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May 5, 2026

Derek Newland
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San Bernardino County
Land Use Services Department
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San Bernardino, CA 92415

Dear Derek Newland:

LONE PINE CANYON ROAD QUARRY – RECLAMATION PLAN (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2026030881

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from San Bernardino County, Land Use Service Department (County) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: Grand Lone Pine Canyon Enterprises, LLC

Objective: The Lone Pine Canyon Road Quarry (previously known as El Cajon Property) proposes to resume surface mining operations on approximately 285 acres of the total 420-acre property for the commercial production of calcium carbonate. Previous mining operations were conducted intermittently from approximately 1924 to 1966. On March 7, 2019, San Bernardino County Planning Commission officially recognized vested mining

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.

rights to the site and on August 1, 2023, ownership of the property was transferred to Grand Lone Pine Canyon Enterprises, LLC. Because mining rights are vested, the State of California Surface Mining and Reclamation Act of 1975 (SMARA), Public Resources Code §2770 et seq, as amended and County Ordinance 4011, Chapters 82.17 and 88.03 of the County Development Code require a Reclamation Plan be reviewed in compliance with CEQA and approved by the County.

The objective of the Reclamation Plan (Project) is to stabilize all graded areas to ensure public safety and long-term erosion control after mining operations are completed at the Lone Pine Canyon Road Quarry. Primary Project activities include grading to final slope configurations, topsoil replacement where feasible, and revegetation using native species. Mining operations will follow conventional hard rock quarrying methods which may include drilling and blasting followed by excavation, transport, and processing of raw material. The mining operations are expected to produce approximately 148 million cubic yards of material over the life of the quarry.

Location: The Project Site is located along the north side of Lone Pine Canyon Road, approximately 4.5 miles southeast of the unincorporated community of Wrightwood and 20 miles southwest of the City of Hesperia in San Bernardino County, California. The Project site consists of three non-contiguous parcels: APN 0356-231-02, 0356-241-02, and 0356-241-03. The approximate center of the project site is located at 34.30971° Latitude and -117.52998° Longitude.

Timeframe: Approximately 148 years. The estimated start date for mining operations was January 1, 2026. The anticipated end date for operations is January 1, 2175, or until resource depletion. Reclamation Plan Activities will be implemented progressively as mining operations advance across the site.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW is concerned the IS/MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) to biological resources, with sufficient supporting documentation, and has not determined whether those impacts are less than significant. CDFW offers the comments and recommendations below to assist San Bernardino County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological resources).

COMMENT #1: Baseline Assessment

Entire Draft IS/MND

Issue: The Habitat and Jurisdictional Assessment completed by ELMT Consulting, Inc in June 2025 (Appendix B of the Lone Pine Canyon Road Quarry Reclamation Plan) provides a baseline assessment of the project site. However, the IS/MND evaluation of potentially affected environmental factors presumes baseline conditions will change due to habitat removal from anticipated mining operations at the Project site prior to the Reclamation Plan Project Activities.

Specific impact: The IS/MND CEQA analysis does not reference the baseline conditions provided by ELMT Consulting, Inc.'s Habitat and Jurisdiction Assessment. Instead, the IS/MND evaluation presumes that Project Site environment will be significantly impacted and depleted by anticipated mining operations and therefore the actual Reclamation Plan activities will not have significant impacts to the environment at the Project Site.

Why impact would occur: The IS/MND fails to provide substantial evidence and sufficient detail to deviate from the normal existing baseline conditions at the time the Notice of Preparation was filed. By using presumed future baseline conditions, the County has not analyzed and disclosed the direct and reasonably foreseeable potentially significant environmental effect that may be caused by the proposed project.

The anticipated timeframe for the proposed project is approximately 148 years. Due to the extensive length of time, the IS/MND analyses, *if deviating from current baseline conditions*, should include potential impacts from climate change such as shifts in species abundance and distributions, wildfire activity and intensity, weather activity and intensity, and streamflow patterns. Additionally, several native species that may occur on the Project Site, such as Crotch's bumble bee, are known to be well adapted to human disturbance. Crotch's bumble bee are generalist foragers and have been observed foraging and utilizing areas with high levels of disturbance and nonnative plant species as discussed further in Comment #3. Furthermore, the IS/MND does not provide an analysis nor minimization and mitigation measures to prevent impacts to state jurisdictional waters that have been identified as being present on site according to the Reclamation Plan's Habitat and Jurisdictional Assessment. The IS/MND jurisdictional water analysis begins with, "the reclamation activities would occur on lands that have been completely disturbed by mining operations." The analysis then concludes by defaulting to potential future separate permitting processes if jurisdictional waters are found at the time Reclamation activities begin. The analysis does not provide sufficient information for CDFW or the public to generally understand what physical changes to the existing environment the lead agency believes will occur if the proposed project is approved. These examples are based on CDFW's expertise and experience as California's trustee agency for fish and wildlife and not the lead agency's existing analysis.

The presumption that anticipated disturbance to habitat signifies no presence of sensitive species, sensitive natural communities, or jurisdictional waters is misleading and neglects a full analysis backed by substantial evidence. Because potentially significant effects were not analyzed from current conditions, and sufficient justification for the deviation from current conditions was not provided, the assessment that the Project does not significantly impact environmental factors is misleading and provides unreliable information for assessing potentially significant effects that may be caused by the project, if approved.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the baseline assessment of the environmental setting at the prospective time of project initiation lacks substantial evidence and does not include sufficient detail and information to facilitate meaningful public and agency review of the expected incremental physical changes and potentially significant effects to the existing environment that may be caused by the proposed project. Per CEQA Guidelines section 15125, subdivision (a)(1) requires a description of the physical environmental conditions in the vicinity of the project as they exist at the time the Notice of Preparation is published, absent substantial evidence that an existing conditions analysis would be misleading or without informational value. In addition, *Environmental Planning and Information Council v. County of El Dorado* (1982) 131 Cal. App. 3rd 350, 354 determined that CEQA is focused on the "effects of projects on the actual environment upon which the proposed project will operate". This disclosure of an accurate analysis is necessary to allow CDFW to comment on the expected incremental physical changes and potentially significant effects to the existing environment that may be caused by the proposed project.

Recommendations

Recommendation #1: Current baseline conditions. CDFW recommends the County revise and recirculate the MND to include an analysis of environmental impacts based on baseline conditions as they exist at the time the Notice of Preparation was published per CEQA Guidelines section 15125, subdivision (a)(1). The MND should refer to the

baseline conditions at the time the Notice of Preparation was published in determining and analyzing significant impacts.

OR

Recommendation #2: Anticipated baseline conditions. CDFW recommends the County revise and recirculate the MND to include substantial evidence and sufficient detail and information justifying deviation from current baseline conditions.

COMMENT #2: Habitat and Jurisdictional Assessment

IS/MND Section IV, Biological Resources and Reclamation Plan, Appendix B

Issue: The Habitat and Jurisdictional Assessment (Assessment) prepared for the project does not adequately identify the Project's significant, or potentially significant impacts to biological resources. The MND does not identify resource-specific avoidance and minimization measures to reduce potential impacts to a level that is less than significant.

Specific impact: The Assessment's analysis and conclusion rely on one general reconnaissance level survey of the Project site to identify special status species, vegetation communities, and habitats that could support special status species. CDFW is concerned that potentially occurring special-status species may have been overlooked during the singular field investigation.

Per the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, March 2018)², botanical field survey visits should be spaced throughout the growing season and multiple visits to the project area are usually required to capture the floristic diversity at a level necessary to determine the presence of special-status plant species. The 2025 April general field investigation of the Project site boundary was outside the bloom period for several potential occurring special-status plant species - Parish's oxytheca (*Acanthoscyphus parishii* var. *parishii*), Rock creek broomrape (*Aphyllon validum* ssp. *Validum*), Mojave milkweed (*Asclepias nyctaginifolia*), crested milk-vetch (*Astragalus bicristatus*), Plummer's mariposa-lily (*Calochortus plummerae*), Johnston's monkeyflower (*Diplacus johnstonii*), Alpine sulphur-flowered buckwheat (*Eriogonum umbellatum* var. *minus*), Pine green-gentian (*Frasera neglecta*), Pine fritillary (*Fritillaria pinetorum*), Johnston's bedstraw (*Galium johnstonii*), Los Angeles sunflower (*Helianthus nuttallii* ssp. *parishii*), Urn-flowered alumroot (*Heuchera caespitosa*), Parish's alumroot (*Heuchera parishii*), Duran's rush (*Juncus duranii*), Lemon lily (*Lilium parryi*), Jokerst's monardella (*Monardella australis* ssp. *jokerstii*), California muhly (*Muhlenbergia californica*), Woolly mountain-parsley (*Oreonana vestita*), Black bog-rush (*Schoenus nigricans*), Bluish spike-moss (*Selaginella asprella*), Laguna mountains jewelflower (*Streptanthus bernardinus*), San Bernardino aster (*Symphotrichum defoliatum*), and Greatas aster (*Symphotrichum greatae*).

CDFW is concerned that the singular field investigation on April 22, 2025, is insufficient and thus inadequate to rely upon to properly identify special status species, vegetation communities, and habitats that support special status wildlife and may not reflect current occupancy of sensitive or listed species. The Assessment does not include any supporting documentation regarding the field investigation, such as the surveyors' qualifications, timing of the survey, results of the survey, constraints of the survey, etc.

