails to analyze the loss and degradation of California spotted owl habitat from Project implementation considering Cumulative Impacts from regional development, fuel's reduction activities and loss of habitat from catastrophic fires within the San Bernardino Mountains. An MND is only appropriate when there is no substantial evidence that the Project may have a significant effect on the environment.

Evidence impact would be significant: Consistent with CEQA Guidelines, Section 15380, California spotted owl is a California Species of Special Concern, and the Coastal-Southern California Distinct Population Segment is proposed for listing as an endangered species under the federal Endangered Species Act. Spotted owls have been characterized as central-place foragers, where individuals forage over a wide area and subsequently return to a nest or roost location that is often centrally-located within the home range (Rosenberg and McKelvey, 1999). They require large blocks (100-600 acres) of mature forest with suitable nesting trees and snags (Forsman, 1976). California spotted owls are highly sensitive to habitat destruction; the greatest threats to California spotted owl include the loss, degradation, and fragmentation of habitat (Forsman, 1976). The loss and degradation of California spotted owl habitat could require a mandatory finding of significance by the County (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for Project activities to negatively impact California spotted owl, CDFW recommends the County complete surveys according to the measure below and include any survey findings, impact assessments, and any necessary mitigation measures in a revised CEQA document. If the County elects not to follow this approach, CDFW recommends the County include the following additional mitigation prior to adoption of the measure CEQA document:

MM BIO-[E]: California Spotted Owl

Prior to Project activities, a qualified biologist shall complete necessary surveys, impact assessments, and associated reports following the protocols provided within the *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls* (USFWS, 2012). The Project shall not conduct any Project activities during the California spotted owl nesting season (February 1 to August 15) if owls could be present. California spotted owl nesting and/or roosting habitat is identified within 0.25 miles of Project site activities. Therefore, the Project shall develop a plan to completely avoid impacts to the species and submit it to CDFW for review and approval prior to commencing Project activities. Prior to Project activities, the qualified biologist shall evaluate the Project site and surrounding area for any known California spotted owl Activity Centers using CDFWs Spotted Owl Database (https://wildlife.ca.gov/Data/CNDDB/Spotted-Owl-Info). No Project activities shall occur within 0.25 miles from known California spotted owl Activity Center(s). These buffers should be maintained during the breeding season and until surveys that support probable absence, non-nesting, nest failure, or fledgling flight can be conducted. To compensate for the degradation and/or loss of California spotted owl habitat, the Project shall, no less than 3 months prior to the initiation of Project activities, acquire, permanently protect (through recordation of a conservation easement), and perpetually manage (through a long-term management plan and non-wasting endowment), suitable replacement habitat within the San Bernardino Mountains at no less than a 3:1 (mitigation-to-impact) ratio.

COMMENT #6: Southern Rubber Boa

IS/MND Document, Appendix A1: Biological Resources Assessment, Section 4.7.2, Page #18

Issue: CDFW is concerned that the MND does not sufficiently identify Project impacts to southern rubber boa or ensure that impacts are reduced to a level less than significant.

Specific impact: The Biological Resources Assessment (p. 18) states “The southern rubber boa (SRB) has been designated by the CDFW as a threatened species under the California Endangered Species Act and is also considered a sensitive species in the San Bernardino National Forest by the U.S. Forest Service.” And continues “it was determined that the undisturbed areas on the project site has a moderate potential to support southern rubber boa.” CDFW is concerned about the impacts to southern rubber boa that could occur as a result of Project activities. The Project proponent acknowledges that southern rubber boa have a moderate potential to occur within the Project site but does not provide sufficient mitigation measures to ensure impacts to southern rubber boa are less than significant. Detecting southern rubber boa requires protocol-level surveys, as general biological assessments are insufficient to detect all southern rubber boa that are present within the Project footprint. Southern rubber boa are in the duff layer and underground for the majority of the year and are very rarely found on the surface of the ground and therefore not reliably detectable by a general pre-construction survey. The IS/MND does not provide substantial evidence that MM

BIO-1 is effective at reducing impacts to less than significant for southern rubber boa. Additionally, the IS/MND does not analyze the potential significant impacts on the environment from direct mortality of southern rubber boa through habitat loss and degradation from construction activities as well as long-term operation of the camp.

