



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
VALERIE TERMINI, Acting Director



February 11, 2026
Sent via email.

Amy Rossig
San Bernardino County
Land Use Services Department, Planning Division
385 N. Arrowhead Ave. 1st Floor
San Bernardino, CA 92415
Amy.Rossig@WeAreHarris.com

Subject: Glacier Power & Gas Solar (Project)
Mitigated Negative Declaration (MND)
SCH# 2026010238

Dear Amy Rossig:

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 to 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: Glacier Power and Gas, LLC

Objective: The Project Proponent has submitted an application to San Bernardino County for a Conditional Use Permit (CUP 2022-00081) for a proposed 10 megawatt (MW)

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.

photovoltaic (PV) solar energy-generating facility on approximately 24.12 acres. The Project will consist of solar arrays, access roads, fencing, electrical transformers, and other miscellaneous connecting infrastructure. A 26-foot perimeter road will surround the arrays, with 20-foot interior access roads every 300 feet throughout the arrays. All on-site electrical cables will be in buried conduit. Construction activities would include grading, trenching, and placing components securely.

Location: The Project is located in the community of Yermo, in unincorporated San Bernardino County, approximately 0.2 mile south of the I-15 Freeway, on Calico Boulevard approximately one mile west of Minneola Road, on Assessor's Parcel Number (APN) 0538-161-29.

Timeframe: The Project is anticipated to be operational within one year of starting construction.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

COMMENT #1: Project Description

MND, Page 11

Issue: The MND states that the facility will be connected to the grid via elevated electrical lines, and that the applicant has entered into an agreement with Southern California Edison (SCE) to bring the necessary transmission lines to the Project site. Approvals related to the construction of these lines will be initiated and obtained by SCE as a separate project. The MND does not provide further explanation, and it is unclear whether the transmission lines would result in additional impacts to biological resources.

Evidence impact would be significant: CEQA is predicated on a complete and accurate description of the proposed Project, including reasonably foreseeable future phases of the proposed Project. Without a complete and accurate Project description, the MND likely provides an incomplete assessment of Project-related impacts to biological resources.

CDFW Recommendations: The MND should provide additional information regarding the agreement with SCE, including where and how the Project will connect to the grid, as well as potential associated impacts.

COMMENT #2: Assessment of Biological Resources and Special-Status Species

MND Section IV, Pages 28-30 and Appendix C: Biological Resources Assessment

Issue: CDFW is concerned that the MND has not adequately described or fully established the biological resources onsite, limiting the County's and CDFW's ability to analyze the Project's potential impacts, avoidance, and/or mitigation measures on candidate, sensitive, or special status species, including desert tortoise (*Gopherus agassizii*) and burrowing owl (*Athene cunicularia*).

The MND bases its analysis of impacts to biological resources on reconnaissance-level surveys conducted on July 30 and July 31, 2023. CDFW generally considers field assessments for wildlife to be valid for a one-year period, and assessments for plants to be valid for a period of up to three years. Recent studies during the appropriate times of the year are needed to inform and identify potential impacts to biological resources; inform appropriate avoidance, minimization, and mitigation measures; and to determine whether impacts to biological resources have been mitigated to a level that is less than significant.

Specific impact: Potential Project impacts to candidate or special-status species may be mischaracterized, resulting in avoidable, unminimized, or unmitigated impacts not analyzed by the MND (e.g., potential take of special-status species and loss of habitat).

Why impact would occur: Absent appropriate avoidance and minimization measures, Project implementation could result in direct mortality and/or injury to special-status species through staging of construction equipment, vehicles, and foot traffic and in the loss of nesting and/or foraging habitat from grading, ground disturbance, and vegetation clearing.

Evidence impact would be significant: 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. 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.

CDFW Recommendations: The MND should include a Project impact analysis on each sensitive species based on professionally accepted survey methodologies, including but not limited to desert tortoise and burrowing owl. Further recommendations for resource-specific mitigation measures are detailed in the sections below.

