



SCH No. 2026010640

Challenger School of Sports and Fitness Track and Field Project

RESPONSES TO PUBLIC COMMENTS & MITIGATION MONITORING AND REPORTING PROGRAM

February 2026

*Prepared for: Victor Elementary School District
12219 2nd Avenue
Victorville, CA 92395*

*Prepared by: Michael Baker International
9635 Granite Ridge Drive, Suite 300
San Diego, CA 92107*

This page intentionally left blank.

Table of Contents

1.0 Introduction	1-1
2.0 Responses to Comments	2-1
3.0 Mitigation Monitoring and Reporting Program	3-1

This page intentionally left blank.

1.0 INTRODUCTION

The Victor Elementary School District (District) proposes the construction and operation of the Challenger School of Sports and Fitness Track and Field Project (project). The proposed project would include a new track and field facility at the Challenger School of Sports and Fitness (Challenger School), located at 14777 Hopland Street in the City of Victorville, San Bernardino County. The proposed facility would be constructed south of the existing school building on an undeveloped, VESD-owned lot south of the school. The proposed project would include a lighted, rubberized track and natural turf field with bleacher seating for approximately 2,000 spectators. Appurtenant improvements would include restroom and concessions facilities. A new parking lot would also be developed south of the existing school parking lot. The proposed sports complex would serve the existing physical education and sports programs at the school. When not used by the school, the new facility would be available for other VESD-sponsored events and by the Victorville community, pursuant to the Civic Center Act and District policies.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the proposed project.

The IS/MND (State Clearinghouse No. 2026010640) was made available for public review and comment pursuant to CEQA Guidelines Section 15073. The 20-day public review period commenced on January 22, 2026 and concluded on February 11, 2026. The IS/MND and supporting technical appendices were available for review by the general public at the following locations:

- Victor Elementary School District Office at 12219 2nd Avenue, Victorville, CA 92395;
- Victor Elementary School District website: <https://www.vesd.net/departments/facilities>; and
- Governor's Office of Land Use and Climate Innovation, CEQAnet Web Portal, <https://ceqanet.lci.ca.gov/2026010640>.

This page intentionally left blank.

2.0 RESPONSES TO COMMENTS

During the public review period, interested persons, firms, and agencies were given the opportunity to comment on the Draft IS/MND. Comment letters were received from the California Department of Fish and Wildlife (CDFW; submitted two comment letters), the City of Victorville (City), and the Mojave Desert Air Quality Management District (MDAQMD). No other comments from agencies, organizations, tribes, or other interested parties were received during the public review period of the Draft IS/MND. See the following pages for the comment letters and the District's responses to comments.

Comment Letter 1

From: Castaneda, Cindy@Wildlife <Cindy.Castaneda@Wildlife.ca.gov>
Sent: Tuesday, January 27, 2026 1:33 PM
To: jpont@vesd.net; Whittemore, Melissa
Cc: Recinos, Steven@Wildlife
Subject: EXTERNAL: Challenger School of Sports and Fitness Track and Field Project (SCH# 2026010640)

EXTERNAL EMAIL

Hi Joe,

My name is Cindy Castaneda and I am a supervisor at the California Department of Fish and Wildlife. We received noticed about the MND prepared for the Challenger School of Sports and Fitness Track and Field Project (SCH# 2026010640).

I am emailing you because during our review we noticed that the Bio Report reports the presence of an adult pair on March 19, 2025, April 23, 2025, May 14, 2025, June 24, 2025, and 2 juveniles on June 24, 2025.

Since construction is due to start March 2026 and it is anticipated to last one year, CDFW highly recommends focused breeding surveys be conducted again this breeding season of 2026 and if western burrowing owl is detected again during these surveys, a CESA Incidental Take Permit should be obtained.

Please let me know if you have any questions.

Thank you,

Cindy Castañeda
Senior Environmental Scientist (Supervisor)
California Department of Fish and Wildlife
Inland Deserts Region | Mojave Unit
3602 Inland Empire Blvd, Suite C-220
Ontario, CA 91764
(909) 544-1177 (cell)

Response to Comment Letter 1

The commenter acknowledges that burrowing owl (*Athene cunicularia*; State Candidate Threatened/Endangered) were present on the project site during focused surveys conducted in 2025, and recommends that focused breeding surveys be conducted again during the 2026 breeding season. If burrowing owl is detected on site during the 2026 surveys, a California Endangered Species Act (CESA) Incidental Take Permit (ITP) would be obtained prior to project construction.

The District will conduct the focused breeding surveys for burrowing owl during the 2026 breeding season to determine if burrowing owls or suitable habitat (i.e., burrows) are present. If present, the District will apply for a CESA ITP prior to commencing construction of the proposed project. Refer to Response to Comment Letter 2, Comment #2 for the revisions to mitigation measures BIO-1 through BIO-3.

Comment Letter 2



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

GAVIN NEWSOM, Governor
VALERIE TERMINI, Acting Director



February 12, 2026
Sent via email

Joe Pont
Director of Facilities, Transportation & Maintenance
Victor Elementary School District
12219 2nd Avenue,
Victorville, CA 92345

SUBJECT: CHALLENGER SCHOOL OF SPORTS AND FITNESS TRACK AND FIELD
PROJECT (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2026010640

Dear Joe Pont:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from Victor Elementary School District for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project Proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Victor Elementary School District

Objective: The objective of the Project is to construct and maintain a track and field facility for the Challenger School of Sports and Fitness. Primary Project activities include construction of a multiuse track and field, including replacement and installation of a turf field, construction of a 1,500-square-foot (ft) concession stand, construction of a 400-square-ft restroom building, construction of a 2,000 seat home and away bleachers,

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.

DocuSign Envelope ID: DCB0DE36-E7DD-4D3A-840D-582F50391F9B

Joe Pont, Director of Facilities, Transportation and Maintenance
Victor Elementary School District
February 12, 2026
Page 2

placement of a 25-ft scoreboard, installation of five 80-ft light poles, and a 237 stall parking lot.

