



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 31, 2025
Sent via email

Leilani Henry
Associate Planner
City of Hesperia
9700 Seventh Avenue,
Hesperia, CA 92345

Subject: Desert Breeze 12 Unit Condominium Project (Project)
Mitigated Negative Declaration (MND)
SCH# 2025120248

Dear Leilani Henry:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Hesperia for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines¹.

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.

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.

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: Adam Musavvir, Diamond Hills Investments

Objective: The Project will construct 12 condominium units on a 1-acre parcel through construction of 2 buildings. Each building will include 6 condominium units and include 5 two-level units with 1,102 square feet (sf) of total floor space, a 128-sf private patio, and 1 one-level unit with 1,842 sf of total floor space, and a 290-sf private patio. Each unit will include 3 bedrooms and a 2-car garage. The Project will also include: the creation of a driveway for ingress and egress with two-lanes 26 feet wide, the creation of a 2,400 sf "tot-lot", and open space on the south side of the Project near the ingress entrance with covered pavilion seating, and a water/sewer connection derived from Lime Street and Avenue C. Primary Project activities include: grading of the entire Project site; footing construction; underground infrastructure; utility connections during grading activities; building construction; and paving, painting and landscaping.

Location: The Project is located in the City of Hesperia, County of San Bernardino, State of California. The Project is located on the north side of Lime Street on Assessor's Parcel Number 0410-242-27. The Project is centered approximately at latitude 34.40572915337 and longitude -117.29759044653.

Timeframe: The Project is anticipated to start August 2026 with construction estimated to last 5 months. The Project is expected to be completed by January 2027.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist City of Hesperia 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: Crotch's Bumble Bee (*Bombus crotchii*)

Issue: The MND does not consider potential impacts to Crotch's bumble bee, a candidate species protected under CESA. The Project site contains California buckwheat (*Eriogonum fasciculatum*), which is known foraging habitat for Crotch's bumble bee. CDFW recognizes that the Project site is located within development and while the probability is low, Crotch's bumble bee has the potential to occur on site and thus the Project has the potential to result in impacts to Crotch's bumble bee.

Specific impact: The Project may result in take of Crotch's bumble bee. California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill".

Why impact would occur: Impacts to the species may occur during the removal of vegetation, such as Crotch's bumble bee host plants (i.e., California buckwheat). Furthermore, California Natural Diversity Database (CNDDB) confirms recent occurrences of Crotch's bumble bee within 5 miles of the Project site, where Crotch's bumble bee was observed foraging on California buckwheat. The Biological Resources Assessment also mentions that burrows are present onsite and were likely created by white-tailed antelope squirrel or California ground squirrel, and it is known that Crotch's bumble bee nests in ground cavities including abandon rodent burrows.

Evidence impact would be significant: CDFW considers the direct and indirect take of Crotch's bumble bee, and the loss of the species' habitat, as a significant impact unless mitigated to a level of less than significant. Currently, the MND does not include any measures to avoid, minimize, or mitigate impacts to Crotch's bumble bee.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the adoption of the following measure to ensure to Crotch's Bumble Bee is absent from the Project site:

BIO Mitigation No. 3 (New)

Prior to vegetation removal and/or grading, a qualified biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.

If habitat for Crotch's bumble bee is present, the qualified biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch's bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. Surveys

shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. If the species is identified on site, Project Proponent shall fully avoid impacts to the species. If the Project may result in take of Crotch's bumble bee, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

COMMENT #2: Bio Mitigation No. 1

CDFW appreciates the inclusion of Bio Mitigation No. 1. While the potential for desert tortoise (*Gopherus agassizii*) occurring on the Project site is very low, CDFW is particularly concerned with potential impacts to western burrowing owl (*Athene cunicularia*), a candidate species under CESA. CDFW offers minor edits to Bio Mitigation No. 1 (edits are in **bold** and ~~strikethrough~~) to ensure western burrowing owl is detected appropriately.

BIO Mitigation No. 1

Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds ~~protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code may need to~~ **shall** be conducted prior to the commencement of future ground disturbance.

a. Appropriate survey methods and time frames shall be established, to ensure that chances of detecting the target species are maximized. **For example, for western burrowing owl the CDFW Staff Report on Burrowing Owl Mitigation⁴ (CDFG, 2012 or most recent version) shall be used.** In the event that listed **or candidate** species, such as the desert tortoise **or western burrowing owl**, are encountered, authorization **for impacts** from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures, **such as an appropriate buffer determined by a qualified biologist** shall be implemented to ensure that nests are not disturbed until after **the qualified biologist confirms that the young have fledged.**

b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.

COMMENT #3: Bio Mitigation No. 2

Western Joshua tree (*Yucca brevifolia*) is present on the Project site and thus CDFW appreciates the inclusion of Bio Mitigation No. 2, which requires an Incidental Take Permit (ITP) for take of western Joshua tree, a candidate species under CESA. CDFW would like to note that depending on the distance of western Joshua tree adjacent to the Project site, the Project may result in take of these western Joshua tree; for example, through severing the roots. For this reason, CDFW requests that pursuant to a Western Joshua Tree Conservation Act (WJTCA) ITP, a census for all western Joshua tree on the Project site and within 50-feet of the Project site be conducted and provided with the WJTCA ITP application. Furthermore, while Bio Mitigation No. 2 considers mitigation fees, please note that mitigation fees are subject to change annually.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Steven Recinos, Environmental Scientist at (909) 731-5954 or Steven.Recinos@wildlife.ca.gov.

Leilani Henry, Associate Planner
City of Hesperia
December 31, 2025
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Sincerely,

DocuSigned by:

Cindy Castaneda

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For Alisa Ellsworth
Environmental Program Manager

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

ATTACHMENTS

Attachment A: Mitigation Monitoring and Reporting Plan

REFERENCES

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

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

Attachment A
Mitigation Monitoring and Reporting Plan

Biological Mitigation Measure		Timing	Responsible Party
BIO Mitigation No. 3	Prior to vegetation removal and/or grading, a qualified biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee. If habitat for Crotch's bumble bee is present, the qualified biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch's bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. If the species is identified on site, Project Proponent shall fully avoid impacts to the species. If the Project may result in take of Crotch's bumble bee, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.	Prior to commencing ground- or vegetation-disturbing activities.	Qualified Biologist

BIO Mitigation No. 1.	Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds shall be conducted prior to the commencement of ground disturbance. a. Appropriate survey methods and time frames shall be established, to ensure that chances of detecting the target species are maximized. For example, for western burrowing owl the CDFW Staff Report on Burrowing Owl Mitigation⁴ (CDFG, 2012 or most recent version) shall be used. In the event that listed or candidate species, such as the desert tortoise or western burrowing owl, are encountered, authorization for impacts from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures, such as an appropriate buffer determined by a qualified biologist shall be implemented to ensure that nests are not disturbed until after the qualified biologist confirms that the young have fledged. b. Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.	Prior to commencing ground- or vegetation-disturbing activities.	Qualified Biologist
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