CDFW recommends that surveys should be conducted by a qualified biologist at the appropriate time of year and day when the sensitive species are active or otherwise identifiable. In addition to rare plants and sensitive vegetation communities, species-specific surveys should be conducted for special-status species that may occur within the Project site, Crotch's bumblebee, Desert bighorn sheep, and Golden Eagle.

² California Department of Fish and Wildlife. March 20, 2018. *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*. [Special Status Native Plant Populations and Sensitive Natural Communities \(ca.gov\)](https://www.cdfw.ca.gov/Portals/0/Special_Status_Native_Plant_Populations_and_Sensitive_Natural_Communities_(ca.gov))

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

Why impact would occur: The lack of focused surveys does not provide the MND a complete biological baseline due to the inadequacy of its plant and wildlife inventory, limited observation of migratory birds that utilize the site, and limited observation of nesting or breeding species that utilize the site. Additionally, the lack of focused surveys hinders the analysis of impacts to special-status species and may result in take of special status species and/or loss of habitat. Reconnaissance surveys can be used to gather general information about habitat, but it should not be used to determine the presence or absence of candidate, sensitive, or special status species. The failure to locate a known special status species occurrence during one field season does not constitute evidence that the species' occurrence no longer exists at a location, particularly if adverse conditions are present. The draft MND should include a detailed Project impact analysis to biological resources with supporting documentation and include specific avoidance and minimization and mitigation measures to reduce the Project impacts to a less than significant level.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to biological resources has not been adequately analyzed in the IS/MND and the Habitat and Jurisdictional Assessment of the Reclamation Plan. Impacts to special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Without an accurate biological baseline of present candidate, sensitive, or special status species and the lack of species avoidance, minimization, and mitigation measures, it is unclear if the Project will avoid all biological resource impacts to a level below significant adverse effect.

Recommended Potentially Feasible Mitigation Measure(s) to reduce impacts to less than significant: CDFW recommends the inclusion of the following new mitigation measure, BIO-1 in the MND.

Mitigation Measure # BIO-1 (New):

Prior to commencing activities within the Reclamation Plan, including staging and storage, a complete and recent inventory will be completed, including rare, threatened, endangered, and candidate species, Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code § 3511), and any other species not included in a specific listing but that can be shown to meet the criteria of a rare or endangered species (CEQA Guidelines § 15380), for which suitable habitat is present within or adjacent to the Project. The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

COMMENT #3: Crotch's bumble bee (*Bombus crotchii*)

IS/MND Section IV: Biological Resources, Part A, Page #23 and the Habitat and Jurisdictional Assessment, Appendix B of the Reclamation Plan, Page 12, 16, 23, Table B-1.

Issue: The IS/MND does not adequately identify the Project's significant, or potentially significant, impacts to Crotch's bumble bee, a candidate species under the California Endangered Species Act (CESA).

Specific impact: The IS/MND makes no mention of Crotch's bumble bee and determines there would be no impact to any species identified as a candidate, sensitive or special status species due to the anticipated habitat disturbance by mining operations that will occur before Reclamation Activities. Additionally, a Crotch's bumble bee focused survey was not completed prior to the analysis and distribution of the IS/MND. CDFW is concerned that the IS/MND does not sufficiently identify potential Project impacts to Crotch's bumble bee and does not provide appropriate mitigation measures to fully reduce impacts to less than significant. The Project has the potential to result in take of Crotch's bumble bee and has the potential to cause permanent or temporary loss of Crotch's bumble bee habitat.

Why impact would occur: The Habitat and Jurisdictional Assessment prepared for the Project in June 2025 states that "Crotch's bumble bee was observed in the vicinity of the site. Additionally, it was determined that mixed chaparral on the south side of Lone Pine Canyon Road has a moderate potential to provide suitable habitat for Crotch's bumble bee. However, this area lies outside the proposed limits of disturbance for the project". The report concluded that no impacts are expected to occur and recommends that focused surveys for the species will not be required. Furthermore, the IS/MND concludes that the anticipated disturbance to habitat by mining operations signifies no substantial adverse effects to sensitive species.

CDFW is concerned that the lack of a comprehensive impact analysis and associated mitigation measures may lead to significant impacts to Crotch's bumble bee under CEQA. Although the ideal habitat for Crotch's bumble bee lies outside the proposed project disturbance, the occurrence of the species within the vicinity of the site should prompt focused surveys on the site to confidently rule out occurrence. Otherwise, project activities may result in take of Crotch's bumble bee through collapsing burrows, entombment, displacement, dust from Project operations, and vegetation removal that reduces foraging and nesting habitat.

Crotch's bumble bee occurs primarily in California, including the Mediterranean region, Pacific Coast, Western Desert, Great Valley and adjacent to foothills through most of southwestern California³. Crotch's bumble bee are generalist foragers and have been reported visiting a wide variety of flower plants. The plant families most commonly associated with Crotch's bumble bee observations or collections from California include Fabaceae, Apocynaceae, Asteraceae, Lamiaceae, Boraginaceae and Asclepiadaceae. This is not a comprehensive list, and the species has been observed foraging and utilizing areas with high levels of disturbance and nonnative plant species. A queen's dispersal distance averages around 10 km (6.2 miles)^{4,5,6} and the foraging range for bumble bees is averaged at roughly 1-2 km (0.62-1.24 miles) from the nest in a single

³ Williams, P. H., et al. 2014. The Bumble Bees of North America: An Identification Guide. Princeton University Press, Princeton.

⁴ Jha, S., and C. Kremen. 2013. Urban land use limits regional bumble bee gene flow. *Molecular Ecology* 22:2483–2495.

⁵ Kraus, F. B., S. Wolf, and R. F. A. Moritz. 2009. Male flight distance and population substructure in the bumblebee *Bombus terrestris*. *Journal of Animal Ecology* 78:247–252.

⁶ Williams, P. H., R. W. Thorp, L. L. Richardson, and S. R. Colla. 2014. *Bumble Bees of North America: An Identification Guide*. Princeton University Press.

trip^{7,8,9}. Ground disturbance (e.g., trenching, grading, soil compaction, and earth-moving activities) and vegetation removal have the potential to destroy Crotch's bumble bee burrows. Additionally, these activities create elevated levels of noise, human activity, dust, ground vibrations, and vegetation disturbance which may also impact the species if found within the Project site.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to Crotch's bumble bee has not been adequately analyzed in the IS/MND. Crotch's bumble bee is a candidate species for listing under CESA; therefore, it receives the same legal protection afforded to endangered or threatened species under CESA pursuant to Fish & G. Code §§ 2074.2 & 2085. If found on-site, the Project could result in crushing or killing Crotch's bumble bees, reduction in sufficient food resources such as nectar and pollen, and/or removal of nesting and overwintering sites. Many bumble bee species, once common in the western United States, have undergone a dramatic decline in both distribution and abundance and are now extirpated from much of their historic ranges¹⁰. Many bumble bees are threatened with extinction due primarily to reductions in habitat from urbanization, intensive agriculture, and invasive species introductions¹¹. If Crotch's bumble bee occurs at the Project site and Project activities impact Crotch's bumble bee, this may result in a substantial reduction in the species' population, which could be a significant impact.

Take of any endangered, threatened, or candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). "Take" as defined by Fish and Game Code section 86 means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species could result in the Project having a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: CDFW recommends the inclusion of the following new mitigation measure, BIO-2 in the IS/MND to ensure an adequate assessment is completed and CESA authorization is obtained, if needed.

Recommendation #3: CESA for Mining Operations. As noted in Mitigation Measure BIO-3 below, if Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly and fully avoided during Project construction and activities, the Project proponent should coordinate with CDFW to obtain appropriate permits for incidental take of Crotch's bumble bee.

Mitigation Measure # BIO-2 (New):

(MM-BIO 2.1) A qualified entomologist familiar with the species behavior and life history shall conduct surveys to determine the presence/absence of Crotch's bumble bee. Surveys should follow CDFW's *Survey Considerations for California*

⁷ Dramstad, W. E., G. L. A. Fry, and M. J. Schaffer. 2003. Bumblebee foraging—is closer really better? *Agriculture, Ecosystems & Environment* 95:349–357.

⁸ Walther-Hellwig, K., and R. Frankl. 2000. Foraging habitats and foraging distances of bumblebees, *Bombus* spp. (Hym., Apidae), in an agricultural landscape. *Journal of Applied Entomology* 124:299–306.

⁹ Williams, P. H., R. W. Thorp, L. L. Richardson, and S. R. Colla. 2014. *Bumble Bees of North America: An Identification Guide*. Princeton University Press.

¹⁰ Hatfield, R., Jepsen, S., Foltz Jordan, S., Blackburn, M., Code, Aimee. 2018. A Petition to the State of California Fish and Game Commission to List Four Species of Bumblebees as Endangered Species.

¹¹ Ibid.

Endangered Species Act (CESA) Candidate Bumble Bee Species¹². If no CESA-protected bumble bees are found during the surveys, but the habitat assessment identified suitable nesting, foraging, or overwintering habitat within the project site, it is recommended that a biological monitor be onsite during vegetation or ground disturbing activities that take place during any of the Queen and Gyne flight Period and Colony Active Period to ensure continued avoidance of this highly mobile species. Survey results, including negative findings, should be submitted to CDFW prior to implementing Project-related ground disturbing activities. At minimum, a survey report should provide the following:

- a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys.
- b) Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched.
- c) Map(s) showing the location of nests/colonies.
- d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).

