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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
wildlife.ca.gov

October 13, 2026
Sent via email

Luis Rodriguez
Senior Planner
San Bernardino County
385 N. Arrowhead Ave.
San Bernardino, CA, 92415
Luis.Rodriguez@lus.sbcounty.gov

Dear Luis Rodriguez:

LKQ Adelanto Expansion (PROJ-2020-00030) (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2026090739

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from San Bernardino 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.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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PROJECT DESCRIPTION SUMMARY

Proponent: Jon Gypsyn, Gyant Group LLC.

Objective: The objective of the Project is to obtain approval of a General Plan Amendment to change the land use from Rural Living to General Industrial, and a Zoning Amendment from Rural Living 5-acre minimum to Regional Industrial. The Proposed Project also seeks approval of a Conditional Use Permit to establish a truck and car salvage storage facility in the Regional Industrial zone and a Lot Merger for the four parcels. The proposed auto dismantling yard would store vehicles in support of the adjacent existing auto dismantling business. Access would be provided by a 26-foot-wide commercial driveway from Highway 395 and Calleja Road. A secondary access would be provided at 11200 Alden Road through a common wall opening and driveway connecting both sites for operation. An 8-foot-high solid perimeter barrier would enclose the Project Site, and the Project would include 11,010 square feet of landscaping along the west boundary wall. Primary Project activities include construction of a new small modular office with a restroom, driveway construction, grading of the vehicle storage area, construction of a vegetated stormwater retention basin and covering the graded area with road chipping.

Location: The proposed Project site is near the City of Adelanto, in the Unincorporated Community of San Bernardino County, approximately 870 feet east of the intersection of Calleja Road and Highway 395; Assessor's Parcel Numbers 0460-161-31, -32, -33, -03 on approximately 54.35-acres; approximate GPS coordinates 34.62482 N, -117.42121 W. The Project is surrounded by vacant undeveloped land to the north and east, a vehicle salvage facility to the south, and religious center to the west.

Timeframe: Construction is estimated to take up to three months with no set estimated start date.

COMMENTS AND RECOMMENDATIONS

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. Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

I. Environmental Setting and Related Impact Shortcoming

COMMENT #1: Inadequacy of surveys

Biological Assessment, page 3, 6-10

Issue: IS/MND analysis and conclusion rely on a habitat assessment survey that was conducted January 2, 2021, to identify special status species, vegetation communities, and habitats that could support special status species. The survey was conducted outside of the recommended survey times for multiple species and may no longer represent the current state of the Project site and inventory of biological species that may be present.

Specific impact: The IS/MND bases its analysis of impacts on biological resources on one habitat assessment survey, no focused surveys were conducted, and the biological resource assessment is outside the timeframe to be considered valid for both botanical and wildlife resources. Project

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implementation may result in direct mortality, population declines, or local extirpation of sensitive plant and wildlife species that were not previously known or identified.

Why impact would occur: The timing and scope of the habitat assessment survey are incompatible with properly surveying for species of special concern, state listed and threatened and endangered species that according, to California Natural Diversity Database (CNDDB), may occur within this area such as burrowing owl (*Athene cunicularia hypugaea*), Mohave ground squirrel (*Xerospermophilus mohavensis*), and desert tortoise (*Gopherus agassizii*). Habitat assessment 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 IS/MND states that there is no suitable habitat due to current site conditions including the pre-existing vehicle storage yard, however the Project also includes a strip of undeveloped land that runs the entirety of the eastern portion of the site which wildlife could have moved on to since the 2021 habitat assessment. Without establishing an appropriate biological baseline utilizing professionally accepted survey standards, the IS/MND cannot disclose the potential Project impacts, nor can it develop specific and enforceable avoidance, minimization, or mitigation measures. Given that a number of sensitive species including burrowing owl, Mohave ground squirrel, and desert tortoise are known to occur within the vicinity of the Project and within similar habitat, baseline biological surveys are necessary to conclude the absence of a species. If the absence of the species is not established, it may be reasonably assumed that the species are present, and specific and enforceable avoidance, minimization, and mitigation measures should be developed.

