

PLANNING COMMISSION ATTACHMENT E

CDFW Comments w/Response



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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 29, 2024

Daisy Kawasaki
Associate Planner
City of Victorville
14343 Civic Drive
Victorville, CA 92392

Subject: Initial Study/Mitigated Negative Declaration
Independent Station (Project)
State Clearinghouse No. 2024061333

Dear Daisy Kawasaki:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from the City of Victorville for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. For example, 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: City of Victorville

Objective: The objective of the Project is to construct a commercial center consisting of a fueling station, drive-through carwash, and convenience store. Primary Project activities include grading with heavy equipment, construction of new buildings, paving, and landscaping.

Location: The Project site is in the City of Victorville, County of San Bernardino, at the southwest corner of Green Tree Boulevard and Hesperia Road, on Assessor’s Parcel Number 3090-331-02-0000 (1.44 acres), at latitude 34.499561 and longitude -117.293609.

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.

Timeframe: The Project is proposed to begin in January 2025, and is estimated to require five months to complete.

COMMENTS AND RECOMMENDATIONS

CDFW appreciates that the City of Victorville has taken CDFW's past recommendations into consideration in the IS/MND to avoid, minimize, and mitigate impacts to nesting birds and western Joshua tree (*Yucca brevifolia*). CDFW offers the comments and recommendations below to assist the City of Victorville in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on burrowing owl (*Athene cunicularia*), special status plants, and Crotch's bumble bee (*Bombus crotchii*). Editorial comments or other suggestions are also included regarding western Joshua tree to improve the Final MND.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT 1: Burrowing Owl

Section 3, Page 32

Issue: The Project has the potential to result in permanent and temporary loss, degradation, and impacts to burrowing owl habitat. Direct take of burrowing owl may also occur during Project activities. A reconnaissance survey was conducted on March 7, 2023. However, focused surveys following standard/accepted protocols were not conducted to assess potential use of the site by burrowing owls, limiting the appropriateness of any impact analysis and mitigation proposal.

Specific impact: The Project includes the potential for the collapsing of burrows, entombment, displacement, reduction of habitat, and indirect take associated with Project operations such as attracting predators. The Project will cause permanent impacts to burrowing owl foraging and nesting habitat.

Why impact would occur: Burrowing owl could be directly impacted during construction and for the life of the Project through the removal of potential foraging habitat and loss of habitat features. Nest destruction, nest abandonment, disturbance from construction noise and activities, increased risk of predation, and degradation of suitable habitat could also all lead to significant impacts to burrowing owl individuals and local populations.

The Biological Report states that "this mobile species occurs throughout Southern California and could potentially occur in the area in the future" (Appendix B, page 6), and "a pre-construction burrowing owl survey may be required by CDFW to determine if any owls have moved on to the site since March 7, 2023 surveys" (Appendix B, page 11). While the IS/MND includes a pre-construction nesting bird survey (Bio-Mitigation-1), to be conducted no more than 3 days prior to the initiation of Project activities, the limited scope and timing of the survey would fail to capture information on the site's occupancy and use throughout the year (e.g., breeding, overwintering). In addition, burrowing owl are more detectable during the breeding season (February 1 – August 31) and several surveys are required to ensure detection. Thus, CDFW recommends Bio-Mitigation-4 below to identify, avoid, and mitigate impacts to burrowing owls.

The Biological Report also notes that rodent burrows and California ground squirrel were found on site during the reconnaissance survey on March 7, 2023 (Appendix B, pages 9 and 18). Despite burrowing owl frequently using California ground squirrel burrows, a focused survey for burrowing owl following a CDFW approved protocol, or similar approach, was not conducted to confirm presence/absence of burrowing owl. The lack of focused surveys for burrowing owl is further concerning because burrowing owls are known to occur within a reasonable dispersal distance of the Project area and potential nesting and foraging habitat is likely to occur within and adjacent to the Project area.

