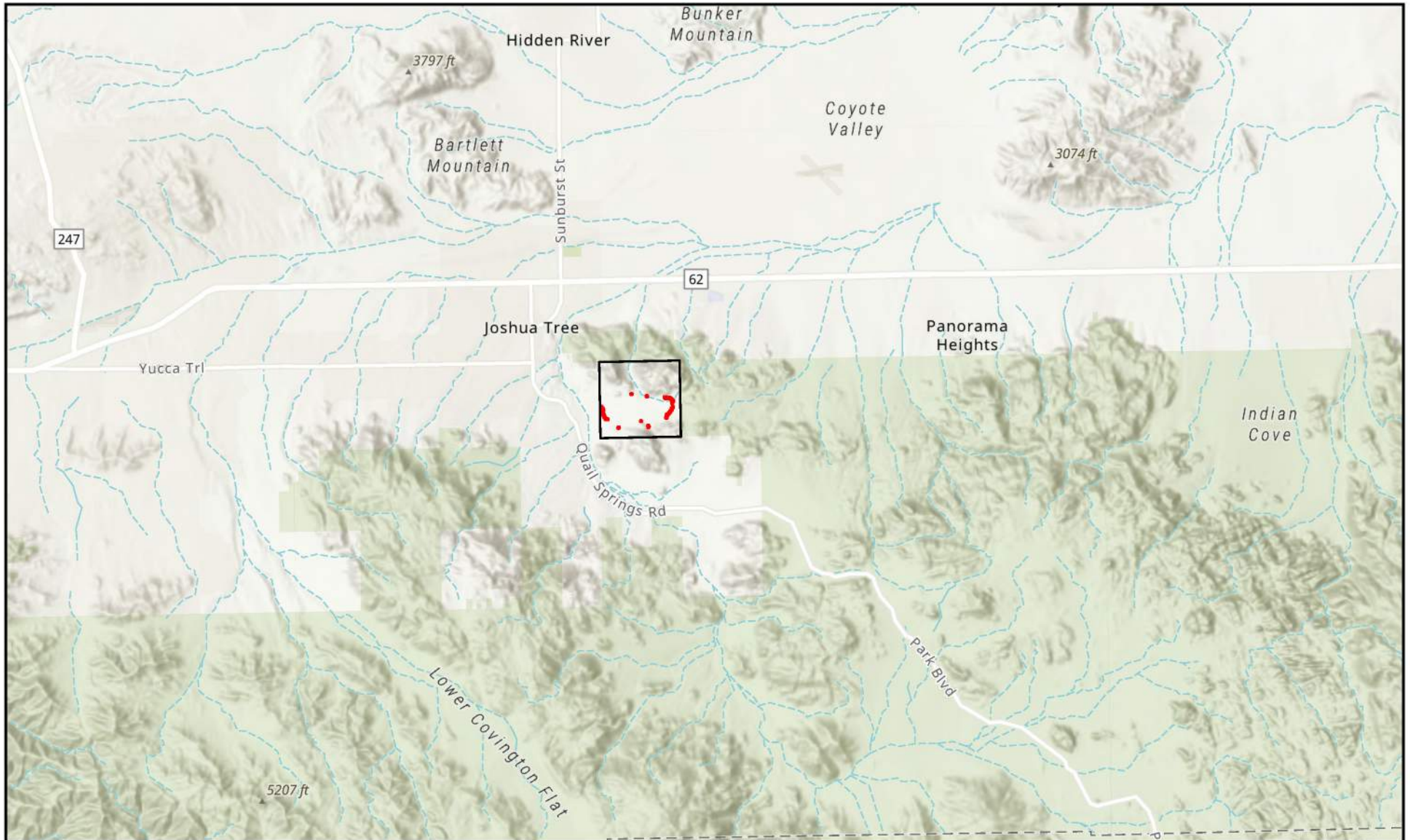


- Phillips, B.B., Shaw, R.F., Holland, M.J., Fry, E.L., Bardgett, R.D., Bullock, J.M., and Osborne, J.L. 2018. Drought reduces floral resources for pollinators. *Global Change Biology* 24(7): 3226–3235. <https://doi.org/10.1111/gcb.14130>
- Poulin, R. G., L. D. Todd, E. A. Haug, B. A. Millsap, and M. S. Martell (2020). Burrowing Owl (*Athene cunicularia*), version 1.0. In *Birds of the World* (A. F. Poole, Editor). Cornell Lab of Ornithology, Ithaca, NY, USA. <https://doi.org/10.2173/bow.buowl.01> . Accessed June 2025.
- Sawyer, J.O., T. Keeler-Wolf, and J.M. Evans. 2009. *Manual of California Vegetation*, 2nd ed. California Native Plant Society, Sacramento, California. 1300 pp.
- Stephenson, J.R and G.M. Calcarone. 1999. Southern California mountains and foothills assessment: Habitat and species conservation issues. General Technical Report GTR-PSW-172. Albany, CA: Pacific Southwest Research Station, Forest Service, U.S. Department of Agriculture.
- US Climate Data. 2025. Climate Joshua Tree – California. [online] <https://www.usclimatedata.com/climate/joshua-tree/california/united-states/usca1645>. Accessed June 2025
- USACE (U.S. Army Corps of Engineers). 2025. National Wetland Plant List. Interagency online publication led by USACE with support from U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S. Department of Agriculture – Natural Resources Conservation Service. Online: <https://wetland-plants.sec.usace.army.mil/>. Accessed: June 2025.
- USACE and USEPA (U.S. Army Corps of Engineers and U.S. Environmental Protection Agency). 2020. The Navigable Waters Protection Rule: Definition of “Waters of the United States.” Final rule, prepublication copy issued January 23, 2020, pending publication in Federal Register. https://www.epa.gov/sites/production/files/2020-01/documents/navigable_waters_protection_rule_prepublication.pdf. Accessed: April 2025.
- USFWS (U.S. Fish and Wildlife Service). 1994. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Mojave Population of the Desert Tortoise. Federal Register 50 CFR 17.
- _____. 2007. Protection of eagles; definition of “disturb.” Federal Register 72:31132 -31140 (5 Jun).
- _____. 2018. Joshua tree species status assessment. Dated July 20, 2018. 113 pp. and Appendices A-C.
- _____. 2024. Monarch Butterfly (*Danaus plexippus*) Species Status Assessment Report, Version 2.3.
- _____. 2025a. Information for Planning and Consultation (IPaC) tool. Available at: <https://ecos.fws.gov/ipac/>. Accessed: June 2025.
- _____. 2025b. National Wetland Inventory, Wetland Mapper. <https://www.fws.gov/wetlands/Data/Mapper.html>. Accessed: June 2025.
- _____. 2025c. Critical habitat for Threatened & Endangered Species, Critical Habitat Mapper. [online]: <https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>. Accessed: June 2025.
- Wilson, D.E. and S. Ruff (eds.). 1999. *Smithsonian Book of North American Mammals*. Smithsonian Institution Press, Washington DC
- Williams, D.F. 1986. Mammalian species of concern in California. California Department of Fish and Game Report 86-91. Sacramento, CA: California Department of Fish and Game.
- Zeiner, D.C., W.F. Laudenslayer, Jr., K.E. Mayer, and M. White. 1990. *California's wildlife*. California Department of Fish and Game, Sacramento, CA. 732 pp.

Attachment 1 FIGURES



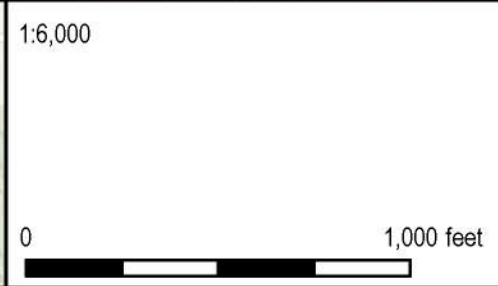
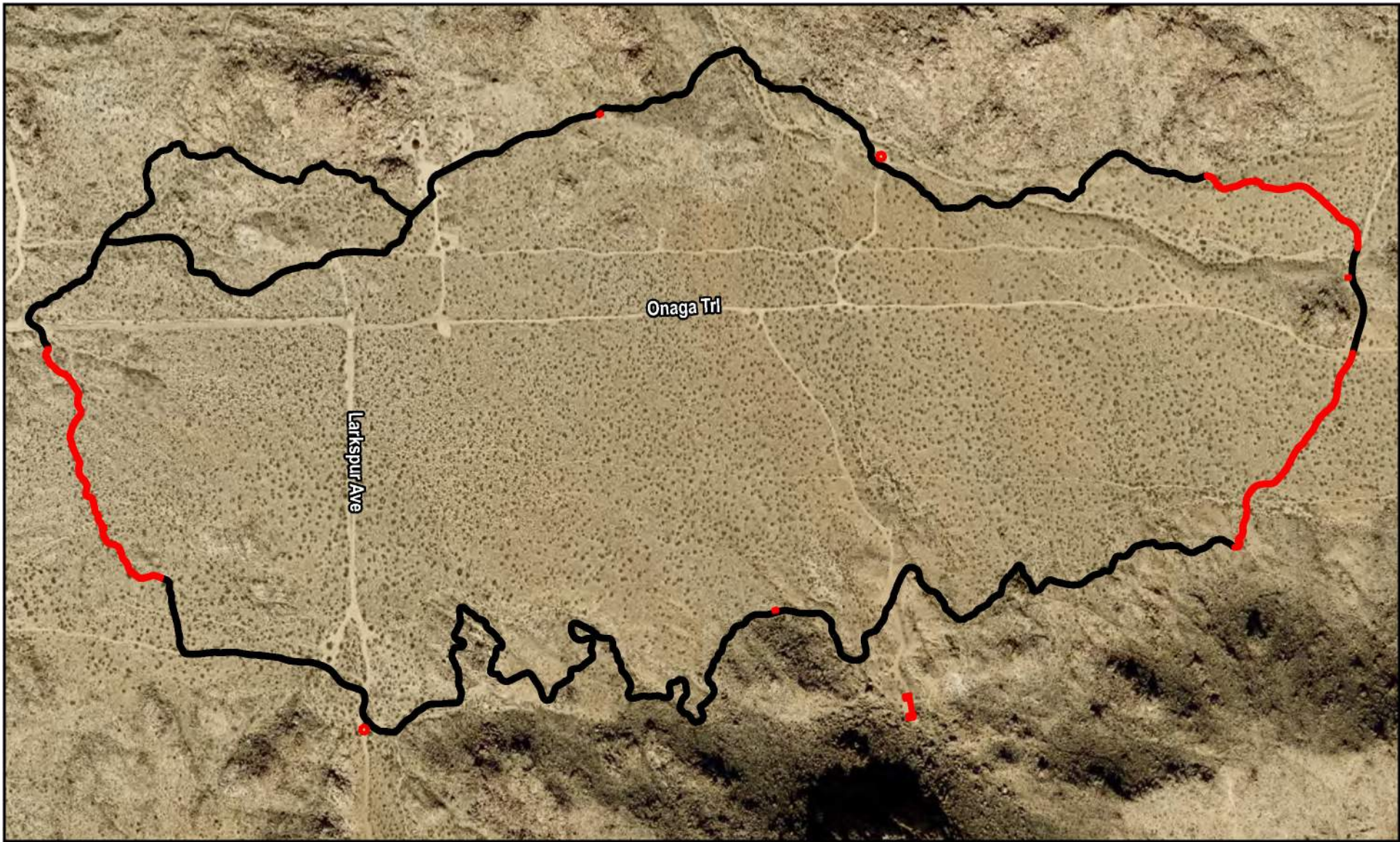
1:110,000

0 2 miles

— DVCA Boundary
 Project Area

Figure 1
Project Overview

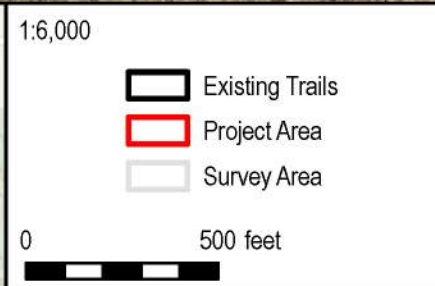
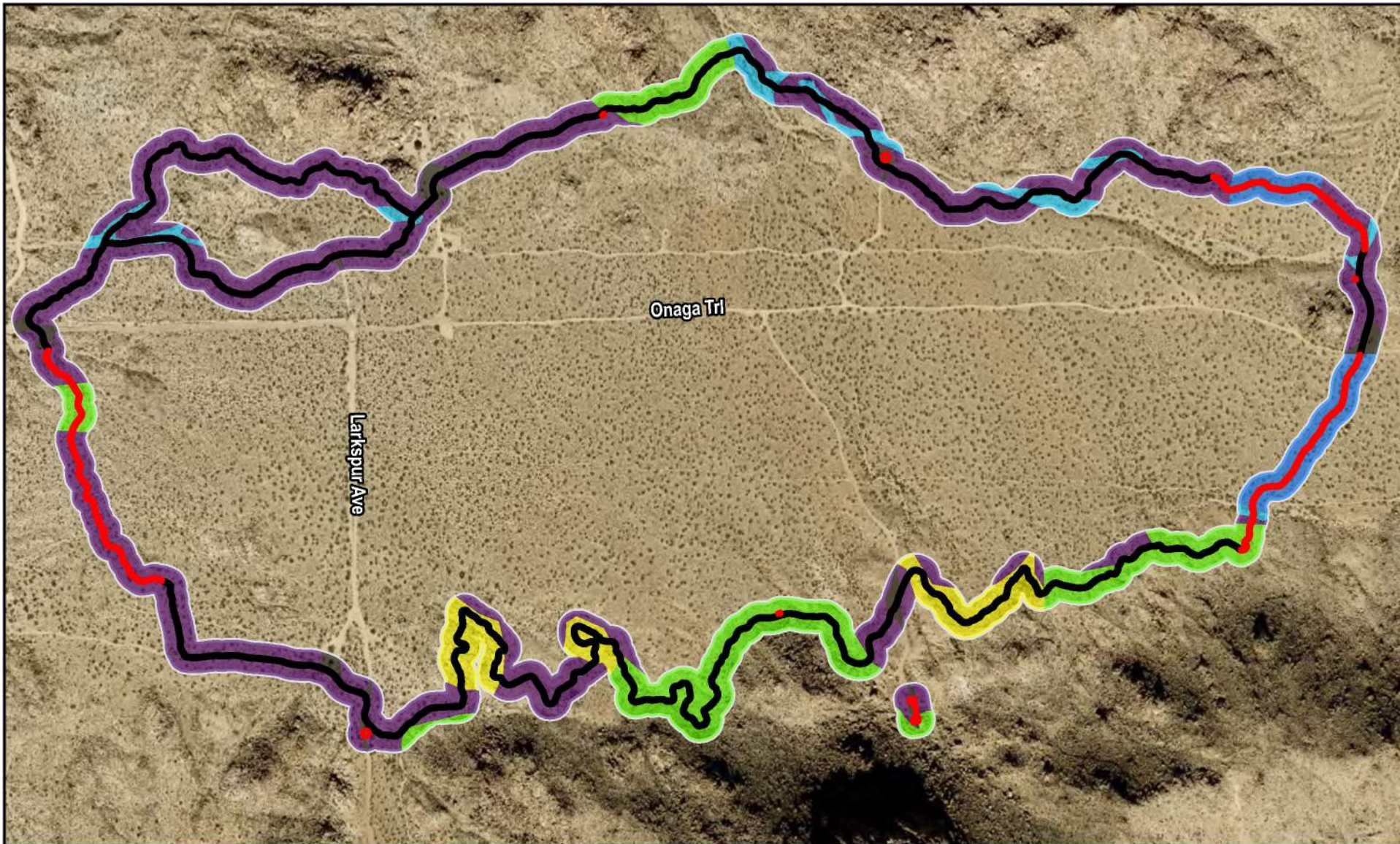
Source: Aspen, 2025; Esri, 2025; San Bernardino County Department of Public Works, Special Districts, 2025.



- Existing Trails
- Project Area

Figure 2
Project Area

Source: Aspen, 2025; Esri, 2025;
San Bernardino County Department of
Public Works, Special Districts, 2025.