(MM-BIO- 2.2) If Crotch's bumble bee is detected and if impacts to Crotch's bumble bee cannot be feasibly and fully avoided during Project construction and activities, the Project proponent shall coordinate with CDFW to obtain appropriate permits for incidental take of Crotch's bumble bee and provide appropriate mitigation for impacts to Crotch's bumble bee habitat.

COMMENT #4: Fully Protected Desert Bighorn Sheep (*Ovis canadensis nelsoni*)

IS/MND Section IV: Biological Resources, Part A, Page #23 and the Habitat and Jurisdictional Assessment, Appendix B of the Reclamation Plan, Page 12, 16, 23, Table B-1.

Issue: The IS/MND does not adequately identify the Project's significant, or potentially significant, impacts to Desert bighorn sheep (bighorn sheep), a fully protected species in California.

Specific impact: The IS/MND determines there would be no impact to any species identified as a candidate, sensitive or special status species due to the anticipated habitat disturbance by mining operations that will occur before Reclamation Activities. CDFW is concerned that the IS/MND does not sufficiently identify potential Project impacts to the Fully Protected Species, bighorn sheep, and does not provide appropriate mitigation measures to fully mitigate impacts to less than significant. The Project has the potential to result in take of bighorn sheep and has the potential to cause permanent or temporary loss of bighorn sheep habitat.

Why impact would occur: The Habitat and Jurisdictional Assessment prepared for the Project in June 2025 states that the Project site has a high potential to support desert bighorn sheep based on the species' habitat requirements. Table B-1: *Potentially Occurring Special Status Biological Resources* in Appendix B of ELMT's Assessment also notes that bighorn sheep have been observed in the vicinity of the project. The project area is just north of the known range of the Cucamonga Peak subgroup, which

¹² California Department of Fish and Wildlife. 2023. [Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species.](#)

is one of the four subgroups for the San Gabriel Mountains bighorn sheep population. Bighorn sheep are highly specialized in navigating steep cliffs and will move up or down elevation based on food availability. Both rams (males) and ewes (females) have horns they use for defense, fighting, and scraping spines off cacti. They graze on grasses in the summer and browse on shrubs in the fall and winter.

Although the ELMT's assessment was that the Project site has high potential to support desert bighorn sheep, the IS/MND fails to acknowledge this assessment and fails to propose avoidance measures to avoid take.

Evidence impact would be significant: Fully protected species, such as Nelson's bighorn sheep, are those animals that are rare or faced with possible extinction. Pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take, except in limited circumstances specified in statutes. These circumstances include:

- Take that is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species;
- Live capture and relocation of a bird species for the protection of livestock; or
- Take of a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish and Game Code, §§ 3511, 4700, 5050, & 5515).

Furthermore, CEQA Guidelines Section 15065(a) requires a finding of significance if a project "has the potential to substantially degrade the quality of the environment." In practice, this is the same standard as a significant effect on the environment, which is defined in CEQA Guidelines Section 15382 as "a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." The Project has the potential to do the following:

- substantially reduce the habitat of a wildlife species;
- cause a wildlife population to drop below self-sustaining levels;
- threaten to eliminate a plant or animal community; or
- substantially reduce the number or restrict the range of an endangered, rare, or threatened species. For purposes of CEQA, "endangered, rare, or threatened species" are defined to include not only species that are listed under the California Endangered Species Act or Federal Endangered Species Act, but also species that meet the criteria for listing.

The IS/MND does not provide sufficient information and analysis for CDFW to determine whether the project may have substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, regulations, or by CDFW or USFWS. In addition, the IS/MND does not provide minimization and mitigation measures to reduce impacts to less than significant.

Recommendations and potentially feasible mitigation measures to reduce impacts to less than significant:

Recommendation #4: Additional information needed. The IS/MND does not provide the appropriate information nor analysis. Based on information currently available, CDFW is unable to determine whether the Project may impact fully protected bighorn sheep. CDFW recommends that prior to the adoption of the IS/MND, focused surveys for bighorn sheep be conducted on the Project site by a qualified biologist to establish the environmental baseline for the species. Additionally, the Project proponent should meet with CDFW at the earliest opportunity to discuss the Project and Project's adverse impacts on Nelson's bighorn sheep. CDFW recommends the IS/MND be revised and recirculated following completion of focused surveys so that results and

appropriate specific avoidance, minimization, and mitigation measures can be included, to ensure that impacts to bighorn sheep are reduced to less than significant.

Mitigation Measure # BIO-3 (New): Monitoring. Daily onsite biological monitoring shall occur during the Project to ensure that wildlife, including sensitive animal species, are not significantly, adversely impacted. The Biological Monitor(s) shall be approved by CDFW and shall have the authority to immediately halt any activity that significantly impacts wildlife and directly contact CDFW for any reason. If the Biological Monitor(s) determines that the project may have an adverse effect on any special-status species (threatened, endangered, candidate, species of special concern, etc.), they shall halt construction and notify the appropriate agencies immediately. Unless authorized by CDFW, the Biological Monitor(s) shall not have the authority to handle any special-status species (threatened, endangered, candidate, species of special concern, etc.).

Mitigation Measure # BIO-4 (New): Dogs. Dogs shall not be permitted in the Project area.

Mitigation Measure # BIO-5 (New): Domestic sheep and goats. Domestic sheep and goats shall be prohibited in the Project area to reduce the potential for disease transmission to bighorn sheep. Prior to entering any Project Area, the Project Proponent shall ensure workers disinfect all personal gear, vehicles, and equipment if it may have had contact with domestic livestock. The Project Proponent shall install and maintain a boot disinfection station at each staging area and any workers who have had potential contact with grounds occupied by sheep or goats (for example, at home, visiting a farm, attending a County fair, going to a petting zoo, etc.), shall disinfect their boots before going to the work site. Workers will also ensure that their vehicles/equipment are washed at either a project wash station or a commercial wash if there is a chance that the tires or interior may be contaminated.

Mitigation Measure # BIO-6 (New): Worker education. Educational materials shall be created and incorporated into an environmental training, to be conducted for all Project personnel entering the Project area where sensitive habitats and/or species may be present. Educational materials may be brief and concise but should illustrate sensitive species and their habitat, discuss any specific measures to protect the species, what to do if the species is observed, and so forth. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on-site. The Biological Monitor(s) shall prepare and post a fact sheet for workers that contains this information and pertinent Project contacts. Upon completion of the education program, employees shall sign a form stating they attended the program and understand all protection measures. These forms shall be filed at the worksite offices and be available to CDFW upon request.

Mitigation Measure # BIO-7 (New): Bighorn sheep buffer distance. Workers shall maintain a distance of at least 75 feet from bighorn sheep. If bighorn sheep behavior is influenced, e.g., the animal moves away or gets up from a recumbent position, then the onsite Biological Monitor shall increase the buffer to reduce the stress on the animal.

COMMENT #5: Coast Horned Lizard (*Phrynosoma blainvillii*)

IS/MND Section IV: Biological Resources, Part A, Page #23 and the Habitat and Jurisdictional Assessment, Appendix B of the Reclamation Plan, Page 12, 16, 23, Table B-1.

Issue: The IS/MND does not adequately identify the Project's significant, or potentially significant, impacts to coast horned lizard, a California Species of Special Concern (SSC).

Specific impact: The IS/MND determines there would be no impact to any species identified as a candidate, sensitive or special status species due to the anticipated

habitat disturbance by mining operations that will occur before Reclamation Activities. Because of this determination, the IS/MND does not mention the coast horned lizard's presence on site and does not provide mitigation measures to reduce impacts to less than significant. CDFW is concerned that the IS/MND does not sufficiently identify potential Project impacts to coast horned lizard and does not provide avoidance and minimization measures to fully mitigate impacts to less than significant.

Why impact would occur: The Habitat and Jurisdictional Assessment prepared for the Project in June 2025 noted that coast horned lizard was observed foraging on site during the April 22, 2025 general field investigation. Although the species was confirmed present, no additional analysis nor avoidance and minimization measures were provided to reduce adverse impacts to the species. Furthermore, the IS/MND concludes, without substantial evidence, that the anticipated disturbance to habitat by mining operations signifies no substantial adverse effects to sensitive species.

CDFW is concerned that the lack of a comprehensive impact analysis and associated mitigation measures may lead to significant impacts to coast horned lizard under CEQA. The occurrence of the species within the Project site should prompt focused surveys on the site to provide additional information to determine appropriate avoidance and minimization measures. Otherwise, project activities such as grading and topsoil replacement may result in adverse impacts to the species.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to coast horned lizard (SSC) has not been adequately analyzed in the IS/MND.