CDFW recommends the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012) for evaluating whether a project will result in impacts to burrowing owls (available at: <https://www.wildlife.ca.gov/conservation/survey-protocols>). The Staff Report on Burrowing Owl Mitigation specifies three steps for project impact evaluations: 1) a habitat assessment, 2) surveys, and 3) an impact assessment. A habitat assessment includes collecting information on “presence of suitable burrows and/or burrow surrogates” (page 27). CDFW recommends that the City of Victorville consider the site potentially suitable to support burrowing owls and conduct the breeding-season surveys according to the Staff Report on Burrowing Owl Mitigation, given that potential Mohave ground squirrel burrows are reported in the Biological Report (Appendix B, page 9), and California ground squirrels are reported on site (Appendix B, page 18). If individual burrowing owl or habitat is detected, CDFW recommends the City of Victorville conduct an impact assessment according to the Staff Report on Burrowing Owl Mitigation to evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, and propose avoidance, minimization, and mitigation measures, including compensatory mitigation for the temporary or permanent loss of occupied burrows and habitat consistent with the “Mitigation Impacts” section of the 2012 Staff Report.

Evidence impact would be significant: Burrowing owls are a CDFW Species of Special Concern (SSC), and the Project, as described, may result in injury, direct mortality, indirect mortality, disruption of breeding behavior, and/or may reduce reproductive capacity of the species. The Project does not include mitigation measures for burrowing owl and therefore does not specify methods by which burrowing owls will be identified, or how potential impacts to owls and associated habitat will be avoided, minimized, and/or mitigated. Therefore, the IS/MND does not adequately mitigate the potential permanent and temporary impacts to burrowing owl to a level of less than significant. CDFW considers the direct and indirect take of burrowing owl, and the loss of the species’ habitat, as a significant impact, unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the inclusion of the below Mitigation Measure in the Final MND to ensure that impacts to burrowing owl and its habitats are evaluated and mitigated to a level of less than significant.

Bio-Mitigation-4 (New):

Burrowing owl preconstruction surveys shall be performed in accordance with the 2012 Staff Report on Burrowing Owl Mitigation prior to vegetation removal or ground-disturbing activities. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted, and a 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 and implementing the measures of the Burrowing Owl Plan.

The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the 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. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrows and habitat consistent with the “Mitigation Impacts” section of the 2012 Staff Report, and the City of

Victorville shall implement CDFW-approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.

COMMENT 2: Crotch's Bumble Bee

Section 3, Page 32

Issue: The Biological Report does not consider Crotch's bumble bee in its evaluation, and the IS/MND only discusses the species' sensitive status. 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 of Crotch's bumble bee from collapsing burrows, entombment, displacement, dust from Project operations, and vegetation removal that reduces foraging and nesting habitat and habitat quality.

Why impact would occur: Crotch's bumble bee could be directly impacted during construction through the removal of host plants and loss of habitat features on the Project site.

Evidence impact would be significant: The Project contains habitat suitable for Crotch's bumble bee including flowering plants (e.g., mustard and California buckwheat), grasses, and rodent burrows. Bunch grasses, grass thatches, and burrows exist on the Project site and are suitable nesting sites for Crotch's bumble bee. Direct take of Crotch's bumble bee, a candidate species for listing under CESA, may occur during Project activities. Crotch's bumble bee has been documented within a reasonable dispersal distance of the Project area. The Project, as described, would 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 the species' habitat, as a significant impact unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the below Mitigation Measure in the Final MND to ensure that impacts to Crotch's bumble bee and its habitats are evaluated and mitigated to a level of less than significant.

Bio-Mitigation-5 (New):

Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.

If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch's bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. 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 an 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, Project Proponent shall fully avoid the species absent take authorization.

If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.

COMMENT 3: Special-Status Plants

Section 3, Page 36

Issue: The Project has the potential to result in permanent and temporary impacts to special-status plants and their habitats, including Booth's evening primrose (*Eremothera boothii* ssp. *boothii*, State Rare Plant Rank 1B.2) and San Bernardino aster (*Symphotrichum defoliatum*, State Rare Plant Rank 1B.2). However, the biological survey was performed outside the blooming season for several special-status plants in the area, and does not provide the information necessary to determine the presence of cryptic or late-blooming plant species, and thus may be inadequate in determining impacts and appropriate mitigation measures.

Specific impact: The Project, as described, will remove all vegetation on site. Grading and construction will take place in areas that are currently intact and undeveloped, where special-status plants may be present.