Evidence impact would be significant: Southern rubber boa is a threatened species pursuant to the California Endangered Species Act (Fish & G. Code, §§ 2050 et seq.). CESA prohibits the take (under Fish & G. Code, § 86, "take" means to hunt, pursue, catch, capture, or kill, or to attempt to hunt, pursue, catch, capture, or kill) of any endangered, threatened, or candidate species that results from a proposed Project, except as authorized by state law (Fish & G. Code, §§ 2080, 2085).

The greatest threats to southern rubber boa include development, increased recreational use in their habitat, timber harvesting practices, and habitat degradation. This species is endemic to the San Bernardino Mountains and San Jacinto Mountains of Southern California. Being limited to a small geographic area makes them vulnerable to potential impacts and particularly susceptible to localized extinction (Grismer, et al. 2022). The forest between Crestline and the Snow Valley Ski Resort has long been considered the best southern rubber boa habitat in the San Bernardino Mountains (Stewart, 1991). The proposed Project area directly overlaps with this prolific habitat. The IS/MND does not address the loss and degradation of southern rubber boa habitat overtime as a Cumulative Impact. An MND is only appropriate when there is no substantial evidence that the Project may have a significant effect on the environment. The mortality of southern rubber boas and loss and degradation of their habitat could require a mandatory finding of significance by the County (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for Project activities to negatively impact southern rubber boa, CDFW recommends the County conduct focused surveys following methodology agreed upon by CDFW and include any survey findings, impact assessments, and any necessary mitigation measures in a revised CEQA document. If the County elects not to follow this approach, CDFW recommends the County include the following additional mitigation measure prior to adoption of the CEQA document:

MM BIO-[F]: Southern Rubber Boa

Suitable habitat for Southern Rubber boa occurs throughout the Project site. As a result, Permittee shall ensure that impacts to southern rubber boa(s) are fully avoided through the implementation of CDFW-approved surveys and a protection plan that includes ongoing monitoring and establishment of avoidance measures. Because southern rubber boa are difficult to detect and the Project cannot ensure complete avoidance, the Project shall obtain CESA authorization prior to initiation of Project activities. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP), a consistency determination, or other permitting options (Fish and G. Code, §§ 2080.1, 2081, subds. (b), (c)). CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. To compensate for the degradation and/or loss of southern rubber boa habitat, the Project shall, no less than 3 months prior to the initiation of Project activities, acquire, permanently protect (through recordation of a conservation easement), and perpetually manage (through a long-term management plan and non-wasting endowment), suitable replacement habitat within the San Bernardino Mountains at *no less* than a 3:1 (mitigation-to-impact) ratio, to be determined by CDFW to ensure impacts to southern rubber boa are fully mitigated, pursuant to CESA.

COMMENT #7: Arroyo Toad

IS/MND Document, Appendix A1: Biological Resources Assessment, Section 4.2.2, Page #11

Issue: CDFW is concerned that the MND does not sufficiently identify Project impacts to arroyo toad or ensure that impacts are reduced to a level less than significant.

Specific impact: The Biological Resources Assessment (p. 11) states “The riparian plant community within the project site has the potential to provide suitable habitat for amphibian species known to occur within the San Bernardino Mountains. Common amphibian species that could potentially occur onsite include arroyo toad”. CDFW is concerned about the impacts to arroyo toad that could occur as a result of Project activities.

Evidence impact would be significant: Consistent with CEQA Guidelines, Section 15380, arroyo toad is a California Species of Special Concern and is an endangered species pursuant to the federal Endangered Species Act.