Evidence impact would be significant: Impacts to special status species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Without an accurate environmental baseline of present candidate, sensitive, or special status species and the delay in development of species avoidance, minimization, and mitigation measures, it is unclear if the Project will avoid, minimize, or mitigate the impacts to a level below significant adverse effect. Currently, the IS/MND as written does not include any mitigation measures for biological resources.

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: The IS/MND should include Project impact analysis on sensitive species based on professionally accepted survey methodologies, including but not limited to, desert tortoise[2], Mohave ground squirrel[3], and burrowing owl[4] (see resource-specific comments below). With such information, the County of San Bernardino can identify and analyze the potential impacts to candidate, sensitive, or special status species in or adjacent to the Project area and develop mitigation measures that can avoid, minimize, or mitigate impacts to the species to lessen the adverse significant effects. CDFW recommends the inclusion of a new mitigation measure BIO-1 to the IS/MND.

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[2] US Fish and Wildlife Service. December 2009. Desert Tortoise (Mojave Population) Field Manual (*Gopherus agassizii*). Desert-Tortoise-Field-Manual.pdf (fws.gov)

[3] California Department of Fish and Wildlife. October 2023. California Department of Fish and Wildlife Mohave Ground Squirrel Survey Guidelines (January 2003, revised July 2010, October 2023). CDFW Mojave Ground Squirrel Survey Guidelines (ca.gov)

[4] California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Microsoft Word - BUOW Staff Report_final_030712 REV 1.doc (ca.gov)

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(New) Biological Resources Mitigation Measure 1 (MM BIO-1)

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint with the potential to be affected, including Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380) for which suitable habitat is present within or adjacent to the Project. The inventory should address seasonal variation 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 period of one year, and assessments for rare plants may be considered valid for a period of up to three years.

COMMENT #2: Burrowing Owl (*Athene cunicularia hypugaea*)

IS/MND page 25 and Biological Assessment page 10

Issue: Western burrowing owl is a candidate listed species under CESA, as such is granted the full protection of a threatened species under CESA. CDFW is concerned that the IS/MND does not sufficiently identify Project impacts to burrowing owl or ensure that impacts are reduced to a level less than significant.

Specific impact: Impacts to burrowing owl from the Project could include take of burrowing owl, their nests, or eggs, or destroying nesting, foraging, or over-wintering habitat, thus impacting burrowing owl populations. Impacts can result from grading, earthmoving, burrow blockage, heavy equipment compaction and crushing of burrows, general Project disturbance that has the potential to harass owls at occupied burrows, and other activities. CDFW notes that impacts to burrowing owls could also occur outside of the peak nesting season because burrowing owls may start breeding earlier (in January) and because young owls may still be dependent on the adults until later in the fall. In addition, because some burrowing owls are resident in burrows year-round, impacts to this species could also occur outside of the peak nesting season.

Why impact would occur: A habitat assessment survey was conducted in January of 2021. Although no evidence of burrowing owl was detected within the Project site, the Project site is within burrowing owl predicted habitat range (CNDDB). Additionally, burrowing owl are known to inhabit highly disturbed sites and could have inhabited the site since the survey occurred in January of 2021.

Evidence impact would be significant: As a candidate species for listing, western burrowing owl is granted the same protection as threatened or endangered species under CESA. Take of any CESA-listed species or candidate is prohibited except as authorized by state law (Fish and Game Code §§ 2080 & 2085). Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Codes section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt pursue, catch, capture or kill". Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: sections 3503 stats 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

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makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (bird-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 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: CDFW recommends the addition of the following mitigation measure in the final MND:

(New) Biological Resource Mitigation Measure 2 (MM BIO-2)

Prior to the start of Project activities, focused burrowing owl surveys shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation (CDFW 2012 or most recent version[5]). The surveys shall include 100 percent coverage and include a minimum 500-foot buffer in adjacent habitat.

If burrowing owls, active burrowing owl burrows, or sign thereof are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW immediately by submitting the results of the focused burrowing owl survey and preparing a Burrowing Owl Plan that shall be submitted to CDFW for review and approval at least 30 days prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081(b)) prior to commencement of Project activities, including vegetation- or ground-disturbing activities. Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFG 2012) may be authorized through the incidental take permit as a minimization measure.