Why impact would occur: The Project may result in direct impacts to special-status plants. Direct impacts include grading, vegetation removal, building construction, and paving. The Biological Report indicates that special-status plants are known to occur in the vicinity of the Project. A general biological survey was performed by RCA Associates, Inc. in March 2023, but this was outside the blooming season for several special-status plants in the area, and does not provide the information necessary to determine the presence of cryptic or late-blooming plant species. Mitigation measure Bio-Mitigation-2 in the IS/MND addresses plant surveys, but does not clearly state that those surveys will be performed.

Evidence impact would be significant: CDFW considers the take of special-status plants and the loss of these species' habitats as a significant impact, unless mitigated to a level of less than significant. Plants with California Rare Plant Ranks 1A, 1B, 2A, and 2B generally meet the criteria of a CESA-listed species and should be considered as an endangered, rare, or threatened species for the purposes of CEQA analysis.

CDFW disagrees with the IS/MND's determination that sensitive plant species are not expected to occur on site. For example, Booth's evening primrose (State Rare Plant Rank 1B.2) and San Bernardino aster (State Rare Plant Rank 1B.2) both have potential to occur on site, however floristic surveys were not conducted within their blooming seasons (April-September and July-November, respectively). Please note that according to CDFW's *2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*, botanical field surveys should be conducted in a manner which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting. Reference sites (nearby accessible occurrences of the plants) should also be utilized to determine whether those special-status plants are identifiable at the times of year the botanical field surveys take place and to obtain a visual image of the special status plants, associated habitat, and associated natural communities. CDFW therefore recommends the City of Victorville adopt the measure below to properly identify special-status plants on site prior to initiating Project activities.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the inclusion of the below Mitigation Measure, as revised (edits are in ~~strikethrough~~ and additions are in ***bold italics***) in the Final MND to ensure impacts are mitigated to a level of less than significant.

Bio-Mitigation-2 (Revised):

Focused plant surveys for all special status plant species that have the potential to occur on the site ***shall be conducted prior to the initiation of Project activities, and*** ~~If focused plant surveys are considered, surveys should~~ ***shall*** be performed during the blooming season(s) (April–June) ***of the species with potential to occur on site*** to determine the potential environmental effects of the proposed projects on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife ***in the 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018)***. ***If any special-status plants are identified, the Project Proponent shall avoid the plants, with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the Project Proponent shall mitigate the loss of the plants through the purchase of mitigation credits from a CDFW-approved bank (if appropriate credits are available) or land acquisition and conservation at a minimum 3:1 (replacement to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed). If the Project has the potential to impact a state listed species, the Project Proponent should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.***

II. Editorial Comments and/or Suggestions

Western Joshua tree

CDFW appreciates Bio-Mitigation-3 and supports its inclusion in the final MND to avoid and mitigate impacts to western Joshua tree.

The Project documents include two surveys for western Joshua tree (one from RCA in March 2023, and one from Tree Life Consulting in April 2023). However, the survey results/findings are not consistent. Specifically, RCA reports one tree on site while Tree Life Consulting reports two, and RCA reports five trees within a 300-foot buffer, and Tree Life Consulting reports three. Please note that the ITP application will require accurate surveys for potentially-impacted western Joshua trees.

Xeriscaping

CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <https://saveourwater.com/>.

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 IS/MND to assist the City of Victorville in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Chris Briggs, Senior Environmental Scientist (Specialist) at 909-758-6774 or christopher.briggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Kim Freeburn
Environmental Program Manager

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

REFERENCES

California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. State of California, Natural Resources Agency. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline=true>.

California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>.

California Department of Fish and Wildlife. 2023. Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species. Available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150>.

Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into the Final MND for the Project.

