

COMMENTS FROM AND RESPONSES TO FISH AND WILDLIFE LETTER OF JULY 24, 2023

On July 24, 2023, Land Use Services Staff received a letter from the California Department of Fish and Wildlife (CDFW) raising several concerns about the Initial Study/Mitigated Negative Declaration (IS/MND). The concerns raised by CDFW, and the responses to their comments are detailed below.

In summary, the IS/MND was prepared in accordance with Title 14 of the California Code of Regulations (CEQA Guidelines) Section 15070 to identify the potential impacts the Platinum Storage project may have on the environment. The IS/MND also identifies all design features and mitigation measures that will reduce said impacts to less-than-significant levels. The IS/MND concluded that all potentially significant environmental impacts resulting from the construction and operation of the proposed project would be mitigated to a less-than-significant level. The Initial Study was circulated for public review March 18, 2022 through April 18, 2022. Based on the Initial Study findings, the recommendation includes the adoption of a Mitigated Negative Declaration and filing a Notice of Determination.

Fish and Wildlife Comment

- CDFW could not obtain access to the document at the County's website and is concerned that this IS/MND may not have been circulated through the State Clearinghouse.

County Response: The Initial Study and Biological Resource Assessment have been and remain posted on the County's Environmental Web Site for the Mountains and is accessible to the public. The proposed MND is posted on the State's CEQA Net Web Site with a receipt date of March 14, 2022, and has been provided a State Clearinghouse Number: 2022030374. The Notice of Completion (NOC) posted on the State's Web Site has a notation that the document is to be circulated to the Department of Fish and Wildlife by the State Clearinghouse.

Fish and Wildlife Comment

- The MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) to biological resources and whether those impacts are less than significant. CDFW offered comments and recommendations to assist the County in adequately identifying and mitigating the Project's significant, or potentially significant, impacts to biological resources.

County Response: A Biological Resource Assessment was prepared for the site, and review by Land Use Services staff, and included the following items:

- ✓ A Literature Review
- ✓ Reconnaissance Survey

- ✓ Jurisdictional Waters Evaluation
- ✓ Plant and Wildlife Evaluation
- ✓ Mitigation Measure

Fish and Wildlife Comment

- If a robust assessment of biological resources has not been completed and results circulated through the SCH as part of the IS/MND, CDFW recommends that a revised IS/MND be prepared as described in the following mitigation measure, and any necessary mitigation measures to reduce potential impacts to less than significant be adopted:

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) 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). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

County Response: A Biological Resource Assessment was undertaken for the Project by a Biologist and evaluated potential biological resources through a literature review and a site evaluation by a Biologist. The Assessment occurred within 10 months of the release date of the environmental document for review. The following Special Status Species were included in the evaluation:

- ✓ Southern Rubber Boa – Threatened
- ✓ Bald Eagle – Endangered
- ✓ California Spotted Owl – Species of Special Concern
- ✓ San Bernardino Flying Squirrel – Species of Special Concern

Designated Critical Habitat and Nesting Birds were also evaluated. The site is not within a critical habitat and a Mitigation Measure was incorporated for nesting birds.

Fish and Wildlife Comment

- If a robust assessment of nesting birds has not been completed and results circulated through the SCH as part of the IS/MND, CDFW recommends that a revised IS/MND be prepared as described in the following mitigation measure, and any necessary mitigation measures to reduce potential impacts to less than significant be adopted.

Nesting bird surveys shall be performed by a qualified avian biologist no more than (3) days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

County Response: A Mitigation Measure has been proposed to evaluate potential nesting birds. The Fish and Wildlife letter contains more detail than the proposed measure, but the existing and proposed measure address the same topic.

Fish and Wildlife Comment

- If measures to protect previously undetected wildlife on the Project site has not already been adopted, CDFW recommends inclusion of the following mitigation measure to allow non-listed, non-special-status terrestrial wildlife to leave or be moved out of harm's way:

To avoid impacts to terrestrial wildlife, a qualified biologist shall be on-site prior to and during all ground- and habitat-disturbing activities to inspect the Project area prior to any Project activities. Individuals of any wildlife species found shall not be harassed and shall be allowed to leave the Project area unharmed. If needed, a qualified biologist may guide, handle, or capture an individual non-listed, non-special-status wildlife species to move it to a nearby safe location within nearby refugium, or it shall be allowed to leave the Project site of its own volition. Capture methods may include hand, dip net, lizard lasso, snake tongs, and snake hook. If the wildlife species is discovered or is caught in any pits, ditches, or other types of excavations, the qualified biologist shall release it into the most suitable habitat nearby the site of capture. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise by

injured or killed, and individuals should be moved only as far as necessary to ensure their safety. Measures shall be taken to prevent wildlife from re-entering the Project site. Only biologists with appropriate authorization by CDFW shall move CESA-listed or other special-status species.

County Response: A Biological Resource Assessment was completed and 56 species were evaluated. Suitable habitat for 53 of those species does not occur on site and those species are considered absent from the site. Habitat for the remaining three species; Riversidian Alluvial Fan Sage Scrub, Southern Mixed Riparian Forest, and southern Sycamore Alder Riparian Woodland, do not occur on-site.

Fish and Wildlife Comment

- If a robust assessment of noise impacts to biological resources has not been completed and results circulated through the SCH as part of the IS/MND, CDFW recommends that a revised IS/MND be prepared, and any necessary mitigation measures to reduce potential impacts to less than significant be adopted. CDFW recommends the following measure be considered for inclusion in any revised MND: **Restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning). Do not use generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. Consider use of noise suppression devices such as mufflers or enclosure for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.**

County Response: The following condition was included within the Conditions of Approval, consistent with the County Development Code, and was adopted by the Planning Commission:

- ✓ Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
- ✓ The following measures shall be adhered to during the construction phase of the project: All construction equipment shall be muffled in accordance with manufacturer's specifications. - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits. All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.

The proposed use is an enclosed self-storage facility and will generate minimal noise during its operation. The facility is adjacent to State Highway 189.

These conditions and the operational components of the use are consistent with the Fish and Wildlife measure/request.

Fish and Wildlife Comment

- The direct and indirect impacts of artificial nighttime lighting on biological resources including migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife should be analyzed, and appropriate avoidance and minimization measures should be assessed and minimized. Because of the potential for artificial nighttime lighting used during construction and during operation of the storage facility to impact biological resources, CDFW recommends the inclusion of the following mitigation measure:

During Project construction and operation, the County shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. The County shall ensure that lighting for Project activities is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.

County Response: The following conditions were included within the Conditions of Approval, consistent with the County Development Code, and was adopted by the Planning Commission:

- ✓ Lighting shall comply with Table 83-7 “Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region” of the County’s Development Code (i.e. “Dark Sky” requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
- ✓ No building lighting is permitted along the westerly sides of the structure, except as may be required by the Fire Department.

These conditions and the operational components of the use are consistent with the Fish and Wildlife measure/request.