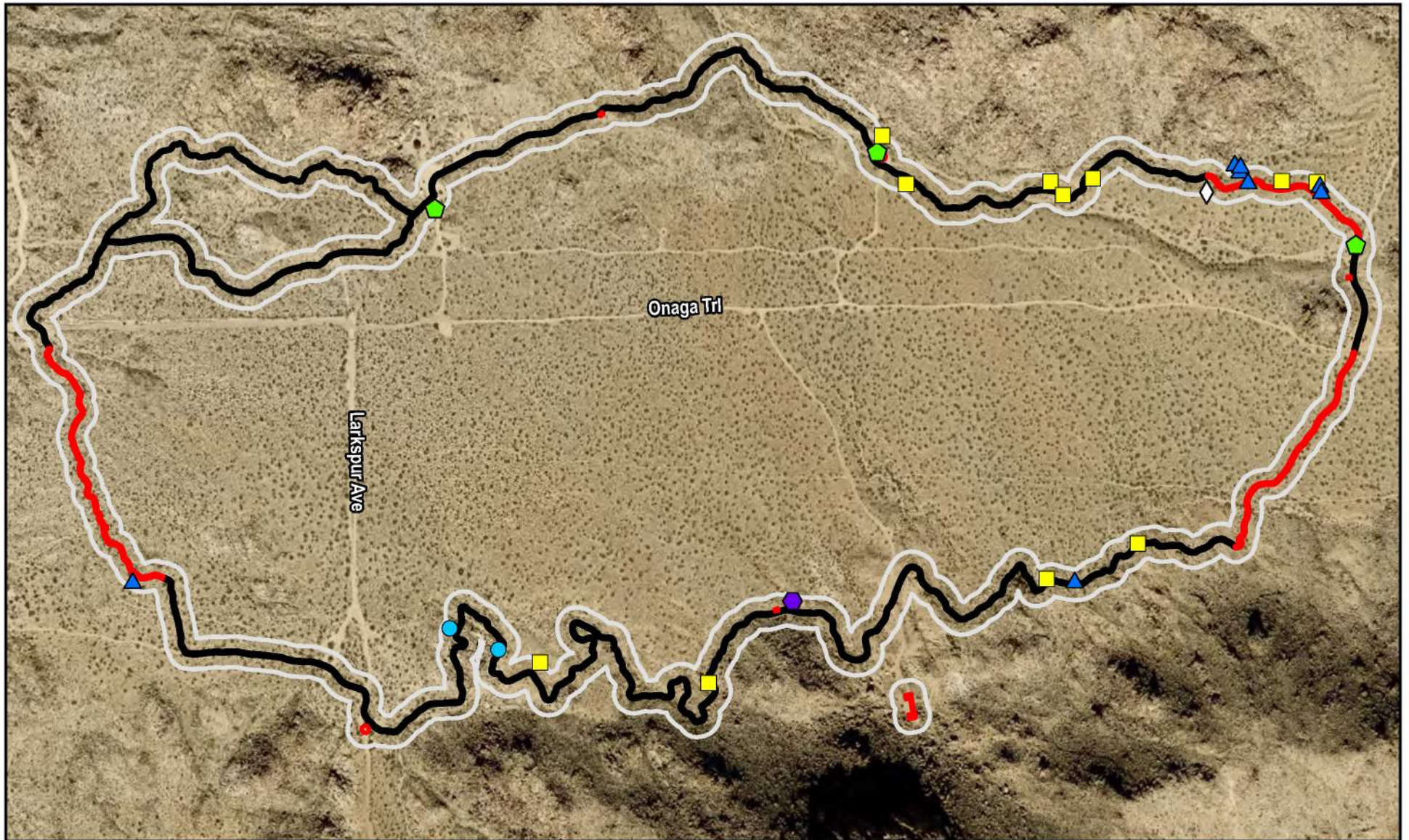
Vegetation and Cover Type

	Disturbed/Developed
	California buckwheat – Parish's goldeneye scrub - G4 S4
	Creosote Bush - White Bursage Scrub
	Catclaw Acacia – Desert Lavender – Chuparosa Scrub - G4 S4
	Joshua Tree Woodland - G4 S3
	Mojave Yucca Scrub - G4 S4

Figure 3

Vegetation and Land Cover

Source: Aspen, 2025; Esri, 2025; San Bernardino County Department of Public Works, Special Districts, 2025.



1:6,000

-  Existing Trails
-  Project Area
-  Survey Area

0 500 feet

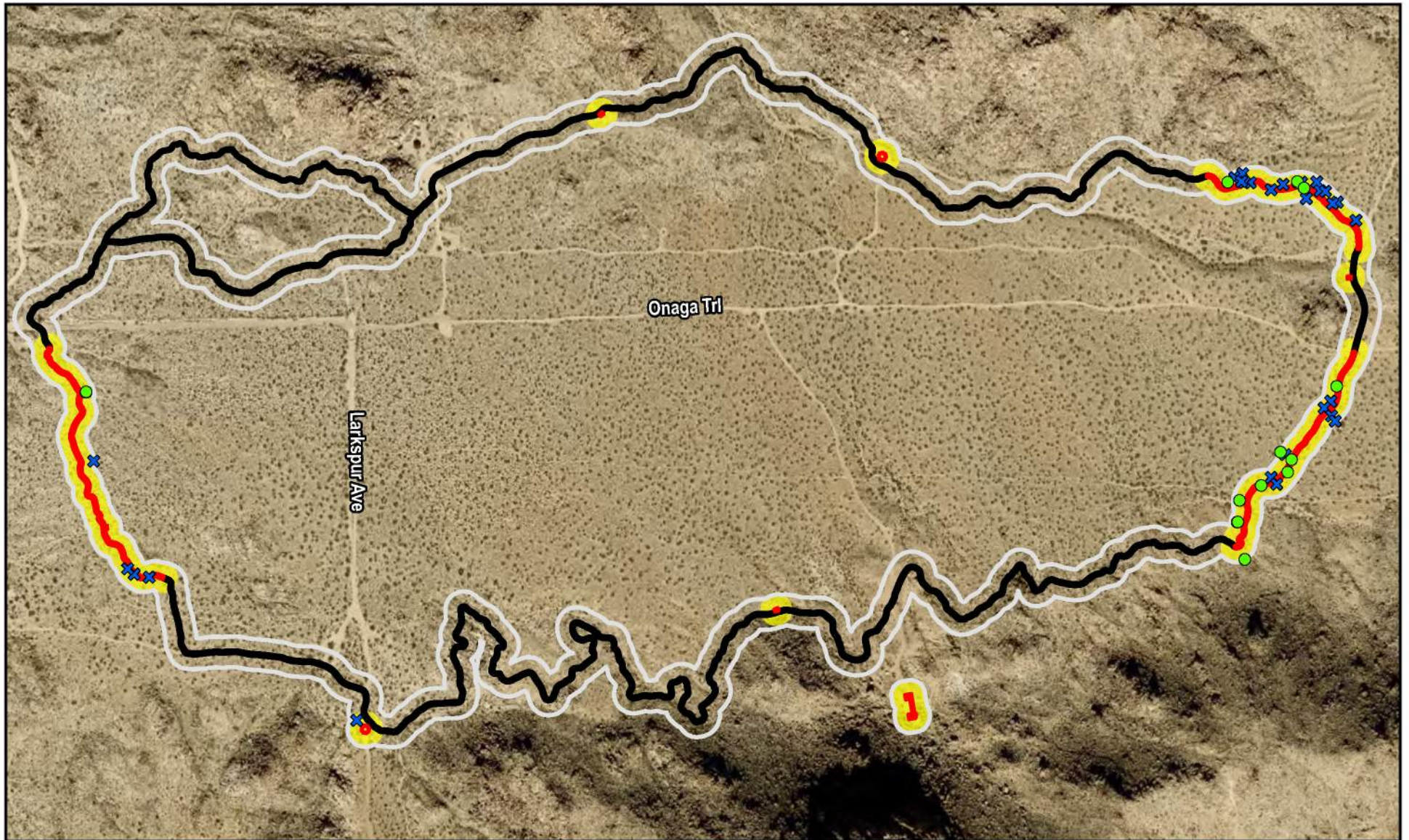


-  Desert Tortoise Sign
-  Desert Bighorn Sheep Sign
-  Potential Desert Bighorn Sheep Watering Hole
-  Loggerhead Shrike
-  Latimer's Woodland-Gilia
-  Utah Vine Milkweed

Figure 4





Biological Resources

Source: Aspen, 2025; Esri, 2025; San Bernardino County Department of Public Works, Special Districts, 2025.



1:6,000



-  Existing Trails
-  Project Area
-  Survey Area
-  Western Joshua Tree Census Area



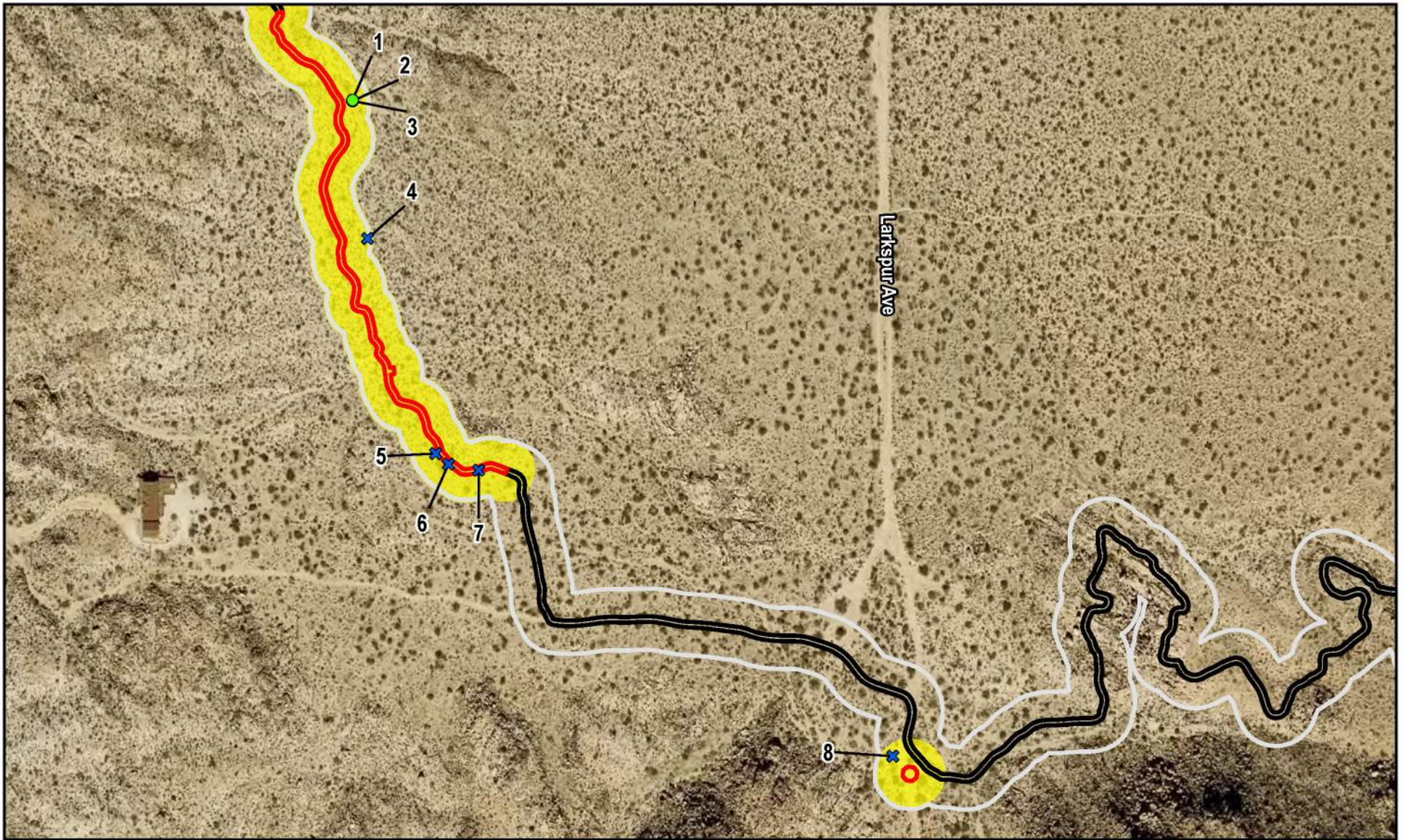
-  Western Joshua Tree, Dead
-  Western Joshua Tree, Live

Figure 5a

Western Joshua Trees

Source: Aspen, 2025; Esri, 2025; San Bernardino County Department of Public Works, Special Districts, 2025.



1:3,000

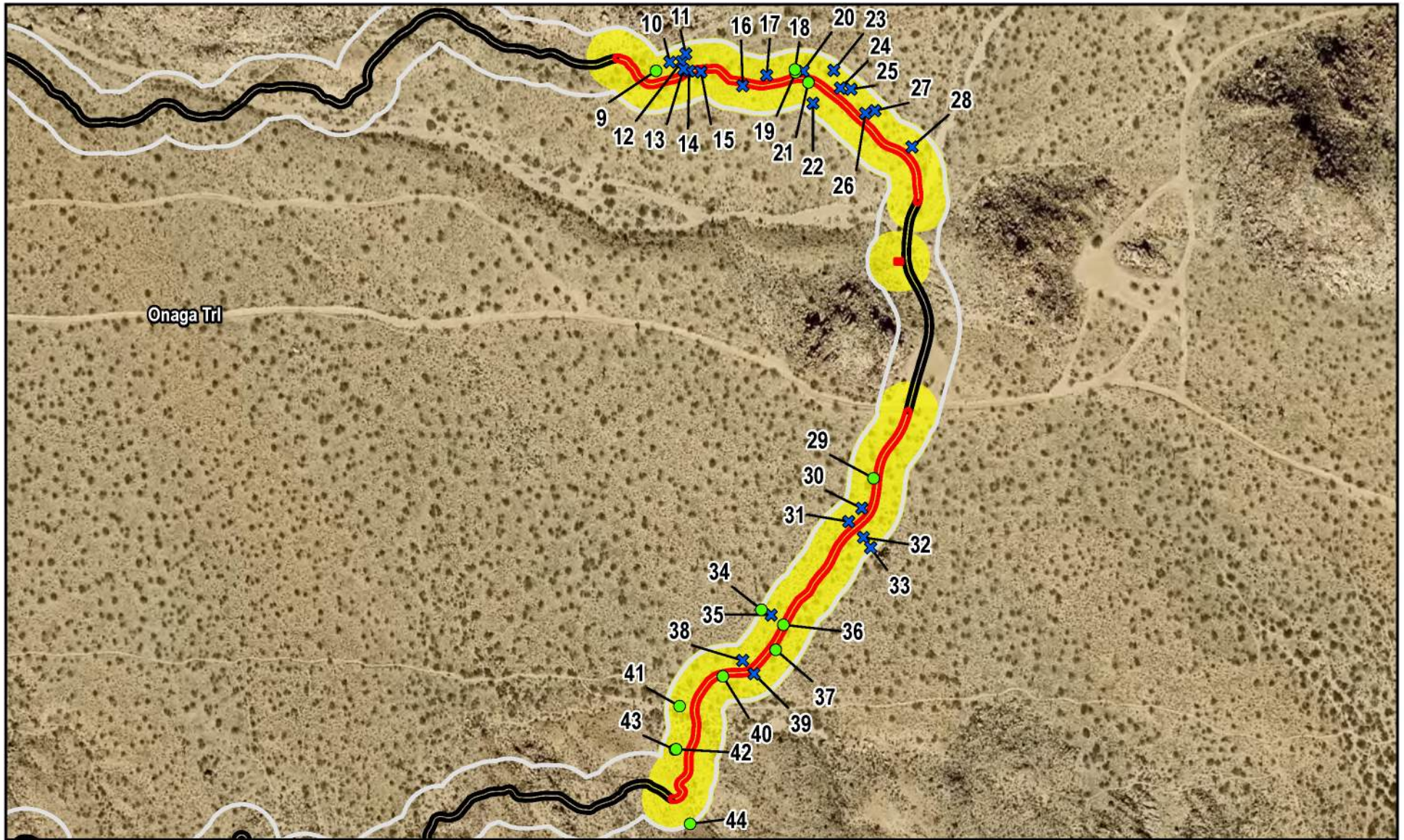


- Existing Trails
- Project Area
- Survey Area
- Western Joshua Tree Census Area
- Western Joshua Tree, Dead
- Western Joshua Tree, Live

Figure 5b

Western Joshua Trees

Source: Aspen, 2025; Esri, 2025; San Bernardino County Department of Public Works, Special Districts, 2025.



1:3,000



-  Existing Trails
-  Project Area
-  Survey Area
-  Western Joshua Tree Census Area
-  Western Joshua Tree, Dead
-  Western Joshua Tree, Live

Figure 5c

Western Joshua Trees

Source: Aspen, 2025; Esri, 2025; San Bernardino County Department of Public Works, Special Districts, 2025.