Location: The Project is located in the City of Victorville, County of San Bernardino, State of California. The Project is in the southwest corner of Hopland Street and Cahuenga Road on Assessor's Parcel Numbers 0395-244-17 and 0395-244-14. The track and field facility is south of the existing school and is centered at latitude 34.540404 and longitude -117.341058.

Timeframe: The Project is anticipated to commence construction in 2026 or 2027 and take 12 months to complete.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist Victor Elementary School District 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: Special Status Plants

Section # 5.4 Biological Resources, Page #34-35

Issue: The Project may result in significant impacts to special status plant species and/or communities.

Specific impact: The MND does not propose a mitigation measure for surveying and avoiding impacts to special status plant species. The Biological Resource Assessment (BRA) did not conduct a focused plant survey in Spring during the early, mid, or late blooming period for plants with potential to occur on the Project site, instead a general biological survey was conducted in October. The Project will result in grading and vegetation removal, which has the potential to result in direct mortality of special status plant species, such as Booth's evening-primrose (*Eremothera boothii* ssp. *Boothii*) and western Joshua tree (*Yucca brevifolia*).

Why impact would occur: Based on a literature review, the MND recognizes that 23 special status plant species may occur within the quadrangle of the Project but indicates that only western Joshua tree has the potential or occurs onsite. However, the field survey was conducted on October 10, 2024, outside of the blooming period for most plants and special status plants evident usually in the Spring may have been missed. Furthermore, the California Natural Diversity Database (CNDDB) indicates Booth's evening-primrose (*Eremothera boothii* ssp. *Boothii*) is present within 3 miles of the Project and has a California Rare Plant Ranks 2B.3 – Rare or Endangered in California.

Evidence impact would be significant: Take of any CESA-listed plant species that results from the Project is prohibited, except as authorized by State law (Fish & Game Code, §§ 2080, 2085; California Code of Regulations, tit. 14, § 786.9). Plants constituting California Rare Plant Ranks 1A, 1B, 2A, and 2B generally meet the criteria of a CESA-listed species and should be considered as endangered, rare or threatened species for the purposes of CEQA analysis. CDFW considers State listed communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S1, S2, and S3 should be considered sensitive and declining at the local and regional level.

Recommended Potentially Feasible Mitigation Measure(s) to reduce impacts to less than significant: To avoid impacts to sensitive plant species, CDFW recommends the adoption of BIO-5 below in the final MND:

DocuSign Envelope ID: DCB0DE36-E7DD-4D3A-840D-582F50391F9B

Joe Pont, Director of Facilities, Transportation and Maintenance
Victor Elementary School District
February 12, 2026
Page 3

BIO-5 (New)

Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a qualified botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status.

If special-status plant species are observed during the botanical field surveys, the Project shall reduce impacts to non-CESA candidate or listed species through the establishment of buffers, to the extent feasible. Buffer distances will be determined by the qualified biologist. Impacts to CESA candidate or listed species shall be fully avoided or a CESA Incidental Take Permit should be obtained.

COMMENT #2: Nesting Birds

Section # 5.4 Biological Resources, Page #34

Issue: The Project may have significant impacts on nesting birds, including birds considered to be Species of Special Concern (SSC), such as loggerhead shrike (*Lanius ludovicianus*) and California Endangered Species Act (CESA) candidate species, such as western burrowing owl (*Athene cunicularia hypugaea*).

Specific impact: Project implementation could result in the loss of nesting and/or foraging habitat for passerine and raptor species through the removal of vegetation and may cause disruptions to foraging and nesting due to noise and light.

Why impact would occur: The MND mentions the presence of loggerhead shrike onsite and the potential for the Project site to be used by other nesting birds due to the presence of suitable vegetation.

Evidence impact would be significant: The Project Proponent is responsible for complying with Fish and Game Code sections 3503, 3503.5, and 3513. Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs or 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 the 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.).

CEQA provides protection not only for CESA-listed species, but for any species, including, but not limited to SSC, which can be shown to meet the criteria for State listing. Loggerhead shrike is an SSC that meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380).

DocuSign Envelope ID: DCB0DE36-E7DD-4D3A-840D-582F50391F9B

Joe Pont, Director of Facilities, Transportation and Maintenance
Victor Elementary School District
February 12, 2026
Page 4

Recommended Potentially Feasible Mitigation Measure(s) to reduce impacts to less than significant: CDFW recommends the following edits to BIO-4 for incorporation in the final MND (edits are in ~~strikethrough~~ and **bold**):

BIO-4 (Edited)

Within 30 days prior to ground-disturbing activities associated with project construction that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the project region, or as determined by a qualified biologist); the applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present on the project site. The surveys shall continue on a weekly basis, with the last survey being conducted no more than seven days prior to initiation of disturbance work. **Surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified biologist will make every effort to avoid potential nest predation as a result of the survey efforts.** If ground disturbing activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground-disturbing activities.

If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors) shall be postponed or halted, at the discretion of the qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW), until the nest is vacated and juveniles have fledged, as determined by the qualified biologist, and there is no evidence of a second attempt at nesting.

