



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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MEGHAN HERTEL, Director

Inland Deserts Region
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April 6, 2026
Sent via email

Cherie Casey
Executive Assistant
Juniper-Riviera County Water District
P.O. Box 618
Lucerne Valley, CA, 92356
ccasey@jrcwd.org

Dear Ms. Casey:

JUNIPER-RIVIERA COUNTY WATER DISTRICT IMPROVEMENT PROJECT (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2026030101

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the Juniper-Riviera County Water District 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.

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.

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PROJECT DESCRIPTION SUMMARY

Project Proponent: Juniper-Riviera County Water District (JRCWD)

Objective: The objective of the Project is to improve the JRCWD water system. Proposed improvements include constructing a new groundwater well, upgrading two existing wells, installing two new storage tanks, rehabilitating three existing storage tanks, and improving the distribution and transmission network through new pipeline construction, rehabilitation of existing pipelines, and extension of mainline segments. Additional components include rehabilitating and installing isolation valves, installing backup generators, and replacing customer water meters. Primary Project activities include demolition, grading, paving, excavation, equipment staging, installation of new water conveyance infrastructure, vegetation removal, and landscaping.

Location: The JRCWD is a potable water system located in an unincorporated area of San Bernardino County, approximately three miles south of State Route 18 between the Town of Apple Valley and the community of Lucerne Valley. The JRCWD service area encompasses roughly ten square miles of the foothills of the San Bernardino Mountains and is generally bounded by Ocotillo Way to the north, Pioneer Road to the east, Milpas Drive to the south, and Skyline Drive to the west. The Project footprint encompasses Assessor's Parcel Numbers 0432-022-27, 0435-391-04, 0435-283-09, and 0435-175-14.

Timeframe: The MND does not identify a construction schedule or duration.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations below to assist the JRCWD 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 final MND.

COMMENT 1: Desert Tortoise (*Gopherus agassizii*)

Section 2.4 Biological Resources, Pages 32-49; Appendix B Biological Resources Report, Pages 32-38

Issue: The MND acknowledges that the Project occurs within suitable habitat for the federally threatened and CESA endangered desert tortoise. However, the MND does not indicate that protocol-level desert tortoise surveys were conducted and instead relied on reconnaissance surveys to determine presence/absence of desert tortoise. Although no individuals or sign were detected during the May 2024 reconnaissance survey, the document states that potential habitat occurs throughout the surveyed area, and thus the species may be present during construction. Desert tortoise is protected under CESA and the Endangered Species Act (ESA), and take of desert tortoise requires authorization (e.g., Incidental Take Permit). Fish and Game Code section 86 et seq. states that, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

CDFW is concerned that the MND proposes installation of temporary exclusionary fencing in the form of chicken wire, snow fencing, chain link, or other suitable materials, which could result in take of desert tortoise. However, the MND does not confirm whether JRCWD will obtain a CESA Incidental Take Permit (ITP) from CDFW to authorize take of desert tortoise.

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Specific Impact: The Project may result in the following impacts to desert tortoise: construction activities such as grading, trenching, equipment movement, pipeline installation, staging areas, foot traffic, and installation of exclusion fencing may result in crushing or injury of desert tortoise; collapse of occupied burrows during trenching or vehicle operation; entrapment in open trenches, during excavations, within pipes, or in construction materials; temporary displacement from habitat; mortality from vehicle strikes when the species is active (March 1–November 1); and increased predation due to improper waste management attracting ravens or other predators.

Why Impacts Would Occur: Mitigation Measure (MM) BIO-2 states that temporary fencing shall be used to reduce encounters of desert tortoise, but the measure does not specify that installation of exclusionary fencing requires prior clearance of desert tortoise if found during pre-construction surveys (MM BIO-1) and relocation of desert tortoise may be necessary if found. As written, fencing would be installed before clearance surveys, creating a high risk of inadvertently fencing in or crushing tortoises or burrows and any relocation of desert tortoise or installation of permanent exclusionary fencing should be authorized through an ITP.

Evidence the Impact Would Be Significant: Populations of the desert tortoise have experienced long-term declines due to human disturbance, vehicle collisions, predation, habitat fragmentation, and development. The species is slow to recover because individuals may take up to 20 years to reach reproductive maturity.

The MND acknowledges that desert tortoise habitat occurs within the Project area, that the species is federally threatened and state listed as endangered, and that construction activities pose risks of direct mortality, entrapment, habitat degradation, and increased predation. The MND further recognizes that minimization measures such as worker education, biological monitoring, and fencing are necessary to prevent take.