Impacts on SSC could require a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065). A SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed; is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW recommends adding the following pre-construction survey for coast-horned lizard to the *Biological Resources Mitigation Measures* proposed in Section 4 of the IS/MND:

Mitigation Measure # BIO-8 (New): Pre-construction Survey for Coast Horned Lizard. To minimize significant impacts, the Project proponent should retain a qualified biologist with survey experience with native reptile species, such as coast horned lizard. Within 14 days prior to commencing any Project-related ground-disturbing activities, the qualified biologist should conduct focused surveys for SSC and suitable habitat. In addition, the qualified biologist should conduct daily biological monitoring during any activities involving vegetation clearing or modification of natural habitat. Positive detections of coast horned lizard and suitable habitat at the detection location should be mapped and photographed. The qualified biologist should provide a summary report of coast horned lizard surveys to the Project proponent prior to implementing any Project-related ground-disturbing activities and vegetation removal.

Wildlife should be allowed to move away on their own (non-invasive, passive relocation) to adjacent appropriate habitat. Special status wildlife should be captured only by a qualified biologist with proper handling permits.

If any coast horned lizards are harmed during relocation or a dead or injured animal is found during Project activities, the qualified biologist should be notified, dead or injured wildlife should be documented, and additional mitigation measures should be identified to prevent additional injury or death.

COMMENT #6: American Badger (*Taxidea taxus*)

IS/MND Section IV: Biological Resources, Part A, Page #23 and the Habitat and Jurisdictional Assessment, Appendix B of the Reclamation Plan, Page 13, 16, 23, Table B-1.

Issue: The Project may potentially impact suitable habitat for American badger, a California Species of Special Concern.

Specific impact: The IS/MND determines there would be no impact to any species identified as a candidate, sensitive or special status species due to the anticipated habitat disturbance by mining operations that will occur before Reclamation Activities.

The Project area is within the range of occurrence of American badger and is known to support suitable habitat for American Badger. Badgers provide many ecosystem benefits by controlling rodent populations, including ground squirrels and pocket gophers. They are carnivores and typically eat live lizards, birds, worms, grubs, and dead animals. The IS/MND fails to address potential impacts to American badger.

Why impact would occur: The Habitat and Jurisdictional Assessment prepared for the Project in June 2025 states that the Project site has no potential to support American badger based on the species habitat requirements. However, Table B-1: *Potentially Occurring Special Status Biological Resources* in Appendix B of ELMT's Assessment notes that the habitat description for American badger includes, "shrub-steppe communities and other treeless areas with sandy loam soils where it can dig more easily for its prey. Occasionally found in open chaparral (with less than 50% plant cover) and riparian zones." There have also been documented sightings of American badger within the canyon in years past¹³ - one being from a CDFW biologist. As noted in Comment #8 below, the Project Site also lies within a designated wildlife corridor that may be used by American badgers. Furthermore, because the IS/MND assumes no impact will occur, it provides no appropriate avoidance and minimization measures to reduce Project impacts to less than significant.

CDFW is concerned that the lack of a comprehensive impact analysis and associated mitigation measures may lead to significant impacts to American badger under CEQA. The Project would eliminate potential habitat for American badger through Reclamation activities, such as grading, excavation and the use of heavy equipment.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to American badger (SSC) has not been adequately analyzed in the IS/MND.

Impacts on SSC could require a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065). A SSC is a species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

¹³ Animal Data From CNDDDB Online Field Survey Form [ds1354],[Accessed May 2026].

- is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role;
- is listed as ESA-, but not CESA-, threatened, or endangered; meets the State definition of threatened or endangered but has not formally been listed; is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; and/or
- has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for CESA threatened or endangered status.

Recommended Potentially Feasible Mitigation Measures: CDFW recommends that the pre-construction surveys, follow CDFW-approved survey methods, including procedures used to classify identified dens as inactive dens, active and potentially active dens, and active natal dens, and methods utilized to quantify and locate single or paired animals that would need to be avoided or passively relocated, and the burrows or burrow complexes that would need to be collapsed to prevent re-occupancy. The measures should also include detailed monitoring requirements, methods of exclusion/passive relocations, and methods and timing of den excavation. CDFW recommends the Mitigation Measures for American Badger (below) be added to the IS/MND:

Mitigation Measure # BIO-9 (New): American Badger Plan. Prior to initiation of Project Activities, an American badger Mitigation and Monitoring Plan (Plan) shall be developed and implemented. The objective of the plan shall be to avoid direct impacts to the American badger as a result of Project activities. The final plan is subject to review, comment, and revision by CDFW. The final plan shall include, but is not limited to, the following procedures and impact avoidance measures: Describe pre-construction survey and clearance field protocol, to determine the number and locations of single badgers on the Project site that would need to be avoided or passively relocated and the number and locations of desert kit fox/badger burrows or burrow complexes that would need to be collapsed to prevent re-occupancy by the animals.

Mitigation Measure # BIO-10 (New): American Badger Pre-Construction Survey. Biological Monitors shall conduct pre-construction surveys for American badger no more than 30 days prior to initiation of construction activities, including preconstruction site mobilization. Surveys shall also address the potential presence of active dens within 100 feet of the Project boundary (including access roads). If dens are detected, each den shall be classified as inactive, potentially active, or active den.

Mitigation Measure # BIO-11 (New): American Badger Monitoring and Protection Measures, Passive Hazing, and Den Excavation. The Plan will include details on monitoring requirements, types and methods of passive hazing, and methods and timing of den excavation, including, but not limited to the following:

- Inactive dens. Inactive dens (e.g., inactive dens are dens that are mostly or entirely silted in and ones in which the back of the den can clearly be seen (e.g., the den is shallow and straight) that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by American badger.
- Potentially and confirmed active dens. Potentially and confirmed active dens that would be directly impacted by construction activities shall be monitored by the Biological Monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the badger from

continued use. After verification that the den is unoccupied it shall then be excavated and backfilled by hand to ensure that no badgers are trapped in the den. If the den is proven inactive then den may be excavated during whelping season.

- Active natal/pupping dens. If an active natal den (a den with pups) is detected on the site during construction, CDFW shall be contacted within 24 hours to determine the appropriate course of action to minimize the potential for animal harm or mortality. The course of action would depend on the age of the pups, location of the den on the site (e.g., is the den in a central area or in a perimeter location), status of the perimeter site fence (completed or not), and the pending construction activities proposed near the den. A 500-foot no-disturbance buffer shall be maintained around all active dens. If the den is active during whelping season, even if pups are not seen, disturbance is not allowed. Active natal/pupping dens will not be excavated or passively relocated.
- Relocation factors. Address other factors and procedures that may affect the success of relocation offsite, such as: estimates of the distances badgers would need to travel across the Project site and across adjacent lands to safely access suitable habitat (including burrows) off-site; proposed scheduling of the passive relocation effort; and methods to minimize likelihood that the animals will return to the Project site during construction.

COMMENT #7: Nesting Birds

IS/MND Section IV: Biological Resources, Part A, Page #23 and the Habitat and Jurisdictional Assessment, Appendix B of the Reclamation Plan, Page 13, 23, 24

Issue: The Project may impact nesting birds, including Species of Special Concern, and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918. The MND does not directly address potential impacts to nesting birds, nor does it include any mitigation measures to reduce potential impacts.

Specific impact: Project activities may result in degradation and permanent loss of nesting bird habitat and may also result in direct mortality and/or injury to nesting birds onsite. The IS/MND determines there would be no impact to any species identified as a candidate, sensitive or special status species due to the anticipated habitat disturbance by mining operations that will occur before Reclamation Activities.

Why impact would occur: The Habitat and Jurisdictional Assessment prepared for the Project in June 2025 states that the Project site's plant communities "provide suitable forage and nesting habitat for year-around and seasonal avian residents as well as migrating songbirds that have adapted to conditions in the Cajon Pass and surrounding areas". The Assessment then recommends construction activities comply with the federal Migratory Bird Treaty Act of 1918 (MBTA) and California Fish and Game Code Sections 3503, 3511 and 3513. However, because the IS/MND determines no impact to nesting birds, the IS/MND fails to take recommendations from the Assessment and does not propose appropriate avoidance and minimization measures to reduce Project impacts to less than significant. CDFW is concerned that the IS/MND does not sufficiently identify potential Project impacts to nesting birds and does not provide appropriate mitigation measures to fully mitigate impacts to less than significant.

Without avoidance and minimization measures, the Project may cause direct take by crushing or destroying active nests, and vehicle or equipment. Indirect take may result from displacement; attracting predators to the Project site; reduction of habitat and habitat quality associated with road infrastructure, light and noise; and from impacted foraging and nesting habitat. Additionally, construction during the breeding season of nesting birds could potentially result in the incidental loss of breeding success or otherwise lead to nest abandonment. Noise from road use, generators, and heavy

equipment may disrupt nesting bird mating calls or songs, which could impact reproductive success.¹⁴

Additionally, the Assessment's recommendation limits nesting bird surveys to only occur if construction activities fall within the general nesting bird season, February 1st to August 31st. CDFW would like to note that regardless of the time of year, a pre-construction clearance survey should always be conducted to avoid potential impacts to nesting birds. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources.¹⁵ CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting onsite. CDFW therefore recommends the completion of nesting bird surveys regardless of the time of year to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to nesting birds has not been adequately analyzed in the IS/MND.

The Project proponent is responsible for complying with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW recommends adding the following pre-construction survey for nesting birds to the *Biological Resources Mitigation Measures* proposed in Section 4 of the IS/MND to ensure impacts to birds are mitigated to a level less than significant:

Mitigation Measure # BIO-12 (New): Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If nesting birds are not detected, no further action is necessary. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines whether the young have fledged or

¹⁴ Halfwerk, W., L.J.M. Holleman, C. M Lessells, H. Slabbekoorn. 2011. Negative Impact of Traffic Noise on Avian Reproductive Success. *Journal of Applied Ecology* 48:210–219.