Attachment 2 CNDDDB QUERY RESULTS



Selected Elements by Scientific Name

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad (Yucca Valley North (3411624) OR Yucca Valley South (3411614) OR Joshua Tree North (3411623) OR Joshua Tree South (3411613) OR Sunfair (3411622) OR Indian Cove (3411612) OR Keys View (3311682) OR Seven Palms Valley (3311684) OR East Deception Canyon (3311683))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Abronia villosa</i> var. <i>aurita</i> chaparral sand-verbena	PDNYC010P1	None	None	G5T2?	S2	1B.1
<i>Anniella stebbinsi</i> Southern California legless lizard	ARACC01060	None	None	G3	S3	SSC
<i>Antrozous pallidus</i> pallid bat	AMACC10010	None	None	G4	S3	SSC
<i>Aquila chrysaetos</i> golden eagle	ABNKC22010	None	None	G5	S3	FP
<i>Astragalus bernardinus</i> San Bernardino milk-vetch	PDFAB0F190	None	None	G3	S3	1B.2
<i>Astragalus lentiginosus</i> var. <i>coachellae</i> Coachella Valley milk-vetch	PDFAB0FB97	Endangered	None	G5T1	S1	1B.2
<i>Astragalus tricarinatus</i> triple-ribbed milk-vetch	PDFAB0F920	Endangered	None	G2	S2	1B.2
<i>Athene cunicularia</i> burrowing owl	ABNSB10010	None	Candidate Endangered	G4	S2	SSC
<i>Berberis fremontii</i> Fremont barberry	PDBER06060	None	None	G5	S3	2B.3
<i>Boechera dispar</i> pinyon rockcress	PDBRA060F0	None	None	G3	S3	2B.3
<i>Bombus crotchii</i> Crotch's bumble bee	IIHYM24480	None	Candidate Endangered	G2	S2	
<i>Calochortus striatus</i> alkali mariposa-lily	PMLIL0D190	None	None	G3	S2S3	1B.2
<i>Chaetodipus fallax pallidus</i> pallid San Diego pocket mouse	AMAFD05032	None	None	G5T3T4	S3S4	
<i>Crotalus ruber</i> red-diamond rattlesnake	ARADE02090	None	None	G4	S3	SSC
<i>Cymopterus multinervatus</i> purple-nerve cymopterus	PDAP10U0Q0	None	None	G4G5	S2	2B.2
<i>Desert Fan Palm Oasis Woodland</i> Desert Fan Palm Oasis Woodland	CTT62300CA	None	None	G3	S3.2	
<i>Eremothera boothii</i> ssp. <i>boothii</i> Booth's evening-primrose	PDONA03052	None	None	G5T4	S3	2B.3
<i>Erigeron parishii</i> Parish's daisy	PDAST3M310	Threatened	None	G2	S2	1B.1



Selected Elements by Scientific Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Eumops perotis californicus</i> western mastiff bat	AMACD02011	None	None	G4G5T4	S3S4	SSC
<i>Euphorbia arizonica</i> Arizona spurge	PDEUP0D060	None	None	G5	S3	2B.3
<i>Falco mexicanus</i> prairie falcon	ABNKD06090	None	None	G5	S4	WL
<i>Gopherus agassizii</i> desert tortoise	ARAAF01012	Threatened	Threatened	G3	S2S3	
<i>Grusonia parishii</i> Parish's club-cholla	PDCAC0D2H0	None	None	G3G4	S2	2B.2
<i>Jaffueliobryum raii</i> Rau's jaffueliobryum moss	NBMUS97010	None	None	G4	S2	2B.3
<i>Lasiurus cinereus</i> hoary bat	AMACC05032	None	None	G3G4	S4	
<i>Lasiurus xanthinus</i> western yellow bat	AMACC05070	None	None	G4G5	S3	SSC
<i>Linanthus bernardinus</i> Pioneertown linanthus	PDPLM09190	None	None	G1	S1	1B.2
<i>Linanthus maculatus ssp. maculatus</i> Little San Bernardino Mtns. linanthus	PDPLM041Y1	None	None	G2T2	S2	1B.2
<i>Matelea parvifolia</i> spear-leaf matelea	PDASC0A0J0	None	None	G5	S3	2B.3
<i>Monardella robisonii</i> Robison's monardella	PDLAM180K0	None	None	G3	S3	1B.3
<i>Muhlenbergia appressa</i> appressed muhly	PMPOA48020	None	None	G4	S3	2B.2
<i>Myotis thysanodes</i> fringed myotis	AMACC01090	None	None	G4	S3	
<i>Neotoma lepida intermedia</i> San Diego desert woodrat	AMAFF08041	None	None	G5T3T4	S3S4	SSC
<i>Nyctinomops femorosaccus</i> pocketed free-tailed bat	AMACD04010	None	None	G5	S3	SSC
<i>Nyctinomops macrotis</i> big free-tailed bat	AMACD04020	None	None	G5	S3	SSC
<i>Ovis canadensis nelsoni</i> desert bighorn sheep	AMALE04013	None	None	G4T3	S3	FP
<i>Paranomada californica</i> California cuckoo bee	IIHYM82010	None	None	G1	S1	
<i>Penstemon clelandii var. mohavensis</i> Mojave beardtongue	PDSCR1L1D3	None	None	G5T3?	S2	1B.2
<i>Petalonyx linearis</i> narrow-leaf sandpaper-plant	PDLOA04010	None	None	G4	S3?	2B.3



Selected Elements by Scientific Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
<i>Phrynosoma blainvillii</i> coast horned lizard	ARACF12100	None	None	G4	S4	SSC
<i>Saltugilia latimeri</i> Latimer's woodland-gilia	PDPLM0H010	None	None	G3	S3	1B.2
<i>Selaginella eremophila</i> desert spike-moss	PPSEL010G0	None	None	G4	S2S3	2B.2
<i>Setophaga petechia</i> yellow warbler	ABPBX03010	None	None	G5	S3	SSC
<i>Sphaeralcea rusbyi</i> var. <i>eremicola</i> Rusby's desert-mallow	PDMAL140L1	None	None	G4T2	S2	1B.2
<i>Streptanthus campestris</i> southern jewelflower	PDBRA2G0B0	None	None	G3	S3	1B.3
<i>Taxidea taxus</i> American badger	AMAJF04010	None	None	G5	S3	SSC
<i>Toxostoma bendirei</i> Bendire's thrasher	ABPBK06050	None	None	G4	S2	SSC
<i>Toxostoma lecontei</i> Le Conte's thrasher	ABPBK06100	None	None	G4	S3	SSC
<i>Uma inornata</i> Coachella Valley fringe-toed lizard	ARACF15010	Threatened	Endangered	G1Q	S1	
<i>Vireo bellii pusillus</i> least Bell's vireo	ABPBW01114	Endangered	Endangered	G5T2	S3	

Record Count: 50

Attachment 3 IPAC RESOURCE LIST

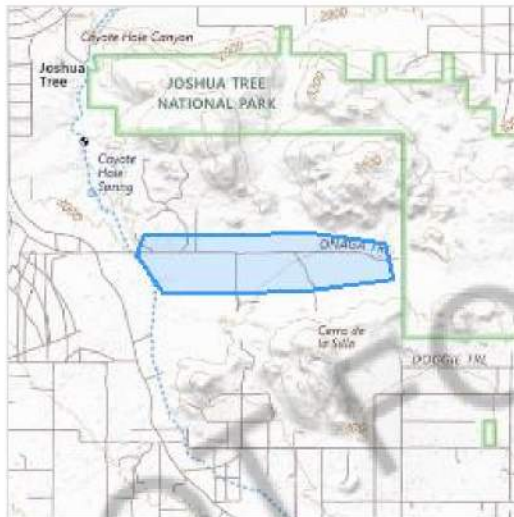
IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

San Bernardino County, California



Local office

Carlsbad Fish And Wildlife Office

☎ (760) 431-9440

📅 (760) 431-5901

2177 Salk Avenue - Suite 250

Carlsbad, CA 92008-7385

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Birds

NAME	STATUS
Southwestern Willow Flycatcher <i>Empidonax traillii extimus</i> Wherever found There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/6749	Endangered

Reptiles

NAME	STATUS
Desert Tortoise <i>Gopherus agassizii</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/4481	Threatened

Insects

NAME	STATUS
------	--------

Monarch Butterfly *Danaus plexippus*

Proposed Threatened

Wherever found

There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat.

<https://ecos.fws.gov/ecp/species/9743>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME

BREEDING SEASON

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1680>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

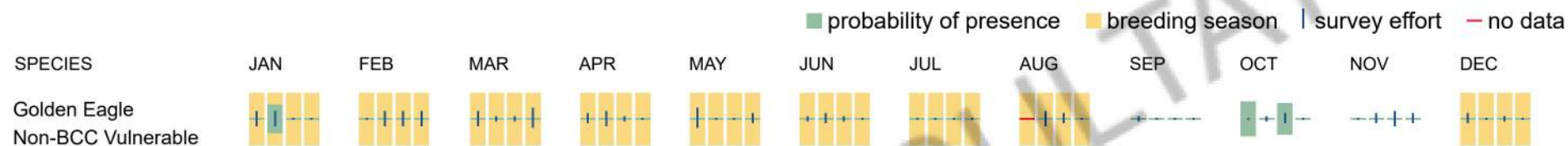
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (-)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Bald & Golden Eagles FAQs

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply).

Proper interpretation and use of your eagle report

On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort line or no data line (red horizontal) means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds have the potential to be in your project area, when they might be

there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

How do I know if eagles are breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Migratory birds

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service). The incidental take of migratory birds is the injury or death of birds that results from, but is not the purpose, of an activity. The Service interprets the MBTA to prohibit incidental take.

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Measures for Proactively Minimizing Migratory Bird Impacts

Your IPaC Migratory Bird list showcases [birds of concern](#), including [Birds of Conservation Concern \(BCC\)](#), in your project location. This is not a comprehensive list of all birds found in your project area. However, you can help proactively minimize significant impacts to all birds at your project location by implementing the measures in the [Nationwide avoidance and minimization measures for birds](#) document, and any other project-specific avoidance and minimization measures suggested at the link [Measures for avoiding and minimizing impacts to birds](#) for the birds of concern on your list below.

Ensure Your Migratory Bird List is Accurate and Complete

If your project area is in a poorly surveyed area, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles document](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
<p>Black-chinned Sparrow <i>Spizella atrogularis</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p> <p>https://ecos.fws.gov/ecp/species/9447</p>	Breeds Apr 15 to Jul 31
<p>California Thrasher <i>Toxostoma redivivum</i></p> <p>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Jan 1 to Jul 31
<p>Costa's Hummingbird <i>Calypte costae</i></p> <p>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p> <p>https://ecos.fws.gov/ecp/species/9470</p>	Breeds Jan 15 to Jun 10
<p>Golden Eagle <i>Aquila chrysaetos</i></p> <p>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</p> <p>https://ecos.fws.gov/ecp/species/1680</p>	Breeds Dec 1 to Aug 31

Lawrence's Goldfinch *Spinus lawrencei*

Breeds Mar 20 to Sep 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9464>

Leconte's Thrasher *Toxostoma lecontei*

Breeds Feb 15 to Jun 20

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/8969>

Long-eared Owl *asio otus*

Breeds Mar 1 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/3631>

Pinyon Jay *Gymnorhinus cyanocephalus*

Breeds Feb 15 to Jul 15

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9420>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (-)

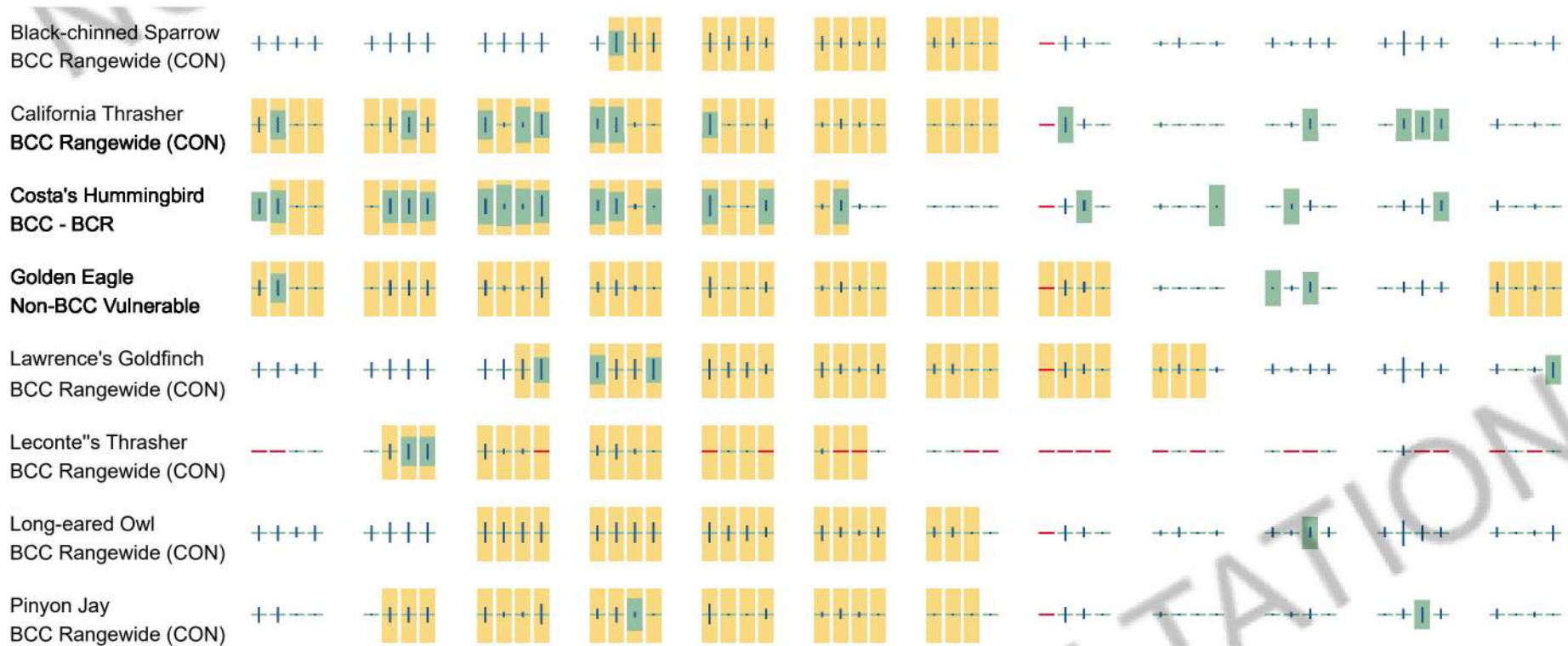
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

■ probability of presence ■ breeding season | survey effort - no data

SPECIES JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC



Migratory Bird FAQs

Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Avoidance & Minimization Measures for Birds](#) describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways to minimize impacts. To see when birds are most likely to occur and breed in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the [Bald and Golden Eagle Protection Act](#) and those species marked as "Vulnerable". See the FAQ "What are the levels of concern for migratory birds?" for more information on the levels of concern covered in the IPaC migratory bird species list.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, and to verify survey effort when no results present, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

Why are subspecies showing up on my list?

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);

2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Bald and Golden Eagle Protection Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ "Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Proper interpretation and use of your migratory bird report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list does not represent all birds present in your project area. It is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and minimization measures to eliminate or reduce potential impacts from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

RIVERINE

[R4SBJ](#)

[R4SBA](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

NOTE: This initial screening does **not** replace an on-site delineation to determine whether wetlands occur. Additional information on the NWI data is provided below.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Attachment 4 SPECIAL-STATUS SPECIES NOT ADDRESSED

Attachment 4. Special-Status Species Not Addressed¹

Latin Name	Common Name	Reason for Exclusion
NON-VASCULAR PLANTS		
<i>Jaffuelobryum raii</i>	<i>Rau's jaffuelobryum moss</i>	No calcium carbonate habitat present.
VASCULAR PLANTS		
<i>Abronia villosa var. aurita</i>	Chaparral sand-verbena	Well outside of the geographic range.
<i>Astragalus lentiginosus var. coachellae</i>	Coachella Valley milk-vetch	Well outside of the geographic range.
<i>Berberis fremontii</i>	Fremont barberry	Well below elevational range of species.
<i>Boechera dispar</i>	Pinyon rockcress	Well below elevational range of species.
<i>Calochortus striatus</i>	Alkali mariposa-lily	No suitable alkali soils present.
<i>Eremothera boothii ssp. boothii</i>	Booth's evening-primrose	Well outside of the geographic range.
<i>Erigeron parishii</i>	Parish's daisy	No calcium carbonate habitat present.
<i>Euphorbia arizonicasss</i>	Arizona spurge	Well above elevational range of species.
<i>Grusonia parishii</i>	Parish's club-cholla	Conspicuous species not observed.
<i>Hulsea vestita ssp. parryi</i>	Parry's sunflower	Well below elevational range of species.
<i>Linanthus bernardinus</i>	Pioneertown linanthus	Well below elevational range of species.
<i>Lycium torreyi</i>	Torrey's box-thorn	Conspicuous species not observed.
<i>Petalonyx linearis</i>	Narrow-leaf sandpaper-plant	Well outside of the geographic range.
<i>Selaginella Eremophila</i>	Desert spike-moss	Well outside of the geographic range.
<i>Streptanthus campestris</i>	Southern jewelflower	No suitable chaparral or woodland habitat.
REPTILES		
<i>Uma inornata</i>	Coachella Valley fringe-toed lizard	Well outside of the geographic range.
BIRDS		
<i>Asio otus</i>	Long-eared owl	No suitable riparian or woodland habitat.
<i>Empidonax trailii extimus</i>	Southwestern willow flycatcher	No suitable riparian woodland habitat.
<i>Vireo bellii pusillus</i>	Least Bell's vireo	No suitable riparian woodland habitat.
MAMMALS		
<i>Neotoma lepida intermedia</i>	San Diego desert woodrat	Well outside of the geographic range.

Note:

¹ Special-status species reported from the region, but not addressed in this report due to habitat or geographic range.