Recommended Mitigation Measures to Minimize Significant Impacts: CDFW strongly recommends the following edits to MM BIO-1 be incorporated into the final MND (additions in **bold** and edits in ~~strike through~~):

MM BIO-1 Desert Tortoise Pre-construction Surveys.

Pre-construction surveys for desert tortoise shall be conducted by a qualified biologist no more than ~~two weeks~~ **48 hours** prior to the commencement of Project-related ground disturbance in accordance with current USFWS Survey Protocol (*Preparing for Any Action that may Occur within the Range of the Mohave Desert Tortoise [Gopherus agassizii]*, USFWS Version: October 8, 2019). Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the Project, as well as a reasonable buffer around these areas. Should desert tortoise be encountered, CDFW and USFWS shall be contacted ~~to discuss additional mitigation measures which may be required~~ **and impacts to desert tortoise shall be fully avoided but if impacts cannot be fully avoided a CESA ITP shall be obtained.**

If active desert tortoise burrows are identified in the impact footprint during desert tortoise clearance surveys and required to be moved off site, **a CESA ITP shall be obtained and** a desert tortoise translocation plan will be implemented as approved by USFWS and CDFW. All unoccupied desert tortoise pallets and burrows that are not practical to avoid shall be examined and excavated by hand during the clearance survey by the Species Specific biological monitors and collapsed to prevent reentry following the procedures and precautions

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outlined in the *Desert Tortoise (Mojave Population) Field Manual (Gopherus agassizii)* (USFWS, 2009b) **and CESA ITP.**

COMMENT 2: Western Burrowing Owl (*Athene cunicularia*)

Section 2.4.2 Biological Resources, Pages 32-35; Section 2.4.3 Impact Analysis, Pages 35-40; Appendix B Biological Resources Report

Issue: The MND has the potential to impact western burrowing owl, but the MND did not conduct an impact analysis for the species. October 10, 2024, the Fish and Game Commission determined that western burrowing owl warrants protection as a candidate species under CESA. During the candidacy period, the species is afforded the same protection as threatened and endangered species. If Project activities, including relocation, could result in take, the Project Proponent should obtain appropriate CESA authorization, such as an ITP.

Western burrowing owl is also a CDFW species of special concern (SSC) and is protected under Fish and Game Code Sections 3503 et seq., 3503.5 et seq., and 3513 et seq., as well as the Migratory Bird Treaty Act (MBTA).

Specific Impact: Ground-disturbing activities associated with well construction, trenching, vegetation removal, equipment staging, grading, and proposed relocation efforts may directly or indirectly impact western burrowing owls. The Project site includes suitable habitat for western burrowing owl and the species may likely occur despite not being detected during the May 2024 reconnaissance survey, which is now more than one year old and inappropriate to properly detect western burrowing owl. For proper detection, CDFW recommends the survey protocol outlined in the 2012 *Staff Report on Burrowing Owl Mitigation, Appendix D (Staff Report)* including a total of four (4) focused surveys for burrowing owls: three breeding-season visits (at least three weeks apart between mid-April and mid-July) to coincide with laying, nesting, and late-nestling stages, plus one non-breeding-season visit (September 1–January 31) to document occupancy.

Why Impact Would Occur: The MND does not require protocol-level western burrowing owl pre-construction surveys, nor does it include avoidance, minimization, or mitigation measures for the species. In the absence of focused surveys consistent with Appendix D of the Staff Report, western burrowing owl could be present and subject to take.

Evidence Impact Would Be Significant: Western burrowing owl is a CESA candidate species, and take is prohibited without appropriate authorization (Fish & G. Code §§ 2080, 2085). The species is also protected under Fish and Game Code Sections 3503 et seq., 3503.5 et seq., and 3513 et seq., as well as the MBTA. Ground-disturbing activities, such as vegetation removal, trenching, grading, and operation of heavy equipment may result in injury, mortality, nest destruction, behavioral disruption, or collapse of occupied burrows.

The MND does not evaluate potential impacts to western burrowing owl and does not include mitigation measures, therefore, impacts to western burrowing owl are unlikely to be less than significant, as required under CEQA Guidelines § 15070(b)(1).