¹⁵ Socolar JB, Epanchin PN, Beissinger SR and Tingley MW. 2017. Phenological shifts conserve thermal niches. *Proceedings of the National Academy of Sciences* 114(49): 12976-12981.

the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. **The Project site shall be re-surveyed if there is a lapse in construction for more than 3 days.**

COMMENT #8: Wildlife Connectivity

IS/MND Section IV: Biological Resources, Part D, Page #24 and the Habitat and Jurisdictional Assessment, Appendix B of the Reclamation Plan, Page 13, 25

Issue: Decreased wildlife connectivity within the Transverse Ranges may occur as a result of Project implementation.

Specific impact: The Project site is located within the Lone Pine Canyon Major Open Space Area, a designated wildlife corridor identified in the San Bernardino County General Plan. This area also lies within CDFW's Areas of Conservation Emphasis (ACE) for terrestrial conservation. In particular, the project area falls both within ACE hexagons Rank 5: Irreplaceable and Essential Corridors and Rank 4: Conservation Planning Linkages.¹⁶ The area where the project lies was also identified as a critical linkage in the South Coast Missing Linkages Project connecting the San Gabriel and San Bernardino Mountain Ranges.¹⁷ The Project activities may adversely impact wildlife dispersal, gene flow, climate adaptability, breeding, and foraging. It may also increase edge effects such as noise, light, dust, human activity, human-wildlife conflict, introduction of invasive plants, and fires in the area.

Why impact would occur: The Habitat and Jurisdictional Assessment for the Project in June 2025 states that the Project site and surrounding area occur within the Lone Pine Canyon Major Open Space Area. However, the IS/MND concludes that the anticipated disturbance to habitat by mining operations, and temporary construction activities by the Reclamation Plan, will not substantially interfere with the movement of any native or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. The IS/MND fails to provide substantial evidence to support this determination. The IS/MND also claims that the revegetation activities in the Reclamation Plan will restore the land. However, the revegetation efforts, as described in the Reclamation Plan, will focus primarily on stabilizing final reclamation slopes, benches, and accessible pad areas. The Reclamation Plan's revegetation standards do not meet CDFW restoration standards and therefore CDFW disagrees with the IS/MND in that the land will be restored to its original habitat.

The Project site and surrounding area lie within a wildlife corridor that provides "live-in and move-through habitat for numerous native species that need extensive wildlands to thrive, such as American badger (*Taxidea taxus*), Nelson's bighorn sheep (*Ovis canadensis nelsoni*), Mountain lion (*Puma concolor*) and California spotted owl (*Strix occidentalis occidentalis*),"¹⁸ Black bear (*Ursus americanus*) and mule deer (*Odocoileus hemionus*). According to a Center for Biological Diversity Report on California wildlife connectivity, development with disregard to wildlife connectivity planning "has led to documented declines in native species richness, abundance, reproductive success and survival rates, as well as shifts in ecological

¹⁶ California Department of Fish and Wildlife, Areas of Conservation Emphasis (ACE) Terrestrial Connectivity - ACE [ds2734], [Accessed April 2025].

¹⁷ South Coast Wildlands. South Coast Missing Linkages: A Wildland Network for the South Coast Ecoregion. Produced in cooperation with partners in the South Coast Missing Linkages Initiative. Available online at <http://www.scwildlands.org> 16-17. (2008)

¹⁸ Penrod, K., C. Cabañero, P. Beier, C. Luke, W. Spencer, and E. Rubin. 2006. South Coast Missing Linkages Project: A Linkage Design for the San Gabriel-San Bernardino Connection. South Coast Wildlands, Idyllwild, CA. 5, http://www.scwildlands.org/reports/SCML_SanGabriel_SanBernardino.pdf (2004)

communities"^{19,20,21,22}. Without proper assessment and mitigation measures within the IS/MND, the Project may further degrade the function of this critical corridor.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to wildlife connectivity has not been adequately analyzed in the IS/MND.

The California Legislature in Section 1955 of Chapter 13.5, Wildlife Connectivity Actions, of Fish and Game Code declares all of the following:

- A. California's climate is changing. Rising temperatures, increases in the frequency and severity of extreme events like drought and wildfire, changing ocean conditions, and shifts in precipitation patterns all pose threats to California's wildlife. These changes are shifting the habitat ranges of many California species, requiring these species to migrate to different latitudes or altitudes to locate suitable habitat necessary to survive.
- B. Land use is also changing as the state's population continues to grow. Habitat conversion and fragmentation forces many California species to migrate in search of replacement habitat, and it also risks continued survival of species by compromising genetic diversity, among other things.
- C. California wildlife is losing the ability to move and migrate as habitat conversion and built infrastructure disrupt species habitat and cut off migration corridors.
- D. Habitat connectivity and wildlife migratory corridors are essential to the continued survival of many California species. Their importance will only grow as California wildlife increasingly migrates in response to climate change and resulting shifts in habitat suitability.
- E. Habitat connectivity is also necessary to reduce wildlife-vehicle collisions, which put people and wildlife at risk of injury or death.
- F. The department has several existing programs that can be used to promote habitat connectivity. It is the intent of the Legislature to expand, or clarify, two of these programs, Chapter 7.9 (commencing with Section 1797) and Chapter 9 (commencing with Section 1850), to facilitate creation and issuance of mitigation credits for actions that improve wildlife connectivity.

Pursuant to Fish and Game Code section 1930.5(c)(1), it is the policy of the state to promote and encourage voluntary protection of wildlife corridors and habitat strongholds in order to enhance the resiliency of wildlife and their habitats to climate change, protect biodiversity, and allow for the migration and movement of species by providing connectivity between habitat lands. In order to further these goals, it is the policy of the state to encourage, wherever feasible and practicable, voluntary steps to protect the functioning of wildlife corridors through various means, as applicable and to the extent feasible and practicable, those means may include, but are not limited to:

- A. Acquisition or protection of wildlife corridors as open space through conservation easements.
- B. Installing of wildlife-friendly or directional fencing.
- C. Siting of mitigation and conservation banks in areas that provide habitat connectivity for affected fish and wildlife resources.
- D. Provision of roadway undercrossings, overpasses, oversized culverts, or bridges to allow for fish passage and the movement of wildlife between habitat areas.

¹⁹ Tiffany Yap, D. et al. California Connections: How Wildlife Connectivity Can Fight Extinction and Protect Public Safety. Center for Biological Diversity Report. 3 (2021).

²⁰ Amburgey, S. M. et al. The influence of species life history and distribution characteristics on species responses to habitat fragmentation in an urban landscape. *J Anim Ecol* 90, 685–697 (2021).

²¹ Trombulak, S. C. & Frissell, C. A. Review of ecological effects of roads on terrestrial and aquatic communities. *Conserv. Biol.* 14, 18–30 (2000).

²² Barber, J. R., Crooks, K. R. & Fristrup, K. M. The costs of chronic noise exposure for terrestrial organisms. *Trends Ecol. Evol.* 25, 180–189 (2010)

As noted in the IS/MND, San Bernardino County General Plan identified the Project area as falling within the Lone Pine Canyon Major Open Space Area, a designated wildlife corridor, and states that, “This area should be maintained both for its habitat values and as part of a large dispersion corridor system for wildlife to and from the national forest and other open space areas”²³. The San Bernardino Countywide Plan²⁴ includes policies that would avoid or minimize impacts to wildlife movement. These policies include:

- NR-3.1 Open space preservation. We regulate land use and coordinate with public and nongovernmental agencies to preserve open space areas that protect natural resources, function as a buffer against natural hazards or between land uses, serve as a recreation or tourist destination, or are central to the identity of an unincorporated community.
- NR-5.1 Coordinated habitat planning. We participate in landscape-scale habitat conservation planning and coordinate with existing or proposed habitat conservation and natural resource management plans for private and public lands to increase certainty for both the conservation of species, habitats, wildlife corridors, and other important biological resources and functions; and for land development and infrastructure permitting.
- NR-5.2 Capacity for resource protection and management. We coordinate with public and non-governmental agencies to seek funding and other resources to protect, restore, and maintain open space, habitat, and wildlife corridors for threatened, endangered, and other sensitive species.

Recommendations and Potentially Feasible Mitigation Measures to Reduce Impacts to Less Than Significant

Recommendation #5: Additional information needed. The IS/MND does not provide the appropriate information nor analysis on impacts to wildlife corridors. Based on information currently available, CDFW is unable to determine the Project’s impact to all native species utilizing the area as a corridor. The Project proponent should conduct additional focused surveys on potential corridor dependent wildlife species to determine species-specific impacts, presence and usage. Additionally, CDFW recommends that prior to the adoption of the IS/MND, the Project proponent conduct an additional noise study to determine noise impacts on all potential species utilizing the corridor. CDFW recommends the IS/MND be revised and recirculated following completion of focused surveys so that results and appropriate specific avoidance, minimization, and mitigation measures can be included, to ensure that impacts to the wildlife corridor are reduced to less than significant.