Attachment 5 OBSERVED SPECIES LIST

Attachment 5. Observed Species List

Latin Name	Common Name
VASCULAR PLANTS	
Filicales (Ferns)	
PTERIDACEAE	BRAKE FAMILY
<i>Myriopteris parryi</i>	Parry's lip fern
Gymnosperms	
CUPRESSACEAE	CYPRESS FAMILY
<i>Juniperus californica</i>	California juniper
EPHEDRACEAE	EPHEDRA FAMILY
<i>Ephedra nevadensis</i>	Nevada ephedra
Dicotyledons	
APOCYNACEAE	DOGBANE FAMILY
<i>Amsonia tomentosa</i>	Amsonia
** <i>Funastrum utahense</i>	Utah vine milkweed
ASTERACEAE	ASTER FAMILY
<i>Acamptopappus sphaerocephalus</i>	Rayless goldenhead
<i>Adenophyllum cooperi</i>	Cooper's dysodia
<i>Ambrosia dumosa</i>	White bur-sage, burrobrush
<i>Ambrosia salsola</i>	Common burrobrush, cheesebush
<i>Anisocoma acaulis</i>	Scalebud
<i>Bahiopsis parishii</i>	Parish's goldeneye, Parish's vigueria
<i>Brickellia atractyloides</i>	Spear-leaved brickellia
<i>Brickellia desertorum</i>	Desert brickellbush
<i>Brickellia frutescens</i>	Shrubby brickellia
<i>Chaenactis stevioides</i>	Desert pincushion, broad-flowered pincushion
<i>Chaenactis xantiana</i>	Fleshy pincushion, Xantus's pincushion
<i>Encelia actoni</i>	Acton brittlebush
<i>Ericameria cuneata</i>	Wedgeleaf goldenbush
<i>Eriophyllum wallacei</i>	Wallace's woolly daisy
<i>Malacothrix glabrata</i>	Desert dandelion
<i>Pleurocoronis pluriseta</i>	Arrowleaf
<i>Rafinesquia neomexicana</i>	Desert chicory
<i>Stephanomeria exigua</i>	Wreath plant
<i>Xylorhiza tortifolia</i> var. <i>tortifolia</i>	Mojave-aster
BORAGINACEAE	BORAGE OR WATERLEAF FAMILY
<i>Amsinckia tessellata</i>	Checker fiddleneck
<i>Cryptantha</i> sp.	Unid. annual cryptantha
<i>Cryptantha barbiger</i>	Bearded cryptantha
<i>Cryptantha micrantha</i>	Purpleroot cryptantha
<i>Emmenanthe penduliflora</i>	Whispering bells
<i>Phacelia campanularia</i>	Desert bluebells
<i>Phacelia crenulata</i>	Heliotrope phacelia
<i>Phacelia distans</i>	Common phacelia
BRASSICACEAE	MUSTARD FAMILY
<i>Lepidium fremontii</i>	Fremont peppergrass
CACTACEAE	CACTUS FAMILY

Attachment 5. Observed Species List

Latin Name	Common Name
<i>Cylindropuntia echinocarpa</i>	Silver cholla
<i>Cylindropuntia ramosissima</i>	Pencil cholla
<i>Echinocactus polycephalus</i> var. <i>polycephalus</i>	Clustered barrel cactus, cottontop cactus
<i>Echinocereus engelmannii</i>	Engelmann hedgehog cactus
<i>Ferocactus cylindraceus</i>	California barrel cactus
<i>Mammillaria tetrancistra</i>	Fishhook cactus
<i>Opuntia basilaris</i> var. <i>basilaris</i>	Beavertail cactus
CRASSULACEAE	STONECROP FAMILY
<i>Dudleya saxosa</i> spp. <i>aloides</i>	Desert dudleya
EUPHORBIACEAE	SPURGE FAMILY
<i>Croton californicus</i>	California croton
<i>Stillingia linearifolia</i>	Linear-leaved stillingia
FABACEAE	LEGUME FAMILY, PEA FAMILY
<i>Acmispon rigidus</i>	Shrubby deervetch, Desert lotus
<i>Psoralethamnus arborescens</i> var. <i>simplicifolius</i>	Indigo-bush
<i>Senegalia greggii</i>	Catclaw, catclaw acacia
<i>Senna armata</i>	Spiny senna
GERANIACEAE	GERANIUM FAMILY
* <i>Erodium cicutarium</i>	Redstem filaree
KRAMERIACEAE	RHATANY FAMILY
<i>Krameria erecta</i>	Pima rhatany, purple heather
<i>Krameria bicolor</i>	White rhatany
LAMIACEAE	MINT FAMILY
<i>Salvia columbariae</i>	Chia
<i>Scutellaria mexicana</i>	Bladder-sage, paper bag bush
LOASACEAE	STICK-LEAF FAMILY
<i>Mentzelia albicaulis</i>	Small flowered blazing star
MALVACEAE	MALLOW FAMILY
<i>Sphaeralcea ambigua</i>	Globemallow, desert mallow
NYCTAGINACEAE	FOUR O'CLOCK FAMILY
<i>Mirabilis laevis</i>	Desert wishbone bush
ONAGRACEAE	EVENING-PRIMROSE FAMILY
<i>Eremothera boothii</i> ssp. <i>condensata</i>	Clustered booth's desert primrose
<i>Loeseliastrum matthewsii</i>	Desert calico
PAPAVERACEAE	POPPY FAMILY
<i>Eschscholzia minutiflora</i>	Small-flowered poppy
POLEMONIACEAE	PHLOX FAMILY
<i>Eriastrum eremicum</i> ssp. <i>eremicum</i>	Desert woolly-star
** <i>Saltugilia latimeri</i>	Latimer's woodland gilia
POLYGONACEAE	BUCKWHEAT FAMILY
<i>Chorizanthe brevicornu</i>	Brittle spineflower
<i>Eriogonum fasciculatum</i>	California buckwheat
<i>Eriogonum inflatum</i>	Desert trumpet
<i>Eriogonum maculatum</i>	Spotted wild buckwheat
<i>Eriogonum plumatella</i>	Yucca wild buckwheat

Attachment 5. Observed Species List

Latin Name	Common Name
<i>Eriogonum trichopes</i>	Little desert trumpet
<i>Eriogonum wrightii</i>	Wright's buckwheat
ROSACEAE	ROSE FAMILY
<i>Purshia tridentata</i> var. <i>glandulosa</i> (<i>P. glandulosa</i>)	Bitterbrush, antelope bush
RUBIACEAE	MADDER FAMILY
<i>Galium stellatum</i>	Starry bedstraw
SIMMONDSIACEAE	JOJOBA FAMILY
<i>Simmondsia chinensis</i>	Jojoba, goat-nut
SOLANACEAE	NIGHTSHADE FAMILY
<i>Lycium andersonii</i>	Anderson box-thorn
<i>Lycium cooperi</i>	Peach desert thorn
<i>Nicotiana obtusifolia</i>	Desert tobacco
<i>Physalis crassifolia</i>	Thick-leaf ground-cherry
VISCACEAE	MISTLETOE FAMILY
<i>Phoradendron californicum</i>	Desert mistletoe
ZYGOPHYLLACEAE	CALTROP FAMILY
<i>Larrea tridentata</i>	Creosote bush
Monocotyledons	
AGAVACEAE	AGAVE FAMILY
** <i>Yucca brevifolia</i>	Western Joshua tree
<i>Yucca schidigera</i>	Mojave yucca
POACEAE	GRASS FAMILY
<i>Aristida purpurea</i>	Three-awn grass
* <i>Bromus madritensis</i> ssp. <i>rubens</i>	Red brome
<i>Dasyochloa pulchella</i>	Low fluffgrass
<i>Hilaria rigida</i>	Big galleta
<i>Muhlenbergia microsperma</i>	Littleseed muhly
* <i>Schismus</i> sp.	Unid. schismus
<i>Stipa speciosa</i>	Desert needle grass
VERTEBRATE ANIMALS	
REPTILIA	REPTILES
TESTUDINIDAE	LAND TORTOISES
** <i>Gopherus agassizii</i> (scat)	Desert tortoise
IGUANIDAE	IGUANID LIZARDS
<i>Sauromalus obesus</i>	Common chuckwalla
<i>Sceloporus occidentalis</i>	Western fence lizard
TEIIDAE	WHIPTAILS
<i>Aspidoscelis tigris tigris</i>	Great Basin whiptail
AVES	BIRDS
ACCIPITRIDAE	HAWKS, EAGLES, HARRIERS
<i>Buteo jamaicensis</i>	Red-tailed hawk
PHASIANIDAE	GROUSE AND QUAIL
<i>Callipepla gambelii</i>	Gambel's quail
COLUMBIDAE	PIGEONS AND DOVES
<i>Zenaida macroura</i>	Mourning dove

Attachment 5. Observed Species List

Latin Name	Common Name
CUCULIDAE	CUCKOOS
<i>Geococcyx californianus</i>	Greater roadrunner
APODIDAE	SWIFTS
<i>Aeronautes saxatalis</i>	White-throated swift
TROCHILIDAE	HUMMINGBIRDS
<i>Calypte costae</i>	Costa's hummingbird
CORVIDAE	CROWS AND JAYS
<i>Corvus corax</i>	Common raven
TROGLODYTIDAE	WRENS
<i>Salpinctes obsoletus</i>	Rock wren
LANIIDAE	SHRIKES
** <i>Lanius ludovicianus</i>	Loggerhead shrike
EMBERIZIDAE	SPARROWS, WARBLERS, TANAGERS
** <i>Setophaga petechia</i>	Yellow warbler
<i>Setophaga townsendi</i>	Townsend's warbler
<i>Spizella breweri</i>	Brewer's sparrow
<i>Amphispiza bilineata</i>	Black-throated sparrow
<i>Icterus cucullatus</i>	Hooded oriole
FRINGILLIDAE	FINCHES
<i>Haemorhous mexicanus</i>	House finch
MAMMALIA	MAMMALS
SCIURIDAE	SQUIRRELS
<i>Ammospermophilus leucurus</i>	Antelope ground squirrel
BOVIDAE	SHEEP AND GOATS
** <i>Ovis canadensis nelsoni</i> (scat and horn drop)	Desert bighorn sheep

Note:

Species introduced to California are indicated by an asterisk. Special-status species have two asterisk. This list includes only species observed on the site. Invertebrate species observed throughout the site were not included in this list. Other species may have been overlooked or unidentifiable due to season (amphibians are active during rains, reptiles during summer, some birds (and bats) migrate out of the area for summer or winter, some mammals hibernate, many plants are identifiable only in spring). Plants were identified using keys, descriptions, and illustrations in Baldwin et al (2012). Plant taxonomy and nomenclature generally follow Baldwin et al. (2012). Wildlife taxonomy and nomenclature generally follow Hansen and Shedd (2025) for amphibians and reptiles, AOU (1998) for birds, and Wilson and Ruff (1999) for mammals.

Attachment 6 REPRESENTATIVE SITE PHOTOS



Photo 1: Existing trail in California buckwheat – Parish's goldeneye scrub facing east on May 30, 2025.



Photo 2: Existing trail in creosote bush – white bursage scrub facing northeast on May 30, 2025.



Photo 3: Example of one of the ephemeral washes that crossed the proposed trail on May 30, 2025.



Photo 4: Proposed trail in creosote bush – white bursage scrub facing northwest on May 30, 2025.



Photo 5: Proposed trail in Joshua tree woodland facing north on May 30, 2025.



Photo 6: Rocky out cropping along existing trail in California buckwheat – Parish's goldeneye scrub facing west on May 30, 2025.



Photo 7: Proposed trail in creosote bush – white bursage scrub facing northwest on May 30, 2025.



Photo 8: Example of signs and trail markers along an existing trail alignment on May 30, 2025.



Photo 9: Rocky outcropping along existing trail in Mojave Yucca scrub facing west on May 30, 2025.



Photo 10: Western Joshua tree observed along proposed trail on May 30, 2025.



Photo 11: Utah vine milkweed observed along existing trail on May 16, 2025.



Photo 12: A dead probable Latimer's woodland-gilia observed on May 16, 2025.



Photo 13: Recent desert tortoise scat observed on May 30, 2025.



Photo 14: A bighorn ram horn observed on May 30, 2025.



Photo 15: Recent bighorn sheep scat observed on May 30, 2025.



Photo 16: Example of a seasonal rock pool that is likely used by bighorn sheep and other wildlife after storms.

Appendix C

PROOF OF PUBLICATION



57675 Twentynine Palms Highway, Suite 103
Yucca Valley, Ca 92284
760-365-3315
Legals@hidesertstar.com

California Newspaper Services, Inc.
915 East First Street
PO Box 54026
Los Angeles CA 90012-0026

**PROOF OF PUBLICATION
(2015.5 C.C.C.P.)**

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the:

HI-DESERT STAR

a newspaper of general circulation, printed and published **WEEKLY** in the City of **YUCCA VALLEY**, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of **November 27, 1961**.

Case Number **107762**: that the notice, of which the annexed is printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of the said newspaper and not in supplement thereof on the following dates, to wit:

Hi-Desert Star: 1/14/2026, 1/21/2026

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at: **YUCCA VALLEY**, California,
This day of **1/21/2026**

Micah Ramirez



This space is for the County Clerk's Filing Stamp

NOTICE OF INTENT TO ADOPT AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR SAN BERNARDINO COUNTY DEPARTMENT OF PUBLIC WORKS, SPECIAL DISTRICTS PHASE II DESERT VIEW CONSERVATION AREA RECREATIONAL TRAILS PROJECT

In accordance with the California Environmental Quality Act (CEQA), this notice is to inform the public and interested agencies that the San Bernardino County Department of Public Works, Special Districts (Special Districts) is circulating a Draft Initial Study/Mitigated Negative Declaration (IS/MND) that identifies and evaluates the environmental impacts of the proposed Phase II Desert View Conservation Area (DVCA) Trails Project (proposed Project) for public review and comment.

Project Title: Phase II Desert View Conservation Area Recreational Trails Project

Project Location: Desert View Conservation Area, Joshua Tree, CA 92252, San Bernardino County

Project Description: Special Districts propose to construct recreational facilities, including trail directional signage, mileage posts, informational kiosks, habitat shelters with seating areas, viewing platforms, interpretive panels, picnic tables, and trail improvements within the DVCA. No new trails would be established as part of the proposed Project; however, portions of existing trails that have eroded or become overgrown would be regraded and cleared of vegetation during Project construction activities to re-establish trail sections. Construction is anticipated to occur over approximately 160 days using equipment such as trucks, a loader, backhoe, grader, crane, generator, excavator, and a variety of handhold tools.

Document Availability: The Draft IS/MND, including maps and appendices, are available for review on the San Bernardino County website at: <https://dpw.sbcounty.gov/public-notices/>. The document may also be viewed and obtained in electronic format by email. To request a PDF version of the document, please email john.hernandez@dpw.sbcounty.gov and reference the "Phase II Desert View Conservation Area Recreational Trails Project."

Public Review Period: The 30-day public review period for the Draft IS/MND is from January 15, 2026 to February 16, 2026 (Updated).

Project Impacts: Based on the findings of the Initial Study, it has been determined that the project would not have a significant effect upon the environment with mitigation measures, which will be attached to the project as conditions of approval.

Comments: Any person who wishes to comment on the County's Intent to adopt the IS/MND must submit written comments no later than 5:00 p.m. on February 16, 2026 (Updated). Following the close of the public comment period, the County Board of Supervisors will consider this IS/MND and comments thereto in determining whether to certify the environmental document. Written comments may be emailed to john.hernandez@dpw.sbcounty.gov or to: John Hernandez, Project Manager, San Bernardino County Department of Public Works - Special Districts, 222 West Hospitality Lane, 2nd Floor, San Bernardino, CA 92415, **CNS-4002130#**

Pub. G.: 01/14,
01/21/2026



57675 Twentynine Palms Highway, Suite 103
Yucca Valley, Ca 92284
760-365-3315
Legals@hidesertstar.com

This space is for the County Clerk's Filing Stamp

California Newspaper Services, Inc.
915 East First Street
PO Box 54026
Los Angeles CA 90012-0026

**PROOF OF PUBLICATION
(2015.5 C.C.P.)**

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the:

THE DESERT TRAIL

a newspaper of general circulation, printed and published **WEEKLY** in the City of **TWENTYNINE PALMS**, County of San Bernardino, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Bernardino, State of California, under the date of **November 11, 1938**.

Case Number **43099**: that the notice, of which the annexed is printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of the said newspaper and not in supplement thereof on the following dates, to wit:

Desert Trail: 1/14/2026, 1/21/2026

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

dated at: **YUCCA VALLEY**, California,
This day of **1/21/2026**

Micah Ramirez



NOTICE OF INTENT TO ADOPT AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR SAN BERNARDINO COUNTY DEPARTMENT OF PUBLIC WORKS, SPECIAL DISTRICTS PHASE II DESERT VIEW CONSERVATION AREA RECREATIONAL TRAILS PROJECT

In accordance with the California Environmental Quality Act (CEQA), this notice is to inform the public and interested agencies that the San Bernardino County Department of Public Works, Special Districts (Special Districts) is circulating a Draft Initial Study/Mitigated Negative Declaration (IS/MND) that identifies and evaluates the environmental impacts of the proposed Phase II Desert View Conservation Area (DVCA) Trails Project (proposed Project) for public review and comment.
Project Title: Phase II Desert View Conservation Area Recreational Trails Project
Project Location: Desert View Conservation Area, Joshua Tree, CA 92252, San Bernardino County
Project Description: Special Districts proposes to construct recreational facilities, including trail directional signage, mileage posts, informational kiosks, habitat shelters with seating areas, viewing platforms, interpretive panels, picnic tables, and trail improvements within the DVCA. No new trails would be established as part of the proposed Project; however, portions of existing trails that have eroded or become overgrown would be regraded and cleared of vegetation during Project construction activities to re-establish trail sections.

Construction is anticipated to occur over approximately 180 days using equipment such as trucks, a loader, backhoe, grader, crane, generator, excavator, and a variety of handheld tools.