ADDITIONAL COMMENTS

COMMENT #3: Western Burrowing Owl (*Athene cunicularia hypugaea*)

CDFW appreciates that surveys following the 2012 CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012) were conducted for western burrowing owl, during which an adult pair on March 19, 2025, April 23, 2025, May 14, 2025, June 24, 2025, and 2 juveniles on June 24, 2025 were found. CDFW has contacted the Project Proponent regarding the breeding pair and juveniles that were documented onsite. CDFW recommends that the Project Proponent and the lead agency contact CDFW to discuss potential impacts to western burrowing owl and the Burrowing Owl Mitigation and Monitoring Plan (see BIO-2 below). CDFW recommends the following edits to BIO 1 to BIO 3 (edits are in ~~strikethrough~~ and **bold**) for incorporation in the final MND:

BIO-1 (Edited)

A qualified biologist will conduct a preconstruction survey for burrowing owl 14 days prior to initiation of ground-disturbing activities and a final survey conducted within 24 hours prior to ground disturbance. If the species is present, **the qualified biologist and/or Project Proponent shall contact CDFW and the Project shall fully avoid impacts to burrowing owl. If impacts to burrowing owl cannot be fully avoided, the Project Proponent is recommended to obtain a California Endangered Species Act incidental take permit pursuant to Fish and Game Code section 2081** ~~measures in the Burrowing Owl Mitigation and Monitoring Plan (MMP) will be implemented. Additional preconstruction surveys may be necessary within three days prior to construction to verify the species has not recolonized.~~

BIO-2 (Edited)

A Burrowing Owl MMP will be prepared for the burrowing owl. This plan will outline the actions required before the start of construction activities, including preconstruction surveys, timing of activities, avoidance buffer zones, monitoring requirements, relocation, and any other mitigation measures based on coordination and guidance from the CDFW.

DocuSign Envelope ID: DCB0DE36-E7DD-4D3A-840D-582F50391F9B

Joe Pont, Director of Facilities, Transportation and Maintenance
Victor Elementary School District
February 12, 2026
Page 5

The Burrowing Owl MMP must be approved by the CDFW before any relocation or construction activities commence and will incorporate any conditions required in the incidental take permit.

Additional measures that may be required by the CDFW and would be incorporated into the Burrowing Owl MMP include, but are not limited to:

- Avoidance of construction during the nesting period (February 1–August 31).
- No impacts on active burrows during the non-breeding season and no direct destruction of **active** burrows would occur until it is confirmed that the burrowing owls are no longer utilizing the burrow.
- Development and execution of a Worker Environmental Awareness training.
- Monitoring by a qualified biologist.

BIO-3 (Edited)

The District will replace burrowing owl habitat at ratio of **no less than** 1:1 through payment into a **CDFW-approved conservation/mitigation bank or land acquisition and permanent protection and management thereof, as determined by a CESA Incidental Take Permit** the Fremont-Yermo Conservation Bank (pending CDFW approval) or other approved mitigation bank.

COMMENT #4: Western Joshua Tree (*Yucca brevifolia*)

CDFW appreciates the BRA and MND recognizes the presence of western Joshua tree onsite. However, the MND does not propose obtaining an Incidental Take Permit. CDFW would like to recommend the Project Proponent to review the information found on CDFW's website: [Western Joshua Tree Conservation Act Incidental Take Permit](#) and if Project activities cannot occur 50 feet away from western Joshua trees, CDFW recommends an application for an Incidental Take Permit for western Joshua tree be submitted to CDFW. As such, CDFW recommends the inclusion of BIO-6 below in the final MND:

BIO-6 (New)

Prior to start of construction activities, a WJT census of the property shall be conducted as per CDFW's WJT Census Instructions (<https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/Permitting/Census-Instructions>). If WJT individuals are identified in the census and the trees are to be relocated, encroached upon, removed, or otherwise taken, the Project Proponent shall obtain an incidental take permit (ITP) from the California Department of Fish and Wildlife (CDFW) under Section 2081b of the California Endangered Species Act (CESA), or any other appropriate take authorization under CESA or under the WJT Conservation Act (Fish & G. Code, §§ 1927-1927.12), prior to the relocation, encroachment, removal, or take (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") of WJT, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085 and §§ 1927-1927.12).

Mitigation for CESA will occur at a minimum 1:1 or per the stem count per the WJTCA census in lieu fee. Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a WJT if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height, b. One meter or greater but less than five meters in height, and c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit:

DocuSign Envelope ID: DCB0DE36-E7DD-4D3A-840D-582F50391F9B

Joe Pont, Director of Facilities, Transportation and Maintenance
Victor Elementary School District
February 12, 2026
Page 6

<https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/Permitting/WJTCA-ITP>. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem or trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees.

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 CNDDB 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 Victor Elementary School District 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.

Sincerely,

DocuSigned by:
Alisa Ellsworth

Alisa Ellsworth
Environmental Program Manager

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

Joe Pont
Victor Elementary School District
Jpont@vesd.net

Melissa Whittemore
Michael Baker International
Melissa.whittemore@mbakerintl.com

Attachments

Attachment A: Mitigation Monitoring Reporting Plan

Docusign Envelope ID: DCB0DE36-E7DD-4D3A-840D-582F50391F9B

Joe Pont, Director of Facilities, Transportation and Maintenance
Victor Elementary School District
February 12, 2026
Page 7

References

California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline=true>

California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.

DocuSign Envelope ID: DCB0DE36-E7DD-4D3A-840D-582F50391F9B

Joe Pont, Director of Facilities, Transportation and Maintenance
 Victor Elementary School District
 February 12, 2026
 Page 8