Recommended Potentially Feasible Mitigation Measure: Because of the potential for Project activities to negatively impact arroyo toad, CDFW recommends the County complete surveys according to the measure below and include any survey findings, impact assessments, and any necessary mitigation measures in a revised CEQA document. If the County elects not to follow this approach, CDFW recommends the County include the following additional mitigation measure prior to adoption of the CEQA document:

MM BIO-[G]: Arroyo Toad

Prior to Project activities, a qualified biologist shall complete necessary surveys, impact assessments, and associated reports within all locations subject to Project site activities following the protocols provided within the *Survey Protocol for the Arroyo Toad* (USFWS 1999). The results of the survey shall be sent to CDFW and USFWS within one week of survey completion. If arroyo toads are identified, additional avoidance and minimization measures shall be established and implemented prior to the initiation of Project activities and in coordination with CDFW and USFWS. In addition, access path use shall occur during daylight hours (from 2 hours after sunrise to 2 hours before sunset) when amphibians are less frequent and no Project activities shall take place during the arroyo toad breeding season (March 1–July 31) within suitable arroyo toad breeding habitat.

COMMENT #8: Crotch’s Bumble Bee

IS/MND Document, Appendix A1: Biological Resources Assessment, Table C-1

Issue: CDFW is concerned that the MND does not sufficiently identify Project impacts to Crotch’s bumble bee or ensure that impacts are reduced to a level less than significant.

Specific Impact: Appendix A1 (Table C-1) states that the Project site does not contain suitable habitat for Crotch’s bumble bee. However, Crotch’s bumble bee has been recently sighted within the Project vicinity as reported on various citizen scientist platforms. Based on review of recent sightings and review of the property on Google Earth, it appears that suitable habitat for Crotch’s bumble bee is present. However, surveys were not conducted as part of the MND nor were any measures for avoidance, minimization, or mitigation offered. The Project may result in temporal and permanent loss of suitable nesting and foraging habitat for Crotch’s bumble bee. Project ground-disturbing activities and vegetation removal may cause death or injury of adults, eggs, and larva, burrow collapse, nest abandonment, and reduced nest success. Despite the presence of suitable Crotch’s bumble bee habitat on site, the MND does not provide information as to what criteria would be used to conclude that the species is not present. Without adequate presence/absence surveys, ground disturbance and vegetation removal associated with Project implementation could result in impacts to the species. Project activities may result in temporal or permanent loss of colonies, and suitable nesting and foraging habitat.

Evidence impact would be significant: Crotch's bumble bee is a Candidate Endangered species under CESA. As a Candidate species, Crotch's bumble bee receives the same legal protection as Endangered or Threatened species under CESA (Fish & G. Code, § 2085). Accordingly, Crotch's bumble bee meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380). Therefore, take of Crotch's bumble bee could require a mandatory finding of significance by the County (CEQA Guidelines, § 15065).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for Project activities to negatively impact Crotch's bumble bee, CDFW recommends the County complete surveys according to the measure below and include any survey findings, impact assessments, and any necessary mitigation measures in a revised CEQA document. If the County elects not to follow this approach, CDFW recommends the County include the following additional mitigation measure prior to adoption of the CEQA document:

MM BIO-[H]: Crotch's Bumble Bee

Within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with Crotch's bumble bee shall perform surveys to determine the presence/absence of Crotch's bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1. Survey results, including negative findings, should be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report should provide the following: A) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee, showing surveyor(s) track lines to document that the entire site was covered during field surveys. B) Field survey conditions that include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched. C) Map(s) showing the location of individuals and nests/colonies. D) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each individual and nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species). If Crotch's bumble bee is detected, the Project shall obtain CESA authorization prior to initiation of Project activities. CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP.

COMMENT #9: Lake and Streambed Alteration (LSA) Agreement

IS/MND Document, Appendix A1: Biological Resources Assessment, Section 4.6, Page #13-15

Issue: The MND does not include mitigation measures to avoid or reduce impacts to streams and the associated resources to a level less than significant.