Preconstruction burrowing owl surveys shall be conducted by a qualified biologist no less than 14 days prior to the start of Project-related activities. Burrowing owls may re-colonize a site after only a few days. Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval

[5] California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline

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prior to commencing Project activities. Project activities shall not recommence until consultation with CDFW is completed.

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

IS/MND page 24 and Biological Assessment page 6-7

Issue: The Project has the potential to result in permanent loss and degradation of desert tortoise habitat. The Project may result in the take of desert tortoise, a CESA listed endangered species.

Specific impact: Potential impacts to desert tortoise from the Project include take of desert tortoise, their burrows, or eggs, or destruction of burrows, or foraging habitat, thus impacting desert tortoise populations. Impacts can result from grading, vegetation removal, burrow blockage, soil compaction, and crushing of burrows. Project disturbance (e.g., noise and vibration) has the potential to stress desert tortoise at occupied burrows as well.

Why impact would occur: Desert tortoise is known to within a 3-mile range of the Project site. The MND states that the Project site does not contain suitable friable soils due to road chipping, however the Project includes a strip of undeveloped land to the east of the existing storage yard. CDFW is concerned that the MND does not propose any mitigation measures for desert tortoise. The reason for a lack of measures for desert tortoise is due to a negative general survey result for desert tortoise. However, the MND relies on a 2021 non-protocol survey that was conducted in January when desert tortoise is least active. Consistent with the 2009 USFWS Survey Protocols[6], surveys are strongly recommended to occur when desert tortoise is most active (generally April through May and September through October) to ensure proper detection.

Evidence impact would be significant: Desert tortoise was recently uplisted from a threatened to endangered species under CESA, signifying the continued need to conserve the species and the importance to avoid impacts to the species and its habitat. Desert tortoise populations have declined significantly in recent decades as a result of human activities in desert tortoise habitat including land development, off-road vehicle use, overgrazing, agricultural development, and military activities (USFWS 2011[7]). In addition, predation from ravens and the spread of invasive plant species also pose a threat to desert tortoises. The desert tortoise population in the western Mojave Desert has declined by 90% since the 1980s. Furthermore, desert tortoises can take up to 20 years to reach sexual maturity which limits their ability to recover from even small losses in population numbers (USFWS 2011).

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends that the measure below be adopted in the IS/MND to reduce impacts to desert tortoise to less than significant:

(New) Biological Resource Mitigation Measure 3 (MM BIO-3)

A qualified biologist shall conduct a protocol level presence or absence preconstruction survey within the Project site and 50-foot buffer zone surrounding the Project site. The 50-foot buffer shall be revised in the field to ensure that surveys do not result in trespass onto property not owned and operated by the Project Proponent. The preconstruction survey shall be

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[6] *U.S. Fish and Wildlife Service (USFWS). 2009. Desert Tortoise (Mojave Population) Field Manual: (Gopherus agassizii)*

[7] United States Fish and Wildlife Service (USFWS). 2011. Revised Recovery Plan for Mojave population of the desert tortoise (*Gopherus agassizii*). U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, CA, USA.

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conducted no more than 3 days prior to the commencement of Project activities during the desert tortoise active season (generally April to May and September to October) in accordance with the U.S. Fish and Wildlife Service 2009 desert tortoise survey methodology. The survey shall utilize perpendicular survey routes and ensure 100% visual coverage for desert tortoise and their sign (e.g., scat, tracks, burrows). If active burrows, signs, or desert tortoise are detected at any time during Project activities, the Project Proponent shall contact CDFW immediately (within 24 hours) and fully avoid impacts to desert tortoise or shall obtain a CESA ITP if impacts cannot be fully avoided.

COMMENT #4: Mohave ground squirrel (*Xerospermophilus mohavensis*)

IS/MND page 24-25 and Biological Assessment page 7-9

Issue: The Project site is within range of the CESA-threatened Mohave ground squirrel (MGS) and the Project has the potential to result in permanent loss, degradation, and impacts to Mohave ground squirrel habitat.