Attachment A**Mitigation Monitoring and Reporting Plan**

Biological Resources (BIO)		
Mitigation Measure	Implementation Schedule	Responsible Party
BIO-1 A qualified biologist will conduct a preconstruction survey for burrowing owl 14 days prior to initiation of ground-disturbing activities and a final survey conducted within 24 hours prior to ground disturbance. If the species is present, the qualified biologist and/or Project Proponent shall contact CDFW and the Project shall fully avoid impacts to burrowing owl. If impacts to burrowing owl cannot be fully avoided, the Project Proponent is recommended to obtain a California Endangered Species Act incidental take permit pursuant to Fish and Game Code section 2081.	Prior to the start / initiation of ground-disturbing activities	Project Proponent / Qualified Biologist
BIO-2 A Burrowing Owl MMP will be prepared for the burrowing owl. This plan will outline the actions required before the start of construction activities, including preconstruction surveys, timing of activities, avoidance buffer zones, monitoring requirements, relocation, and any other mitigation measures based on coordination and guidance from the CDFW. The Burrowing Owl MMP must be approved by the CDFW before any relocation or construction activities commence and will incorporate any conditions required in the incidental take permit. Additional measures that may be required by the CDFW and would be incorporated into the Burrowing Owl MMP include, but are not limited to: • Avoidance of construction during the nesting period (February 1–August 31). • No impacts on active burrows and no direct destruction of active burrows would occur until it is confirmed that the burrowing owls are no longer utilizing the burrow. • Development and execution of a Worker Environmental Awareness training. • Monitoring by a qualified biologist.		
BIO-3 The District will replace burrowing owl habitat at ratio of no less than 1:1 through payment into a CDFW-approved conservation/mitigation bank or land acquisition and permanent protection and management thereof, as determined by a CESA Incidental Take Permit.	Prior to the start / initiation of ground-disturbing activities	Project Proponent

DocuSign Envelope ID: DCB0DE36-E7DD-4D3A-840D-582F50391F9B

Joe Pont, Director of Facilities, Transportation and Maintenance
 Victor Elementary School District
 February 12, 2026
 Page 9

BIO-4 Within days prior to ground-disturbing activities associated with project construction the applicant shall have surveys conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present on the project site. Surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified biologist will make every effort to avoid potential nest predation as a result of the survey efforts. If ground disturbing activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground-disturbing activities. If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors) shall be postponed or halted, at the discretion of the qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW), until the nest is vacated and juveniles have fledged, as determined by the qualified biologist, and there is no evidence of a second attempt at nesting.	Prior to the start / initiation of ground-disturbing activities	Project Proponent / Qualified Biologist
BIO-5 Prior to Project implementation, and during the appropriate season, a qualified biologist shall conduct botanical field surveys within the Project area following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). The surveys shall be conducted by a qualified botanist(s) experienced in conducting floristic botanical field surveys, knowledgeable of plant taxonomy and plant community ecology and classification, familiar with the plants of the area, including special status and locally significant plants, and familiar with the appropriate state and federal statutes related to plants and plant collecting. The botanical field surveys shall be conducted at the appropriate time of year when plants will both be evident and identifiable (usually, during flowering or fruiting) and in a manner, which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys shall be conducted floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. If special-status plant species are observed during the botanical field surveys, the Project shall reduce	Prior to the start of Project implementation	Project Proponent / Qualified Biologist

DocuSign Envelope ID: DCB0DE36-E7DD-4D3A-840D-582F50391F9B

Joe Pont, Director of Facilities, Transportation and Maintenance
 Victor Elementary School District
 February 12, 2026
 Page 10

impacts to non-CESA candidate or listed species through the establishment of buffers, to the extent feasible. Buffer distances will be determined by the qualified biologist. Impacts to CESA candidate of listed species shall be fully avoided or a CESA Incidental Take Permit should be obtained.		
BIO-6 Prior to start of construction activities, a WJT census of the property shall be conducted as per CDFW's WJT Census Instructions (https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/Permitting/Census-Instructions). If WJT individuals are identified in the census and the trees are to be relocated, encroached upon, removed, or otherwise taken, the Project Proponent shall obtain an incidental take permit (ITP) from the California Department of Fish and Wildlife (CDFW) under Section 2081b of the California Endangered Species Act (CESA), or any other appropriate take authorization under CESA or under the WJT Conservation Act (Fish & G. Code, §§ 1927-1927.12), prior to the relocation, encroachment, removal, or take (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") of WJT, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085 and §§ 1927-1927.12). Mitigation for CESA will occur at a minimum 1:1 or per the stem count per the WJTCA census in lieu fee. Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a WJT if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height, b. One meter or greater but less than five meters in height, and c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/Permitting/WJTCA-ITP. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee	Prior to the start of construction activities	Project Proponent / Qualified Biologist

Docusign Envelope ID: DCB0DE36-E7DD-4D3A-840D-582F50391F9B

Joe Pont, Director of Facilities, Transportation and Maintenance
Victor Elementary School District
February 12, 2026
Page 11

to relocate one or more of the western Joshua trees.		
--	--	--

Response to Comment Letter 2

Comment #1

The commenter states that the proposed project may result in significant impacts to special-status plant species, such as Booth's evening-primrose (*Eremothera boothii* ssp. *boothii*) and western Joshua tree (*Yucca brevifolia*), and recommends a new mitigation measure that requires rare plant surveys be conducted on the project site. If special-status plants are observed, the commenter recommends avoidance or obtaining a CESA ITP prior to the commencement of construction activities.

As stated in the project-specific Biological Resources Assessment (Appendix B1 to the Draft IS/MND), the biological survey area for the project supports the following natural vegetation communities: disturbed rubber rabbitbrush scrub and disturbed creosote bush scrub. In addition, the following land cover types are present within the biological survey area: disturbed and developed. The desert scrub habitat on site (i.e., disturbed rubber rabbitbrush scrub and disturbed creosote bush scrub) is heavily disturbed by human presence (e.g., trash, off-road trails) and non-native plant species. As such, the project biologists determined that the on site vegetation communities were not suitable for supporting rare plant species. Booth's evening primrose is found within Joshua tree woodland and pinon and juniper woodland, which does not occur on the project site or biological survey area. Additionally, no western Joshua trees were observed on the project site. The closest western Joshua tree to the project site is located approximately 125 feet west of the project site. As such, the project would not result in impacts to any western Joshua trees. No changes to the IS/MND are required based on this comment.