Recommended Mitigation Measures to Minimize Significant Impacts:

CDFW recommends that JRCWD revise the final MND to adopt MM BIO-4 below (Western Burrowing Owl Focused and Pre-Construction Surveys) to avoid and minimize impacts to western burrowing owl:

MM BIO-4: Western Burrowing Owl Focused and Pre-Construction Surveys (NEW)

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Prior to any Project activities, including vegetation removal or ground-disturbing activities, a CDFW-approved qualified biologist shall conduct focused western burrowing owl surveys throughout the entire Project site and in accordance with CDFW's *Staff Report on Burrowing Owl Mitigation*, Appendix D. Surveys shall be conducted during both the breeding season (February 1–August 31) and non-breeding season (September 1–January 31) immediately preceding the start of construction.

If western burrowing owl or occupied burrows are detected, impacts to western burrowing owl individuals, nests, eggs, occupied burrows, or occupied habitat shall be fully avoided and if impacts cannot be fully avoided, the Project Proponent shall obtain a CESA Incidental Take Permit (Fish & G. Code, § 2081, subd. (b)) prior to starting any Project activities.

COMMENT 3: American Badger (*Taxidea taxus*) and Desert Kit Fox (*Vulpes macrotis*)

Section 2.42 Biological Resources, Pages 29-39; Appendix B Biological Resources Report

Issue: Due to their similar life history, desert kit fox and American badger are hereby addressed together. Desert kit fox and American badger are special status species and according to the California Natural Diversity Database (CNDDDB), the Project is within predicted habitat for American badger, a CDFW SSC and desert kit fox, a fur bearing mammal protected under Fish and Game Code sections 4000 et seq., and 4002 et seq. Further, both species are found within four miles of the Project site (CDFW, 2025). However, the MND did not consider desert kit fox or American badger in its impact analysis.

Specific impact: Impacts to desert kit fox and American badger could occur during the construction of the Project. For example, the Project could result in the collapse of occupied burrows, permanent loss of foraging and nesting habitat, and/or direct mortality or injury.

Why impact would occur: The MND did not include a pre-construction clearance survey for American badger and desert kit fox to ensure these species are absent from the Project site, and no measures were included in the MND to avoid and minimize Project impacts to these species.

Evidence impact would be significant: Desert kit foxes are considered uncommon to rare, and permanent residents of arid regions of southern California. Desert kit fox is addressed in Title 14 of the California Code of Regulations. California Code of Regulations, Title 14, section 460 states that "Fisher, marten, river otter, desert kit fox and red fox may not be taken at any time". Desert kit fox and the American badger are also found within Fish and Game Code section 4000: "Fur-bearing mammals enumerated. The following are fur-bearing mammals: pine marten, fisher, mink, river otter, gray fox, red fox, kit fox, raccoon, beaver, badger, and muskrat". Further, Fish and Game Code section 4002 et seq., states, "Fur-bearing mammals may be taken only with a trap, a firearm, bow and arrow, poison under proper permit, and with the use of dogs." All other forms of take of fur-bearing mammals are not authorized.

Recommended Mitigation Measures to Minimize Significant Impacts: CDFW recommends the adoption of MM BIO-5 (Pre-Construction American Badger and Desert Kit Fox Surveys) below in the final MND to avoid and minimize impacts to American badger and desert kit fox.

MM BIO-5: Pre-Construction American Badger and Desert Kit Fox Surveys (NEW)

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No more than 30 days prior to the beginning of ground disturbance and/or Project activities, a qualified biologist shall conduct a survey to determine if potential desert kit fox or American badger burrows are present in the Project site. If potential burrows are located, they shall be monitored by the qualified biologist. If the burrow is determined to be active, the qualified biologist shall verify there are suitable burrows outside of the Project site prior to undertaking passive relocation actions. If no suitable burrows are located, artificial burrows shall be created at least fourteen days prior to passive relocation. The qualified biologist shall block the entrance of the active burrow with soil, sticks, and debris for 3-5 days to discourage the use of the burrow prior to Project activities. The entrance shall be blocked to an incrementally greater degree over the 3 to 5-day period. After the qualified biologist has determined there are no active burrows, the burrows shall be hand excavated to prevent re-use. No disturbance of active dens shall take place when juvenile desert kit fox and juvenile American badgers may be present and dependent on parental care. The qualified biologist shall determine appropriate buffers and maintain connectivity to adjacent habitat should natal burrows be present.

COMMENT 4: Crotch's Bumble Bee (*Bombus crotchii*)

Section 2 Biological Resources and Appendix B Biological Resources Report

Issue: The MND does not include a discussion or impact analysis for Crotch's bumble bee, a CESA candidate species. According to CNDDDB, the Project footprint occurs within the known range of Crotch's bumble bee, and multiple documented occurrences exist in the surrounding region (CDFW, 2024).