Mitigation Measure		Timing	Responsible Party
Bio-Mitigation-2	Focused plant surveys for all special status plant species that have the potential to occur on the site shall be conducted prior to the initiation of Project activities, and shall be performed during the blooming season(s) of the species with potential to occur on site to determine the potential environmental effects of the proposed projects on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife in the 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent

Mitigation Measure		Timing	Responsible Party
	Natural Communities (CDFW 2018). If any special-status plants are identified, the Project Proponent shall avoid the plants, with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the Project Proponent shall mitigate the loss of the plants through the purchase of mitigation credits from a CDFW-approved bank (if appropriate credits are available) or land acquisition and conservation at a minimum 3:1 (replacement to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed). If the Project has the potential to impact a state listed species, the Project Proponent should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.		
Bio-Mitigation-4	<p>Burrowing owl preconstruction surveys shall be performed in accordance with the 2012 Staff Report on Burrowing Owl Mitigation prior to vegetation removal or ground-disturbing activities. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted, and a 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 and implementing the measures of the Burrowing Owl Plan.</p> <p>The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the 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. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied</p>	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent

Mitigation Measure		Timing	Responsible Party
	burrows and habitat consistent with the “Mitigation Impacts” section of the 2012 Staff Report, and the City of Victorville shall implement CDFW-approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.		
Bio-Mitigation-5	<p>Crotch’s Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch’s bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.</p> <p>If habitat for Crotch’s bumble bee is present, a Designated Biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch’s bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. 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 an 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, Project Proponent shall fully avoid the species absent take authorization. If the Project may result in take of Crotch’s bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch’s bumble bee cannot be achieved, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.</p>	Prior to commencing ground- or vegetation-disturbing activities.	Project proponent

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

Planning • Environmental Analysis • Economics • Mapping • GIS

Date: August 1, 2024

To: Daisy Kawasaki, Associate Planner, City of Victorville

From: Marc Blodgett, Blodgett Baylosis Environmental Planning

Subject: RESPONSE TO COMMENTS – Initial Study/Mitigated Negative Declaration. Independent Station (Project). State Clearinghouse No. 2024061333

Comments and Response to Comments

Comment 1: Burrowing Owl. Section 3, Page 32

Issue: The Project has the potential to result in permanent and temporary loss, degradation, and impacts to burrowing owl habitat. Direct take of burrowing owl may also occur during Project activities. A reconnaissance survey was conducted on March 7, 2023. However, focused surveys following standard/accepted protocols were not conducted to assess potential use of the site by burrowing owls, limiting the appropriateness of any impact analysis and mitigation proposal.

Specific impact: The Project includes the potential for the collapsing of burrows, entombment, displacement, reduction of habitat, and indirect take associated with Project operations such as attracting predators. The Project will cause permanent impacts to burrowing owl foraging and nesting habitat.

Why impact would occur: Burrowing owl could be directly impacted during construction and for the life of the Project through the removal of potential foraging habitat and loss of habitat features. Nest destruction, nest abandonment, disturbance from construction noise and activities, increased risk of predation, and degradation of suitable habitat could also all lead to significant impacts to burrowing owl individuals and local populations.

The Biological Report states that “this mobile species occurs throughout Southern California and could potentially occur in the area in the future” (Appendix B, page 6), and “a pre-construction burrowing owl survey may be required by CDFW to determine if any owls have moved on to the site since March 7, 2023 surveys” (Appendix B, page 11). While the IS/MND includes a pre-construction nesting bird survey (Bio-Mitigation-1), to be conducted no more than 3 days prior to the initiation of Project activities, the limited scope and timing of the survey would fail to capture information on the site’s occupancy and use throughout the year (e.g., breeding, overwintering). In addition, burrowing owl are more detectable during the breeding season (February 1 – August 31) and several surveys are required to ensure detection. Thus, CDFW recommends Bio-Mitigation-4 below to identify, avoid, and mitigate impacts to burrowing owls.

The Biological Report also notes that rodent burrows and California ground squirrel were found on site during the reconnaissance survey on March 7, 2023 (Appendix B, pages 9 and 18). Despite burrowing owl frequently using California ground squirrel burrows, a focused survey for burrowing owl following a CDFW approved protocol, or similar approach, was not conducted to confirm presence/absence of burrowing owl. The lack of focused surveys for burrowing owl is further concerning because burrowing owls are known to occur within a reasonable dispersal distance of the Project area and potential nesting and foraging habitat is likely to occur within and adjacent to the Project area.