COMMENT #3: Desert Tortoise (*Gopherus agassizii*)

MND Section IV, Page 29

Issue: The Project site lies within the range of and contains potentially suitable habitat for desert tortoise, a CESA-endangered species. The MND states that because the site is located within designated critical habitat, protocol surveys were conducted using the 2018 USFWS Desert Tortoise Protocol. However, the Biological Resources Assessment does not indicate when these surveys were conducted or provide any additional information regarding these surveys, and it is unclear if they were completed concurrently with the reconnaissance surveys. If concurrent, the survey was not completed according to protocol.

Specific impact: Project activities may result in degradation and permanent loss of desert tortoise habitat and may also result in direct mortality and/or injury to desert tortoise onsite.

Why impact would occur: Staging of construction equipment, vehicles, and foot traffic may result in the collapse of occupied burrows and result in direct mortality and/or injury to desert tortoise. Project construction and operation may result in collision with or crushing by vehicles or heavy equipment; entrapment within open trenches and pipes; entrapment or entanglement within materials and equipment staged and moved; crushing or burial of individuals or eggs in burrows; destruction of burrows and refugia; and increased predation.

Evidence impact would be significant: Desert tortoise was recently uplisted from a threatened to endangered species under CESA. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and G. Code, §§ 2081 & 2085). Consequently, if a project, including project construction or any project-related activity during the life of the project results in take of a CESA-listed species, CDFW recommends that the Project Proponent seek appropriate authorization prior to project implementation. This may include an incidental take permit (ITP) (Fish and G. Code, §§ 2081.1 & 2081.)

Desert tortoise is continuously impacted by ongoing loss, degradation, and fragmentation of habitat. Desert tortoise populations have declined significantly in recent decades as a result of human activities in their native habitat including land development, off-road vehicle use, overgrazing, agricultural development, military activities, predation, and the spread of invasive plant species. Desert tortoises can take up to 20 years to reach sexual maturity, which limits their ability to recover from even small losses in population numbers.

Recommended Potentially Feasible Mitigation Measure(s) to reduce impacts to less than significant: CDFW recommends the County replace Mitigation Measure BIO-1 with the following measures for desert tortoise (edits are in ~~strikethrough~~ and additions are in **bold**).

Mitigation Measure BIO-1: Desert Tortoise Survey. ~~Although desert tortoise was absent from the site during the survey, there is suitable habitat within the southeast corner of the parcel. As such, it is recommended that pre-construction surveys be completed for this species prior to any ground-disturbing activities. These activities should be conducted by a qualified biologist and at an appropriate time of day/year to observe signs of desert tortoise. Surveys should also be conducted using the current survey protocol from the USFWS.~~ **Prior to ground disturbance or vegetation clearing within the Project site, a CDFW-approved biologist shall conduct a protocol level presence or absence survey within the Project area and a 500-foot buffer of suitable habitat, no more than 48 hours prior to Project activities and after any pause in Project activities lasting 30 days or more, in accordance with the most recent U.S. Fish and Wildlife (USFWS) desert tortoise survey methodology. The survey shall use perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Preconstruction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Results of the survey shall be submitted to CDFW prior to the start of Project activities. If the survey confirms absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If desert tortoise are documented inhabiting the Project Site during presence/absence surveys individuals will be allowed to leave on their own and MM BIO-1b (NEW) shall be implemented.**

Mitigation Measure BIO-1b (NEW): Desert Tortoise Avoidance. If pre-construction desert tortoise surveys (MM BIO-1) confirm presence, the Project Proponent shall develop and submit to CDFW for review and approval a desert tortoise-specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take of desert tortoises. If complete avoidance cannot be achieved, the Project Proponent shall not undertake Project activities, and Project activities shall be postponed until the Project Proponent obtains appropriate authorization (i.e., CESA incidental take permit under the Fish and Game Code section 2081).

COMMENT #4: Burrowing Owl (*Athene cunicularia*)

MND Section IV, page 29

Issue: On October 25, 2024, burrowing owl was designated as a candidate CESA-listed species. The Project site is within the range of and contains suitable habitat for burrowing owl and could impact the species and its habitat. The biological survey that was conducted in July of 2023 concurrent with other biological resource surveys is not sufficient in timing and scope to detect burrowing owl.