Specific Impacts: The MND does not include mitigation measures for Crotch's bumble bee, because it assumes the species is absent. If the species is present, Project activities such as clearing, grading, vegetation removal, trenching, and soil compaction could result in take. Impacts are especially likely to occur in areas containing native flowering plants where Crotch's bumble bee may forage and intact soils or undisturbed open habitat, suitable for nesting. Without confirmation of absence through focused surveys, the Project could inadvertently result in take of the species.

Why Impacts Would Occur: Crotch's bumble bee is a ground-nesting species historically associated with open habitats including desert scrub, grasslands, and areas supporting native flowering vegetation. The MND reports that the Project footprint contains plant communities with abundant spring and summer flowering native plants, which can provide foraging resources and soil characteristics needed for nesting (Bryman, Cajon, and Helendale-Bryman loamy and fine sands). Ground-disturbing activities such as grading and vegetation removal directly threaten the nesting substrates and floral resources required by this species. Since the MND does not require pre-construction focused surveys, avoidance, or minimization measures, Project activities could result in direct and indirect take of a species protected under CESA, if present.

Evidence Impacts Would Be Significant:

Crotch's bumble bee is a CESA Candidate Species and therefore protected under Fish and Game Code Section 2080 et seq., which prohibits unauthorized take. The species is ranked S1/S2 in California, indicating that it is critically imperiled or imperiled, with very few extant populations. CNDDDB records show multiple recent observations within the broader region, demonstrating that the area has historically supported or has recently supported suitable habitat conditions for this species (CDFW, 2024).

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Recommended Mitigation Measures to Minimize Significant Impacts: CDFW recommends MM BIO-6 be below for adoption into the final MND to avoid, minimize, and mitigate impacts for Crotch's bumble bee:

MM BIO-6: Crotch's Bumble Bee Avoidance (NEW)

A habitat assessment and in accordance with the 2023 CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW & Xerces Society, 2023) shall be conducted prior to commencement of Project activities to identify suitable habitat for Crotch's bumble bee. Within suitable habitat for Crotch's bumble, surveys should be conducted during the appropriate season when adult bees are active and floral resources are available in accordance with the 2023 CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW & Xerces Society, 2023). If Crotch's bumble bee is detected during surveys or construction activities, the Project Proponents shall fully avoid impacts to Crotch's bumble bee or obtain a CESA ITP from CDFW prior to commencing any vegetation or ground-disturbing activities if impacts cannot be fully avoided.

COMMENT 5: San Diego Pocket Mouse (*Chaetodipus fallax fallax*)

Section 2.4 Biological Resources – Section 2.4.2 Environmental Setting; Section 2.4.3 Discussion of Impacts

Issue: The MND does not identify, analyze, or discuss potential impacts to the San Diego pocket mouse (*Chaetodipus fallax fallax*), a SSC associated with desert scrub, Joshua tree woodland, juniper woodland, and open shrubland habitats. Although the Project area contains extensive suitable habitat and the Biological Resources Report documents other sensitive small mammal species known within one mile and confirms habitat conditions that support nocturnal, fossorial rodents, the MND does not mention San Diego pocket mouse or evaluate potential impacts (CNDDDB, 2025).

Specific Impacts: Project construction activities including vegetation removal, trenching, grading, equipment staging, and installation of transmission and distribution pipelines have a high potential to cause direct mortality through burrow collapse, crushing, or entrapment. Indirect impacts may include habitat degradation, fragmentation, soil compaction, reduction of seed-producing shrubs used for foraging, and increased predation risk following vegetation removal. As a nocturnal and fossorial species, the San Diego pocket mouse was unlikely to be detected during daytime reconnaissance surveys that were performed and thus impacts to this sensitive species may occur if present.

Why Impacts Would Occur: The Project footprint supports multiple vegetation communities suitable for San Diego pocket mouse, including creosote scrub, juniper woodland, Joshua tree woodland, rubber rabbitbrush scrub, and annual grasslands. These habitats offer friable soils, seed resources, and shrub cover preferred by pocket mice for foraging and burrow construction.

Evidence Impacts Would Be Significant: The San Diego pocket mouse is recognized by CDFW as a SSC due to population declines, habitat fragmentation, and sensitivity to soil disturbance. CEQA requires that SSC be treated as special status species and evaluated under the California Code of Regulations section 15380 et seq. As no species-specific surveys were conducted and no mitigation measures are included, impacts to San Diego pocket mouse may be significant if present.