CDFW recommends the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012) for evaluating whether a project will result in impacts to burrowing owls (available at: <https://www.wildlife.ca.gov/conservation/survey-protocols>). The Staff Report on Burrowing Owl Mitigation specifies three steps for project impact evaluations: 1) a habitat assessment, 2) surveys, and 3) an impact assessment. A habitat assessment includes collecting information on “presence of suitable burrows and/or burrow surrogates” (page 27). CDFW recommends that the City of Victorville consider the site potentially suitable to support burrowing owls and conduct the breeding-season surveys according to the Staff Report on Burrowing Owl Mitigation, given that potential Mohave ground squirrel burrows are reported in the Biological Report (Appendix B, page 9), and California ground squirrels are reported on site (Appendix B, page 18). If individual burrowing owl or habitat is detected, CDFW recommends the City of Victorville conduct an impact assessment according to the Staff Report on Burrowing Owl Mitigation to evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, and propose avoidance, minimization, and mitigation measures, including compensatory mitigation for the temporary or permanent loss of occupied burrows and habitat consistent with the “Mitigation Impacts” section of the 2012 Staff Report.

Evidence impact would be significant: Burrowing owls are a CDFW Species of Special Concern (SSC), and the Project, as described, may result in injury, direct mortality, indirect mortality, disruption of breeding behavior, and/or may reduce reproductive capacity of the species. The Project does not include mitigation measures for burrowing owl and therefore does not specify methods by which burrowing owls will be identified, or how potential impacts to owls and associated habitat will be avoided, minimized, and/or mitigated. Therefore, the IS/MND does not adequately mitigate the potential permanent and temporary impacts to burrowing owl to a level of less than significant. CDFW considers the direct and indirect take of burrowing owl, and the loss of the species’ habitat, as a significant impact, unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the inclusion of the below Mitigation Measure in the Final MND to ensure that impacts to burrowing owl and its habitats are evaluated and mitigated to a level of less than significant.

Bio-Mitigation-4 (New):

Burrowing owl preconstruction surveys shall be performed in accordance with the 2012 Staff Report on Burrowing Owl Mitigation prior to vegetation removal or ground-disturbing activities. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted, and a 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 and implementing the measures of the Burrowing Owl Plan.

The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the 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. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall

identify compensatory mitigation for the temporary or permanent loss of occupied burrows and habitat consistent with the “Mitigation Impacts” section of the 2012 Staff Report, and the City of Victorville shall implement CDFW-approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.

Response 1: The comment is noted for the record. The following new mitigation would be incorporated into the IS/MND by reference.

Bio-Mitigation-4 (New):

Burrowing owl preconstruction surveys shall be performed in accordance with the 2012 Staff Report on Burrowing Owl Mitigation prior to vegetation removal or ground-disturbing activities. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted, and a 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 and implementing the measures of the Burrowing Owl Plan.

The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the 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. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrows and habitat consistent with the “Mitigation Impacts” section of the 2012 Staff Report, and the City of Victorville shall implement CDFW-approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.

Comment 2: Crotch’s Bumble Bee. Section 3, Page 32.

Issue: The Biological Report does not consider Crotch’s bumble bee in its evaluation, and the IS/MND only discusses the species’ sensitive status. 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 of Crotch’s bumble bee from collapsing burrows, entombment, displacement, dust from Project operations, and vegetation removal that reduces foraging and nesting habitat and habitat quality.

Why impact would occur: Crotch's bumble bee could be directly impacted during construction through the removal of host plants and loss of habitat features on the Project site.

Evidence impact would be significant: The Project contains habitat suitable for Crotch's bumble bee including flowering plants (e.g., mustard and California buckwheat), grasses, and rodent burrows. Bunch grasses, grass thatches, and burrows exist on the Project site and are suitable nesting sites for Crotch's bumble bee. Direct take of Crotch's bumble bee, a candidate species for listing under CESA, may occur during Project activities. Crotch's bumble bee has been documented within a reasonable dispersal distance of the Project area. The Project, as described, would 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 the species' habitat, as a significant impact unless mitigated to a level of less than significant.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the below Mitigation Measure in the Final MND to ensure that impacts to Crotch's bumble bee and its habitats are evaluated and mitigated to a level of less than significant.

Bio-Mitigation-5 (New):

Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.