Specific impact: Project activities may result in degradation and permanent loss of burrowing owl habitat and may also result in direct mortality and/or injury to burrowing owl onsite. CDFW is concerned that the MND does not sufficiently identify Project impacts to burrowing owl nor ensure that impacts are mitigated to a level that is less than significant.

Why impact would occur: Absent a focused survey for the species, western burrowing owls and burrows may go undetected, and ground disturbance, site

preparation, and grading could destroy habitat and result in take of burrowing owl. Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, and evicting them from nesting, roosting, and satellite burrows may lead to indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG, 2012). CDFW considers habitat to be occupied when at least one burrowing owl, or its sign at or near a burrow entrance, is observed within the last three years.

Evidence impact would be significant: Habitat loss is a threat to burrowing owls (CDFG, 2012). Burrowing owls are dependent on burrows at all times of the year for survival and/or reproduction, and evicting them from nesting, roosting, or satellite burrows may lead to indirect impacts or take. Loss of access to burrows will likely result in varying levels of increased stress on burrowing owls and could depress reproduction, increase predation, increase energetic costs, and introduce risks posed by having to find and compete for available burrows (CDFG, 2012). Burrowing owls are also dependent on adjacent habitat, and forage within 600 meters of nest burrows (Rosenberg and Haley, 2004).

As a candidate species, western burrowing owls are granted full protection of a threatened species under CESA. If Project activities could result in take (defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill"), appropriate CESA authorization (i.e., incidental take permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities. CESA allows CDFW to authorize project proponents to take state-listed threatened, endangered, or candidate species if certain conditions are met (take must be incidental to an otherwise lawful activity, the issuance of a permit cannot jeopardize the continued existence of the species, and the impacts must be minimized and fully mitigated).

Recommended Potentially Feasible Mitigation Measure: CDFW supports the inclusion of Mitigation Measure BIO-2, with the following revisions:

Mitigation Measure BIO-2: Burrowing Owl Survey: ~~A Burrowing Owl Protocol Survey shall be conducted by a qualified biologist prior to any ground disturbance activities. Surveys shall be completed following the recommendations and guidelines provided within the Burrowing Owl Survey Instructions of the 2012 BUOW Staff Report provided by the CDFW. Surveys should be conducted during weather that is conducive to observing owls outside their burrows and detecting burrowing owl signs. Surveys will not be accepted if they are conducted during rain, high winds (>12.5 mph), dense fog, or temperatures over 90° F. Surveys should be conducted between morning civil twilight and 10:00 AM and two hours before sunset until evening civil twilight. Count and map all burrowing owl sightings, occupied burrows, and burrows with owl sign. Record the location of all owls including numbers of pairs and juveniles and any behavior such as courtship and mating. Map the extent of all suitable habitat. It should be noted that owl signs may not be detectable if surveys are conducted within 5 days following rain. This survey is in addition to the required 30-day pre-construction survey.~~

~~30-Day Pre-Construction Survey~~

~~After protocol surveys have been completed and before any construction starts, a 30-day pre-construction survey should be conducted. Surveys shall be completed following the recommendations and guidelines provided within the 2012 BUOW Staff Report provided by CDFW.~~

One pre-construction western burrowing owl survey shall be completed by a CDFW-approved qualified biologist no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for western burrowing owl shall be conducted in accordance with protocols established in the California Department of Fish and Wildlife 2012 Staff Report on Western

burrowing owl Mitigation or current version. The surveys shall include 100 percent coverage of the Project site and 500-foot buffer in adjacent habitat. If western burrowing owls, active western burrowing owl burrows, or sign thereof are detected, the Project Proponent shall prepare and submit to CDFW for review and approval a Burrowing Owl Plan. The Burrowing Owl Plan shall describe proposed full avoidance, minimization, and monitoring actions. The Plan shall also include the number and location of occupied burrow sites, acres of western burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures.

If the Project Proponent cannot ensure western burrowing owls and their burrows are fully avoided, the Project Proponent shall consult with CDFW on next steps, including obtaining an ITP for western burrowing owl prior to initiation of ground disturbing activities.