Specific impact: The IS/MND does not provide any avoidance, or mitigation measures specific to Mohave ground squirrel. Focused surveys were not conducted, and the Project site is within the Mohave ground squirrel predicted habitat according to the California Natural Diversity Database (CNDDB). The site has a portion of undeveloped land on the eastern side of the property that has not been surveyed in over 5 years. Therefore, the Project and Project related activities have the potential to take MGS.

Why impact would occur: A general survey was conducted in January of 2021. Although no evidence of MGS was detected within the Project site, the Project site is within potential MGS habitat, and according to CNDDB, MGS have been documented less than 0.5 miles from the Project site (CDFW 2026).

Evidence impact would be significant: The IS/MND states that the Project site has no suitable habitat for MGS and that the species has low likelihood to occur on site. However, the Project site lies within the predicted habitat range of MGS, the general survey was conducted over 5 years ago, and the general survey was not sufficient to properly observe an occurrence of MGS on the Project site. Mohave ground squirrels are challenging to detect, and a general survey may not provide an accurate assessment of presence/absence. Without focused protocol surveys during the appropriate survey period, Project activities may adversely impact Mohave ground squirrel.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the addition of the following mitigation measure:

(New) Biological Resources Mitigation Measure 4 (MM BIO-4)

Prior to Project approvals, a qualified biologist familiar with the species' behavior and life history shall conduct focused surveys for Mohave ground squirrel throughout the Project site. Focused Mohave ground squirrel surveys shall follow the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023[8]). If Mohave ground squirrel is observed on site or captured during any of the trapping sessions, the Project proponent shall secure an Incidental Take Permit (ITP) for Mohave ground squirrel before ground-disturbing activities commence. The ITP will specify avoidance, minimization, and mitigation conditions for temporary and/or permanent

[8] California Department of Fish and Wildlife (CDFW). 2023, Mohave Ground Squirrel Survey Guidelines.

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impacts to Mohave ground squirrel including habitat acquisition at a CDFW-approved location and mitigation ratio.

COMMENT #5: Crotch's Bumble Bee (*Bombus crotchii*)

IS/MND page 23-27 and Biological Assessment page 3-11

Issue: The Biological Report does not consider Crotch's bumble bee, a candidate threatened species under CESA, in its evaluation. The Project has the potential to result in permanent and temporary loss, degradation, and impacts to Crotch's bumble bee habitat.

Specific impact: The Project has the potential for take (indirect and direct) of Crotch's bumble bee due to destruction of nests, dust from Project operations, a reduction of foraging and nesting habitat, and habitat quality due to the removal of host plants.

Why impact would occur: A general survey was conducted in January 2021, outside of the Colony Active Period (typically April to August). The Bio Report and IS/MND do not mention or consider CBB or the Project's impact on CBB habitat and nesting sites. Crotch's bumble bee occurs primarily in California, including the Mediterranean region, Pacific Coast, Western Desert, Great Valley and adjacent foothills through most of southwestern California (Williams et. al 2014[9]). 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,* and *Boraginaceae*.

Evidence impact would be significant: The Project is located within the California Natural Diversity Database (CNDDB) mapped area for the current Crotch's bumble bee range and the Project, as described, may remove potential habitat, including nesting and foraging habitat for Crotch's bumble bee. CDFW considers the direct and indirect take of Crotch's bumble bee, and the loss of species habitat, as a significant impact unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measure(s): To support the County of San Bernardino in avoiding or reducing impacts to Crotch's bumble bee to a level of less than significant, CDFW recommends the addition of the following mitigation measure:

(New) Biological Resources Mitigation Measure 5 (MM BIO-5)

Prior to vegetation removal and/or grading, a preconstruction Crotch's bumble bee habitat survey must be conducted by a qualified biologist to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment for Crotch's bumble bee shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150). The surveys shall include a minimum 50-foot buffer outside the Project impact area in adjacent habitat.