Document Availability: The Draft IS/MND, including maps and appendices, are available for review on the San Bernardino County website at: <https://dpw.sbcounty.gov/public-notices/>. The document may also be viewed and obtained in electronic format by email. To request a PDF version of the document, please email john.hernandez@dpw.sbcounty.gov and reference the

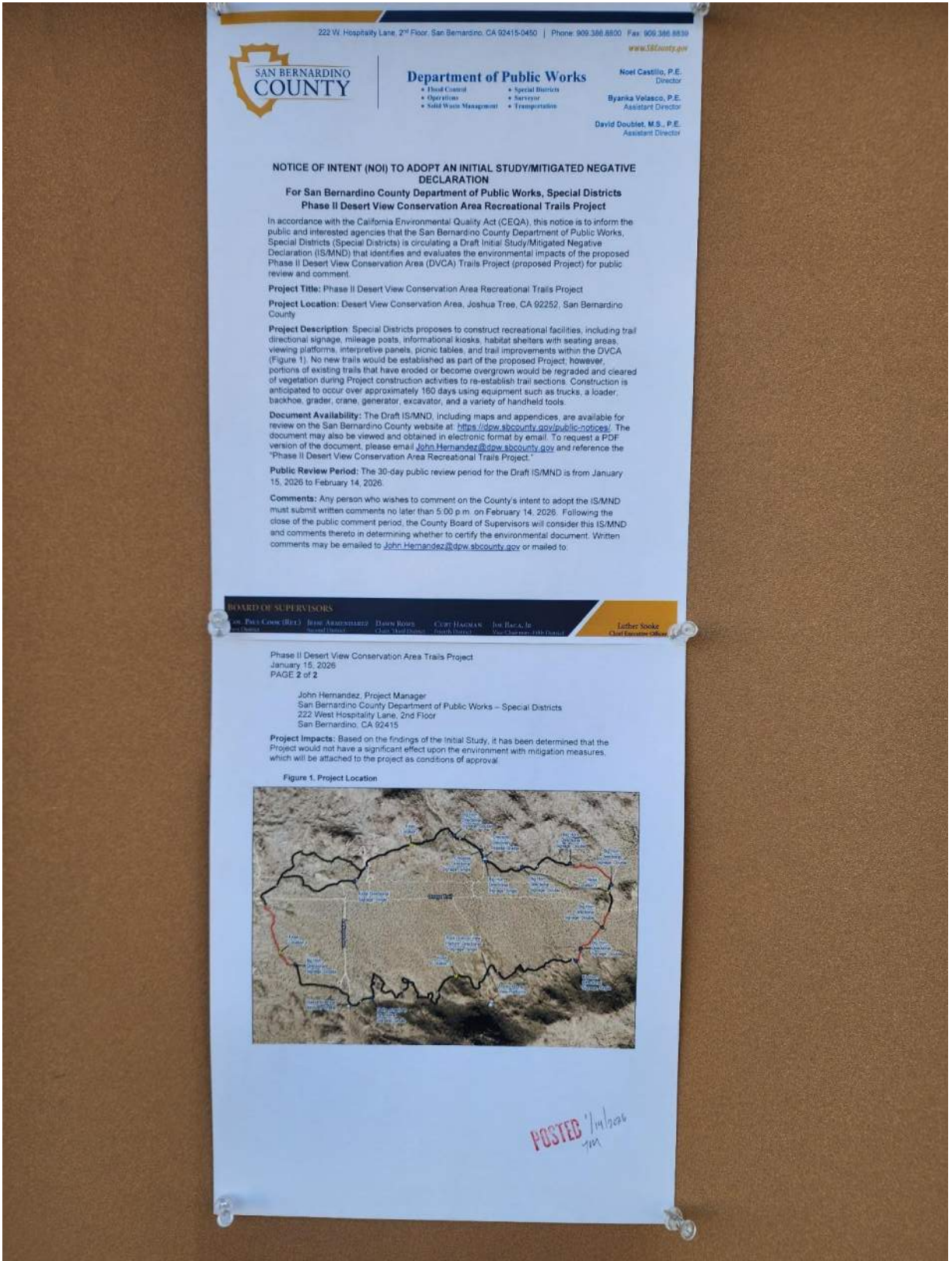
"Phase II Desert View Conservation Area Recreational Trails Project."
Public Review Period: The 30-day public review period for the Draft IS/MND is from January 15, 2026 to February 16, 2026 (Updated).

Project impacts: Based on the findings of the Initial Study, it has been determined that the project would not have a significant effect upon the environment with mitigation measures, which will be attached to the project as conditions of approval.

Comments: Any person who wishes to comment on the County's intent to adopt the IS/MND must submit written comments no later than 5:00 p.m. on February 16, 2026 (Updated). Following the close of the public comment period, the County Board of Supervisors will consider this IS/MND and comments thereto in determining whether to certify the environmental document. Written comments may be emailed to john.hernandez@dpw.sbcounty.gov or

county.gov or to: John Hernandez, Project Manager
San Bernardino County Department of Public Works - Special Districts
222 West Hospitality Lane,
2nd Floor
San Bernardino, CA 92415
CNS-4002132#

Pub. T.: 01/14,
01/21/2026







Appendix D

REPOSSES TO COMMENTS

Appendix D – Response to Comments

This section includes a compilation of the public comments received on the Phase II Desert View Conservation Area (DVCA) Recreational Trails Project Mitigated Negative Declaration and Initial Study (collectively, “IS/MND”; State Clearinghouse No. 2026010533) and County of San Bernardino – Special Districts (Special Districts) responses to the comments.

Under the California Environmental Quality Act (CEQA), a lead agency has no affirmative duty to prepare formal responses to comments on an IS/MND. The lead agency, however, should have adequate information in the record explaining why comments received do not affect the conclusion of the IS/MND and that there are no potentially significant environmental effects. In the spirit of public disclosure and engagement, Special Districts has responded to all written comments submitted during the 32-day IS/MND public review period, which began on January 15, 2026, and concluded on February 16, 2026. The review period for state agencies began on January 16, 2026, and concluded on February 17, 2026.

1.3. CEQA Requirements Regarding Comments and Responses

CEQA Guidelines Section 15204(b) outlines parameters for submitting comments on negative declarations and reminds persons and public agencies that the focus of review and comment should be “on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, it should: (1) Identify the specific effect, (2) Explain why they believe the effect would occur, and (3) Explain why they believe the effect would be significant.”

CEQA Guidelines Section 15204(c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.”

Section 15204(d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204(e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

Finally, CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to potentially significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the environmental document.

Comments Received on the Draft Initial Study During Comment Period

Letter Number	Commenting Person/Agency	Date of Comment	Page Number
1	California Department of Fish and Wildlife	February 10, 2026	D-2

Comment Set 1 – California Department of Fish and Wildlife

DocuSign Envelope ID: 971E7740-AF51-4203-8443-33C7CAFBB41A



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

GAVIN NEWSOM, Governor
VALERIE TERMINI, Acting Director



February 10, 2026
Sent via email.

John Hernandez, Project Manager
 San Bernardino County Department of Public Works
 222 West Hospitality Lane, 2nd Floor
 San Bernardino, CA 92415
John.Hernandez@dpw.sbcounty.gov

Dear John Hernandez:

PHASE II DESERT VIEW CONSERVATION AREA RECREATIONAL TRAILS (PROJECT)
 MITIGATED NEGATIVE DECLARATION (MND)
 SCH# 2026010533

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

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

CDFW ROLE

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: San Bernardino County Department of Public Works

Objective: The Project proposes to construct 13 interpretive signs, four informational kiosks, two habitat shelters with seating areas, two viewing platforms, mileage posts, and picnic tables within the 605-acre Desert View Conservation Area. Additionally, the Project proposes to regrade and clear vegetation within three segments of existing trails that have eroded or become overgrown, no new trails are proposed to be constructed. Project construction will not require new lighting or relocation of utilities. Access to the Project site is proposed through existing routes.

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.

Comment Set 1 – California Department of Fish and Wildlife (continued)

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John Hernandez, Project Manager
 San Bernardino County Department of Public Works
 February 10, 2026
 Page 2

Location: The Project site is approximately 1.5 miles south of the unincorporated community of Joshua Tree and approximately 1.4 miles south of State Route 62 at Assessor's Parcel Numbers 0589-311-25 and 0589-321-73, within San Bernardino County, State of California.

Timeframe: Project construction is anticipated to occur over approximately 160 days and is expected to occur Monday through Friday between 8:00 a.m. and 6:00 p.m.

COMMENTS AND RECOMMENDATIONS

CDFW appreciates that the MND conducted focused surveys for sensitive plants consistent with the 2018 CDFW *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*². CDFW also appreciates that the MND conducted surveys for desert tortoise during its active season. CDFW offers the comments and recommendations below to assist County of San Bernardino in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

COMMENT #1: Desert Tortoise (*Gopherus agassizii*)

1-1

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

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 tortoises at occupied burrows as well.

Why impact would occur: The MND states that multiple desert tortoise scat was identified within the Project site during surveys, but no desert tortoise was identified. Therefore, desert tortoises have the potential to occupy the Project site or use the Project site for foraging or movement. The MND proposes mitigation measure BIO-8, which requires pre-construction surveys for desert tortoise within 14 days prior to initial ground-disturbing activities; however, desert tortoises are known to utilize multiple burrows that may be used over a span of a number of days and vary temporally and spatially (Grover and DeFalco 1995)³. Additionally, desert tortoises may move into the Project site following pre-construction surveys conducted too far out from the start of construction. Therefore, desert tortoise may not be detected prior to the start of Project activities if pre-construction surveys occur 14 days prior to construction. For this reason, CDFW recommends that pre-construction surveys for desert tortoise be conducted within 48 hours of start construction to ensure desert tortoise have not moved into the Project site.

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

² California Department of Fish and Wildlife (CDFW). (2018). *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*.

³ Grover M.C., and DeFalco L.A. (1995). *Desert Tortoise (Gopherus agassizii): Status-of-Knowledge Outline with References*. U.S. Department of Agriculture, Forest Service, Intermountain Research Station.

Comment Set 1 – California Department of Fish and Wildlife (continued)

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John Hernandez, Project Manager
 San Bernardino County Department of Public Works
 February 10, 2026
 Page 3

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).

1-1
(cont.)

Recommended Potentially Feasible Mitigation Measure(s) to Reduce Impacts to Less than Significant: CDFW appreciates that the draft MND includes a mitigation measure, BIO-8, to avoid and minimize the Project's impacts to desert tortoise. CDFW offers the following revisions to BIO-8 (edits are in ~~strike through~~ and **bold**) for inclusions in the final MND to reduce impacts to desert tortoise to less than significant.

Mitigation Measure: BIO-8 Desert Tortoise (Revised)

A qualified biologist shall conduct pre-construction surveys no more than ~~14 days~~ **48 hours** prior to the start of ground-disturbing activities **consistent with the U.S. Fish and Wildlife Service 2019 Desert Tortoise Survey Protocol**⁴. Surveys shall cover the entire Project footprint and a 50-foot survey buffer to identify any active burrows or individuals. If a burrow is determined to be active, the Qualified Biologist shall establish a no-disturbance buffer of 50 feet or greater around the burrow. A Qualified Biologist shall be present during all ground-disturbing activities, vegetation removal, or when heavy equipment is being operated within desert tortoise habitat and shall stop work if a desert tortoise is detected at or within 50 feet of work activities, until the individual leaves on its own. Lastly, within desert tortoise habitat, vehicles shall not exceed 15 miles per hour on access roads during periods of increased desert tortoise activity (March 1 through October 31). If a vehicle is parked, the ground around and under the vehicle shall be inspected for desert tortoises before the vehicle is moved. If a desert tortoise is present, the equipment or vehicle shall remain place until the desert tortoise moves 50 feet from the equipment or vehicle. All field personnel shall immediately inform the Qualified Biologist if a desert tortoise is seen during the implementation of any Project activity. Lastly, no desert tortoise shall be handled or disturbed.

COMMENT #2: Nesting Birds

1-2

Issue: The Project may have impacts on nesting birds, including Species of Special Concern (SSC), Watch List Species (WL), and birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

Specific impact: The Project could result in direct take associated with grading, vegetation removal, and vehicle and equipment strike and indirect take associated with Project operations such as attracting predators and displacement. Further, the Project may lead to the reduction of habitat and habitat quality. For example, the Project is likely to permanently remove foraging and/or nesting habitat for avian species, such as but not limited to Le Conte's thrasher (*Toxostoma lecontei*) (SSC), yellow warbler (*Setophaga petechia*) (SSC), loggerhead shrike (*Lanius ludovicianus*), prairie falcon (*Falco mexicanus*) (WL), and golden eagle (*Aquila chrysaetos*) (WL).

Why impact would occur: Mitigation measure BIO-9 proposes to conduct a pre-construction survey for nesting birds; however, BIO-9 limits pre-construction surveys to the typical bird nesting season (i.e., February 1st through August 15th). CDFW recommends that disturbance to occupied nests of non-migratory passerine birds, migratory birds, and raptors within the Project site and surrounding area be avoided *any time* birds are nesting onsite. This is in consideration that studies have shown that migratory bird species arrive earlier in the season partially in response to higher temperatures influenced by climate change (Usui et. al. 2016)⁵. In addition, in response to warming, birds have been reported to breed earlier and CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates. Additionally, BIO-9 requires avoidance buffers only for LeConte's thrasher and loggerhead shrike and not for any

⁴ U.S. Fish and Wildlife Service (USFWS). (2019). Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise (*Gopherus agassizii*).

⁵ Usui, T., Butchart, S.H.M., and Philmore, A.B. (2016). Temporal Shifts and Temperature Sensitivity of Avian Spring Migratory Phenology: A Phylogenetic Meta-analysis. *Journal of Animal Ecology* 86(2): 250- 261.

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other nesting bird that may be present within the Project site. CDFW strongly recommends a disturbance free avoidance buffer determined by a qualified biologist to be delineated for any bird that may be nesting on the Project site.

1-2
 (cont.)

Evidence impact would be significant: It is the Project Proponent's responsibility to avoid take of all nesting birds. Fish and Game Code section 3503 makes it 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 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the 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.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended Potentially Feasible Mitigation Measure(s) to Reduce Impacts to Less than Significant: CDFW appreciates that the draft MND provided a mitigation measure, BIO-9, to avoid and minimize the Project's impacts to nesting birds. CDFW offers the following revisions to BIO-9 (edits are in ~~strike through~~ and **bold**) for inclusions in the final MND to reduce impacts to nesting birds to less than significant.

Mitigation Measure: BIO-9 Nesting Birds (Revised)

Regardless of the time of year, if Project activities cannot occur outside the bird breeding season, then ~~Pre-construction surveys for active bird nests shall be conducted on the Project site and within 500 feet of the Project site by a Qualified Avian Biologist, who is knowledgeable in the life histories and ecology of species, no more than three seven days before the initiation of construction and vegetation removal activities that would occur between February 1 and August 15. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). If a nest is suspected, but not confirmed, the Qualified Avian Biologist shall establish a disturbance-free buffer until additional surveys or monitoring can be completed. The Qualified Avian Biologist shall not risk failure of the nest to determine the exact location or status and shall make every effort to limit the nest to potential predation as a result of the survey/monitoring efforts (e.g., limit number of surveyors, limit time spent at/near the nest, scan the site for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). Active nests must be monitored during construction and vegetation removal activities by a Qualified Avian Biologist or Biological Monitor. The Biological Monitor may provide assistance to the Qualified Avian Biologist with biological surveys and monitoring, if needed. The Qualified Avian Biologist shall establish a conservative buffer surrounding the nest based on their professional judgement and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. Once the buffer is established, the Qualified Avian Biologist shall document baseline behavior, stage of reproduction, and existing site conditions, including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. Following documentation of baseline conditions, the Qualified Avian Biologist may choose to adjust the buffer based on site characteristics, stage of reproduction, and types of Project activities proposed at/near that location. The Qualified Avian Biologist or Biological Monitor shall be present onsite daily to monitor all existing nests, the efficacy of established buffers, and to document any new nesting occurrences. If Project activities disturb nesting, the Biological Monitor shall notify the construction manager,~~

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and halt activities within the vicinity of the nest. The **Qualified Avian Biologist Biological Monitor** has the authority to implement measures to reduce disturbance in the vicinity. If Loggerhead shrike and Le Conte’s thrasher nests are found during the survey **or through on-going monitoring**, a 500-foot avoidance buffer shall be established **and monitored as described above**. The avoidance buffer shall be maintained until the young have fledged. ~~The frequency of the monitoring visits will be determined by the Biological Monitor.~~

1-2
(cont.)

COMMENT #3: Western Burrowing Owl (*Athene Cunicularia*)

1-3

Issue: The Project has the potential to result in permanent and temporary loss, degradation, and impacts to western burrowing owl habitat. The Project may result in take of western burrowing owl, a candidate CESA listed species, during construction of the Project and the life of the Project. The MND did not conduct surveys consistent with the 2012 CDFW Staff Report (CDFW 2012)⁶; for example, only two surveys were conducted during May and the 2012 CDFW Staff Report requires at least four surveys be conducted between February 15 to July 15 using line transects spaced seven meters to twenty meters apart during appropriate weather conditions. Therefore, western burrowing owl may have been missed during surveys.

Specific impact: Potential impacts to western burrowing owls from the Project include take of western burrowing owls, their nest, or eggs, or destruction of nesting, foraging, or overwintering habitat, thus impacting western burrowing owl populations. Impacts can result from grading, vegetation removal, burrow blockage, soil compaction, and crushing of burrows. Project disturbance, such as noise and vibrations has the potential to stress owls at occupied burrows as well.

Why impact would occur: The MND states that the Project site contains suitable habitat for western burrowing owl and the closest western burrowing owl observation is 6.5 miles southeast of the Project site. However, the California Natural Diversity Database (CNDDDB) has multiple records of western burrowing owl occurrences within four to five miles north of the Project site. Since the Project site contains suitable habitat and appropriate surveys were not conducted, CDFW is concerned that western burrowing owl may be present or may move into the Project site. CDFW appreciates that BIO-10 proposes to implement a pre-construction survey for western burrowing owl; however, CDFW recommends breeding or non-breeding season surveys to be conducted consistent with the 2012 CDFW Staff Report to ensure western burrowing owl and sign thereof is detected. Additionally, CDFW recommends take avoidance surveys be conducted prior to the start of construction to ensure no new western burrowing owl have moved into the Project site following a year or more from focused surveys. Additionally, BIO-10 proposes to implement a 150-foot avoidance buffer during the non-nesting season and a 500-foot buffer during the nesting season to avoid impacts to western burrowing owl. CDFW is concerned that these buffers may not be sufficient to fully avoid impacts to western burrowing owl regardless of the season, since western burrowing owls are dependent on burrows at all times of the year for survival (CDFW 2012) and juvenile western burrowing owls have been observed to use multiple satellite burrows after post-fledging dispersal (King 2001)⁷. CDFW recommends the Project Proponent fully avoid impacts to western burrowing owls and recommends the Project Proponent to obtain an incidental take permit for take of western burrowing owl if impacts cannot be fully avoided.

Evidence impact would be significant: On October 10, 2024, the Fish and Game Commission determined that western burrowing owl warrants protection as a candidate species under CESA (Fish & G. Code, § 2050 et seq.). During the candidacy period, western burrowing owl is afforded the same protection as a threatened and endangered species under CESA. The Project, as described, may result in injury, direct mortality, indirect mortality, disruption of breeding behavior, and/or may reduce

⁶ California Department of Fish and Wildlife (CDFW). (2012). Staff Report on Burrowing Owl Mitigation.

⁷ King, A.R., and Belthoff J.R. (2001). Post-Fledging Dispersal of Burrowing Owls in Southwestern Idaho: Characterization of Movements and use of Satellite Burrows. *The Condor: Ornithological Applications*, Volume 103(1) pages 118-126.