Specific impact: The Biological Resources Assessment (p. 13) states "Three perennial drainage features and four ephemeral drainage features were observed within the boundaries of the project site during the field delineation." Potential direct and indirect impacts to the streams and associated fish and wildlife resources resulting from Project activities are subject to notification under Fish and Game Code section 1602.

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. 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. It may also apply to work undertaken within the flood plain of a body of water. Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify the Project that would eliminate or reduce harmful impacts to fish and wildlife resources. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code § 21065). Early consultation with CDFW is recommended since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To submit a Lake or Streambed Alteration notification, visit: https://wildlife.ca.gov/Conservation/Environmental-Review/LSA .

Recommended Potentially Feasible Mitigation Measure: Because of the potential for impacts to resources subject to Fish and Game Code section 1602, CDFW recommends the County include the following additional mitigation measure in a revised CEQA document to ensure that impacts to streams and associated fish and wildlife are reduced to a level less than significant:

MM BIO-[I]: CDFW's Lake and Stream Alteration (LSA) Program

Prior to Project activities and issuance of any grading permit, the Project shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, *or* the Project shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

COMMENT #10: Construction Noise

IS/MND Document, Section #4.13, Page #126-133

Issue: The MND does not include an assessment of the impacts of construction noise on biological resources. Additionally, the MND does not include mitigation measures to avoid or reduce impacts to biological resources from construction noise to a level less than significant.

Specific impact: The MND (p. 127, Table 16: Typical Construction Equipment Noise Levels) indicates that noise levels will range between 76 and 88 dBA at 50 feet from Source. CDFW is concerned that the MND does not acknowledge or assess the impacts to biological resources that have potential to occur due to construction noise. Direct and indirect impacts may occur to nesting birds and other wildlife using habitat within and near the Project site.

Evidence impact would be significant: Construction may result in substantial noise through road use, equipment, and other Project-related activities. This may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55 to 60 dB (Barber et al. 2009). Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cures (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for construction noise to negatively impact wildlife, CDFW recommends a revised CEQA document include a noise impact assessment and an analysis of impacts to biological resources accompanied by specific avoidance and minimization measures to ensure that impacts to wildlife are avoided or reduced to less than significant. Absent the completion of an analysis prior to the adoption of the CEQA document, CDFW recommends adding the following mitigation measure prior to adoption of the CEQA document:

MM BIO-[J]: Construction Noise

During all Project construction, the Project shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The Project shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.

COMMENT #11: Artificial Nighttime Lighting

IS/MND Document, Section #4.1 Page #54-55

Issue: The MND does not analyze impacts to biological resources from artificial nighttime lighting and includes no mitigation measures to avoid or reduce impacts to biological resources to a level less than significant.

Specific impact: The MND (p. 54-55) states construction will occur "between the hours of 7:00 a.m. to 7:00 p.m." and "Once operational, the buildings would use interior and exterior lighting." The MND does not provide any details regarding the use of artificial nighttime lighting or the impacts to biological resources resulting from the use of artificial nighttime lighting during construction and operation of the Project, and no mitigation measures are proposed. Designs for lighting to be used during operation of the Project should be included in a revised MND, along with details of artificial nighttime lighting to be used during construction. The direct and indirect impacts of artificial nighttime lighting on biological resources including migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife should be analyzed, and appropriate avoidance and minimization measures to reduce impacts to less than significant should be included in a revised MND.

Evidence impact would be significant: Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation (Gatson et al. 2013). Many species use photoperiod cues for communication including bird song (Miller 2006), determining when to begin foraging (Stone et al. 2009), behavioral thermoregulation (Beiswenger 1977), and migration (Longcore & Rich 2004). Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore & Rich 2004).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for artificial nighttime lighting to negatively impact wildlife, CDFW recommends a revised CEQA document include a light impact assessment and an analysis of impacts to biological resources accompanied by specific avoidance and minimization measures to ensure that impacts to wildlife are avoided or reduced to less than significant. Absent the completion of an analysis and inclusion of additional measures prior to the adoption of the CEQA document, CDFW recommends adding the following mitigation measure prior to adoption of the CEQA document:

MM BIO-[K]: Artificial Nighttime Lighting

During Project construction and operations over the lifetime of the Project, the Project shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The Project shall ensure that all lighting for the Project is fully shielded, cast downward and away from surrounding open-space areas, reduced in intensity to the greatest extent, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). San Bernardino County shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

COMMENT #12: Indirect Impacts from Maintenance Activities

Issue: The IS/MND fails to analyze the long-term indirect impacts of increased capacity, use and footprint of the camp on biological resources. Most notably, it is reasonably foreseeable that the camp will need to control rodent populations in and near the new facilities. Many facilities opt to use bait stations with anticoagulant rodenticide as a means to control rodents.

Specific impact: Both California spotted owl and southern rubber boa feed on rodents. Most rodent baits used in bait stations are multiple-dose rodenticides designed to feed rodents multiple times over several days in order for the rodenticide to build up to lethal levels. The rodents exposed to rodent bait may be preyed upon California spotted owl and southern rubber boa leading to non-target exposure of anticoagulants to these special-status species and other wildlife. Introducing rodenticide to the environment where California spotted owl and southern rubber boa occur present a reasonable foreseeable indirect impact to the environment.

Evidence impact would be significant: Consistent with CEQA Guidelines, Section 15380, California spotted owl is a California Species of Special Concern, and the Coastal-Southern California Distinct Population Segment is proposed for listing as an endangered species under the federal Endangered Species Act. Spotted owls have been characterized as central-place foragers, where individuals forage over a wide area and subsequently return to a nest or roost location that is often centrally-located within the home range (Rosenberg and McKelvey, 1999). They require large blocks (100-600 acres) of mature forest with suitable nesting trees and snags (Forsman, 1976). California spotted owls are highly sensitive to habitat destruction; the greatest threats to California spotted owl include the loss, degradation, and fragmentation of habitat (Forsman, 1976). Southern rubber boa is a threatened species pursuant to the California Endangered Species Act (Fish & G. Code, §§ 2050 et seq.). CESA prohibits the take (under Fish & G. Code, § 86, "take" means to hunt, pursue, catch, capture, or kill, or to attempt to hunt, pursue, catch, capture, or kill) of any endangered, threatened, or candidate species that results from a proposed Project, except as authorized by state law (Fish & G. Code, §§ 2080, 2085).

Recommended Potentially Feasible Mitigation Measure: Because of the potential for camp use, operations, and maintenance activities to negatively impact special-status species and other wildlife, CDFW recommends a revised CEQA document include an impact assessment for operations and maintenance activities and an analysis of impacts to biological resources accompanied by specific avoidance and minimization measures to ensure that impacts to wildlife are avoided or reduced to less than significant. Absent a thorough analysis of the potential impacts related to maintenance, CDFW recommends adding the following mitigation measure prior to adoption of the CEQA document:

MM BIO-[L]: Avoidance of Rodenticide

Rodenticide shall not be used during Project construction, operations, and maintenance of the camp to avoid introducing rodenticides to the environment and exposing non-target species to anticoagulants and other poisons.

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 (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/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 San Bernardino County, Land Use Services Department in identifying and mitigating Project impacts on biological resources. CDFW concludes that the MND lacks sufficient information for the Hume SoCal Expansion Project because it does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. A Mitigated Negative Declaration is only appropriate where there is no substantial evidence that the proposed Project may have a significant effect on the environment. As discussed in sections above, this Project may result in significant effects on the environment through habitat destruction and degradation, including degradation and loss of high-quality habitat upon which multiple protected species rely on.

The CEQA Guidelines indicate that recirculation is required when a new significant effect is identified and additional mitigation measures are necessary (§ 15073.5). CDFW recommends that the County conduct a complete assessment of biological resources, reassess the impacts of the Project on sensitive species and habitats, and reconsider whether additional mitigation measures and analysis as described in this letter should be added and whether an MND is the appropriate document in this case.