COMMENT #5: Nesting Birds

MND Section IV, Page 29

Issue: The Project site and immediate surrounding area contains habitat for nesting birds and is therefore subject to Fish and Game Code sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

Specific impact: Project activities may result in degradation and permanent loss of nesting bird habitat and may also result in direct mortality and/or injury to nesting birds onsite.

Why impact would occur: Direct take may result from vehicle and equipment strike and from predators attracted to the construction site. Indirect take may result from displacement, reduction of habitat and habitat quality, and from impacted foraging and nesting habitat. Additionally, construction during the nesting season could potentially result in the incidental loss of breeding success or otherwise lead to nest abandonment. Noise from road use and heavy equipment may disrupt nesting bird mating calls or songs, which could impact reproductive success.

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 section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended Potentially Feasible Mitigation Measure: CDFW recommends the following revisions to Mitigation Measure BIO-3 to avoid impacts to nesting birds:

Mitigation Measure BIO-3: Nesting Bird Survey: ~~Nesting bird nesting season generally extends from February 1 through September 15 in southern California and specifically, March 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season,~~ **Regardless of time of year, a qualified CDFW-approved Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) no more than three days prior to Project-related disturbance to nestable vegetation to identify active nests. Pre-construction NBS shall also cover a 500-foot buffer around the site, as feasible, and shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior.** If no active nests are found, no further action will be required. If an active nest is found **within the Project area or within 500 feet of the Project area**, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting

species, its sensitivity to disturbance, nesting stage, and expected types, intensity, and duration of the disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field **with flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of nest areas.** ~~within which no disturbance activity shall commence~~ **The nest area shall be avoided** until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

COMMENT #6: Lake and Streambed Alteration Program

MND Section IV, Page 30 and Appendix C

Issue: The MND states that according to the Biological Resources Assessment, “no riparian vegetation exist on the Project Site or in the adjacent habitats and no drainage channels, wetlands, or vernal pools were observed on the Project Site during surveys”. CDFW is concerned that the assessment of jurisdictional features relied heavily on a desktop survey through the USGS National Hydrography Dataset for hydrological connectivity and by comparing aerial imagery with the surrounding USGS 7.5-minute topographic quadrangle maps. Such an analysis could miss ephemeral drainages which are subject to Fish and Game Code section 1602. In the Project description on page 11, the MND states that “as the existing terrain is flat, minimal grading, limited to leveling for equipment, will not alter current drainage patterns”, indicating that such ephemeral features may exist on the Project site.

Specific impact: Project activities, including grading, solar panel installation, vehicle and equipment staging, and site access could divert or obstruct stream flows; substantially alter the bed, channel, or bank of a stream; use or deposit materials subject to notification pursuant to Fish and Game Code section 1602. Absent notification, the Project could result in impacts to stream resources that should otherwise be avoided, minimized, or otherwise addressed in an agreement with CDFW.

Why impact would occur: Project implementation will result in physical changes to the landscape (e.g., grading) and could physically alter lake or streambed resources.

Evidence impact would be significant: California places great value on streams and the resources they provide. CDFW has authority over activities in rivers, streams and lakes that may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake (Fish and Game Code section 1602). For any such activities, the Project Proponent should provide written notification of Lake or Streambed Alteration (LSA) to CDFW and obtain a Lake or Streambed Alteration Agreement pursuant to Fish and Game Code section 1602.

CDFW considers the fill and permanent conversion of natural ephemeral streams to impervious surfaces a significant impact to stream resources. The conversion of natural ephemeral stream systems to impervious managed systems results in direct, permanent impacts to the physical form and function of natural stream systems and the habitats they support; increases water flow velocity; increases erosive processes downstream; removes habitat and wildlife corridors; and prohibits groundwater infiltration. Indirect effects associated with streambed conversion include increased habitat fragmentation, increased developmental encroachment on natural stream systems, and increased maintenance activities.

CDFW Recommendation: CDFW recommends that the MND include a delineation to identify stream resources subject to Fish and Game Code section 1602. Should the Project be unable to avoid impacts to stream resources, the Project Proponent will need to notify CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires any 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 similar to those referenced above.