If habitat for Crotch's bumble bee is present, the Designated Biologist shall conduct focused surveys to determine presence/absence of Crotch's bumble

[9] Williams, Paul H et al. *Bumble Bees of North America : An Identification Guide*. Course Book. Princeton: Princeton University Press, 2014. Web.

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bee prior to vegetation removal and/or grading. Survey methodology shall follow the 2023 CDFW survey Considerations for Candidate Bumble Bee (available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150). Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1, by a CDFW-approved Designated Biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, the County shall fully avoid the species absent take authorization. If complete avoidance of Crotch's bumble bee cannot be achieved, the County shall obtain appropriate CESA authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) prior to initiation to Project activities.

COMMENT #6 Western Joshua Tree (*Yucca brevifolia*)

IS/MND page 23 and Biological Assessment page 1-13

Issue: The IS/MND states that, "The Joshua tree is not a plant species of concern but is considered sensitive by the County of San Bernardino." Western Joshua tree (WJT) is a candidate species pursuant to CESA and as such, any take of WJT without prior authorization would be a violation of Fish and Game Code section 2080.

Specific impact: The IS/MND states that WJT were removed from site in 2022 and were replanted and that there are currently WJT outside the Project in the surrounding area. The IS/MND does not provide any avoidance, or mitigation measures specific to WJT. If WJT are found on site or adjacent to the site, the Project and Project related activities have the potential to take WJT.

Why impact would occur: A general survey was conducted in January of 2021, and WJT were present on site and in the surrounding area. The WJT that were removed from the site may have left seed bank that could have sprouted in the time since the survey was conducted, resulting in potential new WJT pups on site. Additionally, a recent survey and census have not been conducted for the WJT that are present in the surrounding area of the Project site.

Evidence impact would be significant: The Project is located within the California Natural Diversity Database (CNDDB) mapped area for the current WJT range and the Project, as described, may remove potential habitat. CDFW considers the direct and indirect take of WJT, and the loss of species habitat, as a significant impact unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measure(s): If direct or indirect impacts on any WJT are anticipated to occur onsite and or adjacent areas, CDFW recommends the addition of the following mitigation measure:

(New) Biological Resources Mitigation Measure 6 (MM BIO-6)

Prior to the start of construction activities, a WJT census of the Project site and within a 50-foot buffer of the Project site shall be conducted as per CDFW's WJT Census Instructions (Census Instructions). If WJT individuals are identified in the census and the tress are to be relocated, encroached upon, trimmed, removed, or otherwise taken, the Project Proponent shall obtain an incidental take permit (ITP) from the California Department of Fish and Wildlife (CDFW) under section 2081b of the California Endangered Species Act (CESA), or any other appropriate take authorization under CESA or under the WJT Conservation

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Act (Fish & G. Code, §§ 1927-1927.12) prior to the relocation, encroachment, trimming, removal, or take (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill").

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the County of San Bernardino in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Kelly Connor, Environmental Scientist, at kelly.connor@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Alisa Ellsworth
84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

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

Jeff Brandt, Senior Environmental Scientist (Supervisor), CDFW
Jeff.Brandt@wildlife.ca.gov

Attachments

Attachment A: MMRP for CDFW-proposed Mitigation Measures

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Attachment A

Mitigation Monitoring and Reporting Program and Draft Recommendations

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**
MM-BIO-1: Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint with the potential to be affected, including Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380) for which suitable habitat is present within or adjacent to the Project. The inventory should address seasonal variation 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 period of one year, and assessments for rare plants may be considered valid for a period of up to three years.	Prior to commencing ground or vegetation disturbing activities	Project Proponent
MM-BIO-2: Prior to the start of Project activities, focused burrowing owl surveys shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation (CDFW 2012 or most recent version[10]). The surveys shall include 100 percent coverage and include a minimum 500-foot buffer in adjacent habitat. If burrowing owls, active burrowing owl burrows, or sign thereof are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW immediately by submitting the results of the focused burrowing owl survey and preparing a Burrowing Owl Plan that shall be submitted to CDFW for review and approval at least 30 days prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted,	Prior to commencing ground or vegetation disturbing activities	Project Proponent