Recommended Mitigation Measures to Minimize Significant Impacts:

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CDFW recommends the adoption of MM BIO-7 below in the final MND to avoid and minimize impacts to San Diego pocket mouse to the greatest extent feasible:

MM BIO-7: San Diego Pocket Mouse Pre-Construction Surveys (NEW)

Prior to any ground disturbance, a qualified small-mammal biologist shall conduct focused surveys for the San Diego pocket mouse. If San Diego pocket mouse is detected during surveys:

- 1. The Project Proponent shall prepare and implement a San Diego Pocket Mouse Avoidance Plan.**
- 2. The plan shall include establishment of no-disturbance buffers around active burrows.**
- 3. Worker Environmental Awareness Training shall be provided, with emphasis on nocturnal small mammals and Project-specific avoidance procedures.**
- 4. Nighttime lighting and noise shall be minimized to the maximum extent feasible.**
- 5. Soil compaction shall be reduced by restricting equipment travel to designated routes and employing low-impact work practices.**
- 6. A qualified biological monitor shall be present during all ground-disturbing activities occurring within suitable habitat.**

ADDITIONAL COMMENTS

I. Editorial Comments and/or Suggestions

COMMENT 6: CDFW Lake and Streambed Alteration Program

Section 1.5 Anticipated Permits and Coordination, Page 12; Section 2.4.2 Environmental Setting, Page 34; Section 2.4.3 Discussion of Impacts, Page 39

The MND acknowledges that a stream-like feature occurs on the Project Site; however, it does not provide sufficient information for CDFW to determine whether this feature is subject to Fish and Game Code Section 1602 et seq. Under Fish and Game Code Section 1602 et seq., any entity must notify CDFW before starting any activity that may substantially divert or obstruct the natural flow, alter the bed, bank, or channel, or deposit material that could enter any river, stream, or lake. This applies to perennial, intermittent, and ephemeral features, including wetlands, desert washes, and watercourses with subsurface or episodic flow, and may extend to the floodplain.

Recommended Mitigation Measures to Minimize Significant Impacts: To comply with Fish and Game Code Section 1602 et seq., CDFW recommends that the final MND adopt the MM BIO-8 (Lake and Streambed Alteration Agreement Notification) below:

MM BIO-8: LSA Agreement Notification (New)

Prior to construction, the Project Proponent shall notify pursuant to Fish and Game Code Section 1602 et seq., and shall obtain written correspondence from the CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project or if CDFW determines that the Project may substantially affect fish and wildlife resources, shall obtain a Streambed Alteration Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code Section 1602 et seq., resources.

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ENVIRONMENTAL DATA

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

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

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

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

Sincerely,

DocuSigned by:

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Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
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James F. Owens, Engineer
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ATTACHMENTS

A: Mitigation and Monitoring Reporting Program (MMRP)

REFERENCES

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Attachment A Mitigation Monitoring and Reporting Program

Measure Number	Biological (BIO) Mitigation Measure (MM)	Implementation Schedule	Responsible Party
MM BIO-1	<p>Desert Tortoise Pre-construction Surveys</p> <p>Pre-construction surveys for desert tortoise shall be conducted by a qualified biologist no more than 48 hours prior to the commencement of Project-related ground disturbance in accordance with current USFWS Survey Protocol (Preparing for Any Action that may Occur within the Range of the Mohave Desert Tortoise [Gopherus agassizii], USFWS Version: October 8, 2019). Pre-construction surveys shall encompass all areas within the potential footprint of disturbance for the Project, as well as a reasonable buffer around these areas. Should desert tortoise be encountered, CDFW and USFWS shall be contacted and impacts to desert tortoise shall be fully avoided but if impacts cannot be fully avoided a CESA ITP shall be obtained.</p> <p>If active desert tortoise burrows are identified in the impact footprint during desert tortoise clearance surveys and required to be moved off site, a CESA ITP shall be obtained and a desert tortoise translocation plan will be implemented as approved by USFWS and CDFW. All unoccupied desert tortoise pallets and burrows that are not practical to avoid shall be examined and excavated by hand during the clearance survey by the Species Specific biological</p>	No more than 48 hours before ground disturbing activities	Project Proponent and Qualified Biologist