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reproductive capacity of the species. CDFW considers the direct and indirect take of western burrowing owl, and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant and in compliance with State (*i.e.*, Fish & G. Code, § 3503.5, *etc.*) and Federal laws (*i.e.*, Migratory Bird Treaty Act).

1-3
(cont.)

Recommended Potentially Feasible Mitigation Measure(s) to Reduce Impacts to Less than Significant: CDFW appreciates that the draft MND provided a mitigation measure, BIO-10, to avoid and minimize the Project's impacts to western burrowing owl. CDFW offers the following revisions to BIO-10 (edits are in ~~striketrough~~ and **bold**) for inclusions in the final MND to reduce impacts to western burrowing owl to less than significant.

Mitigation Measure: BIO-10 Burrowing Owl (Revised)

Due to presence of suitable nesting and overwintering habitat for western burrowing owl on the Project site, a Qualified Avian Biologist shall perform breeding season and non-breeding season surveys consistent with the CDFW 2012 Staff Report on Burrowing Owl Mitigation. If performing both breeding season and non-breeding season surveys is infeasible, the Project Proponent shall coordinate with CDFW regarding whether to proceed with either breeding season surveys or non-breeding season surveys. Additionally, if there is a lapse of one year since focused burrowing owl surveys occurred, wWithin 14 days prior to the start of **ground disturbing Project activities, a **Qualified Avian B**biologist shall conduct **w**estern burrowing owl (BUOW) surveys within **the Project site and 500 feet** of the Project site **and again within 24 hours prior to the start of ground disturbing Project activities**. If an active burrow **or western burrowing owl** is detected **on the Project site during any of the surveys, the Project Proponent shall fully avoid impacts to western burrowing owl and the Qualified Avian Biologist shall place a disturbance free avoidance buffer sufficient to ensure full avoidance**~~a 500-foot avoidance buffer shall be established around each burrow during the nesting season (February 1 through August 31). If active BUOW burrows are observed outside of the nesting season, a minimum 150-foot no-disturbance buffer shall be established around each burrow. Occupied burrows shall not be disturbed at any time during Project activities during the breeding season (February 1 through August 31) unless an approved biologist verifies, through non-invasive methods, that both 1) the birds have not begun egg-laying and incubation, and 2) that juveniles from the occupied burrow are foraging independently and are capable of independent survival.~~ If BUOW are present and have a potential to be impacted by the Project, Special Districts shall obtain an Incidental Take Permit from California Department of Fish and Wildlife.**

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

1-4

Issue: The Project may have impacts on desert bighorn sheep, a fully protected species. Unless otherwise authorized pursuant to Fish and Game Code section 2081.15, fully protected species may not be taken or possessed at any time.

Specific impact: Potential impacts to desert bighorn sheep from the Project include take of desert bighorn sheep, introduction of pathogens and disease that reduces fitness and may result in mortality, destruction of lambing and foraging habitat, thus impacting big horn sheep populations. Impacts can result from vegetation removal, and introduction of pathogens from footwear, vehicles, and equipment. Project disturbance, such as noise and vibration has the potential to disrupt bighorn sheep and limit their abilities to hear potential predators.

Why impact would occur: The MND states that suitable habitat for desert big horn sheep is present on the Project site and that scat was observed at multiple locations within the survey area. The MND proposes to implement BIO-11 to minimize impacts to desert big horn sheep; however, BIO-11 does not include sanitization methods to prevent introduction of pathogens and disease within the range of desert big horn sheep as desert big horn sheep are susceptible to a variety of pathogens (Clark et. al.

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1985)⁸(Besser et. al., 2012)⁹. CDFW is concerned that the Project may introduce pathogens or diseases to desert big horn sheep populations if proper sanitization methods are not implemented.

1-4
(cont.)

Evidence impact would be significant: Desert bighorn sheep may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species,
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).
- Specified types of infrastructure projects may be eligible for an incidental take permit for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15).

Recommended Potentially Feasible Mitigation Measure(s) to Reduce Impacts to Less than Significant: CDFW appreciates that the draft MND provided a mitigation measure, BIO-11, to avoid and minimize the Project’s impacts to desert big horn sheep. CDFW offers the following revisions to BIO-11 (edits are in ~~strike through~~ and **bold**) for inclusions in the final MND to reduce impacts to desert bighorn sheep to less than significant.

Mitigation Measure: BIO-11 Desert Bighorn Sheep (Revised)

If any desert bighorn sheep are observed during Project activities, work within a **minimum of 500 feet** of the sheep would be halted, and activities would resume after the animal moves away on its own **as determined by a Qualified Biologist or Biological Monitor**. Project activities shall also use noise-reducing construction methods as feasible and limit work to daylight hours to reduce disturbance. Lastly, Project activities that result in loud noises shall occur outside of the lambing season (January through June).

To prevent potential transmission of disease from domestic animals to desert bighorn sheep, Project Proponent shall require all workers who have had contact with livestock, such as goats and sheep to decontaminate work boots prior to entering the Project site. Decontamination shall involve scrubbing of the soles of work boots with a 10% bleach solution to remove all organic matter and kill pathogens. Alternatively, footwear may be changed to ensure that potentially contaminated footwear does not enter the Project site. Heavy equipment previously used in livestock operations, including, but not limited to, sheep and goat livestock operations, or where roadside clearing has occurred through grazing shall not be utilized for Project activities.

COMMENT #5: Desert Kit Fox (*Vulpes macrotis arsipus*) and American Badger (*Taxidea taxus*)

1-5

Issue: The Project occurs within the range of desert kit fox (*Vulpes macrotis*), a protected species pursuant to Title 14 of the California Code of Regulations section 460, which prohibits the take of the species at any time, along with American badger (*Taxidea taxus*), which is also a SSC.

Specific impact: The staging of construction equipment, vehicles, and foot traffic may result in the collapse of occupied burrows and result in the direct mortality and/or injury

⁸ Clark, R. K., Jessup D. A., Kock M. D., and Weaver R. A. (1985). Survey of desert bighorn sheep in California for exposure to selected infectious diseases. *Journal of the American Veterinary Medical Association* 187:1175–1179

⁹ Besser, T. E., Highland M. A., Baker K., Cassirer E. F., Anderson N. J., Ramsey J. M., Mansfield K., Bruning D.L., Wolff P., Smith J.B., and Jenks J.A. (2012). Causes of pneumonia epizootics among bighorn sheep, Western United States, 2008–2010. *Emerging Infectious Diseases* 18:406–414.

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to desert kit fox and American badger. Project construction and activities may result in the injury or mortality of desert kit fox and American badger.

Why impact would occur: The MND states that suitable habitat is present on the Project site and desert kit fox and American badger have a moderate potential for occurrence within the Project site; however, the MND proposes to implement avoidance buffers, such as a 500-foot buffer during the breeding season and a 150-foot buffer outside the breeding season to minimize impacts. CDFW is concerned that these buffers may not be sufficient to ensure full avoidance of desert kit fox or American badger. Additionally, the MND did not propose to monitor any potential suitable dens within the Project site or adjacent habitat. Desert kit fox and American badger are most active at night (Arjo et. al. 2003)¹⁰(Harrison 2016)¹¹; therefore, CDFW strongly recommends nighttime monitoring be conducted if the entirety of a burrow cannot be seen.

Evidence impact would be significant: Desert kit fox is protected from take (See Cal. Code Regs., tit. 14, § 460). American badger is an SSC and protected from take without appropriate licensure (Fish & G. Code, § 4000; see Cal. Code Regs., tit. 14, § 461). CEQA provides protection for not only CESA-listed species, but for any species including but not limited to SSC which can be shown to meet the criteria for State listing. American badger is SSC that meets the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines, § 15380).

Recommended Potentially Feasible Mitigation Measure(s) to Reduce Impacts to Less than Significant: CDFW appreciates that the draft MND provided a mitigation measure, BIO-12, to avoid and minimize the Project's impacts to desert kit fox and American badger. CDFW offers the following revisions to BIO-12 (edits are in ~~strike through~~ and **bold**) for inclusions in the final MND to reduce impacts to desert kit fox to less than significant.

Mitigation Measure: BIO-12 Kit Fox and Badger (Revised)

Within 14 days prior to the start of Project activities, a qualified biologist shall conduct surveys for desert kit fox and American badger, **including dens or sign (e.g., tracks, scat, prey remains)** within the Project site, ~~including and~~ a 500-foot survey buffer around the Project site. If an active desert kit fox **or American badger** den is identified, **the Project Proponent shall contact CDFW and fully avoid impacts to desert kit fox or American badger during the breeding season (January 15 through September 15), and a minimum 500-foot avoidance buffer shall be established by the Qualified Biologist based on their best professional judgement and experience** and no activities within the buffer will be allowed unless authorized by a Qualified Biologist **during the non-breeding season**. ~~If activities occur outside of the breeding season and an active den is identified, a 150-foot avoidance buffer will be established, and no MM activities will be allowed within the buffer unless authorized by a Qualified Biologist.~~ If an active American badger is identified, the den shall be protected with a 100-foot no-disturbance buffer. **If a den is suspected to be inactive but not confirmed; for example, the entirety of the den cannot be seen, the Qualified Biologist or Biological Monitor shall monitor the den for 3 consecutive nights using infrared camera stations at the entrance(s). If no tracks or sign are observed at the den or no photos of the desert kit fox or American badger are captured after 3 nights, then the den shall be excavated by hand and backfilled with handheld equipment or mechanized equipment by the Qualified Biologist.**

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

¹⁰ Arjo W.M., Bennett T.J., and Kozlowski A.J. (2003). Characteristics of current and historical kit fox (*Vulpes macrotis*) dens in the Great Basin Desert. *USDA National Wildlife Research Center – Staff Publications*. 192.

¹¹ Harrison R.L. (2016). Badger Behavior at Anthropogenic Water sources in the Chihuahuan Desert. *Western North American Naturalist* 76(1) pages 1-5.

1-5
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1-6

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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>.

1-6
(cont.)

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.)

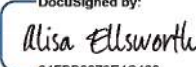
1-7

CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Emily Leon, Environmental Scientist, at Emily.Leon@wildlife.ca.gov or at (760) 644-5976.

Sincerely,

DocuSigned by:

 84FBB8273E4C480...

Alisa Ellsworth
 Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
State.Clearinghouse@ci.ca.gov

Stephanie Tang
 Aspen Environmental Group
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ATTACHMENTS

A. Mitigation and Monitoring Reporting Plan and Draft Recommendations

REFERENCES

Arjo W.M., Bennett T.J., and Kozlowski A.J. (2003). Characteristics of current and historical kit fox (*Vulpes macrotis*) dens in the Great Basin Desert. *USDA National Wildlife Research Center – Staff Publications*. 192.

Besser, T. E., Highland M. A., Baker K., Cassirer E. F., Anderson N. J., Ramsey J. M., Mansfield K., Bruning D.L., Wolff P., Smith J.B., and Jenks J.A. (2012). Causes of pneumonia epizootics among bighorn sheep, Western United States, 2008–2010. *Emerging Infectious Diseases* 18:406–414.

California Department of Fish and Wildlife (CDFW). (2018). Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities.

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California Department of Fish and Wildlife (CDFW). (2012). Staff Report on Burrowing Owl Mitigation.

Clark, R. K., Jessup D. A., Kock M. D., and Weaver R. A. (1985). Survey of desert bighorn sheep in California for exposure to selected infectious diseases. *Journal of the American Veterinary Medical Association* 187:1175–1179

Grover M.C., and DeFalco L.A. (1995). Desert Tortoise (*Gopherus agassizii*): Status-of-Knowledge Outline with References. U.S. Department of Agriculture, Forest Service, Intermountain Research Station.

Harrison R.L. (2016). Badger Behavior at Anthropogenic Water sources in the Chihuahuan Desert. *Western North American Naturalist* 76(1) page1-5.

King, A.R., and Belthoff J.R. (2001). Post-Fledging Dispersal of Burrowing Owls in Southwestern Idaho: Characterization of Movements and use of Satellite Burrows. *The Condor: Ornithological Applications*, Volume 103(1) pages 118-126.

U.S. Fish and Wildlife Service (USFWS). 2019. Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise (*Gopherus agassizii*).

Usui, T., Butchart, S.H.M., and Philmore, A.B. (2016). Temporal Shifts and Temperature Sensitivity of Avian Spring Migratory Phenology: A Phylogenetic Meta-analysis. *Journal of Animal Ecology* 86(2): 250- 261.

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Attachment A

Draft Mitigation Monitoring and Reporting Plan and Draft Recommendations

Biological Resources (BIO)		
Mitigation Measure (MM)	Implementation Schedule	Responsible Party
<p>MM BIO-8 Desert Tortoise</p> <p>A qualified biologist shall conduct pre-construction surveys no more than 48 hours prior to the start of ground-disturbing activities consistent with the U.S. Fish and Wildlife Service 2019 Desert Tortoise Survey Protocol. Surveys shall cover the entire Project footprint and a 50-foot survey buffer to identify any active burrows or individuals. If a burrow is determined to be active, the Qualified Biologist shall establish a no-disturbance buffer of 50 feet or greater around the burrow. A Qualified Biologist shall be present during all ground-disturbing activities, vegetation removal, or when heavy equipment is being operated within desert tortoise habitat and shall stop work if a desert tortoise is detected at or within 50 feet of work activities, until the individual leaves on its own. Lastly, within desert tortoise habitat, vehicles shall not exceed 15 miles per hour on access roads during periods of increased desert tortoise activity (March 1 through October 31). If a vehicle is parked, the ground around and under the vehicle shall be inspected for desert tortoises before the vehicle is moved. If a desert tortoise is present, the equipment or vehicle shall remain place until the desert tortoise moves 50 feet from the equipment or vehicle. All field personnel shall immediately inform the Qualified Biologist if a desert tortoise is seen during the implementation of any Project activity. Lastly, no desert tortoise shall be handled or disturbed.</p>	<p>Forty-eight hours prior to the start of ground-disturbing activities</p>	<p>Qualified Biologist</p>
<p>MM BIO-9 Nesting Birds</p> <p>Regardless of the time of year, pre-construction surveys for active bird nests shall be conducted on the Project site and within 500 feet of the Project site by a Qualified Avian Biologist, who is knowledgeable in the life histories and ecology of species, no more than three days before the initiation of construction and vegetation removal activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). If a nest is suspected, but not confirmed, the Qualified Avian Biologist shall establish a disturbance-free buffer until additional surveys or monitoring can be completed.</p>	<p>No more than three days before the initiation of construction and vegetation removal activities</p>	<p>Qualified Biologist and Biological Monitor</p>

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<p>The Qualified Avian Biologist shall not risk failure of the nest to determine the exact location or status and shall make every effort to limit the nest to potential predation as a result of the survey/monitoring efforts (e.g., limit number of surveyors, limit time spent at/near the nest, scan the site for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). Active nests must be monitored during construction and vegetation removal activities by a Qualified Avian Biologist or Biological Monitor. The Biological Monitor may provide assistance to the Qualified Avian Biologist with biological surveys and monitoring, if needed. The Qualified Avian Biologist shall establish a conservative buffer surrounding the nest based on their professional judgement and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. Once the buffer is established, the Qualified Avian Biologist shall document baseline behavior, stage of reproduction, and existing site conditions, including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. Following documentation of baseline conditions, the Qualified Avian Biologist may choose to adjust the buffer based on site characteristics, stage of reproduction, and types of Project activities proposed at/near that location. The Qualified Avian Biologist or Biological Monitor shall be present onsite daily to monitor all existing nests, the efficacy of established buffers, and to document any new nesting occurrences. If Project activities disturb nesting, the Biological Monitor shall notify the construction manager, and halt activities within the vicinity of the nest. The Qualified Avian Biologist has the authority to implement measures to reduce disturbance in the vicinity. If Loggerhead shrike and Le Conte’s thrasher nests are found during the survey or through on-going monitoring, a 500-foot avoidance buffer shall be established and monitored as described above. The avoidance buffer shall be maintained until the young have fledged.</p>		
<p>MM BIO-10 Burrowing Owl</p> <p>Due to presence of suitable nesting and overwintering habitat for western burrowing owl on the Project site, a Qualified Avian Biologist shall perform breeding season and non-breeding season surveys consistent with the CDFW 2012 Staff Report on Burrowing Owl Mitigation. If performing both breeding season and non-breeding season surveys is infeasible, the Project Proponent shall coordinate with CDFW regarding whether to proceed with either breeding season surveys or non-breeding season surveys. Additionally, if there is a lapse of one year since focused burrowing owl surveys occurred, within 14 days prior to the start of ground disturbing Project activities, a Qualified Avian Biologist shall conduct western burrowing owl (BUOW) surveys within the Project site and 500 feet of the Project site and again within 24 hours prior to the start of ground disturbing Project activities. If an active burrow or western burrowing owl is detected on the Project site during any of the surveys, the Project Proponent shall fully avoid</p>	<p>Breeding season and non-breeding season surveys consistent with the CDFW 2012 Staff Report on Burrowing Owl Mitigation and within 14 days prior to the start of ground disturbing Project activities and again within 24 hours.</p>	<p>Qualified Avian Biologist</p>

Comment Set 1 – California Department of Fish and Wildlife (continued)

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<p>impacts to western burrowing owl and the Qualified Avian Biologist shall place a disturbance free avoidance buffer sufficient to ensure full avoidance. Occupied burrows shall not be disturbed at any time during Project activities. If BUOW are present and have a potential to be impacted by the Project, Special Districts shall obtain an Incidental Take Permit from California Department of Fish and Wildlife.</p>		
<p>MM BIO-11 Desert Bighorn Sheep</p> <p>If any desert bighorn sheep are observed during Project activities, work within a minimum of a 500 feet of the sheep would be halted, and activities would resume after the animal moves away on its own as determined by a Qualified Biologist or Biological Monitor. Project activities shall also use noise-reducing construction methods as feasible and limit work to daylight hours to reduce disturbance. Lastly, Project activities that result in loud noises shall occur outside of the lambing season (January through June).</p> <p>To prevent potential transmission of disease from domestic animals to desert bighorn sheep, Project Proponent shall require all workers who have had contact with livestock, such as goats and sheep to decontaminate work boots prior to entering the Project site. Decontamination shall involve scrubbing of the soles of work boots with a 10% bleach solution to remove all organic matter and kill pathogens. Alternatively, footwear may be changed to ensure that potentially contaminated footwear does not enter the Project site. Heavy equipment previously used in livestock operations, including, but not limited to, sheep and goat livestock operations, or where roadside clearing has occurred through grazing shall not be utilized for Project activities.</p>	<p>During Project and prior to entering Project site</p>	<p>Project Proponent & Qualified Biologist or Biological Monitor</p>
<p>MM BIO-12 Kit Fox and Badger</p> <p>Within 14 days prior to the start of Project activities, a qualified biologist shall conduct surveys for desert kit fox and American badger, including dens or sign (e.g., tracks, scat, prey remains) within the Project site and a 500-foot survey buffer around the Project site. If an active desert kit fox or American badger den is identified, the Project Proponent shall contact CDFW and fully avoid impacts to desert kit fox or American badger, and a minimum 500-foot avoidance buffer shall be established by the Qualified Biologist based on their best professional judgement and experience and no-activities within the buffer will be allowed unless authorized by a Qualified Biologist during the non-breeding season. If a den is suspected to be inactive but not confirmed; for example, the entirety of the den cannot be seen, the Qualified Biologist or Biological Monitor shall monitor the den for 3 consecutive nights using infrared camera stations at the entrance(s). If no tracks or sign are observed at the den or no photos of the desert kit fox or American badger are captured after 3 nights, then the den shall be excavated by hand and backfilled with handheld equipment or mechanized equipment by the Qualified Biologist.</p>	<p>Within 14 days prior to the start of Project activities</p>	<p>Qualified Biologist</p>

Comment Set 1 – California Department of Fish and Wildlife (continued)

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Comment Set 1 – California Department of Fish and Wildlife

Responses to Comment Set 1 – California Department of Fish and Wildlife

1-1 *Comment regarding potential loss, degradation, and other impacts to desert tortoise habitat or the take of desert tortoise requests revisions to IS/MND Mitigation Measure (MM) BIO-8.*

MM BIO-8 has been revised to address this comment and is amended as follows, with text marked as ~~strikethrough~~ for deletions and underline for additions.