Questions regarding this letter or further coordination should be directed to Julia Charpek, Environmental Scientist, at 909.354.0937 or Julia.Charpek@wildlife.ca.gov .

Sincerely,

DocuSigned by:
Kim Freeburn
84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

Eric Kawamura-Chan, Senior Environmental Scientist (Supervisor), CDFW
Eric.Chan@wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
State.clearinghouse@opr.ca.gov

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Attachment 1: Mitigation Monitoring and Reporting Program (MMRP) for Biological Resources

Mitigation Measure (MM) Description	Implementation Schedule	Responsible Parties
Mitigation Measure BIO-[A]: Assessment of Biological Resources Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition of Endangered, Rare or Threatened Species (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological surveys for wildlife to be valid for a one-year period, and surveys for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.	Prior to Project construction activities	San Bernardino County, Land Use Services Department
MM BIO-[B]: Special-Status Plants Prior to Project initiation, a thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (see https://www.wildlife.ca.gov/Conservation/Plants) shall be performed by a qualified biologist. Should any state-listed plant species be present in the Project area, the Project proponent shall obtain appropriate CESA authorization for those species prior to the start of Project activities. Should other special-status plants or natural communities be present in the Project area, on-site or off-site habitat restoration (whichever is applicable) and/or enhancement and preservation should be evaluated and discussed in detail. Where habitat preservation is not available on-site, off-site land acquisition, management, and preservation should be evaluated.	Prior to Project construction activities	San Bernardino County, Land Use Services Department
MM BIO-[C]: Nesting Birds Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.	No more than 3 days prior to vegetation clearing or ground-disturbing activities	San Bernardino County, Land Use Services Department
MM BIO-[D]: Bald Eagle and Golden Eagle Breeding Surveys Prior to Project activities, a qualified biologist shall conduct focused breeding surveys for bald eagle and golden eagle, following appropriate protocols: CDFW's Bald Eagle Nesting Territory Survey Form and Instructions (2010) and USFWS Interim Golden Eagle Inventory and Monitoring Protocols (Pagel et al. 2010). If nesting eagles are detected during the focused surveys, the qualified biologist and San Bernardino County shall coordinate with CDFW to develop avoidance and minimization measures to be reviewed by CDFW. Project disturbances will not occur within 0.5 mile of the active nest sites during breeding season (December 30 through July 1) or any disturbance if that action is shown to disturb the nesting eagles. The 0.5 mile no disturbance buffer will be maintained throughout the breeding season or until the young have fledged and are no longer dependent on the nest or parental care for survival.	Prior to Project construction activities	San Bernardino County, Land Use Services Department
MM BIO-[E]: California Spotted Owl Prior to Project activities, a qualified biologist shall complete necessary surveys, impact assessments, and associated reports following the protocols provided within the Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls (USFWS, 2012). The Project shall not conduct any Project activities during the California spotted owl nesting season (February 1 to August 15) if owls could be present. California spotted owl	Prior to Project construction activities	San Bernardino County, Land Use Services Department