CDFW’s issuance of an LSA Agreement is a “project” subject to CEQA (see Pub. Resources Code § 21065). To facilitate issuance of an LSA Agreement, if necessary, the MND should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. 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 obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

If it is determined that a notification is not required for the Project, the Applicant shall receive a refund of fees. If notification is required CDFW will determine if an executed LSA Agreement is needed to authorize impacts to Fish and Game Code section 1602 resources associated with the Project.

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 San Bernardino County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Rose Banks, Senior Environmental Scientist at (760) 218-0022 or Rose.Banks@wildlife.ca.gov.

Sincerely,

DocuSigned by:

4D759253408941E...

Brandy Wood
Environmental Program Manager

Attachments

Attachment A: Mitigation Monitoring and Reporting Program for CDFW-Proposed Measures

Amy Rossig
San Bernardino County
February 11, 2026
Page 9 of 9

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



Attachment A

Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM BIO-1: <u>Desert Tortoise Survey.</u> Prior to ground disturbance or vegetation clearing within the Project site, a CDFW-approved biologist shall conduct a protocol level presence or absence survey within the Project area and a 500-foot buffer of suitable habitat, no more than 48 hours prior to Project activities and after any pause in Project activities lasting 30 days or more, in accordance with the most recent U.S. Fish and Wildlife (USFWS) desert tortoise survey methodology. The survey shall use perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. Preconstruction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Results of the survey shall be submitted to CDFW prior to the start of Project activities. If the survey confirms absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If desert tortoise are documented inhabiting the Project Site during presence/absence surveys individuals will be allowed to leave on their own and MM BIO-1b (NEW) shall be implemented.</p>	<p>Prior to Project construction activities</p>	<p>Project Proponent</p>
<p>MM BIO-1b: <u>Desert Tortoise Avoidance.</u> If pre-construction desert tortoise surveys (MM BIO-1) confirm presence, the Project Proponent shall develop and submit to CDFW for review and approval a desert tortoise-specific avoidance plan detailing the protective avoidance measures to be implemented to ensure complete avoidance of take of desert tortoises. If complete avoidance cannot be achieved, the Project Proponent shall not undertake Project activities, and Project activities shall be postponed until the Project Proponent obtains appropriate authorization (i.e., CESA incidental take permit under the Fish and Game Code section 2081).</p>		<p>Project Proponent</p>
<p>MM BIO-2: <u>Burrowing Owl Survey.</u> One pre-construction western burrowing owl survey shall be completed by a CDFW-approved qualified biologist no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for western burrowing owl shall be conducted in accordance with protocols established in the California</p>		<p>Project Proponent</p>

<p>Department of Fish and Wildlife 2012 Staff Report on Western burrowing owl Mitigation or current version. The surveys shall include 100 percent coverage of the Project site and 500-foot buffer in adjacent habitat.</p> <p>If western burrowing owls, active western burrowing owl burrows, or sign thereof are detected, the Project Proponent shall prepare and submit to CDFW for review and approval a Burrowing Owl Plan. The Burrowing Owl Plan shall describe proposed full avoidance, minimization, and monitoring actions. The Plan shall also include the number and location of occupied burrow sites, acres of western burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Plan.</p> <p>If the Project Proponent cannot ensure western burrowing owls and their burrows are fully avoided, the Project Proponent shall consult with CDFW on next steps, including obtaining an ITP for western burrowing owl prior to initiation of ground disturbing activities.</p>		
<p>MM BIO-3: Nesting Bird Survey. Regardless of time of year, a CDFW-approved Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) no more than three days prior to Project-related disturbance to nestable vegetation to identify active nests. Pre-construction NBS shall also cover a 500-foot buffer around the site, as feasible, and shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. If no active nests are found, no further action will be required. If an active nest is found within the Project area or within 500 feet of the Project area, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage, and expected types, intensity, and duration of the disturbance. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field with flagging, fencing, or other appropriate barriers, and construction personnel shall be instructed on the sensitivity of nest areas. The nest area shall be avoided until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.</p>		