MM BIO-8. Desert Tortoise. A qualified biologist shall conduct pre-construction surveys no more than ~~44 days~~ 48 hours prior to the start of ground-disturbing activities consistent with the U.S. Fish and Wildlife Service 2019 Desert Tortoise Survey Protocol (USFWS, 2019). Surveys shall cover the entire Project footprint and a 50-foot survey buffer to identify any active burrows or individuals. If a burrow is determined to be active, the Qualified Biologist shall establish a no-disturbance buffer of 50 feet or greater around the burrow. A Qualified Biologist shall be present during all ground-disturbing activities, vegetation removal, or when heavy equipment is being operated within desert tortoise habitat and shall stop work if a desert tortoise is detected at or within 50 feet of work activities, until the individual leaves on its own. Lastly, within desert tortoise habitat, vehicles shall not exceed 15 miles per hour on access roads during periods of increased desert tortoise activity (March 1 through October 31). If a vehicle is parked, the ground around and under the vehicle shall be inspected for desert tortoises before the vehicle is moved. If a desert tortoise is present, the equipment or vehicle shall remain place until the desert tortoise moves 50 feet from the equipment or vehicle. All field personnel shall immediately inform the Qualified Biologist if a desert tortoise is seen during the implementation of any Project activity. Lastly, no desert tortoise shall be handled or disturbed.

1-2 *Comment regarding potential impacts to, or the take of, nesting birds including Species of Special Concern, Watch List Species, and birds subject to Fish and Game Code regulations or the Migratory Bird Treaty Act requests revisions to IS/MND MM BIO-9.*

MM BIO-9 has been revised to address this comment and is amended as follows.

MM BIO-9. Nesting Birds. Regardless of the time of year, if Project activities cannot occur outside the bird breeding season, then pre-construction surveys for active bird nests shall be conducted on the Project site and within 500 feet of the Project site by a Qualified Avian Biologist, who is knowledgeable in the life histories and ecology of species, no more than ~~seven~~ three days before the initiation of construction and vegetation removal activities ~~that would occur between February 1 and August 15.~~ Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). If a nest is suspected, but not confirmed, the Qualified Avian Biologist shall establish a disturbance-free buffer until additional surveys or monitoring can be completed. The Qualified Avian Biologist shall not risk failure of the nest to determine the exact location or status and shall make every effort to limit the nest to potential predation as a result of the survey/monitoring efforts (e.g., limit number of surveyors, limit time spent at/near the nest, scan the site for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). Active nests must be monitored during construction and vegetation removal activities by a Qualified Avian Biologist or Biological Monitor. The Biological Monitor may provide assistance to the Qualified Avian Biologist with biological surveys and monitoring, if needed. The Qualified Avian Biologist shall establish a conservative buffer surrounding the nest based

on their professional judgement and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. Once the buffer is established, the Qualified Avian Biologist shall document baseline behavior, stage of reproduction, and existing site conditions, including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. Following documentation of baseline conditions, the Qualified Avian Biologist may choose to adjust the buffer based on site characteristics, stage of reproduction, and types of Project activities proposed at/near that location. The Qualified Avian Biologist or Biological Monitor shall be present onsite daily to monitor all existing nests, the efficacy of established buffers, and to document any new nesting occurrences. If Project activities disturb nesting, the Biological Monitor shall notify the construction manager and halt activities within the vicinity of the nest. The Qualified Avian Biologist Biological Monitor has the authority to implement measures to reduce disturbance in the vicinity. If Loggerhead shrike and Le Conte's thrasher nests are found during the survey or through ongoing monitoring, a 500-foot avoidance buffer shall be established and monitored as described above. The avoidance buffer shall be maintained until the young have fledged. The frequency of the monitoring visits will be determined by the Biological Monitor.

- 1-3 *Comment regarding potential loss, degradation, and other impacts to western burrowing owl habitat or the take of western burrowing owl requests revisions to IS/MND MM BIO-10.*

MM BIO-10 has been revised to address this comment and is amended as follows.

MM BIO-10. Burrowing Owl. Due to presence of suitable nesting and overwintering habitat for western burrowing owl (BUOW) on the Project site, a Qualified Avian Biologist shall perform breeding season and non-breeding season surveys consistent with the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation. If performing both breeding season and non-breeding season surveys is infeasible, Special Districts shall coordinate with CDFW regarding whether to proceed with either breeding season surveys or non-breeding season surveys. Additionally, if there is a lapse of one year since focused BUOW surveys occurred, ~~W~~within 14 days prior to the start of ground disturbing Project activities, a ~~qualified biologist~~ Qualified Avian Biologist shall conduct western burrowing owl (BUOW) surveys within the Project site and 500 feet of the Project site and again within 24 hours prior to the start of ground disturbing Project activities. If an active burrow or BUOW is detected on the Project site during any of the surveys, Special Districts shall fully avoid impacts to BUOW, and the Qualified Avian Biologist shall place a disturbance free avoidance buffer sufficient to ensure full avoidance. ~~a 500-foot avoidance buffer shall be established around each burrow during the nesting season (February 1 through August 31). If active BUOW burrows are observed outside of the nesting season, a minimum 150-foot no disturbance buffer shall be established around each burrow. Occupied burrows shall not be disturbed at any time during Project activities during the breeding season (February 1 through August 31) unless an approved biologist verifies, through non-invasive methods, that both 1) the birds have not begun egg-laying and incubation, and 2) that juveniles from the occupied burrow are foraging independently and are capable of independent survival. If BUOW are present and have a potential to be impacted by the Project, Special Districts shall obtain an Incidental Take Permit from California Department of Fish and Wildlife CDFW.~~

- 1-4 *Comment regarding potential impacts to the fully protected desert bighorn sheep including the take of, introduction of pathogens to, and habitat degradation of desert bighorn sheep populations requests revisions to IS/MND MM BIO-11.*

MM BIO-11 has been revised to address this comment and is amended as follows.

MM BIO-11. Desert Bighorn Sheep. If any desert bighorn sheep are observed during Project activities, work within a minimum of 500 feet of the sheep ~~would~~ shall be halted, and activities would

resume after the animal moves away on its own as determined by a Qualified Biologist or Biological Monitor. Project activities shall also use noise-reducing construction methods as feasible and limit work to daylight hours to reduce disturbance. Lastly, Project activities that result in loud noises shall occur outside of the lambing season (January through June). To prevent potential transmission of disease from domestic animals to desert bighorn sheep, Special Districts shall require all workers who have had contact with livestock, such as goats and sheep to decontaminate work boots prior to entering the Project site. Decontamination shall involve scrubbing of the soles of work boots with a 10% bleach solution to remove all organic matter and kill pathogens. Alternatively, footwear may be changed to ensure that potentially contaminated footwear does not enter the Project site. Heavy equipment previously used in livestock operations, including, but not limited to, sheep and goat livestock operations, or where roadside clearing has occurred through grazing shall not be utilized for Project activities.

- 1-5 *Comment regarding potential impacts to desert kit fox and American badger burrows due to construction equipment staging and foot traffic requests revisions to IS/MND MM BIO-12.*

MM BIO-12 has been revised to address this comment and is amended as follows.

MM BIO-12. Kit Fox and Badger. Within 14 days prior to the start of Project activities, a qualified biologist shall conduct surveys for desert kit fox and American badger, including dens or sign (e.g., tracks, scat, prey remains) within the Project site, including and a 500-foot survey buffer around the Project site. If an active desert kit fox or American badger den is identified, Special Districts shall contact California Department of Fish and Wildlife (CDFW) and fully avoid impacts to desert kit fox or American badger during the breeding season (January 15 through September 15), and a minimum 500-foot avoidance buffer shall be established by the Qualified Biologist based on their best professional judgment and experience, and no activities within the buffer will be allowed unless authorized by a Qualified Biologist during the non-breeding season. If activities occur outside of the breeding season and an active den is identified, a 150-foot avoidance buffer will be established, and no MM activities will be allowed within the buffer unless authorized by a Qualified Biologist. If an active American badger is identified, the den shall be protected with a 100-foot no-disturbance buffer. If a den is suspected to be inactive but not confirmed; for example, the entirety of the den cannot be seen, the Qualified Biologist or Biological Monitor shall monitor the den for 3 consecutive nights using infrared camera stations at the entrance(s). If no tracks or sign are observed at the den or no photos of the desert kit fox or American badger are captured after 3 nights, then the den shall be excavated by hand and backfilled with handheld equipment or mechanized equipment by the Qualified Biologist.

- 1-6 *Comment requests that any special status species and natural communities detected during project surveys be reported to the California Natural Diversity Database.*

Special Districts will commit to reporting any special status species and/or natural communities detected during Project surveys to the California Natural Diversity Database.

- 1-7 *Comment requests payment of all applicable environmental document filing fees.*

All relevant environmental document filing fees will be paid by Special Districts upon submittal of the **Notice of Determination for the Proposed Project's Final IS/MND**.

Appendix E

MITIGATION MONITORING AND REPORTING PROGRAM

Appendix E – Mitigation Monitoring and Reporting Program

Pursuant to Section 21081.6 of the Public Resources Code and the California Environmental Quality Act (CEQA) Guidelines Section 15097, public agencies are required to adopt a monitoring or reporting program (referred to as a Mitigation Monitoring and Reporting Program [MMRP]) to ensure that the mitigation measures identified in the CEQA document are implemented. For the Phase II Desert View Conservation Area Recreational Trails Project (proposed Project), adopted mitigation measures shall be implemented as specified below in Table 1, the Mitigation Monitoring and Reporting Program (MMRP). This MMRP for the proposed Project will help ensure that mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the Project will be implemented. The San Bernardino County Department of Public Works, Special Districts (Special Districts) shall be responsible for administering the MMRP and ensuring that all parties comply with its provisions. Special Districts may delegate monitoring activities to staff, consultants, or contractors. Special Districts also will ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. Special Districts, or its designated environmental monitor, will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to rectify problems.

Responsibilities of the Parties

Special Districts is responsible for implementing adopted mitigation measures and for reporting on the implementation of these measures. Special Districts will have primary responsibility for ensuring that the measures are implemented and may use its monitoring authority by evaluating written reports and plans, and also by active field evaluation of activities at the Project site to ensure compliance with the requirements of adopted measures.

Documentation and Reporting

This summarizes Special Districts' documentation and reporting requirements during construction and maintenance as outlined in the MMRP (Table 1). In addition to any specific one-time submittals required in the MMRP, Special Districts shall produce compliance reports during the maintenance period, as required by regulatory agencies that demonstrate compliance with the applicable mitigation measures; and shall also maintain documentation of compliance with the mitigation measures.

Table 1. Mitigation Monitoring Program for Phase II Desert View Conservation Area Recreational Trails Project

MM # and Title	Mitigation Measure and Special Districts Responsibilities	Timing	Agency Responsibilities
Biological Resources			
BIO-1 Qualified Biologist	<p><u>Mitigation Measure</u> A Qualified Biologist shall monitor the construction crew and remain on site during initial ground disturbing and vegetation removal, or when heavy equipment is being operated. The Qualified Biologist shall ensure that impacts to special-status species and other sensitive biological resources are avoided. The Qualified Biologist shall have the authority, and obligation, to immediately stop any activity that could impact special-status species and other sensitive biological resources or that does not comply with proposed mitigation measures.</p> <p>At a minimum, the responsibilities of the Qualified Biologist shall include:</p> <ul style="list-style-type: none"> • Implementing a Worker Environmental Awareness Program (WEAP) for all construction personnel prior to conducting any work in sensitive areas. This will also include daily morning training to remind crews of the sensitive resources that occur in the Project site. • Conduct pre-construction sweeps within the designated work area prior to the start of any ground-disturbing activities. These sweeps will be performed by a qualified biologist to ensure that no special-status plant or wildlife species, including nesting birds, are present. • Ensuring the proposed mitigation measures and any additional regulatory permit conditions are properly implemented. • Ensuring that all Project activities occur within approved project limits and access roads. • Inspecting all open holes and trenches regularly and just prior to back-filling or covering and ensuring all open excavations are backfilled prior to crews leaving the work area. • Immediately stop work if any special-status wildlife species are observed within 50 feet of active work areas and ensure that no work activities occur until the animal has left the area under its own volition. <p><u>Special Districts Responsibilities</u> Special Districts will ensure that the Qualified Biologist implements WEAP training and pre-construction surveys prior to construction and that monitoring occurs during construction.</p>	Prior to and during construction	Special Districts shall ensure compliance with this mitigation measure.
BIO-2 Worker Environmental Awareness Program	<p><u>Mitigation Measure</u> A WEAP training shall be prepared and provided to all Project personnel prior to the commencement of any on-site activities. The training shall include an overview of special-status species (i.e. protected plants, wildlife, and nesting birds) that are known to occur or have the potential to occur within the Project site. It will also cover sensitive habitat types, applicable regulatory requirements, and the specific mitigation measures that must be followed during construction to prevent unauthorized impacts. The WEAP shall emphasize the roles and responsibilities of all personnel, the importance of complying with environmental permits, and the procedures for reporting wildlife encounters or environmental concerns. Upon completion of the training, all Project personnel shall be required to sign a log sheet confirming that they have received the training and understand the mitigation measures and environmental compliance expectations.</p> <p><u>Special Districts Responsibilities</u> Special Districts will ensure that the biological WEAP training be provided to all Project personnel prior to construction.</p>	Prior to construction	Special Districts shall ensure compliance with this mitigation measure.