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details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081(b)) prior to commencement of Project activities, including vegetation- or ground-disturbing activities. Full mitigation often involves the permanent conservation of quality habitat benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation (CDFG 2012) may be authorized through the incidental take permit as a minimization measure. Preconstruction burrowing owl surveys shall be conducted by a qualified biologist no less than 14 days prior to the start of Project-related activities. Burrowing owls may re-colonize a site after only a few days. Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Time lapses between Project activities trigger subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. Project activities shall not recommence until consultation with CDFW is completed.		
MM-BIO-3: A qualified biologist shall conduct a protocol level presence or absence preconstruction survey within the Project site and 50-foot buffer zone surrounding the Project site. The 50-foot buffer shall be revised in the field to ensure that surveys do not result in trespass onto property not owned and operated by the Project Proponent. The preconstruction survey shall be conducted no more than 3 days prior to the commencement of Project activities during the desert tortoise active season (generally April to May and September to October) in accordance with the U.S. Fish and Wildlife Service 2009 desert tortoise survey methodology. The survey shall utilize perpendicular survey routes and ensure 100% visual coverage for desert tortoise and their sign (e.g., scat, tracks, burrows). If active burrows, sign, or desert tortoise are detected at	Prior to commencing ground or vegetation disturbing activities	Project Proponent

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any time during Project activities, the Project Proponent shall contact CDFW immediately (within 24 hours) and fully avoid impacts to desert tortoise or shall obtain a CESA ITP if impacts cannot be fully avoided.		
MM-BIO-4: Prior to Project approvals, a qualified biologist familiar with the species' behavior and life history shall conduct focused surveys for Mohave ground squirrel throughout the Project site. Focused Mohave ground squirrel surveys shall follow the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023[11]). If Mohave ground squirrel is observed on site or captured during any of the trapping sessions, the Project proponent shall secure an Incidental Take Permit (ITP) for Mohave ground squirrel before ground-disturbing activities commence. The ITP will specify avoidance, minimization, and mitigation conditions for temporary and/or permanent impacts to Mohave ground squirrel including habitat acquisition at a CDFW-approved location and mitigation ratio.	Prior to commencing ground or vegetation disturbing activities	Project Proponent
MM-BIO-5: Prior to vegetation removal and/or grading, a preconstruction Crotch's bumble bee habitat survey must be conducted by a qualified biologist to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment for Crotch's bumble bee shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee (available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150). The surveys shall include a minimum 50-foot buffer outside the Project impact area in adjacent habitat. If habitat for Crotch's bumble bee is present, the Designated Biologist shall conduct focused surveys to determine presence/absence of Crotch's bumble bee prior to vegetation removal and/or grading. Survey methodology shall follow the 2023 CDFW survey Considerations for Candidate Bumble Bee (available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150). Surveys shall be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1, by a CDFW-approved Designated Biologist familiar with Crotch's bumble bee behavior and life history. Surveys shall be conducted within the Project site and areas adjacent to the Project site where suitable habitat exists. Survey results including negative findings shall be submitted to CDFW at least 30 days prior to Project-related vegetation removal and/or ground-disturbing activities. If the species is identified on site, the County shall fully avoid the species absent take authorization. If complete avoidance of Crotch's bumble bee cannot	Prior to commencing ground or vegetation disturbing activities	Project Proponent

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be achieved, the County shall obtain appropriate CESA authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) prior to initiation to Project activities.		
MM-BIO-6: Prior to the start of construction activities, a WJT census of the Project site and within a 50-foot buffer of the Project site shall be conducted as per CDFW's WJT Census Instructions (Census Instructions). If WJT individuals are identified in the census and the tress are to be relocated, encroached upon, trimmed, removed, or otherwise taken, the Project Proponent shall obtain an incidental take permit (ITP) from the California Department of Fish and Wildlife (CDFW) under section 2081b of the California Endangered Species Act (CESA), or any other appropriate take authorization under CESA or under the WJT Conservation Act (Fish & G. Code, §§ 1927-1927.12) prior to the relocation, encroachment, trimming, removal, or take (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill").	Prior to commencing ground or vegetation disturbing activities	Project Proponent