Mitigation Measure # BIO-13 (New): The Project shall restrict use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at dusk or in early morning before 9 am). Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The Project proponent shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50 feet from the source. If readings do exceed these thresholds further measures should be implemented to reduce impacts from noise such as sound barriers.

Mitigation Measure # BIO-14 (New): Revegetation Plan. The Revegetation Plan in the Reclamation Plan should be revised to meet full restoration standards of the land in order to reduce impacts to less than significant.

Plans for restoration and revegetation should be prepared by persons with expertise in the regional ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should

²³ San Bernardino County Land Use Plan, General Plan, Open Space Element, Valley and Mountain Area. <https://lus.sbcounty.gov/wp-content/uploads/sites/48/GeneralPlan/OpenSpaceText.pdf>

²⁴ County of San Bernardino, Countywide Plan. Adopted July 2020. <https://countywideplan.sbcounty.gov/policy-plan/natural-resources/>

include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.

CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be appropriately timed to ensure the viability of the seeds when planted. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate. Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project. Examples may include retention of woody material, logs, snags, rocks, and brush piles. Fish and Game Code sections 1002, 1002.5 and 1003 authorize CDFW to issue permits for the take or possession of plants and wildlife for scientific, educational, and propagation purposes.

Mitigation Measure # BIO-15 (New): CDFW recommends first avoiding any potential impacts to habitat utilized by wildlife corridor species. If avoidance is not possible the Project Proponent should replace habitat at a ratio appropriate to maintain a no net loss of habitat values, acreage, and function. CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement. CDFW highly recommends permanently protecting the adjacent land parcels held under ownership of the Project proponent. By protecting the adjacent parcels in perpetuity, similar habitat lost due to project implementation would be preserved and the San Gabriel – San Bernardino corridor would not be further truncated. Conservation easements should be dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A mitigation land should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project related ground disturbing activities.

COMMENT #9: Lake and Streambed Alterations

IS/MND Section IV: Biological Resources, Part C, Page #23, and Part X, Page #38-41, and the Habitat and Jurisdictional Assessment, Appendix B of the Reclamation Plan, Page 14, 25

Issue: The project may impact ephemeral stream channels.

Specific impact: The IS/MND does not address or evaluate Project impacts to Fish and Game Code section 1600 resources in the form of ephemeral streams within the Project area. The IS/MND states that Reclamation activities would occur on lands that have been completely disturbed by mining operations and if jurisdictional waters are

identified during the final reclamation design or implementation, then applicable regulatory requirements would be addressed through separate permitting processes. The IS/MND concludes that impacts to State protected waters will not occur as a result of this Project and no mitigation will be required. However, CDFW has assessed that the Project may result in temporary or permanent modifications to streams.

Why impact would occur: The Habitat and Jurisdictional Assessment prepared for the Project in June 2025 states that the Project site contains several unnamed blueline streams that are historically mapped and that the onsite ephemeral drainage features will qualify as waters of the State and fall under the regulatory authority of CDFW and the Regional Board. The Assessment further claims that “the proposed limits of disturbance for the project are expected to avoid jurisdictional habitat entirely”. However, the Assessment, Project description, nor the IS/MND analysis, do not detail how the Project will avoid the drainage features depicted in Exhibit 6 of the Assessment. Despite the provided Assessment, the IS/MND fails to acknowledge the features due to anticipated habitat decimation prior to the initiation of Project Activities and does not provide substantial evidence to support its claim. Furthermore, the IS/MND fails to provide a formal delineation to quantify acreage of impacts to streams and associated habitat as noted in the baseline assessment by ELMT Consulting. The IS/MND does not include a plan to mitigate for loss of streambed and associated riparian habitats as a result of the Project.

The Project may substantially adversely affect the existing stream pattern and geomorphologic processes of the Project site through the deposition of debris, waste or other materials that could pass into any river, stream or lake. Furthermore, project-related activities could potentially alter drainage patterns and water quality within, upstream, and downstream of the Project site, including volume, velocity, and frequency of existing and post-Project surface flows.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to alteration of stream channels has not been adequately analyzed in the IS/MND.

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or,
- Deposit or dispose of material into any river, stream, or lake.

The construction of diversion devices such as deployable barriers and inflatable dams, and conveyance of water structures within a stream is subject to notification under Fish and Game Code section 1602. The ongoing operations and maintenance of instream storm flow diversion devices and conveyance of water structures is also subject to notification under Fish and Game Code section 1602 once the devices are constructed. Also, the diversion of stormwater and/or dry weather runoff that flows within streams or that have overflowed the banks of streams, is subject to notification under Fish and Game Code section 1602.

CDFW's issuance of an LSA Agreement is a “project” subject to CEQA (see Pub. Resources Code § 21065). To facilitate issuance of a potential LSA Agreement, the MND should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

Recommendations and Potentially Feasible Mitigation Measures to Reduce Impacts to Less Than Significant

Recommendation #6: CEQA and LSAA. As a Responsible Agency, CDFW may consider the CEQA document from a Lead Agency for a Project. To minimize additional requirements by CDFW pursuant to Fish and Game Code section 1600 *et seq.* and/or under CEQA, the CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for issuance of the Lake and Streambed Alteration Agreement.

Furthermore, the ephemeral drainages identified in the Habitat and Jurisdictional Assessment are anticipated to be impacted by mining operations. Fish and Game Code section 1602 requires any entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream, or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow similar to those referenced above.

Mitigation Measure # BIO-16 (New): Lake and Streambed Alteration Agreement.

The Project applicant (or "entity") should provide written notification to CDFW pursuant to Fish and Game Code, section 1600 *et seq.* prior to any Project construction or activities through CDFW's permitting portal (EPIMS). Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement is required prior to conducting the proposed activities. Please visit the Lake and Streambed Alteration Program webpage to obtain a notification package for an LSA (CDFW 2021b).

COMMENT #10: Employee Awareness of Wildlife Resources

Issue: The Project site is surrounded by open space habitat.

Specific impact: The Project Site is surrounded by habitat for multiple species and as described in Comment #8 above, also falls within a connectivity corridor. Potential species in the surrounding area include American badger (*Taxidea taxus*), Nelson's bighorn sheep (*Ovis canadensis nelsoni*), Mountain lion (*Puma concolor*), black bear (*Ursus americanus*), mule deer (*Odocoileus hemionus*), and coyote (*Canis latrans*).

Project activities may bring biological hazards common to urban-wildland interface areas. Additionally, waste, if not properly managed, may become an attractant to opportunistic species such as bears, rats, ravens, and coyotes in the area. This would cause these species to become more prevalent, and may attract other predatory species to the area, such as mountain lions. Waste management plans should include waste receptacles with closing, lockable lids and a waste removal schedule that does not allow for excess waste to accrue. Increased traffic may also pose a hazard to species in the form of vehicle-animal collisions which often lead to injury or death of the animal.

Why impact would occur: As species become habituated from access to human resources, they may become a cause for concern due to property damage, public safety, and wildlife welfare as they search for food and lose their fear of humans. Without education and proper management, local wildlife species may be adversely impacted by Project implementation.

Evidence impact would be significant: Section 251.1, Harassment of Animals, in California Code of Regulations, Title 14 states that, “Except as otherwise authorized in these regulations or in the Fish and Game Code, no person shall harass, herd or drive any game or nongame bird or mammal or furbearing mammal. For the purposes of this section, harass is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering.” CDFW’s “Keep Me Wild” program is a public campaign to help California’s wild animals from becoming habituated and falling victim to unnecessary conflict and even death resulting from access to human food and garbage. Additionally, CDFW’s black bear policy (2022)²⁵ and Black Bear Conservation and Management Plan for California (2025)²⁶ outlines specific responses, methods, and decision-making processes in managing human-bear conflicts in California.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant.

Mitigation Measure # BIO-17 (New): Employee Awareness of Wildlife Resources

A qualified biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site (Workers Environmental Awareness Program; WEAP). The WEAP shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. As part of the WEAP, the qualified biologist shall create and distribute educational materials to all Project personnel entering and Project site. Educational materials may be brief and concise but should illustrate sensitive species and their habitat, discuss any specific measures to protect the species, legal protections for those species, penalties for violations, what to do if the species is observed, and so forth. The WEAP should include, but not be limited to: (1) best practices for managing waste and reducing activities that can lead to increased occurrences of opportunistic species and the impacts these species can have on wildlife in the area and (2) protected species that have the potential to occur on the Project site including species of special concern, listed species, rare and sensitive plants, and nesting birds. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing any work on-site. The Project proponent shall prepare and post a fact sheet for workers that contains this information and pertinent Project contacts. Upon completion of the education program, employees shall sign a form stating they attended the program and understand all protection measures. These forms shall be filed at the worksite offices and be available to CDFW upon request.

Mitigation Measure # BIO-18 (New): Trash Abatement. The Project proponent shall initiate a trash abatement program before starting Project activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as black bears, ravens, coyotes, and feral dogs.

COMMENT #12: Cumulative Impacts

IS/MND Section XXI: Mandatory Findings of Significance, Part B, Page #62-63

Issue: The IS/MND determines that the Project will have less than a significant impact in analysis of, *“Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future*

²⁵ CDFW. 2024a. Black Bear Policy in California: Public Safety, Depredation, Conflict, and Animal Welfare. Departmental Bulletin 2022-01.