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	monitors and collapsed to prevent reentry following the procedures and precautions outlined in the Desert Tortoise (Mojave Population) Field Manual (Gopherus agassizii) (USFWS, 2009b) and CESA ITP.		
MM BIO-4	<p>Western Burrowing Owl Focused and Pre-Construction Surveys</p> <p>Prior to any Project activities, including vegetation removal or ground-disturbing activities, a CDFW-approved qualified biologist shall conduct focused western burrowing owl surveys throughout the entire Project site and in accordance with CDFW's Staff Report on Burrowing Owl Mitigation, Appendix D. Surveys shall be conducted during both the breeding season (February 1–August 31) and non-breeding season (September 1–January 31) immediately preceding the start of construction.</p> <p>If western burrowing owl or occupied burrows are detected, impacts to western burrowing owl individuals, nests, eggs, occupied burrows, or occupied habitat shall be fully avoided and if impacts cannot be fully avoided, the Project Proponent shall obtain a CESA Incidental Take Permit (Fish & G. Code, § 2081, subd. (b)) prior to starting any Project activities.</p>	Prior to any Project activities	Project Proponent and Qualified Biologist
MM BIO-5	<p>Pre-Construction American Badger and Desert Kit Fox Surveys</p> <p>No more than 30 days prior to the beginning of ground disturbance and/or Project activities, a qualified biologist shall conduct a survey to determine if potential desert kit fox or American badger burrows are present in the</p>	No more than 30 days prior to the commencement of ground disturbing Project activities	Project Proponent and Qualified Biologist

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	<p>Project site. If potential burrows are located, they shall be monitored by the qualified biologist. If the burrow is determined to be active, the qualified biologist shall verify there are suitable burrows outside of the Project site prior to undertaking passive relocation actions. If no suitable burrows are located, artificial burrows shall be created at least fourteen days prior to passive relocation. The qualified biologist shall block the entrance of the active burrow with soil, sticks, and debris for 3-5 days to discourage the use of the burrow prior to Project activities. The entrance shall be blocked to an incrementally greater degree over the 3 to 5-day period. After the qualified biologist has determined there are no active burrows, the burrows shall be hand excavated to prevent re-use. No disturbance of active dens shall take place when juvenile desert kit fox and juvenile American badgers may be present and dependent on parental care. The qualified biologist shall determine appropriate buffers and maintain connectivity to adjacent habitat should natal burrows be present.</p>		
<p>MM BIO-6</p>	<p>Crotch's Bumble Bee Avoidance</p> <p>A habitat assessment and in accordance with the 2023 CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW & Xerces Society, 2023) shall be conducted prior to commencement of Project activities to identify suitable habitat for Crotch's bumble</p>	<p>Prior to commencement of Project activities</p>	<p>Project Proponent and Qualified Biologist</p>

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	<p>bee. Within suitable habitat for Crotch's bumble, surveys should be conducted during the appropriate season when adult bees are active and floral resources are available in accordance with the 2023 CDFW Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species (CDFW & Xerces Society, 2023). If Crotch's bumble bee is detected during surveys or construction activities, the Project Proponents shall fully avoid impacts to Crotch's bumble bee or obtain a CESA ITP from CDFW prior to commencing any vegetation or ground-disturbing activities if impacts cannot be fully avoided.</p>		
<p>MM BIO-7</p>	<p>San Diego Pocket Mouse Pre-Construction Surveys</p> <p>Prior to any ground disturbance, a qualified small mammal biologist shall conduct focused surveys for the San Diego pocket mouse. If San Diego pocket mouse is detected during surveys:</p> <ol style="list-style-type: none"> 1. The Project Proponent shall prepare and implement a San Diego Pocket Mouse Avoidance Plan. 2. The plan shall include establishment of no disturbance buffers around active burrows. 3. Worker Environmental Awareness Training shall be provided, with emphasis on nocturnal small mammals and Project specific avoidance procedures. 4. Nighttime lighting and noise shall be minimized to the maximum extent feasible. 5. Soil compaction shall be reduced by restricting equipment travel to designated routes and 	<p>Prior to any ground disturbance</p>	<p>Project Proponent and Qualified Biologist</p>

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	<p>employing low impact work practices. 6. A qualified biological monitor shall be present during all ground disturbing activities occurring within suitable habitat.</p>		
<p>MM BIO-8</p>	<p>LSA Agreement Notification</p> <p>Prior to construction, the Project Proponent shall notify pursuant to Fish and Game Code Section 1602 et seq., and shall obtain written correspondence from the CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project or if CDFW determines that the Project may substantially affect fish and wildlife resources, shall obtain a Streambed Alternation Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code Section 1602 et seq., resources.</p>	<p>Prior to construction</p>	<p>Project Proponent</p>