If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch's bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. 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 an 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, Project Proponent shall fully avoid the species absent take authorization.

If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.

Response 2: The comment is noted for the record. The following new mitigation would be incorporated into the IS/MND by reference.

Bio-Mitigation-5 (New):

Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat

assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.

If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch's bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. 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 an 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, Project Proponent shall fully avoid the species absent take authorization.

If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.

Comment 3: Special-Status Plants. Section 3, Page 36

Issue: The Project has the potential to result in permanent and temporary impacts to special-status plants and their habitats, including Booth's evening primrose (*Eremothera boothii* ssp. *boothii*, State Rare Plant Rank 1B.2) and San Bernardino aster (*Symphyotrichum defoliatum*, State Rare Plant Rank 1B.2). However, the biological survey was performed outside the blooming season for several special-status plants in the area, and does not provide the information necessary to determine the presence of cryptic or late-blooming plant species, and thus may be inadequate in determining impacts and appropriate mitigation measures.

Specific impact: The Project, as described, will remove all vegetation on site. Grading and construction will take place in areas that are currently intact and undeveloped, where special-status plants may be present.

Why impact would occur: The Project may result in direct impacts to special-status plants. Direct impacts include grading, vegetation removal, building construction, and paving. The Biological Report indicates that special-status plants are known to occur in the vicinity of the Project. A general biological survey was performed by RCA Associates, Inc. in March 2023, but this was outside the blooming season for several special-status plants in the area, and does not provide the information necessary to determine the presence of cryptic or late-blooming plant species. Mitigation measure Bio-Mitigation-2 in the IS/MND addresses plant surveys, but does not clearly state that those surveys will be performed.

Evidence impact would be significant: CDFW considers the take of special-status plants and the loss of these species' habitats as a significant impact, unless mitigated to a level of less than significant. Plants with California Rare Plant Ranks 1A, 1B, 2A, and 2B generally meet the criteria of a CESA-listed species and should be considered as an endangered, rare, or threatened species for the purposes of CEQA analysis.

CDFW disagrees with the IS/MND's determination that sensitive plant species are not expected to occur on site. For example, Booth's evening primrose (State Rare Plant Rank 1B.2) and San Bernardino aster (State Rare Plant Rank 1B.2) both have potential to occur on site, however floristic surveys were not conducted within their blooming seasons (April-September and July-November, respectively). Please note that according to CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*, botanical field surveys should be conducted in a manner which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting. Reference sites (nearby accessible occurrences of the plants) should also be utilized to determine whether those special-status plants are identifiable at the times of year the botanical field surveys take place and to obtain a visual image of the special status plants, associated habitat, and associated natural communities. CDFW therefore recommends the City of Victorville adopt the measure below to properly identify special-status plants on site prior to initiating Project activities.

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the inclusion of the below Mitigation Measure, as revised (edits are in ~~strike through~~ and additions are in **bold italics**) in the Final MND to ensure impacts are mitigated to a level of less than significant.

Bio-Mitigation-2 (Revised):

Focused plant surveys for all special status plant species that have the potential to occur on the site ***shall be conducted prior to the initiation of Project activities, and*** ~~– If focused plant surveys are considered, surveys should~~ ***shall*** be performed during the blooming season(s) ~~(April – June)~~ ***of the species with potential to occur on site*** to determine the potential environmental effects of the proposed projects on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife ***in the 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). If any special-status plants are identified, the Project Proponent shall avoid the plants, with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the Project Proponent shall mitigate the loss of the plants through the purchase of mitigation credits from a CDFW-approved bank (if appropriate credits are available) or land acquisition and conservation at a minimum 3:1 (replacement to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed). If the Project has the potential to impact a state listed species, the Project Proponent should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.***

Response 3: The comment is noted for the record. The following revised mitigation would be incorporated into the IS/MND by reference. The revisions are noted using **bold text** and ~~strikeout~~.