Comment #2

The commenter states that the proposed project may result in significant impacts to nesting birds, including special-status bird species, such as loggerhead shrike (*Lanius ludovicianus*; CDFW Species of Special Concern) and western burrowing owl. The commenter also requests revisions to mitigation measure BIO-4 so that surveys for nesting birds are conducted within 3 days, rather than 30 days, prior to ground-disturbing activities, to comply with the requirements set forth by the Migratory Bird Treaty Act and the California Fish and Game Code.

As stated in the Draft IS/MND, two special-status wildlife species were observed during the field survey: burrowing owl and loggerhead shrike. As stated in Response to Comment Letter 1, the District will conduct the focused breeding surveys for burrowing owl during the 2026 breeding season to determine if burrowing owls or suitable habitat (i.e., burrows) are present. If present, the District will apply for a CESA ITP prior to commencing construction of the proposed project. If burrowing owl is detected on site during the 2026 surveys, a CESA ITP would be obtained prior to project construction. As stated under Comment #1 under Response to Comment Letter 2, the vegetation communities and land cover types on site are heavily disturbed by human presence (e.g., trash, off-road trails) and non-native plant species. As such, the project biologists determined that the on site vegetation communities were not suitable for supporting nesting loggerhead shrike or other special-status species.

Mitigation measure BIO-4 has been revised, as requested by the commenter. Mitigation measure BIO-4 originally stated:

BIO-4 Within 30 days prior to ground-disturbing activities associated with project construction that would occur during the nesting/breeding season of native bird species potentially nesting on the site (typically February through August in the project region, or as determined by a qualified biologist), the applicant shall have weekly surveys conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present on the project site. The surveys shall continue on a weekly basis, with the last survey being conducted no more than seven days prior to initiation of disturbance work. If ground-disturbing activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground-disturbing activities.

If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors) shall be postponed or halted, at the discretion of the qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW), until the nest is vacated and juveniles have fledged, as determined by the qualified biologist, and there is no evidence of a second attempt at nesting.

Mitigation measure BIO-4 has been revised as follows:

BIO-4 Within three days prior to ground-disturbing activities associated with project construction that would occur during the avian breeding season (February 1 through August 31, or as determined by a qualified biologist), the applicant shall have surveys conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present on the project site. Surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified biologist will make every effort to avoid potential nest predation as a result of the survey efforts. If ground-disturbing activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground-disturbing activities.

If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors) shall be postponed or halted, at the discretion of the qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW), until the nest is vacated and juveniles have fledged, as determined by the qualified biologist, and there is no evidence of a second attempt at nesting.

Because the project would be required to comply with regulations set forth by the Migratory Bird Treaty Act and the California Fish and Game Code, which includes conducting a preconstruction nesting bird survey within 72 hours of the commencement of construction activities, the changes to this mitigation measure result in a more effective mitigation measure and do not represent “significant new information” as defined in CEQA Guidelines Section 15088.5. Therefore, recirculation of the IS/MND prior to adoption is not required (CEQA Guidelines Section 15073.5[c][1]).

Comment #3

The commenter acknowledges that burrowing owl were present on the project site during focused surveys conducted in 2025, and recommends that mitigation measures BIO-1 through BIO-3 be revised.

The District will conduct the focused breeding surveys for burrowing owl during the 2026 breeding season to determine if burrowing owls or suitable habitat (i.e., burrows) are present. If present, the District will apply for a CESA ITP prior to commencing construction of the proposed project.

Mitigation measures BIO-1 through BIO-3 have been revised, as requested by the commenter. Mitigation measure BIO-1 originally stated:

BIO-1 A qualified biologist will conduct a preconstruction survey for burrowing owl 14 days prior to initiation of ground-disturbing activities. If the species is present, measures in the Burrowing Owl Mitigation and Monitoring Plan (MMP) will be implemented. Additional preconstruction surveys may be necessary within three days prior to construction to verify the species has not recolonized.

Mitigation measure BIO-1 has been revised as follows:

BIO-1 A qualified biologist will conduct a preconstruction survey for burrowing owl 14 days prior to initiation of ground-disturbing activities. If the species is present, the qualified biologist and/or project proponent shall contact the California Department of Fish and Wildlife (CDFW) and the project shall fully avoid impacts to burrowing owl. If impacts to burrowing owl cannot be fully avoided, the project proponent shall obtain a California Endangered Species Act Incidental Take Permit pursuant to California Fish and Game Code Section 2081.

Mitigation measure BIO-2 originally stated:

BIO-2 A Burrowing Owl MMP will be prepared for the burrowing owl. This plan will outline the actions required before the start of construction activities, including preconstruction surveys, timing of activities, avoidance buffer zones, monitoring requirements, relocation, and any other mitigation measures based on coordination and guidance from the CDFW. The Burrowing Owl MMP must be approved by the CDFW before any relocation or

construction activities commence and will incorporate any conditions required in the incidental take permit.

Additional measures that may be required by the CDFW and would be incorporated into the Burrowing Owl MMP include, but are not limited to:

- Avoidance of construction during the nesting period (February 1–August 31).
- No impacts on active burrows during the non-breeding season and no direct destruction of burrows would occur until it is confirmed that the burrowing owls are no longer utilizing the burrow.
- Development and execution of a Worker Environmental Awareness training.
- Monitoring by a qualified biologist.

Mitigation measure BIO-2 has been revised as follows:

BIO-2 A Burrowing Owl Mitigation and Monitoring Plan (MMP) will be prepared for the burrowing owl. This plan will outline the actions required before the start of construction activities, including preconstruction surveys, timing of activities, avoidance buffer zones, monitoring requirements, relocation, and any other mitigation measures based on coordination and guidance from the CDFW. The Burrowing Owl MMP must be approved by the CDFW before any relocation or construction activities commence and will incorporate any conditions required in the incidental take permit.

Additional measures that may be required by the CDFW and would be incorporated into the Burrowing Owl MMP include, but are not limited to:

- Avoidance of construction during the nesting period (February 1–August 31).
- No impacts on active burrows and no direct destruction of active burrows would occur until it is confirmed that the burrowing owls are no longer utilizing the burrow.
- Development and execution of a Worker Environmental Awareness training.
- Monitoring by a qualified biologist.