²⁶ California Department of Fish and Wildlife (CDFW). 2025. Black Bear Conservation and Management Plan for California. Sacramento, California, USA.

projects)?”. Furthermore, the IS/MND claims that Project will have beneficial impacts by stabilizing the slope and implementing a revegetation plan.

Specific impact: The project has impacts that are cumulatively considerable. There will be substantially incremental effects when viewed in connection with the project occurring before reclamation activities - The Lone Pine Canyon Road Quarry mining operation. Due to the vested right for mineral resource development, the County has determined that the mining operation is currently not subject to CEQA and by extension, does not have avoidance and mitigation measures to reduce impacts to biological resources. The mining operation will lead to significant adverse impacts to the environment prior to the initiation of the Reclamation Plan. Additionally, the IS/MND’s overall assessment of impacts to resources heavily relies on, and acknowledges, the mining operation’s anticipated decimation of habitat on the Project site.

Furthermore, CDFW is concerned that the IS/MND recommended reanalysis of impacts to biological resources may lead to potentially significant impacts under CEQA guidelines and require an Environmental Impact Report (EIR) for the Project. In accordance to CEQA Guidelines, §15130, cumulative impacts expected to adversely affect biological resources as a result of the Project, including surrounding projects that have been completed, in process, or forthcoming must be discussed in an EIR.

Why impact would occur: The IS/MND and associated 2025 Habitat and Jurisdictional Assessment lack sufficient information to fully evaluate the scope of cumulative impacts. The IS/MND’s position that anticipated disturbance to habitat signifies no presence of sensitive species, sensitive natural communities, or jurisdictional waters will lead to substantial incremental effects when viewed in connection with the mining operations. Because of this presumption, the Project’s CEQA analysis determined no avoidance, or mitigation measures are needed for biological resources and waters of the state. The absence of mitigation strategies that address collective impacts of the Project, and preceding project, increases risk to sensitive species and their habitats, making cumulative effects likely more significant.

Evidence impact would be significant: Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to cumulative impacts has not been adequately analyzed in the IS/MND.

CEQA Guidelines Section 15065 states that a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects that are individually limited but cumulatively considerable. As defined in CEQA Guidelines Section 15065(a)(3), cumulatively considerable means “that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”

If an EIR is required, CEQA Guidelines Section 15130 states that an EIR shall discuss cumulative impacts of a project when the project’s incremental effect is cumulatively considerable, as defined in section [15065\(a\)\(3\)](#). Where a lead agency is examining a project with an incremental effect that is not “cumulatively considerable,” a lead agency need not consider that effect significant but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable.

Recommendation #7: CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by the construction of and long-term implementation of the proposed Project, including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project, even if those impacts are relatively small (i.e. less than significant). CDFW recommends that habitat fragmentation and

wildlife connectivity be considered as biological resources necessary to include in the cumulative impacts analysis. Cumulative impacts should be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and should be focused specifically on the resource, not the project. An appropriate resource study area should be identified and utilized for this analysis. CDFW staff are available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

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

Due to the issues presented in this letter, CDFW is concerned that the IS/MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts on biological resources. Deficiencies in the Lead Agency CEQA document can affect later project approvals by CDFW in its role as a Responsible Agency. In addition, because of these issues, CDFW has concerns that Lead Agency may not have the basis to approve the project or make "findings" as required by CEQA unless the environmental document is modified to eliminate and/or mitigate significant impacts, as reasonably feasible (CEQA Guidelines, §§ 15074, 15091 & 15092).

Questions regarding this letter or further coordination should be directed to Amelia Viera, Environmental Scientist at Amelia.Viera@wildlife.ca.gov or (909) 544-2428.

Sincerely,
DocuSigned by:


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Kim Freeburn
Environmental Program Manager

Attachment A: Mitigation Monitoring and Reporting Plan

cc: Office of Planning and Research, State Clearinghouse, Sacramento

ec: Eric Kawamura-Chan
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Derek Newland, Planner II
San Bernardino County – Land Use Service Department
May 5, 2026
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Office of Planning and Research
State Clearing House, Sacramento
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Attachment A

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program (MMRP)

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

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM-BIO-1: Inventory. Prior to commencing activities within the Reclamation Plan, including staging and storage, a complete and recent inventory will be completed, including rare, threatened, endangered, and candidate species, Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code § 3511), and any other species not included in a specific listing but that can be shown to meet the criteria of a rare or endangered species (CEQA Guidelines § 15380), for which suitable habitat is present within or adjacent to the Project. The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>
<p>MM-BIO-2.1: Crotch’s bumble bee focused surveys. A qualified entomologist familiar with the species behavior and life history shall conduct surveys to determine the presence/absence of Crotch’s bumble bee. Surveys should follow CDFW’s <i>Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species</i>¹. If no CESA-protected bumble bees are found during the surveys, but the habitat assessment identified suitable nesting, foraging, or overwintering habitat within the project site, it is recommended that a biological monitor be onsite during vegetation or ground disturbing activities that take place during any of the</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>

¹ California Department of Fish and Wildlife. 2023. [Survey Considerations for California Endangered Species Act \(CESA\) Candidate Bumble Bee Species.](#)

<p>Queen and Gyne flight Period and Colony Active Period to ensure continued avoidance of this highly mobile species. Survey results, including negative findings, should be submitted to CDFW prior to implementing Project-related ground disturbing activities. At minimum, a survey report should provide the following:</p> <ul style="list-style-type: none"> a) A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch’s bumble bee. CDFW recommends the map show surveyor(s) track lines to document that the entire site was covered during field surveys. b) Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched. c) Map(s) showing the location of nests/colonies. d) A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species). 		
<p>MM-BIO-2.2: Incidental Take Permit. If Crotch’s bumble bee is detected and if impacts to Crotch’s bumble bee cannot be feasibly and fully avoided during Project construction and activities, the Project proponent shall coordinate with CDFW to obtain appropriate permits for incidental take of Crotch’s bumble bee and provide appropriate mitigation for impacts to Crotch’s bumble bee habitat.</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>
<p>MM-BIO-3: Monitoring. Daily onsite biological monitoring shall occur during the Project to ensure that wildlife, including sensitive animal species, are not significantly, adversely impacted. The Biological Monitor(s) shall be approved by CDFW and shall have the authority to immediately halt any activity that significantly impacts wildlife and directly contact CDFW for any reason. If the Biological Monitor(s) determines that the project may have an adverse effect on any special-status species (threatened, endangered, candidate, species of special concern, etc.), they shall halt construction and notify the appropriate agencies immediately. Unless authorized by CDFW, the Biological Monitor(s) shall not have the authority to handle any</p>	<p>During Project activities</p>	<p>Project Propo nent</p>

special-status species (threatened, endangered, candidate, species of special concern, etc.).		
MM-BIO-4: Dogs. Dogs shall not be permitted in the Project area	During Project Activities	Project Proponent
MM-BIO-5: Domestic sheep and goats. Domestic sheep and goats shall be prohibited in the Project area to reduce the potential for disease transmission to bighorn sheep. Prior to entering any Project Area, the Project Proponent shall ensure workers disinfect all personal gear, vehicles, and equipment if it may have had contact with domestic livestock. The Project Proponent shall install and maintain a boot disinfection station at each staging area and any workers who have had potential contact with grounds occupied by sheep or goats (for example, at home, visiting a farm, attending a County fair, going to a petting zoo, etc.), shall disinfect their boots before going to the work site. Workers will also ensure that their vehicles/equipment are washed at either a project wash station or a commercial wash if there is a chance that the tires or interior may be contaminated.	During Project Activities	Project Proponent
MM-BIO-6: Worker education. Educational materials shall be created and incorporated into an environmental training, to be conducted for all Project personnel entering the Project area where sensitive habitats and/or species may be present. Educational materials may be brief and concise but should illustrate sensitive species and their habitat, discuss any specific measures to protect the species, what to do if the species is observed, and so forth. Interpretation shall be provided for non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing work on-site. The Biological Monitor shall prepare and post a fact sheet for workers that contains this information and pertinent Project contacts. Upon completion of the education program, employees shall sign a form stating they attended the program and understand all protection measures. These forms shall be filed at the worksite offices and be available to CDFW upon request.	Prior to commencing ground or vegetation disturbing activities and During Project Activities As Needed	Project Proponent
MM-BIO-7: Bighorn sheep buffer distance. Workers shall maintain a distance of at least 75 feet from bighorn sheep. If bighorn sheep behavior is influenced, e.g., the animal moves away or gets up from a recumbent position, then the onsite Biological Monitor shall increase the buffer to reduce the stress on the animal.	During Project Activities	Project Proponent
MM-BIO-8: Pre-construction Survey for Coast Horned Lizard. To minimize significant impacts, the Project proponent should retain a qualified biologist with survey experience with native reptile species, such as coast horned lizard. Within 14 days prior to commencing any Project-related ground-disturbing activities, the qualified biologist should conduct focused surveys for SSC and suitable habitat. In	Prior to commencing ground or vegetation disturbing activities And	Project Proponent