Bio-Mitigation-2 (Revised):

Focused plant surveys for all special status plant species that have the potential to occur on the site ***shall be conducted prior to the initiation of Project activities, and*** ~~– If focused plant surveys are considered, surveys should~~ ***shall*** be performed during the blooming season(s) ~~(April – June)~~ ***of the species with potential to occur on site*** to determine the potential environmental effects of the proposed projects on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife ***in the 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and***

Sensitive Natural Communities (CDFW 2018). If any special-status plants are identified, the Project Proponent shall avoid the plants, with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the Project Proponent shall mitigate the loss of the plants through the purchase of mitigation credits from a CDFW-approved bank (if appropriate credits are available) or land acquisition and conservation at a minimum 3:1 (replacement to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed). If the Project has the potential to impact a state listed species, the Project Proponent should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.

Comment 4: Editorial Comments and/or Suggestions. Western Joshua Tree.

CDFW appreciates Bio-Mitigation-3 and supports its inclusion in the final MND to avoid and mitigate impacts to western Joshua tree.

The Project documents include two surveys for western Joshua tree (one from RCA in March 2023, and one from Tree Life Consulting in April 2023). However, the survey results/findings are not consistent. Specifically, RCA reports one tree on site while Tree Life Consulting reports two, and RCA reports five trees within a 300-foot buffer, and Tree Life Consulting reports three. Please note that the ITP application will require accurate surveys for potentially-impacted western Joshua trees.

Response 4: The comment is noted for the record. As part of any ITP permit, the previous surveys would be updated as is required.

Comment 5: Editorial Comments and/or Suggestions. Xeriscaping.

CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <https://saveourwater.com/>.

Response 5: The comment is noted for the record. The project would utilize drought tolerant landscaping. This above information would be forwarded to the Applicant.

Comment 6: 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>.

Response 6: The comment is noted for the record. The project team will cooperate with the CDFW regarding the collection and archiving of information.

Comment 7: 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.)

Response 7: The comment is noted for the record. The City in its capacity as Lead Agency, will oversee the collection of fee as part of the filing of the Notice of Determination.

Comment 8: Attachment A: Draft Mitigation and Monitoring Reporting Plan

Mitigation Measure		Timing	Responsible Party
Bio-Mitigation-2	Focused plant surveys for all special status plant species that have the potential to occur on the site shall be conducted prior to the initiation of Project activities, and shall be performed during the blooming season(s) of the species with potential to occur on site to determine the potential environmental effects of the proposed projects on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife in the 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). If any special-status plants are identified, the Project Proponent shall avoid the plants, with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the Project Proponent shall mitigate the loss of the plants through the purchase of mitigation credits from a CDFW-approved bank (if appropriate credits are available) or land acquisition and conservation at a minimum 3:1 (replacement to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed). If the Project has the potential to impact a state listed species, the Project Proponent should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.	Prior to commencing ground- or vegetation-disturbing activities.	Project Proponent
Bio-Mitigation-4	Burrowing owl preconstruction surveys shall be performed in accordance with the 2012 Staff Report on Burrowing Owl Mitigation prior to vegetation removal or grounddisturbing activities. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted, and a 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 ground- or vegetation-disturbing activities.	Project Proponent

	<p>prior to commencing Project activities and implementing the measures of the Burrowing Owl Plan.</p> <p>The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the 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. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrows and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report, and the City of Victorville shall implement CDFW-approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.</p>		
Bio-Mitigation-5	<p>Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.</p> <p>If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch's bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. 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 an 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</p>	<p>Prior to commencing ground- or vegetation-disturbing activities.</p>	Project Proponent

	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, Project Proponent shall fully avoid the species absent take authorization. If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.		
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Response 8: The comment is noted for the record. The revised mitigation monitoring and reporting program (MMRP) table has been incorporated into the IS/MND by reference.

Information to be incorporated by Reference

The following comments submitted by the CDFW are incorporated into the record by reference. This information does not change the conclusions of the IS/MND nor do they require any further analysis and/or mitigation.

Comment 1: The comment is noted for the record. The following new mitigation would be incorporated into the IS/MND by reference.

Bio-Mitigation-4 (New):

Burrowing owl preconstruction surveys shall be performed in accordance with the 2012 Staff Report on Burrowing Owl Mitigation prior to vegetation removal or ground-disturbing activities. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted, and a 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 and implementing the measures of the Burrowing Owl Plan.

The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the 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. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrows and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report, and the City of Victorville shall implement CDFW-approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and

management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.