Mitigation measure BIO-3 originally stated:

BIO-3 The District will replace burrowing owl habitat at ratio of 1:1 through payment into the Fremont Yermo Conservation Bank (pending CDFW approval) or other approved mitigation bank.

Mitigation measure BIO-3 has been revised as follows:

BIO-3 The District will replace burrowing owl habitat at ratio of 1:1 through payment into a CDFW-approved conservation/mitigation bank or land acquisition and permanent protection and management thereof, as determined by a California Endangered Species Act Incidental Take Permit.

The changes to mitigation measures BIO-1 through BIO-3 result in more effective mitigation measures and do not represent “significant new information” as defined in CEQA Guidelines Section 15088.5. Therefore, recirculation of the IS/MND prior to adoption is not required (CEQA Guidelines Section 15073.5[c][1]).

Comment #4

The commenter states that a CESA ITP will be required if project activities occur within 50 feet of a western Joshua tree, and recommends a new mitigation measure related to obtaining a CESA ITP for the species.

As stated in Response to Comment Letter 2, Comment #1, the closest western Joshua tree to the project site is located approximately 125 feet west of the project site. As such, the project would not result in impacts to any western Joshua trees. No changes to the IS/MND are required based on this comment.

Comment Letter 3

CITY OF
VICTORVILLE



DEVELOPMENT DEPARTMENT
Planning • Building • Code Enforcement
Business License • Animal Control
14343 Civic Drive
P.O. Box 5001
Victorville, CA 92395-5001

(760) 955-5135
Fax (760) 269-0070

February 10, 2026

Victor Elementary School District
C/O Joe Pont, Director of Facilities, Transportation & Maintenance
12219 2nd Avenue
Victorville, CA 92395

RE: Challenger School of Sports and Fitness Track and Field Project (SCH # 2026010640)

To Whom It May Concern,

In accordance with the allowances of the California Code of Regulations Title 14, § 15073, the City of Victorville (the "City") provides the following comments on the proposed Challenger School of Sports and Fitness Track and Field Project (the "Project") for consideration. Additionally, inasmuch as permits may be required to be issued by the City in conjunction with the Project (i.e. City land use authorizations, street improvements and utility connections), the City also offers the following comments as a Responsible Agency (as defined by California Code of Regulations Title 14, § 15381).

City of Victorville Comments

Land Use & Zoning

- The subject site, Challenger School of Sports and Fitness, located at 14777 Hopland Street in the City of Victorville (Assessor's Parcel Numbers 0395-244-14 & 0395-244-15) is currently zoned R-1 (Single-family Residential). School facilities such as this proposal are a Conditional Use pursuant to Victorville Municipal Code (VMC) Section Sec. 16-3.07.010 – Table 7-1.

City Entitlement Requirements

- Pursuant to VMC Section 16-3.07.010, development of the proposed track and field project requires approval of a discretionary Conditional Use Permit (CUP). Since the subject school site was originally approved by the City via Conditional Use Permit Case No. CUP-24-02, the Project will be required to obtain approval of a CUP Modification by the City of Victorville.
- Pursuant to VMC Section 16-3.01.020(d), development of the proposed track and field project requires approval of a Site Plan. The Project will be required to obtain approval of a Site Plan by the City of Victorville.
- The City Council of the City of Victorville has waived all processing fees associated with CUP and Site Plan entitlement submittals made by school districts such as Victor Elementary School District. Also, given the scope of the Project, review and approval of required entitlement can be conducted by administratively the Zoning Administrator.

Page 1 of 2

Street Improvements

- Pursuant to VMC Section 9.32.040, street improvements will be required along Hopland Street, Cahuenga Road, and Enramada Road. As required by the VMC and the City Engineer, required improvements include the construction of curbs, gutters, pavement widening, including pavement to accommodate one lane of traffic, a minimum of twelve feet wide, on the opposite side of the centerline of street improvements, necessary drainage facilities, street lighting, and sidewalks along all street frontages.

Emergency Access

- Improved secondary access is required by the Fire Department. An additional point of access shall be provided at the new parking lot area either along Cahuenga Road or Enramada Road. Final design and location of said secondary access will be approved in conjunction with the required Minor Site Plan.

School Board Authorization

- Although California Government Code Section 53094 authorizes the Victor Elementary School District (VESD) governing board to exempt itself from the City's land use and zoning authority by a vote of two-thirds of its members, VESD has historically complied with the City's land use standards and zoning ordinance, thereby applying for and obtaining necessary entitlement approvals from the City, as evidenced by the City's approval of Case No. CUP-24-02.
- Should the VESD governing board seek to exempt itself from the City's land use and zoning authority as provided by California Government Code Section 53094, the City of Victorville requests proof of this action as well as clarification of the Project's intended use and if it is considered a classroom facility.

Therefore, to ensure review of the Project is processed, reviewed and approved pursuant to City standards, review of a Minor Site Plan and Minor Conditional Use Permit (to modify CUP-24-02) are formally requested. These reviews will ensure compliance with the City of Victorville zoning ordinance and serve to further address comments from the City's Engineering and Fire Departments, particularly those concerning right-of-way improvements and emergency access requirements.

Thank you for notifying the City of Victorville of your proposed projects, the City looks forward to working with VESD to ensure compliance with all Federal, State, and local laws.

