



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
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August 13, 2026
Sent via email

Keith Gardner
Community Development Director
City of Twentynine Palms
6136 Adobe Road,
Twentynine Palms, CA 92277

**Subject: Desert Knoll Residential Subdivision Project (Project)
Mitigated Negative Declaration (MND)
State Clearing House# 2026080072**

Dear Keith Gardner:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from City of Twentynine Palms 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

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.

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: 29 Build, LLC

Objective: The objective of the Project is to subdivide 73.3 acres of land (Assessor's Parcel Number [APN] 0621-231-11 and APN 0621-231-14) into 137 residential lots, and four lots for retention basins, a wastewater treatment facility, and "Geoflow" field irrigation system. The Project proposes to build 137 single-family residential houses ranging between 1,827 square feet (sf) to 2,3879 sf, with a maximum height of 20 feet 3 inches. The Project also includes the creation of two retention basins; an onsite wastewater treatment facility that includes metering instrumentation, screening, grit removal, a flow equalization basin, two extended aeration tanks, two secondary clarifiers, one aerobic sludge digester, and one chlorine contact tank for disinfection; and a 90,132 sf "Geoflow" field irrigation system.

Offsite and utility improvements include the extension and connection of Samarkand Drive to Utah Trail; domestic water connection from the Twentynine Palms Water District through existing connection from Desert Knoll Avenue; underground electric connection provided by Southern California Edison or Frontier Communications; and a solid waste connection via Burrtec Waste and Recycling Services. Primary Project activities include site preparation, grubbing and grading, trenching, building construction, paving, and vegetation removal.

Location: The Project occurs at APN 0621-231-11 and APN 0621-231-14 in the City of Twentynine Palms, San Bernardino County, California. The Project is bound by Utah Trail to the west, Desert Knoll Avenue to the east, undisturbed land to the north, and

Manana Drive to the south. The Project is 1.35 miles north of Stater Route 62 and is centered at latitude 34.155176°, longitude -116.042218°.

Timeframe: The Project is anticipated to be completed in 6-phases beginning October 2026 and ending in April 2039. The Project's construction is estimated to commence 2026 and last through December 2027.

COMMENTS AND RECOMMENDATIONS

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

COMMENT #1: Western Burrowing Owl (*Athene cunicularia hypugaea*)

CDFW appreciates that the MND considered potential impacts from the Project to western burrowing owl. The MND and Appendix B (Biological Assessment) state that a habitat assessment for western burrowing owl was conducted on November 17 and November 18 in 2025, during which no suitable burrows were detected. However, CDFW estimates that Project activities may not commence until 2027, this would result in more than one year since the habitat assessment was conducted. CDFW typically considers wildlife surveys valid for only one year from the date of completion. Therefore, CDFW is concerned that western burrowing owl may not remain absent from the Project site in the time being and may be present at the time of construction. For this reason, CDFW recommends that a pre-construction survey for western burrowing owl be conducted within one year of Project commencement to ensure western burrowing owl remains absent from the Project site. Thus, CDFW recommends the following measure be adopted in the final MND to reduce impacts to western burrowing owl to less than significant:

BIO-5 (New)

Prior to any Project activities, including vegetation removal or ground-disturbing activities, a qualified biologist shall conduct a habitat assessment in accordance with CDFW's Staff Report on Burrowing Owl Mitigation, Appendix C. If the habitat assessment determines suitable habitat for western burrowing owl is present, focused western burrowing owl surveys in accordance with CDFW's Staff Report on Burrowing Owl Mitigation, Appendix D shall be performed.

If western burrowing owl or occupied burrows are detected, impacts to western

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

COMMENT #2: Lake and Streambed Alteration Agreement

The MND recognizes the presence of 1.01 acres of streambed on the Project site, but there is no requirement in the MND to notify for a Lake and Streambed Alteration Agreement, pursuant to California Fish and Game Code section 1602. CDFW would like to clarify that an entity should notify CDFW before starting any activity that may substantially divert or obstruct the natural flow, alter the bed, bank, or channel, or deposit material that could enter any river, stream, or lake. This applies to perennial, intermittent, and ephemeral features, including wetlands, desert washes, and watercourses with subsurface or episodic flow, and may extend to the floodplain. In CDFW's review of the Project's site plan, it appears that the Project will most likely impact Fish and Game section 1602 resources and recommends notification pursuant to Fish and Game Code section 1602.

Furthermore, thirteen mesquite trees were identified onsite. Mesquite is commonly associated with streams as part of riparian habitats; however, the MND mentions that there is no riparian habitat on the Project site. Additionally, through desktop analysis and review of aerial imagery, additional potential stream resources subject to Fish and Game Code section 1602 were identified, including mesquite. For all these reasons, CDFW recommends that the final MND adopts the following measure:

BIO-6 (New)

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

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, §

21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

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

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

Sincerely,

DocuSigned by:

Cindy Castaneda for

58B2E2CAD6624CD...

Alisa Ellsworth

Environmental Program Manager

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

ATTACHMENTS

Attachment A: Mitigation Monitoring and Reporting Program

REFERENCES

Keith Gardner, Community Development Director
City of Twentynine Palms
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California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: [Microsoft Word - BUOW Staff Report_final_030712 REV 1.doc](#)

Attachment A
Mitigation Monitoring and Reporting Program

Measure Number	Biological (BIO) Mitigation Measure (MM)	Implementation Schedule	Responsible Party
BIO-5	Prior to any Project activities, including vegetation removal or ground-disturbing activities, a qualified biologist shall conduct a habitat assessment in accordance with CDFW's Staff Report on Burrowing Owl Mitigation, Appendix C. If the habitat assessment determines suitable habitat for western burrowing owl is present, focused western burrowing owl surveys in accordance with CDFW's Staff Report on Burrowing Owl Mitigation, Appendix D shall be performed. If western burrowing owl or occupied burrows are detected, impacts to western burrowing owl individuals, nests, eggs, occupied burrows, or occupied habitat shall be fully avoided and if impacts cannot be fully avoided, the Project Proponent shall obtain a CESA Incidental Take Permit (Fish & G. Code, § 2081, subd. (b)) prior to starting any Project activities.	Prior to any Project activities	Project Proponent & Qualified Biologist

BIO-6	Prior to ground disturbance and/or Project activities, the Project Proponent shall notify pursuant to Fish and Game Code Section 1602 et seq., and shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project or if CDFW determines that the Project may substantially affect fish and wildlife resources, shall obtain a Streambed Alteration Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code Section 1602 et seq., resources.	Prior to ground disturbance and/or Project activities	Project Proponent
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