<p>addition, the qualified biologist should conduct daily biological monitoring during any activities involving vegetation clearing or modification of natural habitat. Positive detections of coast horned lizard and suitable habitat at the detection location should be mapped and photographed. The qualified biologist should provide a summary report of coast horned lizard surveys to the Project proponent prior to implementing any Project-related ground-disturbing activities and vegetation removal.</p> <p>Wildlife should be allowed to move away on their own (non-invasive, passive relocation) to adjacent appropriate habitat. Special status wildlife should be captured only by a qualified biologist with proper handling permits.</p> <p>If any coast horned lizards are harmed during relocation or a dead or injured animal is found during Project activities, the qualified biologist should be notified, dead or injured wildlife should be documented, and additional mitigation measures should be identified to prevent additional injury or death.</p>	<p>During Project Activities</p>	
<p>MM-BIO-9: American Badger Plan. Prior to initiation of Project Activities, an American badger Mitigation and Monitoring Plan (Plan) shall be developed and implemented. The objective of the plan shall be to avoid direct impacts to the American badger as a result of Project activities. The final plan is subject to review, comment, and revision by CDFW. The final plan shall include, but is not limited to, the following procedures and impact avoidance measures: Describe pre-construction survey and clearance field protocol, to determine the number and locations of single badgers on the Project site that would need to be avoided or passively relocated and the number and locations of desert kit fox/badger burrows or burrow complexes that would need to be collapsed to prevent re-occupancy by the animals.</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>
<p>MM-BIO-10: American Badger Pre-Construction Survey. Biological Monitors shall conduct pre-construction surveys for American badger no more than 30 days prior to initiation of construction activities, including preconstruction site mobilization. Surveys shall also address the potential presence of active dens within 100 feet of the Project boundary (including access roads). If dens are detected, each den shall be classified as inactive, potentially active, or active den.</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>
<p>MM-BIO-11: American Badger Monitoring and Protection Measures, Passive Hazing, and Den Excavation. The Plan will include details on monitoring requirements, types and methods of passive hazing, and</p>	<p>Prior to commencing ground or</p>	<p>Project Proponent</p>

<p>methods and timing of den excavation, including, but not limited to the following:</p> <ul style="list-style-type: none"> • Inactive dens. Inactive dens (e.g., inactive dens are dens that are mostly or entirely silted in and ones in which the back of the den can clearly be seen (e.g., the den is shallow and straight) that would be directly impacted by construction activities shall be excavated by hand and backfilled to prevent reuse by American badger. • Potentially and confirmed active dens. Potentially and confirmed active dens that would be directly impacted by construction activities shall be monitored by the Biological Monitor for three consecutive nights using a tracking medium (such as diatomaceous earth or fire clay) and/or infrared camera stations at the entrance. If no tracks are observed in the tracking medium or no photos of the target species are captured after three nights, the den shall be excavated and backfilled by hand. If tracks are observed, the den shall be progressively blocked with natural materials (rocks, dirt, sticks, and vegetation piled in front of the entrance) for the next three to five nights to discourage the badger from continued use. After verification that the den is unoccupied it shall then be excavated and backfilled by hand to ensure that no badgers are trapped in the den. If the den is proven inactive then den may be excavated during whelping season. • Active natal/pupping dens. If an active natal den (a den with pups) is detected on the site during construction, CDFW shall be contacted within 24 hours to determine the appropriate course of action to minimize the potential for animal harm or mortality. The course of action would depend on the age of the pups, location of the den on the site (e.g., is the den in a central area or in a perimeter location), status of the perimeter site fence (completed or not), and the pending construction activities proposed near the den. A 500-foot no-disturbance buffer shall be maintained around all active dens. If the den is active during whelping season, even if pups are not seen, disturbance is not allowed. Active natal/pupping dens will not be excavated or passively relocated. • Relocation factors. Address other factors and procedures that may affect the success of relocation offsite, such as: estimates of the distances badgers would need to travel across the Project site and across adjacent lands to safely 	<p>vegetation disturbing activities And During Project Activities</p>	
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<p>access suitable habitat (including burrows) off-site; proposed scheduling of the passive relocation effort; and methods to minimize likelihood that the animals will return to the Project site during construction.</p>		
<p>MM-BIO-12: Nesting Bird Surveys. Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of Project construction. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If nesting birds are not detected, no further action is necessary. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on site until a qualified biologist determines whether the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. The Project site shall be re-surveyed if there is a lapse in construction for more than 3 days.</p>	<p>Prior to commencing ground or vegetation disturbing activities And During Project Activities</p>	<p>Project Proponent</p>
<p>MM-BIO-13: Noise and Light Minimization. The Project shall restrict use of equipment and lighting to hours least likely to disrupt wildlife (e.g., not at dusk or in early morning before 9 am). Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The Project proponent shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50 feet from the source. If readings do exceed these thresholds further measures should be implemented to reduce impacts from noise such as sound barriers.</p>	<p>Prior to commencing ground or vegetation disturbing activities And During Project Activities</p>	<p>Project Proponent</p>

<p>MM-BIO-14: Revegetation Plan. The Revegetation Plan in the Reclamation Plan should be revised to meet full restoration standards of the land in order to reduce impacts to less than significant.</p> <p>Plans for restoration and revegetation should be prepared by persons with expertise in the regional ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum: (a) the location of restoration sites and assessment of appropriate reference sites; (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates; (c) a schematic depicting the mitigation area; (d) a local seed and cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought.</p> <p>CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be appropriately timed to ensure the viability of the seeds when planted. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various Project components as appropriate. Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project. Examples may include retention of woody material, logs, snags, rocks, and brush piles. Fish and Game Code sections 1002, 1002.5 and 1003 authorize CDFW to issue permits for the take or possession of plants and wildlife for scientific, educational, and propagation purposes.</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>
<p>MM-BIO-15: Mitigation. CDFW recommends first avoiding any potential impacts to habitat utilized by wildlife corridor species. If avoidance is not possible the Project Proponent should replace habitat at a ratio appropriate to maintain a no net loss of habitat values, acreage, and function. CDFW recommends setting aside replacement habitat to be protected in perpetuity under a conservation easement. CDFW highly recommends</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>

<p>permanently protecting the adjacent land parcels held under ownership of the Project proponent. By protecting the adjacent parcels in-perpetuity, similar habitat lost due to project implementation would be preserved and the San Gabriel – San Bernardino corridor would not be further truncated. Conservation easements should be dedicated to a local land conservancy or other appropriate entity that has been approved to hold and manage mitigation lands pursuant to Assembly Bill 1094 (2012), which amended Government Code sections 65965-65968. Under Government Code section 65967(c), the lead agency must exercise due diligence in reviewing the qualifications of a governmental entity, special district, or nonprofit organization to effectively manage and steward land, water, or natural resources on mitigation lands it approves. An appropriate non-wasting endowment should be provided for the long-term management of mitigation lands. A mitigation land should include measures to protect the targeted habitat values in perpetuity from direct and indirect negative impacts. Issues that should be addressed include, but are not limited to, restrictions on access; proposed land dedications; control of illegal dumping; water pollution; and increased human intrusion. A conservation easement and endowment funds should be fully acquired, established, transferred, or otherwise executed prior to implementing Project related ground disturbing activities.</p>		
<p>MM-BIO-16: Lake and Streambed Alteration Agreement. The Project applicant (or “entity”) should provide written notification to CDFW pursuant to Fish and Game Code, section 1600 <i>et seq.</i> prior to any Project construction or activities through CDFW’s permitting portal (EPIMS). Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration Agreement is required prior to conducting the proposed activities. Please visit the Lake and Streambed Alteration Program webpage to obtain a notification package for an LSA (CDFW 2021b).</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>
<p>MM-BIO-17: Employee Awareness of Wildlife Resources. A qualified biologist shall conduct an education program for all persons employed or otherwise working on the Project site prior to performing any work on-site (Workers Environmental Awareness Program; WEAP). The WEAP shall consist of a presentation that includes a discussion of the biology of the habitats and species that may be present at the site. As part of the WEAP, the qualified biologist shall create and distribute educational materials to all Project personnel entering and Project site. Educational materials may be brief and concise but should illustrate sensitive species and their habitat, discuss any specific measures to protect the species, legal protections for those species, penalties for violations, what to do if the species is observed, and so forth. The WEAP should include, but not be limited to: (1) best practices for managing waste and reducing activities that can lead to increased occurrences of opportunistic species and the impacts these species can have on</p>	<p>Prior to persons initiating work on-site</p>	<p>Project Proponent</p>

<p>wildlife in the area and (2) protected species that have the potential to occur on the Project site including species of special concern, listed species, rare and sensitive plants, and nesting birds. Interpretation shall be provided for any non-English speaking workers, and the same instruction shall be provided for any new workers prior to their performing any work on-site. The Project proponent shall prepare and post a fact sheet for workers that contains this information and pertinent Project contacts. Upon completion of the education program, employees shall sign a form stating they attended the program and understand all protection measures. These forms shall be filed at the worksite offices and be available to CDFW upon request.</p>		
<p>MM-BIO-18: Trash Abatement. The Project proponent shall initiate a trash abatement program before starting Project activities and shall continue the program for the duration of the Project. Permittee shall ensure that trash and food items are contained in animal-proof containers and removed, ideally at daily intervals but at least once a week, to avoid attracting opportunistic predators such as black bears, ravens, coyotes, and feral dogs.</p>	<p>Prior to commencing ground or vegetation disturbing activities</p>	<p>Project Proponent</p>