Sincerely,



Alex Jauregui
City Planner

cc: Keith C. Metzler, City Manager
Scott Webb, Deputy City Manager
Fredy Bonilla, City Engineer
Joe Slegers, City Building Official
Jeremy Kosick, Deputy Fire Marshal
Joe Pont, VESD Director of Facilities, Transportation & Maintenance (Via e-mail)

Response to Comment Letter 3

The commenter states that permits and approvals from the City may be required, including a Conditional Use Permit and Site Plan approval. The commenter states that street improvements will be required along the project site, pursuant to the City of Victorville Municipal Code. The commenter requests improved secondary access for fire protection. The commenter also acknowledges that California Government Code Section 53094 authorizes the District to exempt itself from the City's land use and zoning authority, and requests documentation that the District Board of Trustees voted to exempt this project from City approval.

Because this comment letter does not comment on the adequacy of the environmental impact analysis pursuant to CEQA, no changes to the IS/MND are required based on this comment letter (CEQA Guidelines Section 15088[a] requires that a lead agency only evaluate and respond to comments raised on environmental issues).

Comment Letter 4**Mojave Desert Air Quality Management District**Brad Poiriez, *Executive Director*

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • Fax 760.245.2022

www.MDAQMD.ca.gov • @MDAQMD



January 28, 2026

Joe Pont, Director of Facilities
VESD Office
12219 2nd Avenue
Victorville, CA 92395

Project: Challenger School of Sports and Fitness - Track and Field Project

Dear Mr. Pont:

The Mojave Desert Air Quality Management District (District) has reviewed the Project Notice for the proposed track and field construction project. The VESD proposes a track and field facility at the Challenger School of Sports and Fitness (Challenger School). The proposed facility would be oriented north-south and constructed south of the existing school building within the western portion of the school campus and on an undeveloped, VESD-owned lot south of the school. The proposed track and field facility would include a lighted, rubberized track and natural turf field with bleacher seating for approximately 2,000 spectators. The proposed sports complex would serve the existing physical education and sports programs at the school. When not used by the school, the new facility would be available for other VESD-sponsored events and by the Victorville community, pursuant to the Civic Center Act and District policies.

We have reviewed the project as proposed and based on the information available to us at this time, the District recommends that the County requires the owner/operator obtain a Dust Control Plan (DCP) for the project. The most current Dust Control Plan Requirements and Dust Control Plan Submission Form are available at <https://www.mdaqmd.ca.gov/permitting/compliance-forms>.

Additionally, the District will require:

- Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction.
- Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.
- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from

vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

- Obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to: natural gas generators; internal combustion engines with a manufacture's maximum continuous rating greater than or equal to 50 brake horsepower.
- Comply with all applicable provisions listed in Rule 403 – *Fugitive Dust Control*.
- An asbestos checklist is required for any demolition or renovation of existing buildings. MDAQMD asbestos informational flowchart and notification forms are available at <https://www.mdaqmd.ca.gov/permitting/asbestos-information>.
- The proponent must ensure all heavy-duty trucks comply with CARB (California Air Resources Board) idling regulations.

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 1846, or Bertrand Gaschot at extension 4020.

Sincerely,



Chris Anderson
Planning and Air Monitoring Supervisor

CA/bg

Victor Elementary Track and Field Project 2026 28 Jan

Response to Comment Letter 4

The commenter states that the project proponent to obtain a Dust Control Plan for the project and that the project must comply with applicable MDAQMD Rules to reduce construction-related air pollutants.

As shown in Table 5.3-2, Construction-Related Air Pollutant Emissions, in the Draft IS/MND, particulate matter (including inhalable particulates [PM_{10}] and ultra-fine particulates [$PM_{2.5}$]) generated during project construction would be well below the MDAQMD thresholds for PM_{10} and $PM_{2.5}$. Additionally, the District would obtain a Dust Control Plan and comply with applicable MDAQMD Rules. No changes to the IS/MND are required based on this comment letter.

3.0 MITIGATION MONITORING AND REPORTING PROGRAM

CEQA requires that when a public agency completes an environmental document which includes measures to mitigate or avoid significant environmental effects, the public agency must adopt a reporting or monitoring plan. This requirement ensures that environmental impacts found to be significant will be mitigated. The reporting or monitoring plan must be designed to ensure compliance during project implementation (Public Resources Code Section 21081.6).

In compliance with Public Resources Code Section 21081.6, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the proposed project; refer to Table 1, *Mitigation Monitoring and Reporting Program*. This MMRP is intended to provide verification that all mitigation measures identified in the Draft IS/MND are monitored and reported. Monitoring will include: (1) verification that each mitigation measure has been implemented; (2) recordation of the actions taken to implement each mitigation; and (3) retention of records in the project file.

This MMRP delineates responsibilities for monitoring the project. Pursuant to CEQA Guidelines Section 15097(a), however, the District ultimately remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with the mitigation program. Monitoring procedures will vary according to the type of mitigation measure. Adequate monitoring consists of demonstrating that monitoring procedures took place and that mitigation measures were implemented.

Reporting consists of establishing a record that a mitigation measure is being implemented, and generally involves the following steps:

- The District distributes reporting forms to the appropriate entities for verification of compliance.
- Persons with reporting responsibilities will review the Draft IS/MND, which provides general background information on the reasons for including specified mitigation measures.
- Issues related to compliance will be submitted to and reviewed by the District in accordance with CEQA.
- Periodic meetings may be held during project implementation to report on compliance of mitigation measures.
- Responsible parties provide the District with verification that monitoring has been conducted and ensure, as applicable, that mitigation measures have been implemented. Monitoring compliance may be documented through existing review and approval programs such as field inspection reports and plan review.
- The District prepares a reporting form periodically during the construction phase and an annual report summarizing all project mitigation monitoring efforts.
- Appropriate mitigation measures will be included in construction documents and/or conditions of permits/approvals.