Table 1. Mitigation Monitoring Program for Phase II Desert View Conservation Area Recreational Trails Project

<p>BIO-3 General Protection Measures</p>	<p><u>Mitigation Measure</u> To minimize potential impacts to biological resources, the following general protection measures shall be implemented:</p> <ul style="list-style-type: none"> • All Project activities, including driving on access roads, shall occur during daylight hours. • All litter and debris shall be removed from work areas daily. • Domestic and working dogs are prohibited from the Project site, access routes during Project activities, except those in the possession of authorized security personnel or federal, state, or local law enforcement officials. • No firearms, other than those of law enforcement personnel, shall be permitted within the Project site at any time during construction. • Wildlife encountered within the work areas shall be allowed to leave the work area unharmed. • Pre-construction surveys for special status species shall be conducted by a qualified biologist within 30 days prior to the start of work. <p><u>Special Districts Responsibilities</u> Special Districts will ensure that general protection measures are followed during construction, and that pre-construction surveys for special status species are conducted within 30 days prior to the start of work.</p>	<p>Prior to and during construction</p>	<p>Special Districts shall ensure compliance with this mitigation measure.</p>
<p>BIO-4 Special-Status Plants</p>	<p><u>Mitigation Measure</u> Pre-construction botanical surveys shall be conducted within the Project site during the appropriate growing season prior to the initiation of Project activities. Surveys shall be performed by a qualified botanist in accordance with current California Department of Fish and Wildlife and California Native Plant Society protocols. If special-status plant species are identified during pre-activity botanical surveys, they shall be protected through the establishment of a clearly marked buffer zone. The buffer shall be of sufficient size as determined appropriately by a qualified botanist in consultation with regulatory agencies to avoid direct and indirect impacts. The buffer zone shall be maintained throughout the duration of Project activities to ensure the protection of the identified plant populations.</p> <p><u>Special Districts Responsibilities</u> Special Districts will ensure that pre-construction botanical surveys are conducted prior to construction. If any special status plants are found, Special Districts will ensure that buffer zones will be implemented to avoid impacts during construction.</p>	<p>Prior to and during construction.</p>	<p>Special Districts shall ensure compliance with this mitigation measure.</p>
<p>BIO-5 Western Joshua Tree</p>	<p><u>Mitigation Measure</u> Prior to Project activities, San Bernardino County Department of Public Works – Special Districts shall work with California Department of Fish and Wildlife (CDFW) to ensure compliance with the Western Joshua Tree Conservation Act. If western Joshua trees are present within the project site and can be avoided, an Incidental Take Permit (ITP) will not be required. However, if during Project implementation, it becomes necessary to impact a western Joshua tree, including its roots, an ITP shall be obtained from CDFW prior to any impact. Additionally, prior to Project activities, a survey shall be conducted to determine the presence of western Joshua trees within the Project site prior to the start of ground-disturbing activities. Crews shall not allow vehicles, equipment, or materials to be parked, or placed on top of any western Joshua trees. Vehicles or equipment left within the</p>	<p>Prior to and during construction</p>	<p>Special Districts shall ensure compliance with this mitigation measure.</p>

Table 1. Mitigation Monitoring Program for Phase II Desert View Conservation Area Recreational Trails Project

	<p>Project site overnight shall be located at least 50 feet from all western Joshua trees. If a western Joshua tree is damaged because of the Project, the Designated Botanist(s) shall immediately notify CDFW of the damage.</p> <p><u>Special Districts Responsibilities</u></p> <p>Special Districts will ensure that construction activities comply with the Western Joshua Tree Conservation Act.</p>		
BIO-6 Monarch Butterfly	<p><u>Mitigation Measure</u></p> <p>All milkweed plants shall be avoided to the maximum extent feasible during Project activities. If the removal or destruction of a milkweed plant cannot be avoided, the Qualified Biologist shall inspect the plant prior to activities to ensure that no monarch butterfly adults, larvae, or eggs are present. If monarch butterfly adults, larvae, or eggs are present, the plant shall be avoided.</p> <p><u>Special Districts Responsibilities</u></p> <p>Special Districts will ensure that milkweed plants and plants with monarch butterfly eggs, larvae, or adults are avoided to the maximum extent feasible during Project construction.</p>	During construction	Special Districts shall ensure compliance with this mitigation measure.
BIO-7 Crotch Bumble Bee	<p><u>Mitigation Measure</u></p> <p>A pre-construction survey shall be conducted no more than 14 days prior to the start of any ground-disturbing activities. Surveys shall be performed by a Qualified Biologist during the species' active season (typically late spring through early fall) and shall cover the entire Project footprint, including a 50-foot buffer. Surveys shall follow the most current guidance provided by California Department of Fish and Wildlife.</p> <p><u>Special Districts Responsibilities</u></p> <p>Special Districts will ensure that pre-construction surveys are conducted no more than 14 days prior to ground-disturbing construction activities.</p>	Prior to construction	Special Districts shall ensure compliance with this mitigation measure.
BIO-8 Desert Tortoise	<p><u>Mitigation Measure</u></p> <p>A qualified biologist shall conduct pre-construction surveys no more than 48 hours prior to the start of ground-disturbing activities consistent with the U.S. Fish and Wildlife Service 2019 Desert Tortoise Survey Protocol (USFWS, 2019). Surveys shall cover the entire Project footprint and a 50-foot survey buffer to identify any active burrows or individuals. If a burrow is determined to be active, the Qualified Biologist shall establish a no-disturbance buffer of 50 feet or greater around the burrow. A Qualified Biologist shall be present during all ground-disturbing activities, vegetation removal, or when heavy equipment is being operated within desert tortoise habitat and shall stop work if a desert tortoise is detected at or within 50 feet of work activities, until the individual leaves on its own. Lastly, within desert tortoise habitat, vehicles shall not exceed 15 miles per hour on access roads during periods of increased desert tortoise activity (March 1 through October 31). If a vehicle is parked, the ground around and under the vehicle shall be inspected for desert tortoises before the vehicle is moved. If a desert tortoise is present, the equipment or vehicle shall remain place until the desert tortoise moves 50 feet from the equipment or vehicle. All field personnel shall immediately inform the Qualified Biologist if a desert tortoise is seen during the implementation of any Project activity. Lastly, no desert tortoise shall be handled or disturbed.</p> <p><u>Special Districts Responsibilities</u></p> <p>Special Districts will ensure pre-construction surveys and construction monitoring and appropriate response for desert tortoise are followed throughout the duration of the Project.</p>	Prior to and during construction	Special Districts shall ensure compliance with this mitigation measure.

Table 1. Mitigation Monitoring Program for Phase II Desert View Conservation Area Recreational Trails Project

<p>BIO-9 Nesting Birds</p>	<p><u>Mitigation Measure</u> Regardless of the time of year, pre-construction surveys for active bird nests shall be conducted on the Project site and within 500 feet of the Project site by a Qualified Avian Biologist, who is knowledgeable in the life histories and ecology of species, no more than three days before the initiation of construction and vegetation removal activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, removal of fecal sacks, flushing suddenly from atypically close range, agitation, aggressive interactions, feigning injury or distraction displays, or other behaviors). If a nest is suspected, but not confirmed, the Qualified Avian Biologist shall establish a disturbance-free buffer until additional surveys or monitoring can be completed. The Qualified Avian Biologist shall not risk failure of the nest to determine the exact location or status and shall make every effort to limit the nest to potential predation as a result of the survey/monitoring efforts (e.g., limit number of surveyors, limit time spent at/near the nest, scan the site for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). Active nests must be monitored during construction and vegetation removal activities by a Qualified Avian Biologist or Biological Monitor. The Biological Monitor may provide assistance to the Qualified Avian Biologist with biological surveys and monitoring, if needed. The Qualified Avian Biologist shall establish a conservative buffer surrounding the nest based on their professional judgement and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. Once the buffer is established, the Qualified Avian Biologist shall document baseline behavior, stage of reproduction, and existing site conditions, including vertical and horizontal distances from proposed work areas, visual or acoustic barriers, and existing level of disturbance. Following documentation of baseline conditions, the Qualified Avian Biologist may choose to adjust the buffer based on site characteristics, stage of reproduction, and types of Project activities proposed at/near that location. The Qualified Avian Biologist or Biological Monitor shall be present onsite daily to monitor all existing nests, the efficacy of established buffers, and to document any new nesting occurrences. If Project activities disturb nesting, the Biological Monitor shall notify the construction manager and halt activities within the vicinity of the nest. The Qualified Avian Biologist has the authority to implement measures to reduce disturbance in the vicinity. If Loggerhead shrike and Le Conte's thrasher nests are found during the survey or through ongoing monitoring, a 500-foot avoidance buffer shall be established and monitored as described above. The avoidance buffer shall be maintained until the young have fledged.</p> <p><u>Special Districts Responsibilities</u> Special Districts will ensure pre-construction nesting bird surveys and construction monitoring and appropriate response for active nests are followed throughout the duration of the Project.</p>	<p>Prior to and during construction</p>	<p>Special Districts shall ensure compliance with this mitigation measure.</p>
<p>BIO-10 Burrowing Owl</p>	<p><u>Mitigation Measure</u> Due to presence of suitable nesting and overwintering habitat for western burrowing owl (BUOW) on the Project site, a Qualified Avian Biologist shall perform breeding season and non-breeding season surveys consistent with the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation. If performing both breeding season and non-breeding season surveys is infeasible, Special Districts shall coordinate with CDFW regarding whether to proceed with either breeding season surveys or non-breeding season surveys. Additionally, if there is a lapse of one year since focused BUOW surveys occurred, within 14 days prior to the start of ground disturbing Project activities, a Qualified Avian Biologist shall conduct western</p>	<p>Prior to and during construction</p>	<p>Special Districts shall ensure compliance with this mitigation measure.</p>

Table 1. Mitigation Monitoring Program for Phase II Desert View Conservation Area Recreational Trails Project

	<p>burrowing owl surveys within the Project site and 500 feet of the Project site and again within 24 hours prior to the start of ground disturbing Project activities. If an active burrow or BUOW is detected on the Project site during any of the surveys, Special Districts shall fully avoid impacts to BUOW, and the Qualified Avian Biologist shall place a disturbance free avoidance buffer sufficient to ensure full avoidance. Occupied burrows shall not be disturbed at any time during Project activities. If BUOW are present and have a potential to be impacted by the Project, Special Districts shall obtain an Incidental Take Permit from CDFW.</p> <p><u>Special Districts Responsibilities</u></p> <p>Special Districts will ensure that surveys are conducted for BUOW prior to construction, and avoidance buffers are established during construction if active burrows or BUOW are detected.</p>		
<p>BIO-11 Desert Bighorn Sheep</p>	<p><u>Mitigation Measure</u></p> <p>If any desert bighorn sheep are observed during Project activities, work within a minimum of 500 feet of the sheep shall be halted, and activities would resume after the animal moves away on its own as determined by a Qualified Biologist or Biological Monitor. Project activities shall also use noise-reducing construction methods as feasible and limit work to daylight hours to reduce disturbance. Lastly, Project activities that result in loud noises shall occur outside of the lambing season (January through June). To prevent potential transmission of disease from domestic animals to desert bighorn sheep, Special Districts shall require all workers who have had contact with livestock, such as goats and sheep to decontaminate work boots prior to entering the Project site. Decontamination shall involve scrubbing of the soles of work boots with a 10% bleach solution to remove all organic matter and kill pathogens. Alternatively, footwear may be changed to ensure that potentially contaminated footwear does not enter the Project site. Heavy equipment previously used in livestock operations, including, but not limited to, sheep and goat livestock operations, or where roadside clearing has occurred through grazing shall not be utilized for Project activities.</p> <p><u>Special Districts Responsibilities</u></p> <p>Special Districts will ensure that impacts to desert bighorn sheep are avoided during Project construction.</p>	<p>During construction</p>	<p>Special Districts shall ensure compliance with this mitigation measure.</p>
<p>BIO-12 Kit Fox and Badger</p>	<p><u>Mitigation Measure</u></p> <p>Within 14 days prior to the start of Project activities, a qualified biologist shall conduct surveys for desert kit fox and American badger, including dens or sign (e.g., tracks, scat, prey remains) within the Project site and a 500-foot survey buffer around the Project site. If an active desert kit fox or American badger den is identified, Special Districts shall contact California Department of Fish and Wildlife (CDFW) and fully avoid impacts to desert kit fox or American badger, and a minimum 500-foot avoidance buffer shall be established by the Qualified Biologist based on their best professional judgment and experience, and no activities within the buffer will be allowed unless authorized by a Qualified Biologist during the non-breeding season. If a den is suspected to be inactive but not confirmed; for example, the entirety of the den cannot be seen, the Qualified Biologist or Biological Monitor shall monitor the den for 3 consecutive nights using infrared camera stations at the entrance(s). If no tracks or sign are observed at the den or no photos of the desert kit fox or American badger are captured after 3 nights, then the den shall be excavated by hand and backfilled with handheld equipment or mechanized equipment by the Qualified Biologist.</p>	<p>Prior to and during construction</p>	<p>Special Districts shall ensure compliance with this mitigation measure.</p>

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	<p><u>Special Districts Responsibilities</u> Special Districts will ensure that preconstruction surveys for desert kit fox and American badger are conducted. If these species are detected, Special Districts will ensure that buffers are established during construction, and appropriate measures are followed if inactive dens are found.</p>		
CUL-1 Worker Environmental Awareness Program	<p><u>Mitigation Measure</u> Prior to the initiation of construction, all construction personnel shall be trained by a qualified archaeologist regarding the recognition of possible buried cultural resources (i.e., precontact and/or historical artifacts, objects, or features) and protection of all archaeological resources during construction. Training shall inform all construction personnel of the procedures to be followed upon the discovery of cultural materials. All personnel shall be instructed that unauthorized removal or collection of artifacts is a violation of State law. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) shall include clauses that require construction personnel to attend the Worker Environmental Awareness Program, so they are aware of the potential for inadvertently exposing buried archaeological deposits.</p> <p><u>Special Districts Responsibilities</u> Special Districts will ensure that cultural WEAP training is conducted prior to construction.</p>	Prior to construction	Special Districts shall ensure compliance with this mitigation measure.
CUL-2 Archaeological Monitoring	<p><u>Mitigation Measure</u> During initial ground disturbance within each of the seven recreational features in the Project site, a qualified archaeological monitor shall be present to observe the initial ground disturbing activity. Monitoring frequency can be increased or decreased based on soil conditions and observations, in concurrence with San Bernardino County Department of Public Works, Special Districts.</p> <p><u>Special Districts Responsibilities</u> Special Districts will ensure that initial ground disturbance at the recreational features is monitored by a qualified archaeological monitor.</p>	During construction	Special Districts shall ensure compliance with this mitigation measure.
CUL-3 Inadvertent Discovery of Cultural Remains	<p><u>Mitigation Measure</u> If previously unidentified cultural resources are uncovered during construction activities, construction work within 50 feet of the find shall be halted and directed away from the discovery until a Secretary of the Interior qualified archaeologist assesses the significance of the resource. The archaeologist, in consultation with the San Bernardino County Department of Public Works, Special Districts (Special Districts), shall make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the find(s) is found to be eligible to the National or California Registers, or qualify as a unique archaeological resource under CEQA (PRC Section 21083.2). If the find is determined to potentially be a Tribal Cultural Resource, local Native American tribes shall be contacted and included in decision making regarding the resource.</p> <p>If the find(s) do(es) not meet the definition of a historical, unique archaeological, or Tribal Cultural Resource, no further study or protection is necessary prior to Project implementation. If the find meets the definition of a historical, unique archaeological, or Tribal Cultural Resource, then it shall be avoided by Project activities. If avoidance is not feasible, adverse effects to such resources shall be mitigated in accordance with the recommendations of the archaeologist. Recommendations shall include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the</p>	During construction	Special Districts shall ensure compliance with this mitigation measure.

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	<p>County of San Bernardino, Native American Heritage Commission (Tribal Cultural Resources), and the South Central Coastal Information Center (SCCIC).</p> <p>Special Districts shall ensure that construction personnel do not collect or move any cultural material during implementation of the Project.</p> <p><u>Special Districts Responsibilities</u></p> <p>Special Districts will ensure that appropriate measures are followed if previously unidentified cultural resources are discovered during construction.</p>		
<p>CUL-4 Treatment of Human Remains</p>	<p><u>Mitigation Measure</u></p> <p>All human remains discovered are to be treated with respect and dignity. Upon discovery of human remains, all work within 100 feet of the discovery area must cease immediately, disturbance must be avoided, and the area must be secured. The San Bernardino County Coroner's Office shall be called. The Coroner has 2 working days to examine the remains after notification. The appropriate land manager/owner of the site shall be called and informed of the discovery. It is very important that the suspected remains, and the area around them, are undisturbed and the proper authorities called to the scene as soon as possible, because it could be a crime scene. The Coroner shall determine if the remains are archaeological/historic or of modern origin and whether there are any criminal or jurisdictional questions.</p> <p>If the Coroner determines that the remains are archaeological/historic-era, the Coroner shall make recommendations concerning the treatment and disposition of the remains to the person responsible for the excavation, or to his or her authorized representative. If the Coroner believes the remains to be those of a Native American, he/she shall contact the Native American Heritage Commission (NAHC) by telephone within 24 hours.</p> <p>The NAHC would immediately notify the person it believes to be the most likely descendant (MLD) of the remains. The MLD has 48 hours from the time given to access the site to make recommendations to the landowner for treatment or disposition of the human remains. If the descendant does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from further disturbance. If the landowner does not accept the descendant's recommendations, the owner or the descendant may request mediation by NAHC.</p> <p>According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and willful disturbance of human remains is a felony (Section 7052).</p> <p><u>Special Districts Responsibilities</u></p> <p>Special Districts will ensure that appropriate measures are followed if human remains are discovered during construction.</p>	<p>During construction</p>	<p>Special Districts shall ensure compliance with this mitigation measure.</p>
<p>TCR-1 Treatment of Cultural Resources During Project Implementation</p>	<p><u>Mitigation Measure</u></p> <p>If a pre-contact cultural resource is discovered during Project implementation, ground disturbing activities shall be suspended 60 feet around the resource(s), and an Environmentally Sensitive Area physical demarcation/barrier constructed.</p> <p>The Project Archaeologist shall develop a research design that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from Yuhaaviatam of San Manuel Nation (YSMN), the Archaeologist, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer</p>	<p>During construction</p>	<p>Special Districts shall ensure compliance with this mitigation measure.</p>

Table 1. Mitigation Monitoring Program for Phase II Desert View Conservation Area Recreational Trails Project

<p>regarding the resource's archaeological significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource. Removal of any cultural resource(s) shall be conducted with the presence of a Tribal monitor representing the Tribe, unless otherwise decided by YSMN. All plans for analysis shall be reviewed and approved by the applicant and YSMN prior to implementation, and all removed material shall be temporarily curated on-site.</p> <p>It is the preference of YSMN that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/hear the original find location during Project implementation not be feasible, then a reburial location for future reburial shall be decided upon by YSMN, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground disturbing activities associated with the Project have been completed, all monitoring has ceased, all cataloguing and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to the Lead Agency, California Historical Resources Information System (CHRIS), and YSMN. All reburials are subject to a reburial agreement that shall be developed between the landowner and YSMN outlining the determined reburial process/location, and shall include measures and provisions to protect the reburial area from any future impacts.</p> <p>Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to this material and confer with YSMN to identify an American Association of Museums-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 California Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project developer/applicant to pay for those fees.</p> <p>All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the Archaeologist and submitted to the Lead Agency and YSMN for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and YSMN.</p> <p><u>Special Districts Responsibilities</u></p> <p>Special Districts will confer with representatives from the Yuhaaviatam of San Manuel Nation to ensure that appropriate measures are followed if pre-contact cultural resources are discovered during construction.</p>		
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