Response 2: The comment is noted for the record. The following new mitigation would be incorporated into the IS/MND by reference.

Bio-Mitigation-5 (New):

Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.

If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch's bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. 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 an 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, Project Proponent shall fully avoid the species absent take authorization.

If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.

Response 3: The comment is noted for the record. The following revised mitigation would be incorporated into the IS/MND by reference. The revisions are noted using **bold text** and ~~strikeout~~.

Bio-Mitigation-2 (Revised):

Focused plant surveys for all special status plant species that have the potential to occur on the site ***shall be conducted prior to the initiation of Project activities, and*** ~~If focused plant surveys are considered, surveys should~~ ***shall*** be performed during the blooming season(s) ~~(April – June)~~ ***of the species with potential to occur on site*** to determine the potential environmental effects of the proposed projects on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife ***in the 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018).*** ***If any special-status plants are identified, the Project Proponent shall avoid the plants, with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the Project Proponent shall mitigate the loss of the plants through the purchase of mitigation credits from a CDFW-approved bank (if appropriate credits are available) or land acquisition and conservation at a minimum 3:1 (replacement to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate***

watershed). If the Project has the potential to impact a state listed species, the Project Proponent should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.

Response 8: The Comment 8 is noted for the record. The revised mitigation monitoring and reporting program (MMRP table has been incorporated into the IS/MND by reference.

Mitigation Measure		Timing	Responsible Party
Bio-Mitigation-2	Focused plant surveys for all special status plant species that have the potential to occur on the site shall be conducted prior to the initiation of Project activities, and shall be performed during the blooming season(s) of the species with potential to occur on site to determine the potential environmental effects of the proposed projects on special status plants and sensitive natural communities following recommended protocols by the Department of Fish and Wildlife in the 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). If any special-status plants are identified, the Project Proponent shall avoid the plants, with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the Project Proponent shall mitigate the loss of the plants through the purchase of mitigation credits from a CDFW-approved bank (if appropriate credits are available) or land acquisition and conservation at a minimum 3:1 (replacement to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed). If the Project has the potential to impact a state listed species, the Project Proponent should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.	Prior to commencing ground-vegetation-disturbing activities.	Project Proponent
Bio-Mitigation-4	<p>Burrowing owl preconstruction surveys shall be performed in accordance with the 2012 Staff Report on Burrowing Owl Mitigation prior to vegetation removal or grounddisturbing activities. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted, and a 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 and implementing the measures of the Burrowing Owl Plan.</p> <p>The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the 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. If impacts to occupied burrowing owl habitat or burrows cannot be avoided, the Burrowing Owl Plan shall also describe minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow exclusion (i.e., passive relocation) and closure shall only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrows and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report, and the City of Victorville shall implement CDFW-approved mitigation prior to the initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to burrowing owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated burrowing owls shall also be included in the Burrowing Owl Plan.</p>	Prior to commencing ground-vegetation-disturbing activities.	Project Proponent

<p>Bio-Mitigation-5</p>	<p>Crotch's Bumble Bee Habitat Assessment. Prior to vegetation removal and/or grading, a Designated Biologist shall conduct a habitat assessment to determine whether Crotch's bumble bee habitat is present or absent in the Project site and adjoining area. The habitat assessment shall be performed according to the 2023 CDFW Survey Considerations for Candidate Bumble Bee.</p> <p>If habitat for Crotch's bumble bee is present, a Designated Biologist shall conduct focused surveys prior to vegetation removal and/or grading for the presence/absence of Crotch's bumble bee. Survey methodology shall follow the 2023 CDFW Survey Considerations for Candidate Bumble Bee. 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 an 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, Project Proponent shall fully avoid the species absent take authorization. If the Project may result in take of Crotch's bumble bee through either nest destruction or destruction of potential nests hidden in bunch grasses or other nesting habitat, or if complete avoidance of Crotch's bumble bee cannot be achieved, Project activities shall be postponed until appropriate authorization (i.e., a finalized CESA ITP under Fish and Game Code section 2081) is obtained.</p>	<p>Prior to commencing ground-vegetation-disturbing activities.</p>	<p>Project Proponent</p>
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