Table 1. Mitigation Monitoring and Reporting Program

Impact Category	Mitigation Measure No.	Mitigation Measure	Time Frame for Implementation	Responsible Agency/Party	Verification of Compliance		
					Initials	Date	Remarks
Biological Resources	BIO-1	A qualified biologist will conduct a preconstruction survey for burrowing owl 14 days prior to initiation of ground-disturbing activities. If the species is present, the qualified biologist and/or project proponent shall contact the California Department of Fish and Wildlife (CDFW) and the project shall fully avoid impacts to burrowing owl. If impacts to burrowing owl cannot be fully avoided, the project proponent shall obtain a California Endangered Species Act Incidental Take Permit pursuant to California Fish and Game Code Section 2081.	Prior to Ground Disturbance/ During Construction as Applicable	VESD Facilities Department Director / Construction Contractor / Qualified Biologist			
Biological Resources	BIO-2	A Burrowing Owl Mitigation and Monitoring Plan (MMP) will be prepared for the burrowing owl. This plan will outline the actions required before the start of construction activities, including preconstruction surveys, timing of activities, avoidance buffer zones, monitoring requirements, relocation, and any other mitigation measures based on coordination and guidance from the CDFW. The Burrowing Owl MMP must be approved by the CDFW before any relocation or construction activities commence and will incorporate any conditions required in the incidental take permit. Additional measures that may be required by the CDFW and would be incorporated into the Burrowing Owl MMP include, but are not limited to: • Avoidance of construction during the nesting period (February 1–August 31). • No impacts on active burrows and no direct destruction of active burrows would occur until it is confirmed that the burrowing owls are no longer utilizing the burrow. • Development and execution of a Worker Environmental Awareness training. • Monitoring by a qualified biologist.	Prior to Ground Disturbance/ During Construction as Applicable	VESD Facilities Department Director / Qualified Biologist / Construction Contractor / CDFW			

Table 1, continued

Impact Category	Mitigation Measure No.	Mitigation Measure	Time Frame for Implementation	Responsible Agency/Party	Verification of Compliance		
					Initials	Date	Remarks
Biological Resources	BIO-3	The District will replace burrowing owl habitat at ratio of 1:1 through payment into a CDFW-approved conservation/mitigation bank or land acquisition and permanent protection and management thereof, as determined by a California Endangered Species Act Incidental Take Permit.	Prior to Ground Disturbance/ During Construction as Applicable	VESD Facilities Department Director / Qualified Biologist / Construction Contractor			
Biological Resources	BIO-4	Within three days prior to ground-disturbing activities associated with project construction that would occur during the avian breeding season (February 1 through August 31, or as determined by a qualified biologist), the applicant shall have surveys conducted by a qualified biologist to determine if active nests of bird species protected by the Migratory Bird Treaty Act and/or the California Fish and Game Code are present on the project site. Surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified biologist will make every effort to avoid potential nest predation as a result of the survey efforts. If ground-disturbing activities are delayed, then additional pre-disturbance surveys shall be conducted such that no more than seven days will have elapsed between the survey and ground-disturbing activities. If active nests are found, clearing and construction within 300 feet of the nest (500 feet for raptors) shall be postponed or halted, at the discretion of the qualified biologist in consultation with the California Department of Fish and Wildlife (CDFW), until the nest is vacated and juveniles have fledged, as determined by the qualified biologist, and there is no evidence of a second attempt at nesting.	Within 3 Days Prior to Ground Disturbance/ During Construction as Applicable	VESD Facilities Department Director / Qualified Biologist / Construction Contractor / CDFW			

Table 1, continued

Impact Category	Mitigation Measure No.	Mitigation Measure	Time Frame for Implementation	Responsible Agency/Party	Verification of Compliance		
					Initials	Date	Remarks
Cultural Resources	CUL-1	In the event that any subsurface cultural resources are encountered during earth-moving activities, work shall be halted in the vicinity of the discovery until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology (48 Federal Register 44738), evaluates the findings and makes recommendations. The resource shall be evaluated for significance, and tribal consultation shall be conducted in the case of a tribal resource. If the discovery proves to be significant, the long-term disposition of any collected materials shall be determined in consultation with the affiliated tribe(s), where relevant.	During Construction as Applicable	VESD Facilities Department Director / Qualified Archaeologist/ Native American Tribal Representatives (as applicable) / Construction Contractor			
Geology and Soils	GEO-1	In accordance with the Society of Vertebrate Paleontology (SVP) 2010 guidelines, a qualified professional paleontologist shall be retained to provide or supervise a paleontological sensitivity training to all personnel involved with earth-moving activities. The training session shall focus on how to identify paleontological resources, such as fossils that may be encountered, and the procedures to follow if encountered during construction. The qualified paleontologist shall monitor earthwork affecting the aforementioned geological units or supervise the monitoring of these activities by a paleontological monitor. If any paleontological resources are encountered on the project site, the qualified paleontologist or the paleontological monitor shall halt all ground-disturbing activities within 50 feet of the find until a significance determination is made. If the fossils are determined to be significant, the qualified paleontologist shall prepare and implement a data recovery plan. The plan shall include, but not be limited to, the following measures: The paleontologist shall ensure that all significant fossils collected are cleaned, identified, catalogued, and permanently curated with an appropriate institution with a research interest in the materials (such as the Los Angeles County Museum);	During Construction as Applicable	VESD Facilities Department Director / Construction Contractor / Qualified Paleontologist / Paleontological Monitor (as applicable) / Construction Contractor			

Table 1, continued

Impact Category	Mitigation Measure No.	Mitigation Measure	Time Frame for Implementation	Responsible Agency/Party	Verification of Compliance		
					Initials	Date	Remarks
		- The paleontologist shall ensure that specialty studies are completed, as appropriate, for any significant fossil collected; and - The paleontologist shall ensure that curation of fossils is completed in consultation with the City. A letter of acceptance from the curation institution shall be submitted to the City. The qualified paleontologist will determine when work within the immediate vicinity of the find may resume, or otherwise expand or reduce the construction exclusion buffer as warranted to ensure proper treatment of resources. The qualified paleontologist may reduce the frequency of monitoring, or cease monitoring altogether if observations of specific site conditions warrant.					