nesting and/or roosting habitat is identified within 0.25 miles of Project site activities. Therefore, the Project shall develop a plan to completely avoid impacts to the species and submit it to CDFW for review and approval prior to commencing Project activities. Prior to Project activities, the qualified biologist shall evaluate the Project site and surrounding area for any known California spotted owl Activity Centers using CDFWs Spotted Owl Database (https://wildlife.ca.gov/Data/CNDDB/Spotted-Owl-Info). No Project activities shall occur within 0.25 miles from known California spotted owl Activity Center(s). These buffers should be maintained during the breeding season and until surveys that support probable absence, non-nesting, nest failure, or fledgling flight can be conducted. To compensate for the degradation and/or loss of California spotted owl habitat, the Project shall, no less than 3 months prior to the initiation of Project activities, acquire, permanently protect (through recordation of a conservation easement), and perpetually manage (through a long-term management plan and non-wasting endowment), suitable replacement habitat within the San Bernardino Mountains at no less than a 3:1 (mitigation-to-impact) ratio.		
MM BIO-[F]: Southern Rubber Boa Suitable habitat for Southern Rubber boa occurs throughout the Project site. As a result, Permittee shall ensure that impacts to southern rubber boa(s) are fully avoided through the implementation of CDFW-approved surveys and a protection plan that includes ongoing monitoring and establishment of avoidance measures. Because southern rubber boa are difficult to detect and the Project cannot ensure complete avoidance, the Project shall obtain CESA authorization prior to initiation of Project activities. Appropriate authorization from CDFW may include an Incidental Take Permit (ITP), a consistency determination, or other permitting options (Fish and G. Code, §§ 2080.1, 2081, subds. (b), (c)). CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. To compensate for the degradation and/or loss of southern rubber boa habitat, the Project shall, no less than 3 months prior to the initiation of Project activities, acquire, permanently protect (through recordation of a conservation easement), and perpetually manage (through a long-term management plan and non-wasting endowment), suitable replacement habitat within the San Bernardino Mountains at *no less* than a 3:1 (mitigation-to-impact) ratio, to be determined by CDFW to ensure impacts to southern rubber boa are fully mitigated, pursuant to CESA.	Prior to Project construction activities	San Bernardino County, Land Use Services Department
MM BIO-[G]: Arroyo Toad Prior to Project activities, a qualified biologist shall complete necessary surveys, impact assessments, and associated reports within all locations subject to Project site activities following the protocols provided within the Survey Protocol for the Arroyo Toad (USFWS 1999). The results of the survey shall be sent to CDFW and USFWS within one week of survey completion. If arroyo toads are identified, additional avoidance and minimization measures shall be established and implemented prior to the initiation of Project activities and in coordination with CDFW and USFWS. In addition, access path use shall occur during daylight hours (from 2 hours after sunrise to 2 hours before sunset) when amphibians are less frequent and no Project activities shall take place during the arroyo toad breeding season (March 1–July 31) within suitable arroyo toad breeding habitat.	Prior to Project construction activities	San Bernardino County, Land Use Services Department
MM BIO-[H]: Crotch's Bumble Bee Within one year prior to vegetation removal and/or grading, a qualified entomologist familiar with Crotch's bumble bee shall perform surveys to determine the presence/absence of Crotch's bumble bee. Surveys should be conducted during flying season when the species is most likely to be detected above ground, between March 1 to September 1. Survey results, including negative findings, should be submitted to CDFW prior to implementing Project-related ground-disturbing activities. At minimum, a survey report should provide the following: A) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee, showing surveyor(s) track lines to document that the entire site was covered during field surveys. B) Field survey conditions that include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched. C) Map(s) showing the location of individuals and nests/colonies. D) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each individual and nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species). If Crotch's bumble bee is detected, the Project shall obtain CESA authorization prior to initiation of Project activities. CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP.	Prior to Project construction activities	San Bernardino County, Land Use Services Department
MM BIO-[I]: CDFW's Lake and Stream Alteration (LSA) Program Prior to Project activities and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of	Prior to Project construction activities and	San Bernardino County, Land

Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.	issuance of any grading permit	Use Services Department
MM BIO-[J]: Construction Noise During all Project construction, San Bernardino County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The County shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.	During all Project construction	San Bernardino County, Land Use Services Department
MM BIO-[K]: Artificial Nighttime Lighting During Project construction and operations over the lifetime of the Project, San Bernardino County shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. San Bernardino County shall ensure that all lighting for the Project is fully shielded, cast downward and away from surrounding open-space areas, reduced in intensity to the greatest extent, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). San Bernardino County shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.	During all Project construction and the lifetime of the Project	San Bernardino County, Land Use Services Department
MM BIO-[L]: Avoidance of Rodenticide Rodenticide shall not be used during Project construction, operations, and maintenance of the camp to avoid introducing rodenticides to the environment and exposing non-target species to anticoagulants and other poisons.	During all Project construction and the lifetime of the Project	San Bernardino County, Land Use Services Department